



ICANN Blog

Internet Corporation for Assigned Names and Numbers

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[RegisterFly update: March 10, 2007 »](#)

RegisterFly update: March 9, 2007

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

The resolution of this issue 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.

Transfer difficulties

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).

ProtectFly

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 entry was posted on Friday, March 9th, 2007 at 2:10 am and is filed under [ICANN](#). You can follow any responses to this entry through the [RSS 2.0](#) feed. You can [leave a response](#), or [trackback](#) from your own site.

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38 Comments »

 *Comment by* [cossins](#)

2007-03-09 02:20:26

What the ICANN folks may be failing to realize is that, in many cases including my own, ProtectFly has been arbitrarily enabled and the interface doesn't allow a user to disable ProtectFly. Support is non-existent and long-time domain names are being lost - unable to renew, unable to transfer. Whois updates aren't being propagated and auth codes aren't being provided. This is truly a melt-down that is impacting businesses world-wide to the tune of millions and millions in losses.

The transfer system was designed for trusted, competent parties. Registerfly is neither, proven beyond a shadow of a doubt. Cannot ICANN alter the transfer process for domains held in Registerfly Hell!!!!

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-09 08:33:47

Altering the transfer process for one registrar means altering it for over 860.

We can explain it and we can tell RegisterFly to make it clearer and easier for customers and we are doing that.

[Reply to this comment](#)

 *Comment by Kimberly Lazarski*

2007-03-09 11:22:47

When the process is broken and there is no accountability, does it not stand to reason that the process ought to be fixed, even if it, er, "inconveniences" 860 registrars?

The registries exist for the registrants' convenience, not the registrars. The registrars are merely the brokers, and there needs to be more accountability in place, and stricter methods to bring a rogue registrar into line.

[Reply to this comment](#)

 *Comment by Larry*

2007-03-09 02:36:47

Am I to understand that a deal has been made with ICAAN & eNom to handle ALL of Registerfly's domain transfers? Or only those made under the old re-seller arrangement eNom had with RF (before the complete meltdown)?

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-09 08:43:39

There is no 'deal' to handle all transfers.

What we said was that 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 yesterday RegisterFly agreed to assist people in those circumstances and will provide customer data to eNom from Monday 12 March. This means eNom should be able to facilitate transfers from RegisterFly (as reseller) to another registrar of the customer's choice.

[Reply to this comment](#)

 *Comment by Robert*

2007-03-09 02:55:02

This is a huge problem. We have hundreds of domains at Registerfly and they have locked us out of our account to manage our names and they will not respond to telephone or email inquires. When is someone at ICANN going to step in and cure these issues??

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-09 08:36:06

We have asked RegisterFly to cure a number of breaches. If they don't that leads to their accreditation being taken away. We have to follow our processes and we have to follow the law.

[Reply to this comment](#)

 *Comment by Justin*

2007-03-09 12:35:30

You threatened an on-site audit back in 2005 and it's currently 2007. Why didn't ICANN follow it's procedures when they threatened to?

The fact is that ICANN has a responsibility to serve and hasn't been doing it. Threats mean nothing when someone loses 240 domain names and you just sit there in your office doodling pictures. What about these losses?

Let me tell you something Paul. ICANN has shown in both writing, comments and actions (which in this instance have spoken much louder than words), that ICANN is NOT capable of doing the job. It's that simple.

You were fully aware of the actions of Registerfly over a year ago and all you people did is make idle threats of audits. You showed no action.

Registerfly was just a loose cannon riding on the shoulder of ICANN and literally stealing. ICANN has told the world that intellectual property theft is ok.

Paul, from the responses I have seen out of Mike Zupke and the actions that ICANN has show to the world. You've essentially given the go ahead to the rest of the domain registrars that they can walk all over the general public and ICANN will do very little in way of preventing it.

Do you realize the looses people have suffered? Lively hoods, businesses and financial... some of these people have lost their minds... and all the while ICANN could have acted responsibly to prevent these losses.

What about Enom parking the names that were once websites and drawing a revenue off of these and requiring people to pay \$160.00 to get their names back? There's a lot of questions that ICANN needs to answer and this can't wait any longer. Everyday that passes, the losses or potential losses gain.

