

1 May 2023

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
Nimzo 98, LLC (IANA #3216)
[REDACTED]

Email: [REDACTED]
Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 1 May 2023, Nimzo 98, LLC (“Nimzo” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 12 December 2021 (“RAA”).

This breach results from Nimzo’s failure to:

1. Escrow generic top-level domain (gTLD) registration data, as required by Section 3.6 of the RAA;
2. Provide an interactive webpage WHOIS service, as required by Section 3.3.1 of the RAA; and
3. Pay past due accreditation fees, as required by Section 3.9 of the RAA.

Please refer to the attachment for details regarding this breach.

Additional Concerns

During the complaint process, ICANN Contractual Compliance staff noticed that some of Nimzo’s contact details on file with ICANN may not be accurate. Specifically, the phone numbers of the Primary and Compliance Contacts may not be accurate.

In addition, due to Nimzo’s failure to provide WHOIS services, ICANN is unable to currently confirm Nimzo’s compliance with WHOIS formatting requirements.

ICANN requests that Nimzo cure these breaches by 22 May 2023, 21 days from the date of this letter, by taking the following actions:

1. Deposit gTLD registration data on a weekly basis to an approved escrow agent and ensure that the deposits meet the required specifications.
2. Provide an interactive webpage and, with respect to any gTLD operating a "thin" registry, a port 43 WHOIS service providing free public query-based access to up-to-date data concerning all active Registered Names sponsored by Nimzo for each gTLD in which it is accredited.
3. Display domain name data in the specified response format, as required by Section 1.4 of the Registration Data Directory Service (WHOIS) Specification of the RAA, the Advisory: Clarifications to the Registry and Registrar Requirements for WHOIS (port 43) and Web-Based Directory Services, the Additional WHOIS Information Policy, and the Temporary Specification for gTLD Registration Data.
4. Provide ICANN with accurate and current contact information and the location of any applicable information published on Nimzo's website, as required by Section 3.17 of the RAA.
5. Pay all past and currently due accreditation fees.

If Nimzo fails to timely cure the breaches and provide the information requested by 22 May 2023, ICANN may commence the RAA termination process.

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

Sincerely,

[SIGNATURE REDACTED]

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

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to escrow gTLD registration data

Section 3.6 of the RAA requires registrars to submit an electronic copy of the data described in Sections 3.4.1.2 through 3.4.1.5 of the RAA to ICANN or, at the registrar's expense, to a reputable escrow agent mutually approved by the registrar and ICANN. Registrars shall submit the data on a schedule, under the terms, and in a format specified by ICANN. Nimzo's failure to deposit gTLD registration data with an approved escrow agent under the required schedule and terms is a breach of Section 3.6 of the RAA.

Failure to provide an interactive webpage WHOIS service

Section 3.3.1 of the RAA requires registrars to provide an interactive web page and, with respect to any gTLD operating a "thin" registry, a port 43 WHOIS service (each accessible via both IPv4 and IPv6) 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 in any gTLD. Nimzo's failure to provide an interactive webpage WHOIS service is a breach of Section 3.3.1 of the RAA.

Failure to pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Nimzo owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA. Nimzo additionally owes currently due accreditation fees, due 30 May 2023.

CHRONOLOGIES

In the 1st, 2nd and 3rd compliance notices detailed in the chronologies below, ICANN notified the Registrar 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 Nimzo in becoming compliant. All these attempts were unsuccessful.

Chronology (Case#01202946)

Date of Notice	Deadline for Response	Details
7-Mar-2023	14-Mar-2023	ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
21-Mar-2023	28-Mar-2023	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.

Date of Notice	Deadline for Response	Details
4-Apr-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED] and left voicemail with complaint details.
4-Apr-2023	11-Apr-2023	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar.
4-Apr-2023	N/A	ICANN sent 3rd compliance notice via fax to [FAX REDACTED]. Fax successful.
12-Apr-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED] and provided Compliance and Primary Contact with complaint details.
12-Apr-2023	N/A	ICANN sent follow-up compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
27-Apr-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
1-May-2023	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation, and the issue remains unresolved.

Chronology (Case#01200887)

Date of Notice	Deadline for Response	Details
21-Dec-2022 6-Jan-2023 20-Jan-2023	N/A	ICANN sent detailed customer statements to Nimzo regarding past due fees.
23-Feb-2023	N/A	Nimzo's past due fees were referred to ICANN Contractual Compliance.
24-Feb-2023	3-Mar-2023	ICANN sent 1st compliance notice to via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
6-Mar-2023	13-Mar-2023	ICANN sent 2nd compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar.
8-Mar-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED] and provided Compliance and Primary Contact with complaint details.
13-Mar-2023	N/A	Email from the Registrar ([EMAIL REDACTED]) insufficient to demonstrate compliance.

Date of Notice	Deadline for Response	Details
17-Mar-2023	31-Mar-2023	ICANN sent follow-up compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED], and [EMAIL REDACTED]. No response received from the Registrar.
4-Apr-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED] and left voicemail with complaint details.
4-Apr-2023	11-Apr-2023	ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED], and [EMAIL REDACTED]. No response received from the Registrar.
4-Apr-2023	N/A	ICANN sent 3rd compliance notice via fax to [FAX REDACTED]. Fax successful.
12-Apr-2023	N/A	ICANN called Compliance and Primary Contact at [TELEPHONE REDACTED] and provided Compliance and Primary Contact with complaint details.
12-Apr-2023	N/A	ICANN sent follow-up compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], [EMAIL REDACTED], and [EMAIL REDACTED].
13-Apr-2023	N/A	Email from the Registrar ([EMAIL REDACTED]) insufficient to demonstrate compliance.
27-Apr-2023	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
1-May-2023	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation, and the issue remains unresolved.