



27 February 2009

Mr. Patricio Valdes
Parava Networks, Inc. dba 10-Domains.com
1800 Bering Dr, Suite 420
Houston, TX 77057
United States

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Valdes:

Be advised that as of the date of this letter, Parava Networks, Inc. dba 10-Domains.com ("Parava Networks") is in breach of the Internet Corporation for Assigned Names and Numbers ("ICANN") Registrar Accreditation Agreement ("RAA"). These breaches result from Parava Networks' 1) failure to escrow gTLD registration data pursuant to Section 3.6 of the RAA, 2) failure to take reasonable steps to investigate and correct, when necessary, claimed Whois inaccuracies pursuant to Section 3.7.8 of the RAA and 3) failure to pay accreditation fees to ICANN pursuant to Section 3.9 of the RAA.

1. Failure to escrow gTLD registration data pursuant to Section 3.6 of the RAA

Section 3.6 of the RAA requires Parava Networks, "on a schedule, under the terms, and in the format specified by ICANN" to "submit an electronic copy of the database described in Subsection 3.4.1 [of the RAA] to ICANN or, at Registrar's election and at its expense, to a reputable escrow agent mutually approved by Registrar and ICANN."

ICANN notified Parava Networks by facsimile on 13 December 2007 of Parava Networks' obligation to begin escrowing certain enumerated gTLD registration data by no later than 1 May 2008, and thereafter on a weekly basis, in accordance with the Registrar Data Escrow Specifications document posted at <http://www.icann.org/rde/rde-specs-09nov07.pdf>. You acknowledged this obligation on 12 February 2008 by informing Iron Mountain that Iron Mountain would be Parava Networks' designated escrow agent. To date, no deposits have been made in furtherance of Parava Networks' escrow obligation.

Parava Networks' failure to escrow registration data with Iron Mountain Intellectual Property Management, Inc. constitutes a breach of Section 3.6 of the RAA.



ICANN

2. Failure to take reasonable steps to investigate and correct, when necessary, claimed Whois inaccuracies pursuant to Section 3.7.8 of the RAA.

Section 3.7.8 of the RAA requires registrars, “upon notification by any person of an inaccuracy in the contact information associated with a Registered Name sponsored by Registrar, take reasonable steps to investigate that claimed inaccuracy. In the event Registrar learns of inaccurate contact information associated with a Registered Name it sponsors, it shall take reasonable steps to correct that inaccuracy.”

ICANN described “reasonable steps” in the 10 May 2002 Registrar Advisory Concerning Whois Data Accuracy (“Advisory”). Per the Advisory, at a minimum, “reasonable steps” to investigate a reported inaccuracy should include promptly transmitting to the registrant the “inquiries” concerning the accuracy of the data that are suggested by [RAA Subsection 3.7.7.2](#). The registrar should conduct inquiries by all commercially practicable means available to the registrar: by telephone, e-mail, and postal mail. The Advisory is accessible at the following address: <http://www.icann.org/announcements/advisory-10may02.htm>.

ICANN began operating a system intended to assist registrars in complying with their contractual obligation to investigate Whois data inaccuracy claims in 2002. This system, entitled the Whois Data Problem Report System (WDPRS), allows the public to submit domain name Whois inaccuracy reports. The system sends the reports to registrars for investigation and corrective action, if necessary. The WDPRS also follows-up with submitting parties 45 days after filing Whois inaccuracy reports to inquire whether the Whois data changed.

On 4 September 2008, ICANN sent Parava Networks a Notice of Concern regarding suspected failure by Parava Networks to investigate and take corrective action on Whois inaccuracy reports filed through the WDPRS. ICANN sent the Notice of Concern, via courier and fax, to the contact data supplied by Parava Networks pursuant to section 5.11 of the RAA.

Enclosed you will find the two domain names for which Whois inaccuracy claims were submitted through the WDPRS on or after 29 May 2008. The Whois records associated with these domain names appeared to contain obvious inaccuracies at the time. To date, Parava Networks has not provided information on how it investigated or corrected these inaccuracies in accordance with its contractual obligations. Parava Networks’ failure to take reasonable steps to investigate and correct Whois inaccuracies is a breach of Section 3.7.8 of the RAA.

ICANN-accredited registrars play a critical role in maintaining the accuracy of Whois data. Registrar compliance with RAA provisions regarding the investigation of Whois data inaccuracy claims ensures that registrants make timely efforts to correct inaccurate Whois data. Parava Networks failure to comply with RAA provisions regarding the investigation of Whois data inaccuracy claims is a breach of the RAA and a breach of Parava Networks’ responsibility to the internet community.



Notice of Breach of Registrar Accreditation Agreement
Patricio Valdes, Parava Networks, Inc. dba 10-Domains.com
27 February 2009

ICANN

3. Failure to pay accreditation fees pursuant to Section 3.9 of the RAA

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Parava Networks currently owes ICANN \$48,154.00 in past due accreditation fees. Notices regarding Parava Networks' past due accreditation fees, including detailed customer statements, were transmitted to you on 22 January 2009, 23 October 2008, 24 July 2008, 21 April 2008, 28 February 2008, 22 January 2008, 25 October 2007 and 20 March 2007.

On 27 April 2007, ICANN sent you, via U.S. postal mail, a Notice of Breach of Registrar Accreditation Agreement for failure to pay accreditation fees along with a detailed customer statement reflecting \$26,988.98 in past due accreditation fees. Although ICANN received multiple payments totaling \$16,258.58 from Parava Networks following the transmittal of ICANN's Notice of Breach of Registrar Accreditation Agreement, this breach was not cured.

Parava Networks' failure to make timely payment on invoice numbers 8810, 9539, 10980, 11906, 13300, 14590, 15266, 15708, 17003, 18367, 19745 and 20484, all of which are over 30 days past due, constitutes numerous breaches of Section 3.9 of the RAA. A copy of Parava Networks' most recent customer statement is enclosed.

Be advised that ICANN may terminate the RAA before its expiration if a registrar fails to cure any breach of the agreement within fifteen working days after ICANN gives the registrar notice of breach, pursuant to Section 5.3.4. Should Parava Networks fail to cure the breaches cited herein by 16 March 2009, ICANN may commence the termination process as set forth in the RAA. Again, the breaches include: 1) failing to comply with Parava Networks' obligation to begin escrowing certain enumerated gTLD registration data as required by Section 3.6 of the RAA, 2) failing to take reasonable steps to investigate and correct, when necessary, claimed Whois inaccuracies as required by Section 3.7.8 of the RAA and 3) failing to pay accreditation fees to ICANN as required by Section 3.9 of the RAA.

ICANN specifically reserves the right to pursue any and all other breaches in addition to the breaches enumerated above, and nothing herein shall be deemed a waiver of that right.

Please contact me at (310) 301-3860 to commence discussions regarding Parava Networks' intentions.

Very truly yours,

A handwritten signature in blue ink that reads "Stacy Burnette".

Stacy Burnette
Director, Contractual Compliance
stacy.burnette@icann.org



Notice of Breach of Registrar Accreditation Agreement
Patricio Valdes, Parava Networks, Inc. dba 10-Domains.com
27 February 2009

ICANN

Domain Names subject to investigation:

beersex.com

fetishgossip.com

Enclosure: Customer Statement