

From: Garth Bruen, KnujOn.com
To: Stacy Burnette Director, Contractual Compliance ICANN
Date: December 9, 2010

Dear Ms. Burnette,

Thank you for your response, albeit in an unexpected location, in the ICANN Compliance pages. To my knowledge, this is the first time a non-contracted party has been admonished within the Compliance area; I will consider it a distinction. While I would encourage a robust debate, a direct response to the report by ICANN press relations or a "counter-point" rebuttal article at the venue (CricleID) would have been expected. Using the Compliance area to address a public reporter in a similar manner as non-compliant Registrars may set a dangerous precedent for your office. Alternatively, it may provide a path to transparency as more responses to public complaints are posted in this space.

I am disappointed in the fact that only "nine registrars appeared non-compliant" is being celebrated when all nine violations were reported to compliance staff nearly six months ago. That only now is ICANN following up with the normal process is an embarrassment.

As for some particular items cited in your response, there are problems with what you consider "inaccurate." First, the termination COMPANA LLC is not posted publicly within the Compliance area at ICANN.ORG so it would be impossible for us to know it was a moot issue. Additionally, the lack of this public disclosure points to a deficit in transparency.

Until recently, the InterNIC directory listed the home page of YNOT DOMAINS as "myorderbox.com", which is still an inoperable site. The clarification is suitable.

As for ONLINENIC, this is a more serious situation. Their address is not readily available on their site, nor is listed at "contact us", "company info", "support" or "about us." Buried within the site is this address: "909 Marina Village Pkwy #236 Alameda, CA" which is a UPS box and the third purported California address for ONLINENIC in as many years. ONLINENIC's first purported address was determined to be an empty lot. The second purported address is associated with a business registration which has been suspended by the California Secretary of State. ONLINENIC's real address is likely: "7F International Trade Building, 388 South Hubin Road, Xiamen China" which is far from California's Bay Area. While ICANN considers this compliance some would call it concealment and others an effort of anti-transparency.

As for the remainder, there is no correction required since they did not display their address. The theme of our article concerns the slow pace of disclosure. The fact that these Registrars, by your admission, are party to a contract ten-year's out of date and apparently excluded from ICANN consensus policies. Once again, the apparent success touted in your memo is that Compliance has no power over their contracted parties in this area. While it may temporarily be seen a failure of Garth Bruen, it is in fact a serious loss for the whole community.

In response to your question about reinstated Registrars I point to the termination reversal of A Technology Company, of which you are already aware. A Technology co. was issued a non-renewal by ICANN on June 30, 2010 for failure to pay accreditation fees. The termination was reversed thirteen days later after the fee was paid. As you will recall they were still manipulating the WHOIS record for their website and not posting the business address after being accredited under the 2009 RAA. They were in fact non-compliant for a month and this was only corrected because KnujOn raised the issue. Incidentally, A Technology co. was allowed to cure its breaches after approximately 61 days which is well beyond the 15-day period stated in the RAA. As another example I would point to Naugus Limited LLC (naugus.com), a Registrar terminated in 2009 (<http://www.icann.org/correspondence/burnette-to-goodwin-09oct09-en.pdf>) which has apparently been re-instated and accredited under the new RAA. If they are in fact accredited they

are in violation of RAA 3.3.1 for linking their WHOIS to a third-party paid WHOIS service. As you stated all prior to renewal Registrar's websites are checked for compliance, but this issue was apparently overlooked.

While you consider our claims about Registrar terminations being mostly related to money "baseless", I invite you to review the 14 terminations from 2010. Thirteen we terminated chiefly for failure to pay fees. One, as you mentioned, was terminated for *insolvency*. Insolvency is the inability to pay debts, hence their inability to pay ICANN accreditation fees. Yes, there are other violations cited and breach notices issued for additional problems, but the outcome of these breach notices is not made public regularly which is why the only terminable violation remains failure to pay fees.

Regretfully, I must also cite that address disclosure is but one problem area reported to compliance staff by KnujOn nearly six-months ago. To reiterate some of the issues (sent separately yesterday) we are concerned about:

(A) Registrars without Apparent Functioning Web-Based WHOIS

"3.3.1 At its expense, Registrar shall provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited."

