The Internet Corporation for Assigned Names and Numbers

ICANN

1 May 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Richard Kirkendall
Namecheap, Inc. (IANA # 1068)
11400 West Olympic Blvd., Suite 200
Los Angeles, CA 90064
United States

Email: richard@namecheap.com
Fax Number: +1 310-312-9513

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Kirkendall,

Please be advised that as of 1 May 2014, Namecheap, Inc. ("Namecheap") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 18 March 2011 ("RAA"). These breaches result from:

1. Namecheap's failure to timely respond to ICANN Contractual Compliance Audit Program ("Audit") notices, specifically:

    a. Failure to provide documents and information as required by the terms of Section 3.14; and

    b. Failure to maintain records relating to Namecheap's dealings with Registry Operator(s) and Registered Name Holders and to make such records available to ICANN for inspection, pursuant to Sections 3.4.2 and 3.4.3 of the RAA.

Please refer to the attachment for details regarding these breaches.

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In addition, Namecheap has been deemed noncompliant in the following areas:

1. Failure to provide a description on Namecheap's website of renewal fees, post-expiration renewal fees (if different), and redemption/restore fees, as required by Section 4.1 of the Expired Registration Recovery Policy ("ERRP"); and

2. Failure to provide a description on Namecheap's website of methods used to deliver pre- and post-expiration notifications on registrar's website, as required by Section 4.2 of the ERRP.

ICANN requests that Namecheap cure the breaches by 22 May 2014, 15 working days from the date of this letter, by taking the following actions:

1. Complete the Audit Remediation Phase, by:

   a. Emailing the outstanding documentation identified in the audit report to complianceaudit@icann.org; or

   b. Emailing complianceaudit@icann.org to receive your registrar's login credentials for the ICANN Compliance Site ("Site") and uploading the outstanding documents identified in the audit report to the Site.

2. Clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on Namecheap's website; and

3. Provide a description of methods used to deliver pre- and post-expiration notifications on Namecheap's website.

If Namecheap fails to timely cure this breach and provide the information requested by 22 May 2014, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Owen Smigelski at
owen.smigelski@icann.org.

Sincerely,

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

<u>Failure to Provide Documents and Information for Audit and to Make Records Relating to Registered Name Holders Available to ICANN</u>

Section 3.14 of the RAA requires Namecheap, as part of any reasonable contractual compliance audit, to timely provide the documents and information known by Namecheap necessary to demonstrate compliance with the terms of this Agreement. Section 3.4.2 of the RAA requires Namecheap to maintain registration data and records relating to its dealings with Registered Name Holders and with the Registry Operator(s) for every domain name under Namecheap's management. Section 3.4.3 of the RAA requires Namecheap to make these records and data available to ICANN upon reasonable notice.

As detailed in the chronology below, since 18 March 2014 ICANN sent Namecheap three notices regarding the requirements of ICANN's Audit Program. To date, Namecheap has not provided any information or records requested by ICANN.

<u>Failure to clearly display a link to renewal fees, post-expiration renewal fees (if different), and redemption/restore fees on registrar's website</u>

Section 4.1 of the ERRP requires registrars to make their renewal fees, post-expiration renewal fees (if different), and redemption/restore fees reasonably available to registered name holders and prospective registered name holders at the time of registration of a gTLD name. At a minimum, these fees must be clearly displayed on the registrar's website and a link to these fees must be included in the registrar's registration agreements. Namecheap's website does not provide a link or clearly display these fees in breach of Section 4.1 of the ERRP.

<u>Failure to describe on their websites (if used) the methods used to deliver pre- and post-expiration notifications.</u>

Section 4.2 of the ERRP requires registrars to describe on their websites (if used) the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. The website of Namecheap does not describe these notifications in breach of Section 4.2 of the ERRP.

Chronology:

Date of Notice	Deadline for Response	Details
18-Mar- 2014	7- Apr- 2014	ICANN sent 1st compliance notice via email to richard@namecheap.com. No response received from Registrar.
28-Mar- 2014	N/A	ICANN sent a follow-up notice restating the due date of 1st compliance notice.
8-Apr- 2014	14-Apr- 2014	ICANN sent 2nd compliance notice via email to richard@namecheap.com. No response received from Registrar.
8-Apr- 2014	N/A	ICANN called Primary Contact at +1-310-914-0186. Left a voice message. No response received from Registrar.
15-Apr-2014	21-Apr-2014	ICANN sent 3rd compliance notice via email to richard@namecheap.com. No response received from Registrar.
15-Apr-2014	N/A	The 3rd compliance notice was faxed to +1-310-312-9513. Fax successfully transmitted.
25-Apr-2014	N/A	ICANN conducted check to determine other areas of noncompliance.
25-Apr-2014	N/A	ICANN received voicemail from Faisal Premji of Registrar, indicating Registrar is working on the audit requests and will provide documents soon.
1-May-2014	N/A	Registrar has not provided requested documentation to ICANN.