

ICANN RegisterFly Update

8 March 2007

The United States District Court in New Jersey today awarded Kevin Medina control of RegisterFly.com Inc. The decision resolves a dispute over ownership of the company.

The resolution of this issues does not alter RegisterFly obligations to immediately cure the breaches of the Registrar Accreditation Agreement, as noticed by ICANN.

ICANN has been advised and has confirmed that RegisterFly is aware of the issues raised by many registrants, regarding their inability to transfer their registrations away from RegisterFly to another Registrar.

ICANN has demanded that RegisterFly immediately act to provide authorization codes and has also demanded a meeting with RegisterFly (and other relevant parties that are assisting ICANN) to resolve RegisterFly's reported failures. We will provide an update on the outcome of this meeting.

Some customers may be experiencing difficulties in transferring their name because they are not listed as the registrant, but instead have opted to use a privacy service. In discussions with ICANN today RegisterFly agreed to assist people in those circumstances and will provide customer data to eNom from Monday 12 March. This means that eNom should be able to facilitate transfers from RegisterFly (as reseller) to another registrar of the customer's choice.

Yesterday we advised that ICANN had obtained registrant data from RegisterFly. We are still confirming the accuracy of that data.

But it appears ICANN is in possession of the vast majority of registrant data (a potentially significant step toward the protection of registrants in the case of RegisterFly business failure or de-accreditation under the terms of the RAA).

It should be noted that a significant percentage of the data obtained are cases where customer information is hidden via a privacy service (in this case known as "ProtectFly"). We have provided additional questions to RegisterFly regarding how that data can be maintained in a manner that would permit access in the event that RegisterFly remains unable to fulfill its role as a registrar. If a name is hidden through a service of this kind, it is possible that no one aside from the provider of the privacy service can identify the customer, therefore data escrow may be insufficient for ICANN to protect that data. In making a choice to use a proxy/privacy service, customers should be aware of balancing privacy against access to data.

This file last modified 08-Mar-2007

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