

ICANN RegisterFly Update

2 March 2007

(Revised 7 March 2007)

ICANN provides the following update:

- PIR notified ICANN that the .ORG registry has restored the domains that were in RGP and placed those domains on Server Deleted Prohibited status. [[PIR Letter to ICANN](#), PDF, 13K]
- On March 5, 2007, RegisterFly provided a copy of domain name registration data in response to ICANN's request pursuant to RAA section 3.4.3. ICANN is analyzing the data for integrity and completeness. ICANN will respond to RegisterFly with questions regarding aspects of the material provided. This material represents a portion of the material requested in [ICANN's letter of February 21, 2007](#) [PDF, 104K].
- As is already known on 21 February 2007, ICANN issued a [letter to RegisterFly](#) [PDF, 101K] indicating a Notice of Breach of its Registrar Accreditation Agreement (RAA) and demanding that RegisterFly act within 15 working days to cure the breaches outlined in the letter.
- Also on 21 February, ICANN sent a [Notice of Audit](#) [PDF, 60K] that required RegisterFly to allow ICANN to inspect and copy records as well as a notice to submit data to ICANN or a reputable escrow agent regarding registration applications and Registered name holders.
- On 27 February 2007, ICANN sent two employees to RegisterFly offices in New Jersey to audit them and obtain the registrant information.
- RegisterFly has not complied. On 1 March 2007 RegisterFly's lawyers forwarded a [letter](#) [PDF, 12K] to ICANN advising that refusal to comply with ICANN's request "should not be construed as my client's unwillingness to cooperate with ICANN but as evidence of their continuing efforts to service their customers."
- In response ICANN has issued a [second letter](#) [PDF, 288K] dated 2 March 2007 setting out additional breaches of the Registrar Agreement. In that letter ICANN describes RegisterFly's statement that refusal to comply is evidence of customer service as "preposterous."
- RegisterFly's continuing breaches of the RAA are serious and will be pursued.
- ICANN's primary concern is to do what it can to protect registrant and related data.
- ICANN has provided notice that it will file a suit against RegisterFly in the United States District Court for the Central District of California seeking a temporary restraining order

(TRO) requiring RegisterFly to turn over the data requested and to compel an emergency audit of its books and records.

- In addition to this legal action, ICANN today convened a telephone conference among those needed to implement a plan that will help cease unintended deletions. The participants were registries holding RegisterFly names: Afilias (.info), GNR (.name), NeuStar (.biz), VeriSign (.com, .net), RegisterFly backend services provider Tucows and eNom (for which RegisterFly was a reseller) as well as representatives of RegisterFly.
- The Registries involved have agreed to move any RegisterFly names in Redemption Grace Period* status into Server-Delete-Prohibited status. This will prevent them from being deleted from the registry and becoming available for re-registration by others. ICANN commends and encourages this example of cooperation to protect registrant data.

ICANN will provide further updates as new information is available and action taken.

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* (Registration Grace Period is a period that allows the domain-name registrant, registrar, or registry operator time to detect and correct any mistaken deletions. During the grace period, the deleted name will be placed on REGISTRY-HOLD, which will prevent the name from functioning/resolving. This tends to call attention to the impending deletion).

This file last modified 09-Mar-2007

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