EnetRegistry, Inc. (enetregistry.net): Website does not resolve

New Great Domains, Inc.(newgreatdomains.com): No content

VocalSpace LLC (DesktopDomainer.com): "Login Screen" Only

Premium Registrations Sweden AB (premiumregistrations.com): Login screen only

Alfena, LLC (alfena.com): Links to Domaintools.com – a paid WHOIS service

The following Registrars have a "Domain Look-up" service which only reveals whether or not the domain is available, this is not a WHOIS service:

Add2Net Inc. (lunarpages.com)

Bottle Domains, Inc. (bottledomains.com.au)

Digitrad France (digitrad.com)

DomainSpa LLC (domainspa.com)

NetRegistry Pty Ltd. (netregistry.com)

Nominalia Internet S.L. (nominalia.com)

Sedo.com LLC (sedo.com)

We could not locate the web-based WHOIS engine for these Registrars

Porting Access B.V. (portingxs.com)

VentureDomains, Inc. (upc360.com)

Verelink, Inc. (verelink.com)

Hosting.com, Inc. (Hosting.com)

Zog Media, Inc. (zognames.com)

Domainz Limited (domainz.com): Returns: "Your request could not be completed", see below Registry Record from InterNIC:

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: PARTNERSMCD.COM
Registrar: DOMAINZ LIMITED
Whois Server: whois.domainz.com
Referral URL: <http://www.domainz.com>
Name Server: DNS.POOL.COM
Name Server: DNS2.POOL.COM
Status: ok
Updated Date: 24-oct-2010
Creation Date: 23-oct-2008
Expiration Date: 23-oct-2011

>>> Last update of whois database: Tue, 07 Dec 2010 20:12:26 UTC <<<

Domainz Web WHOIS Results:



DOMAINZ
a Melbourne IT company

Login | WebMail | Domain Tools

DOMAIN NAMES | WEB HOSTING | WEBSITE DESIGN | EMAIL SERVICES | ONLINE MARKETING | SHAREPOINT | HELP | DOMAINS

[home](#) > [help](#) > [sitemap](#)

Who is search

Whois Result for partnersmcd.com @

Your request could not be completed

Find the owner of a Domain Name

WWW.

[TERMS OF USE OF DOMAINZ WHOIS](#)

And **Autica Domain Services Inc. (autica.com)**: Only thin WHOIS, see below:

OUR PLANS: **whois lookup**

RESELLER PLANS ▶

VPS PLANS ▶

DEDICATED PLANS ▶

Search the WHOIS database to find out the registration information for

[Querying whois.verisign-grs.com]
[whois.verisign-grs.com]

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: RAPETV.COM
Registrar: AUTICA DOMAIN SERVICES, INC.
Whois Server: whois.autica.com
Referral URL: <http://www.autica.com>
Name Server: NS1.SEDOPARKING.COM
Name Server: NS2.SEDOPARKING.COM
Status: ok
Updated Date: 23-oct-2010
Creation Date: 23-oct-2010
Expiration Date: 23-oct-2011

>>> Last update of whois database: Wed, 08 Dec 2010 16:03:31 UTC <<<

(B) Registrars Not Displaying Fees and Deletion Policies

“3.7.5.5 If Registrar operates a website for domain name registration or renewal, details of Registrar’s deletion and auto-renewal policies must be clearly displayed on the website.”

“3.7.5.6 If Registrar operates a website for domain registration or renewal, it should state, both at the time of registration and in a clear place on its website, any fee charged for the recovery of a domain name during the Redemption Grace Period.”

Domain Services Rotterdam BV (tellus.com): Only reseller information available

Premium Registrations Sweden AB (premiumregistrations.com): Policies not posted, “member login”

UltraRPM, Inc.(metapredict.com): No conspicuous terms link

VentureDomains, Inc. (upc360.com): Policies not posted

Zog Media, Inc. (zognames.com): No conspicuous terms/policy link

(C) Terminated Registrars Still Selling gTLD Domains and/or Claiming Accreditation

AfterGen, Inc. dba JumpingDot (jumpingdot.com) was terminated by ICANN June 10, 2009 (<http://www.icann.org/correspondence/burnette-to-bourov-10jun09.pdf>) but is still claiming ICANN accreditation.



Lead Networks Domains Pvt. Ltd. (leadnetworks.com) was issued a letter of Non-Renewal (<http://www.icann.org/correspondence/burnette-to-malik-14jul09-en.pdf>) on July 14, 2009. Are they still in court-ordered receivership? They are not listed in the InterNIC directory.



Broadspire Inc. (broadspire.com) has not been listed in the directory for some time and while there is no termination document there is a note on an ICANN page that Broadspire is “NO LONGER ACCREDITED”. However, this company still sells gTLDs and claims ICANN accreditation.

Domain Registration & SSL

What's in a name you ask? **EVERYTHING**

Your domain name establishes your brand identity on the Web and establishes how people will remember your Web site. Your domain name will eventually be listed on your business cards, letterhead and advertisements. It will even be listed on all your employees' emails. **As one of the few ICANN accredited registrars** BroadSpire is able to offer you a low-cost, reliable way to obtain one, or hundreds of domain names with ease. Good domain names go fast so act quickly!

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[REGISTER YOUR DOMAIN TODAY](#)

In conclusion, I also hope this is constructive as I am concerned about what appears, from outside ICANN, to be the disintegration of compliance.

Sincerely and seriously, Garth Bruen