Paul, quit dragging your feet on the Registerfly Scandal. You have the data, it's time to send all these names over to Godaddy and Enom or Dotster and get them out of the control of Registerfly and then allow people to transfer out where they feel safest. Period. ICANN has allowed the damages to rise over the past couple years... it's time to make a decision and bring this debacle to a dignified conclusion.

I'll finish by saying that Registerfly was acting as an accredited arm of ICANN and unjustly enriched by that wonderful logo of yours. While Registerfly may in fact go under, I can assure you that there is still a head on this beast and we're not stopping with Registerfly....

[Reply to this comment](#)

☐ Comment by [Samson](#)

2007-03-11 16:15:01

Justin,

Yelling at Paul won't help the situation. Paul has to follow the law. For him to do otherwise would make him a vigilante and ruin any trust anyone has in ICANN.

The legal process is slow, frustrating, and sometimes maddening. But it has to be allowed to play itself out. I think we all know that Kevin Medina won't be able (or willing?) to fix the problems RegisterFly now has, so just wait for the 15 days to end and the accreditation will get pulled. Without that RegisterFly can't sell domains.

And I seriously doubt they'll get another reseller agreement. Unless of course other scumbag companies like Godaddy and Dostster bring them aboard.

(Comments wont nest below this level)

[Reply here](#)

 *Comment by [Stephen](#)*

2007-03-09 03:48:32

You know... the gravity of this situation is becoming crystal. It was already clear from my perspective as a customer of RegisterFly, if you can call me that since they seem to not understand what "customer" encompasses, but with the number of people affected by this, it's difficult for me to grasp how this could've been let to happen. I know that hindsight is 20/20 and new measures will go into place to prevent this but perhaps what's the most ridiculous is the fact that registerfly has been going to hell in a handbasket for the better part of 2 YEARS and nothing has been done until now. It's almost as if the parties involved in at least attempting to make a difference are stopping at "well, the damage is already done." Sure, the damage is done but for a LOT of people who run businesses via domains registered through these folks, the damage continues to incur day by day by day.

I realize that there is only so much that can be done at a time but it's as the old adage goes: too little, too late. This has obviously become a learning process for folks like ICANN who've never dealt with something like this to the degree this situation has risen to... and if they have, then shame on them for not taking away lessons from the LAST time(s) and implementing measures of prevention to keep it from happening again... but that's neither here nor there.

We're here and now. Unfortunately, this has proven to be a trainwreck in every

sense of the metaphor from the wreck to the extensive clean up. Although I do have some of the almighty dollar invested in RegisterFly, at least I don't depend on any of my domains as a source of revenue... but that doesn't make me any less angry at this whole thing.

Here's what it boils down to:

1 - Those who pull the strings will ultimately get what they want. They have the funds to wage the wars. Case and point.


2 - RegisterFly doesn't save face and they either change the name and the interface and start from scratch under some new guise or they cut their losses, chalk it all up to whatever personal lesson(s) each person involved deems necessary, and back out of everything as soon as they can.

3 - The customers are left holding the ball. Aside from the select individual or two who has the funds to mimic #1 from this list, customers will end up counting their losses, getting absolutely NO reimbursement or compensation for ANYTHING, AND, to serve as the ultimate slap-in-the-face, will have to fork over the cash for the cost of jumping ship from RegisterFly to wherever.

I'm sorry but this battle does ultimately come down to a battle of money - I don't care what facade ICANN or whoever tries to mask this thing with. ICANN WILL get what they want but bear in mind that their wants and ours - the customers' - interests are only involved where its convenient. If it so happens that they can spin this whole thing to look like our interests and obligations are being taken into consideration as well, then that's just marvelous! Otherwise, good luck walking away from this one with anything but anger and being left to feel helpless to do a single thing about the failing of a system supposedly in place to protect you from such an atrocious incident.

Nice going, guys. I appreciate what those involved are trying to do but there is absolutely no way you can convince me that you're doing anything else for the customer than what you HAVE to do and that's it. I'm sorry but all signs here don't point to anything because they're all dollar signs. Everything else is just a facade. Oh well.

