

27 March 2024

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

[REDACTED]
ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED (IANA #3775)
[REDACTED]

Emails: [REDACTED]

Fax: [REDACTED]

Dear [REDACTED]:

Please be advised that as of 27 March 2024, ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED (“ALIBABA.COM” or “Registrar”) is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 15 May 2022 (“RAA”). This breach results from:

1. ALIBABA.COM’s failure to take reasonable and prompt steps to investigate and respond appropriately to reports of abuse involving the domain name platform-techwillowtree[.]com, as required by Section 3.18.1 of the Registrar’s currently effective RAA; and
2. ALIBABA.COM’s failure to provide to ICANN records related to abuse reports involving the domain names platform-techwillowtree[.]com, torfsoutlet[.]com, agodabinis[.]vip, and troucheau-detroit[.]com, as required by Section 3.18.3 of the currently effective RAA.

In addition, ALIBABA.COM has been deemed noncompliant in the following area:

3. ALIBABA.COM’s failure to pay due accreditation fees, as required by Section 3.9 of the RAA.

Please refer to the attachment for details regarding this Notice of Breach.

Additional Concerns

ALIBABA.COM has exhibited a pattern of non-responsiveness to ICANN Contractual Compliance matters. Further, when the Registrar does reply to ICANN Contractual Compliance, the responses are regularly at the very last day of a final notice, untimely and/or incomplete. As detailed in the chronologies below, ICANN sent ALIBABA.COM multiple inquiries and notices requesting the information and records necessary for the Registrar to demonstrate compliance with the requirements in Section 3.18 of the RAA pertaining to abuse reports handling. Unsuccessful attempts to contact the Registrar through telephone were also made. Despite these multiple attempts to resolve these matters, ALIBABA.COM failed to demonstrate compliance.

Additionally, ICANN has been unable to locate in ALIBABA.COM's website: (1) the Registrar's fees for redeeming/restoring generic top-level domain (gTLD) names, as required by Section 4.1.1 of the Expired Registration Recovery Policy (ERRP); and (2) the names and positions of ALIBABA.COM's officers, as required by Section 3.17 and the Registrar Information Specification of the RAA.

ICANN requests that ALIBABA.COM cure this Notice of Breach by 17 April 2024, 21 days from the date of this letter, by taking the following actions:

1. With respect to the domain name platform-techwillowtree[.]com, provide:
 - a. A detailed explanation of each step that ALIBABA.COM took to investigate and respond to the abuse report and the date each step was taken.
 - b. An explanation of the specific action(s) the Registrar has taken after the 4-hour deadline that ALIBABA.COM provided to the Registered Name Holder (RNH) of the domain name to remove the reported content passed.
 - c. All records related to the investigation and responses in items number 1.a and 1.b above, as well as any other records related to the receipt of and response to the abuse report, including any communications the Registrar received from the RNH in response to ALIBABA.COM's request.

2. With respect to the domain names torfsoutlet[.]com, agodabinis[.]vip, and troucheau-detroit[.]com, provide:
 - a. A detailed description of the steps ALIBABA.COM has taken to investigate and respond to the abuse reports the Registrar received involving each domain name. This includes providing evidence that the steps taken were prompt and:
 - i. Constituted a complete investigation into each report that considered the specific information and evidence provided by the abuse reporters; and

