

6 May 2022

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]

Tecnología, Desarrollo Y Mercado S. de R.L. de C.V. (IANA #1582)

[REDACTED]

Emails: [REDACTED]

Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 6 May 2022, Tecnología, Desarrollo Y Mercado S. de R.L. de C.V. (“TDM” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 30 November 2021 (“RAA”).

This breach results from:

1. TDM’s failure to provide records to ICANN that are related to an abuse report, as required by Section 3.18.3 of the RAA. By not providing these records, the Registrar failed to demonstrate that TDM investigated and responded appropriately to the report of abuse, as required by Section 3.18.1 of the RAA.

Please refer to the attachment for details regarding this breach.

Additional Concerns

ICANN notes that during the complaint process: a) TDM routinely does not respond to ICANN inquiries, or if it responds, it is not until the final notice; and b) ICANN staff is not able to contact TDM via telephone during the Registrar’s business hours or to leave voice messages for TDM. Following the Notice of Breach ICANN issued to TDM on 13 March 2017, the Registrar confirmed it had implemented corrective and preventive measures to ensure timely response to ICANN Contractual Compliance. Nevertheless, TDM has again exhibited a pattern of unresponsiveness or untimely responses to ICANN Contractual Compliance.

Moreover, due to TDM's failure to respond to the compliance ticket GDQ-581-34128 and the compliance case 01124483, ICANN is unable to currently confirm whether TDM has implemented a Registration Data Access Protocol ("RDAP") service as required by the Registration Data Directory Service (Whois) Specification of the RAA and the Interim Registration Data Policy for gTLDs (requiring TDM to continue to implement measures consistent with the Temporary Specification for gTLD Registration Data).

Additionally, ICANN has been unable to locate TDM's deletion and auto-renewal policies on TDM's website, as required by Section 3.7.5.5 of the RAA.

ICANN requests that TDM cure these breaches by 27 May 2022, 21 days from the date of this letter, by taking the following actions:

1. Demonstrate that TDM took reasonable steps to investigate and respond appropriately to the report of abuse involving the domain name coinbasepro[.]com associated with the compliance case in the chronology below. This includes providing ICANN with:
 - a. A description of the specific steps TDM took to investigate and respond to the abuse report.
 - b. Copies of the abuse report that was submitted by the abuse reporter to TDM's abuse-dedicated contact, and the Registrar's response(s) to the abuse report (including dates, times, means of inquiries, telephone numbers, e-mail addresses or postal addresses used).
 - c. Copies of any communications between TDM and the Registered Name Holder of the domain name in question, if any communication was conducted while investigating the report of abuse (including dates, times, means of inquiries, telephone numbers, e-mail addresses or postal addresses used).
 - d. Copies of any other records related to the receipt of and response to the abuse report, where applicable.
 - e. A description of the specific measures, with implementation date(s), that TDM has taken to ensure that the Registrar (1) takes reasonable and prompt steps to investigate and respond appropriately to any reports of abuse moving forward; and (2) timely provides records relating to the Registrar's receipt of and response to abuse reports to ICANN upon reasonable notice.
2. Provide ICANN with evidence of having implemented an RDAP service and register your registrar's RDAP Base URL through the Naming Services portal ("NSp").
3. Provide ICANN with the corrective and preventative measures that TDM will take, with implementation date(s) and beyond those presented in response to the 13 March 2017 Notice of Breach, to ensure timely response to ICANN Contractual Compliance matters.

4. Provide the location of TDM's deletion and auto-renewal policies details on TDM's website.

If TDM fails to timely cure the breaches and provide the information requested by 27 May 2022, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo at [REDACTED].

Sincerely,

[SIGNATURE REDACTED]

Jamie Hedlund
Senior Vice President, Contractual Compliance & U.S. Government Engagement

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to take reasonable and prompt steps to investigate and respond to reports of abuse and to maintain and provide to ICANN records related to abuse reports

Section 3.18.1 of the RAA requires registrars to take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse. Section 3.18.3 of the RAA requires registrars to document its receipt of and response to all such reports, as well as maintain the records related to such reports for the shorter of two (2) years or the longest period permitted by applicable law. During such period, registrars shall provide such records to ICANN upon reasonable notice. TDM's failure to provide ICANN with evidence and records demonstrating investigation of and response to the abuse report associated with the case in the chronology below is a breach of Section 3.18 of the RAA.

CHRONOLOGY

In the 1st, 2nd and 3rd compliance notices detailed in the chronologies below, ICANN notified TDM of the violations associated with the case, including the relevant ICANN agreement. All telephone call details below described further attempts from ICANN to communicate to the Registrar the details of the case and to make an ICANN Contractual Compliance staff member available to address any questions in order to assist TDM in becoming compliant. All these attempts were unsuccessful.

Chronology (Case #01121348):

Date of Notice	Deadline for Response	Details
12-Apr-2022	19-Apr-2022	ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
20-Apr-2022	27-Apr-2022	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
20-Apr-2022	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail.
28-Apr-2022	5-May-2022	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
28-Apr-2022	N/A	ICANN sent 3rd compliance notice via fax to [FAX REDACTED]. Fax successful.

Date of Notice	Deadline for Response	Details
2-May-2022	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail. ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED]. No answer and no ability to leave a voicemail.
3-May-2022	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
5-May-2022	N/A	Response from the Registrar ([EMAIL REDACTED]) insufficient to demonstrate compliance.
5-May-2022	5-May-2022	ICANN sent a follow-up compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
6-May-2022	N/A	To date, the Registrar has not responded to ICANN with the requested records and information, and the issue remains unresolved.