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-09 08:29:13

Stephen

Unfortunately what you outline is what happens when any business does

not do the right thing by its customers. We have identified a number of breaches of their agreement that if not cured will lead to the loss of their accreditation.

We are not doing just what we have to do. We are doing as much we can to help people to transfer.


[Reply to this comment](#)

 *Comment by [Mike Fast](#)*

2007-03-09 05:53:31

I have a few hundreded domains at RFLy. About 10 of them are NOT expired but RFLY has them listed as expired. Once RFLY lists them as expired I can no longer access my cpanel to make any changes (dns, unlokc, auth codes etc.). I try to renew them and RFLY processes the orders and subtracts money from my account but the domains do NOT renew. One of these domains is my original domain for 10 year and it's tied in to dozens of other domains. Others belong to clients, one of who is in the process of suing me now. This involves everything I own and my whole life. ICANN sits on their ass and continues to allows RFLY to do absolutely nothing about this. NO wait, let me correct that. ICANN is taking some notes and they started a blog.

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 *Comment by [Paul Levins](#)*

2007-03-09 06:27:19

Mike

I completely understand your anger, concern and frustration and that of all the other customers of RegisterFly.

But I can't let the statement that ICANN is doing nothing sit unanswered.

We are doing everything in our power to help. I'm sure everyone in your situation would like to see us say to RegisterFly: You are closed as of today. We are taking your data and giving it to someone else and a more responsible and well run Registrar is now taking over.

The simple fact is we can't do that. As I have said a few times in this forum, we are NOT a regulator. We are not the Internet police. Whilst that may be an attractive idea at a time like this, it probably isn't in anyone's long term

interests for us to be that. We have to rely on contract law here. So that's why we are sending them notices of breaches. Because if they fail to cure them we are then in a position to take their accreditation away.

The other fact is - the domain name market is like any other. There are good operators and bad ones. But there are now over 850 registrars. When ICANN introduced competition there was one. One choice. That meant higher prices for registration. We now have much lower prices. That's good for business. Keeping things the way the way they were would not have produced this result.

In the meantime ICANN has sought and got cooperation from other registrars to stop names being deleted in the Redemption Grace Period. We now have what we think is the majority of the Registrant data and we got that by the threat of legal action. We are convening a session today to insist that RegisterFLy provide auth-codes to allow transfers to occur. We are providing updates as regularly as we can so people aren't in the dark. We are handling individual inquiries as they come in here at the ICANN office. We are urgently researching other ways that we can legally and forcefully put an end to the appalling way that Registrants are being treated by RegisterFly.

We will keep working to do all we can.

[Reply to this comment](#)

 *Comment by Justin*

2007-03-09 12:39:54

What about 2005... why has it taken you so long to act? Explain that one. Don't sit there and respond like you care when you really dont. If you did, you'd have done something about it over a year ago.

There's a lot of explaining to do... Had we not started a fight against these actions, you'd have let it go on.

Flat out, it's way too late to save face. I'd be looking to save your job about now.

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-09 16:42:24

There is a very complete outline of what happened in response to

complaints about RegisterFly in our letter outlining breach notices on our correspondence section <http://www.icann.org/correspondence/>

It is not true to say that if the fight had not been started by others then ICANN would not have stepped in. There is a clear record of activity, warnings and corrective action against RegisterFly. When we started receiving complaints we responded. We receive complaints about customer service levels all the time - everything from 'I had to wait on the phone for longer than 10 minutes' to more serious matters. If we issued breach notices for every one of those, there would be no domain name market left. Establishing a strong case of serious breaches of the Registrar Accreditation agreement is key.

Are lessons learned by everyone out of experiences like this - of course.

But it is flat wrong to say we don't care. You wouldn't be human if you didn't.

(Comments wont nest below this level)

[Reply here](#)

 *Comment by David Hill*

2007-03-09 09:31:35

Same here...

Cannot switch off protect fly!!!

Cannot get auth code

Cannot therefore transfer out of fly!