- ii. Resulted in an appropriate response to each report.
 - b. Copies of all records related to the receipt of and the Registrar's response to each abuse report (including dates, times, means of inquiries, telephone numbers, e-mail addresses or postal addresses used).
 - c. Copies of any and all communications between ALIBABA.COM and the RNHs of the reported domain names, if any communication was conducted while investigating the reports 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 and response to the abuse reports.
3. Provide a description of the specific measures, with implementation date(s), that ALIBABA.COM will take to ensure that the Registrar:
 - a. Complies with the requirement to take reasonable and prompt steps to investigate and respond appropriately to reports of abuse moving forward; and
 - b. Timely provides to ICANN records relating to the Registrar's receipt of and response to abuse reports upon reasonable notice.
4. Provide the link to where ALIBABA.COM's redemption/restore fees are located on the Registrar's website and identify the provision of its registration agreement where the link is included.
5. Provide the location in ALIBABA.COM's website of the names and positions of the Registrar's officers.
6. Provide the corrective and preventative action(s) that ALIBABA.COM will take, with implementation date(s), to address its pattern of untimely, incomplete and nonresponse to ICANN Contractual Compliance matters, and to ensure the Registrar has provided ICANN with valid, accurate, and up-to-date contact details.
7. Pay all past and currently due ICANN accreditation fees.

If ALIBABA.COM fails to timely cure this Notice of Breach and provide the information requested by 17 April 2024, ICANN will commence the RAA termination process.

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

As of the date of this Notice of Breach, Section 3.18.1 of the Registrar's RAA requires ALIBABA.COM to take reasonable and prompt steps to investigate and respond appropriately to any reports of abuse. Section 3.18.3 of ALIBABA.COM's currently effective RAA requires the Registrar to document its receipt of and response to all abuse 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, and during such period, provide such records to ICANN upon reasonable notice. ALIBABA.COM's failure to timely provide ICANN with evidence and records demonstrating that the Registrar had taken reasonable and prompt steps to investigate and respond appropriately to the abuse reports associated with the compliance cases in the chronologies below is a breach of Section 3.18 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. ALIBABA.COM owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA.

CHRONOLOGIES

In the 1st, 2nd, 3rd, and follow-up compliance inquiries and notices detailed in the corresponding chronologies below, ICANN notified the Registrar of the violations associated with each case, including the reported domain names and the relevant RAA requirements. Each communication requested the evidence, abuse report records and actions needed from ALIBABA.COM to become compliant. All notices subsequent to each 1st inquiry/notice constituted an additional attempt by ICANN to obtain evidence of compliance from the Registrar. All telephone call details below described further attempts from ICANN to communicate to ALIBABA.COM the details of the cases and to make an ICANN Contractual Compliance staff member available to address any questions and assist ALIBABA.COM in becoming compliant. All these attempts were unsuccessful.

Chronology (Case# 01309324)

| Date of Notice | Deadline for Response | Details |
|-----------------------|------------------------------|---|
| 29-Feb-2024 | 7-Mar-2024 | ICANN sent 1st compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 8-Mar-2024 | 15-Mar-2024 | ICANN sent 2nd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 12-Mar-2024 | 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. |
| 19-Mar-2024 | 26-Mar-2024 | ICANN sent 3rd compliance notice via email (and fax) to [EMAIL REDACTED], [EMAIL REDACTED], and [EMAIL REDACTED]. No response received from the Registrar. |
| 20-Mar-2024 | 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. |
| 26-Mar-2024 | N/A | Email from the Registrar [EMAIL REDACTED] insufficient to demonstrate compliance. |
| 27-Mar-2024 | N/A | ICANN conducted compliance check to determine other areas of noncompliance. |
| 27-Mar-2024 | N/A | To date, the Registrar has not provided ICANN with the requested information and documentation, and the issue remains unresolved. |

Chronology (Case# 01270984)

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 30-Nov-2023 | 7-Dec-2023 | ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 20-Dec-2023 | 3-Jan-2024 | ICANN sent 2nd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 21-Dec-2023 | 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. |
| 26-Jan-2024 | 2-Feb-2024 | ICANN sent 3rd compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 26-Jan-2024 | N/A | ICANN sent 3rd compliance notice via fax to [FAX REDACTED]. Fax unsuccessful. |

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 30-Jan-2024 | 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. |
| 27-Mar-2024 | N/A | ICANN conducted compliance check to determine other areas of noncompliance. |
| 27-Mar-2024 | N/A | To date, the Registrar has not responded to ICANN, and the issue remains unresolved. |

