



The Internet Corporation for Assigned Names and Numbers

27 July 2016

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Edouard Vanbelle
OVH sas (IANA #433)
2 rue Kellermann
Roubaix 59100
France

Email: icann@ovh.net
Fax: +33 979 940 023

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Edouard Vanbelle,

Please be advised that as of 27 July 2016, OVH sas ("OVH") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 22 March 2014 ("RAA"). These breaches result from:

1. OVH's failure to take reasonable steps to investigate and correct claimed Whois inaccuracies regarding the domain name <otorigami.com>, as required by Section 3.7.8 of the RAA;
2. OVH's failure to maintain and make available to ICANN registration data and records relating to dealings with the Registered Name Holder ("RNH") of the domain name <otorigami.com>, as required by Sections 3.4.2 and 3.4.3 of the RAA; and
3. OVH's failure to validate and verify Whois contact information, as required by Sections 2 and 4 of the Whois Accuracy Program Specification ("WAPS") of the RAA.

Please refer to the attachment for details regarding these breaches.

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

Los Angeles Offices: 12025 Waterfront Drive, Suite 300 • Brussels • Los Angeles, CA 90094 • Istanbul • USA • Montevideo • T +1 310 301 5800 • Singapore • F +1 310 823-8649 • Washington

<http://icann.org>

1. OVH's failure to publish on OVH's website(s) and/or provide a link on its website to the Registrants' Benefits and Responsibilities Specification, as required by Section 3.7.10 of the RAA;
2. OVH's failure to clearly display a link on OVH's website to ICANN's Registrant Educational Information webpage, as required by Section 3.16 of the RAA; and
3. OVH's failure to publish the full name and position of all officers of the registrar on OVH's website, as required by Section 3.17 of the RAA and Section 17 of the Registrar Information Specification ("RIS") of the RAA.

Additional Concerns

ICANN notes that OVH exhibits a pattern of non-response to ICANN Contractual Compliance matters and, when responses are provided to ICANN, they are often untimely and incomplete. Additionally, ICANN staff is not able to contact or leave messages for OVH's Primary Contact via telephone during business hours in the registrar's location.

ICANN requests that OVH cure these breaches by 17 August 2016, 21 days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that OVH took reasonable steps to investigate and, where applicable, correct the Whois inaccuracy concerning the domain name <otorigami.com>. This includes: (a) copies of OVH's correspondence with the RNH while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used), (b) the steps OVH took to verify and validate the Whois information and (c) confirmation steps taken to resolve this matter will also apply to all existing and future Whois inaccuracy complaints;
2. Publish on OVH's website(s) and/or provide a link on its website(s) to the Registrants' Benefits and Responsibilities Specification;
3. Clearly display a link to ICANN's Registrant Educational Information webpage on OVH's website;
4. Publish on OVH's website the full name and position of all officers of OVH; and



5. Provide ICANN with the corrective and preventative action(s) that OVH will take, with implementation date(s), to address its pattern of untimely, incomplete and non-response to ICANN Contractual Compliance matters and to ensure it has provided ICANN with valid telephone numbers for its contacts.

If OVH fails to timely cure the breaches and provide the information requested by 17 August 2016, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Jennifer Scott at jennifer.scott@icann.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad", is written over a light blue horizontal line.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to take reasonable steps to investigate and correct Whois inaccuracy

Section 3.7.8 of the RAA requires registrars, upon notification of a claimed inaccuracy in the contact information associated with a registered name sponsored by a registrar, to take reasonable steps to investigate the claimed inaccuracy. In the event the registrar learns of inaccurate contact information associated with a registered name it sponsors, the registrar shall take reasonable steps to correct that inaccuracy. OVH's failure to provide documentation demonstrating the reasonable steps it took to investigate and correct the alleged Whois inaccuracy is a breach of Section 3.7.8 of the RAA.

Failure to retain registered name holder and registration data and failure to make such data available for inspection and copying

Sections 3.4.2 and 3.4.3 of the RAA requires registrars to maintain RNH and registration data, and to make those records available to ICANN upon reasonable notice. OVH's failure to provide the requested registration records and data related to the domain name <otorigami.com> is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to validate and verify Whois data

Section 1 of the WAPS of the RAA requires registrars to validate that required fields, including telephone numbers, postal addresses and email addresses, are in a standard format or template, as well as verify the email address of the registrant by receiving an affirmative response from the registrant.

Section 2 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar receives changes to any Whois contact information, whether the contact information was previously verified or validated. The registrar is required to (1) receive an affirmative response from the registrant, (2) manually verify the information or (3) suspend the domain name.

Section 4 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar has any information suggesting that the contact information specified in the Whois is incorrect. The registrar must also (1) verify (or re-verify) the registrant's email address by receiving an affirmative response, (2) manually verify the information or (3) suspend the domain name.

OVH's failure to provide documents and information demonstrating validation and verification of the Whois data for the domain name <otorigami.com> is a breach of the WAPS of the RAA.

Failure to publish on OVH's website(s) and/or provide a link to the Registrants' Benefits and Responsibilities Specification

Section 3.7.10 of the RAA requires registrars to publish on its website(s) and/or provide a link on its website(s) to the Registrants' Benefits and Responsibilities Specification attached to the RAA. OVH's failure to publish on its website or provide a link on its website to the Registrants' Benefits and Responsibilities Specification is a breach of Section 3.7.10 of the RAA.

Failure to display a link to ICANN's Registrant Education Information Webpage

Section 3.16 of the RAA requires registrars to clearly display a link on its website to ICANN's Registrant Educational Information webpage. OVH's failure to provide a link to ICANN's Registrant Educational Information webpage on its website is a breach of Section 3.16 of the RAA.

Failure to publish the full name and position of all officers on registrar's website

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. In addition, registrars must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. OVH's failure to publish the full name and position of all of its officers on its website is a breach of Section 3.17 of the RAA and Section 17 of the RIS.

Chronology:

Date of Notice	Deadline for Response	Details
16-Jun-2016	7-Jul-2016	ICANN sent 1st compliance notice via email to icann-whois@ovh.net . No response received from Registrar.
8-Jul-2016	15-Jul-2016	ICANN sent 2nd compliance notice via email to icann-whois@ovh.net . No response received from Registrar.
13-Jul-2016	N/A	ICANN called Primary Contact at +33 979 992 039 and Registrar Representative at [NUMBER REDACTED]. No answer and no ability to leave a message.
18-Jul-2016	25-Jul-2016	ICANN sent 3rd compliance notice via email to icann-whois@ovh.net . No response received from Registrar.

Date of Notice	Deadline for Response	Details
18-Jul-2016	N/A	ICANN sent 3rd compliance notice via fax to +33 979 940 023. Fax successful.
19-Jul-2016	N/A	ICANN called Primary Contact at +33 979 992 039 and Registrar Representatives at [NUMBER REDACTED]and [NUMBER REDACTED]. No answer and no ability to leave a message. ICANN called Registrar Representative at [NUMBER REDACTED]. ICANN left voice message with complaint details.
20-Jul-2016	N/A	ICANN called Primary Contact at +33 979 992 039. No answer and no ability to leave a message. ICANN called Whois Contact at +33 320 827 332 and provided Registrar Representative with complaint details.
26-Jul-2016	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
27-Jul-2016	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.