



19 September 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

**RE: NOTICE OF BREACH OF REGISTRY AGREEMENT**

Jose Alexander Silva Reyes  
Aerovias del Continente Americano S.A. Avianca (avianca)  
Calle 26 #59-15  
Bogota, DC 11011  
CO

Email: [jose.silva@avianca.com](mailto:jose.silva@avianca.com)  
Telephone: +57.15877700 ext. 1575

Dear Jose Alexander Silva Reyes,

Please be advised that as of 19 September 2017, Aerovias del Continente Americano S.A. Avianca ("Avianca") is in breach of its Registry Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 8 January 2015 ("RA"). This breach results from:

1. Avianca's failure to comply with the registry data escrow procedures as set forth in Specification 2 of the RA, as required by Section 2.3 and Specification 2 of the RA.

Please refer to the attachment for details regarding this breach.

In addition, Avianca has been deemed noncompliant in the following area:

1. Avianca's failure to provide ICANN access to bulk registration data, as required by Section 3 of Specification 4 of the RA.

Additional Concerns

On 16 May 2017, ICANN issued Avianca a notice of breach which addresses additional items of noncompliance previously identified.

There is no available facsimile number associated with Avianca's contacts. Therefore, the Escalated compliance notice and this notice have not been sent to Avianca via facsimile.

ICANN requests that Avianca cure these breaches by 19 October 2017, 30 calendar days from the date of this letter, by taking the following actions:

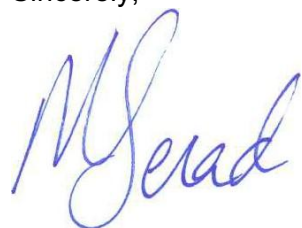
1. Comply with the registry data escrow procedures set forth in Specification 2 of the RA;

2. Provide ICANN with weekly access to Avianca's bulk registration data, as required by Section 3 of Specification 4 of the RA; and
3. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that Avianca will comply with the above requirements.

If Avianca fails to timely cure the breaches and provide the information requested by 19 October 2017, ICANN may commence the RA termination process.

If you have questions or require assistance, please contact Jennifer Scott at [jennifer.scott@icann.org](mailto:jennifer.scott@icann.org).

Sincerely,



Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

## ATTACHMENT

### Failure to comply with the registry data escrow procedures

Section 2.3 of the RA requires registry operators to comply with the registry data escrow procedures set forth in Specification 2 to the RA within fourteen (14) calendar days after delegation. Avianca's failure to comply with the registry data escrow procedures set forth in Specification 2 is a breach of Section 2.3 and Specification 2 of the RA. Due to registry data escrow being a critical registry service, ICANN elected to use an Escalated notice to address this matter. Additionally, under Section 2.13 and Specification 10 of the RA, failure to comply with the required registry data escrow procedures may result in the emergency transition of the top-level domain ("TLD") avianca to an emergency interim registry operator of the registry for the TLD.

### Failure to provide ICANN access to bulk registration data

Section 3 of Specification 4 of the RA requires registry operators to provide ICANN with access to up-to-date Registration Data on a weekly basis in the manner and format specified, among other things. Avianca's failure to provide ICANN with weekly access to its bulk registration data is a breach of Section 3 of Specification 4 of the RA.

### **Chronology:**

<b>Date of Notice</b>	<b>Deadline for Response</b>	<b>Details</b>
9-Sep-2017	18-Sep-2017	ICANN sent Escalated compliance notice via email to <a href="mailto:jose.silva@avianca.com">jose.silva@avianca.com</a> . No response received from Registry Operator.
12-Sep-2017	N/A	ICANN called Registry Compliance Contact at +57.15877700 ext. 1575. ICANN provided Registry Compliance and Secondary Contacts with complaint details.
12-Sep-2017	18-Sep-2017	ICANN sent follow-up compliance notice via email to <a href="mailto:jose.silva@avianca.com">jose.silva@avianca.com</a> and <a href="mailto:camilo.chacon@avianca.com">camilo.chacon@avianca.com</a> . No response received from Registry Operator.
19-Sep-2017	N/A	To date, the Registry Operator has not responded to ICANN with the requested information and documentation and the issue remains unresolved.