Chronology (Case# 01265505)

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 7-Nov-2023 | 14-Nov-2023 | ICANN sent 1st compliance inquiry via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 15-Nov-2023 | 22-Nov-2023 | ICANN sent 2nd compliance inquiry via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 16-Nov-2023 | 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. |
| 23-Nov-2023 | 30-Nov-2023 | ICANN sent 3rd compliance inquiry via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 23-Nov-2023 | N/A | ICANN sent 3rd compliance inquiry via fax to [FAX REDACTED]. Fax unsuccessful. |
| 28-Nov-2023 | 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. |
| 5-Dec-2023 | 12-Dec-2023 | ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 13-Dec-2023 | 20-Dec-2023 | ICANN sent 2nd compliance notice via email to [EMAIL REDACTED]. |
| 14-Dec-2023 | 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. |

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 18-Dec-2023 | N/A | Email from the Registrar [EMAIL REDACTED] insufficient to demonstrate compliance. |
| 2-Jan-2024 | 9-Jan-2024 | ICANN sent follow-up compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 11-Jan-2024 | 18-Jan-2024 | ICANN sent follow-up compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 19-Jan-2024 | 26-Jan-2024 | ICANN sent 3rd compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED] and [EMAIL REDACTED]. |
| 19-Jan-2024 | N/A | ICANN sent 3rd compliance notice via fax to [FAX REDACTED]. Fax unsuccessful. |
| 23-Jan-2024 | 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. |
| 25-Mar-2024 | N/A | Email from the Registrar [EMAIL REDACTED] insufficient to demonstrate compliance. |
| 25-Mar-2024 | 26-Mar-2024 | ICANN sent follow-up compliance notice via email to [EMAIL REDACTED], [EMAIL REDACTED], and [EMAIL REDACTED]. No response received from the Registrar. |
| 27-Mar-2024 | N/A | ICANN conducted compliance check to determine other areas of noncompliance. |
| 27-Mar-2024 | N/A | To date, the Registrar has not responded to ICANN with the requested information and documentation, and the issue remains unresolved. |

Chronology (Case# 01276596)

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 11-Dec-2023 | 18-Dec-2023 | ICANN sent 1st compliance inquiry via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 21-Dec-2023 | 4-Jan-2024 | ICANN sent 2nd compliance inquiry via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 5-Jan-2024 | 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. |
| 10-Jan-2024 | 17-Jan-2024 | ICANN sent 3rd compliance inquiry via email to [EMAIL REDACTED]. No response received from the Registrar. |

| Date of Notice | Deadline for Response | Details |
|----------------|-----------------------|---|
| 11-Jan-2024 | 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. |
| 18-Jan-2024 | 25-Jan-2024 | ICANN sent 1st compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 1-Feb-2024 | 8-Feb-2024 | ICANN sent 2nd compliance notice via email to [EMAIL REDACTED]. No response received from the Registrar. |
| 5-Mar-2024 | 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. |
| 6-Mar-2024 | 13-Mar-2024 | ICANN sent 3rd compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. |
| 6-Mar-2024 | 13-Mar-2024 | ICANN re-sent 3rd compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 6-Mar-2024 | N/A | ICANN sent 3rd compliance notice via fax to [FAX REDACTED]. Fax unsuccessful. |
| 12-Mar-2024 | 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. |
| 25-Mar-2024 | N/A | Email from the Registrar [EMAIL REDACTED] insufficient to demonstrate compliance. |
| 25-Mar-2024 | 26-Mar-2024 | ICANN sent follow-up compliance notice via email to [EMAIL REDACTED] and [EMAIL REDACTED]. No response received from the Registrar. |
| 27-Mar-2024 | N/A | ICANN conducted compliance check to determine other areas of noncompliance. |
| 27-Mar-2024 | N/A | To date, the Registrar has not responded to ICANN, and the issue remains unresolved. |