I have paid TWICE now to have my domain renewed...

Of course the money has been taken... but thats all!

I notice all transactions have been lost in my report history as well!!!!

My domain does not expire for another 2 weeks...

Is this a lost cause?

ICANN may have data on most of the domains owners, but what about those with ProtectFly enabled? Are those going to be simply lost?

I need to make a decision in the next few days whether to abandon hope of retaining my domain name and getting a new one and starting the process of switching... arghhhhh...

[Reply to this comment](#)

 *Comment by ES*

2007-03-09 10:29:44

I agree with what steve has said as far as us customers being lumbered with the costs of transferring our domains to wherever, some registrars are offering discounts and thats vry generous considering its not their problem, however in the end it does all boil down to money, customers are obviously being treated like pigs and are getting nothing but empty wallets to show for it.

RegisterFly should pay our expenses, not other companies via making generous discounts nor us the customer. I can understand that ICANN are not the internet police and have understood from the beggining and I appreciate what you have done for us so far, but perhaps it is time to take of the gloves and pull up the shirt sleeves.

Still I would like to thank ICANN for what youve done so far.

Thanks

Scott a.k.a ES

[Reply to this comment](#)

 *Comment by Anonymous*

2007-03-09 16:05:18

this company is crooked and ICann means I can't...what a joke...you people should be closing them down and having the other registrars and the customers provide an alternative...grow some bulls!!!

[Reply to this comment](#)

 *Comment by [Paul Levins](#)*

2007-03-09 16:45:49

We have found them in breach. If they don't fix the breaches they will lose accreditation.

[Reply to this comment](#)

 *Comment by Anonymous*

2007-03-09 16:14:40

class action lawsuit against registerfly and Ican for providing them with accreditation and getting away with this!

[Reply to this comment](#)

 *Comment by [Lynsay](#)*

2007-03-10 01:53:10

I'm sure this question has been asked. If so, please point me to the answer.

My concern is over my domains which are already LOST. Despite my scores of calls, emails and support tickets to Registerfly, two of my domains were deleted, and now they've been squatted by a 3rd party who expects several hundred dollars for their ransom.

I understand that ICANN is not responsible for policing such crimes. But can you suggest a regulatory group who can help me? Also, what support is ICANN willing to give me? If ICANN could simply verify my claim (after reviewing Registerfly's records), it would be very helpful in a court of law—which is where this seems to be heading, unless I get some help fast.

Lynsay

P.S. I've emailed ICANN directly about this situation, but aside from 1 cursory response 2 weeks ago, I haven't gotten any answers. Please respond in this blog, if nothing else.

[Reply to this comment](#)

 *Comment by [Paul Levins](#)*

2007-03-10 11:30:26

Lindsay

If you go to <http://www.internic.net/> which is a link off our web-site you will find a number of suggestions for assistance with poor customer service and other problems.

I'm not sure about whether we can verify by reviewing records...I'd like to say we have the resources to do this but I suspect we don't.

Let me look into it and report back.

I'm sorry you haven't received a more detailed reply from ICANN. That was unacceptable. We'll try harder to be responsive.

[Reply to this comment](#)

 *Comment by [Lynsay](#)*

2007-03-13 06:53:38

Thanks for your reply, Paul. And yes, I have recently received excellent attention from ICANN assisting me in salvaging the 2 domains I have left.

Still, as soon as this mess is straightened out and everyone's existing domains are transferred out, I would love to see ICANN provide us with assistance in regaining our lost domains. I'm sure there are hundreds like me who didn't get help in time.

Please consider creating a blog post or FAQ section for victims of domain deletion & squatting. In addition to your link to Internic, I found a service called the National Arbitration Forum (adrforum.com) which may be able to help. A page of resources like this may give us some hope of salvation.

Thanks,
Lynsay

[Reply to this comment](#)

 *Comment by [Mike](#)*

2007-03-10 03:25:27

I can't login to my RegisterFly account.....

[Reply to this comment](#)

 *Comment by [cossins](#)*

2007-03-10 07:45:21

Paul,

Is there anyone following up with criminal action? Taking money and not delivering services is a crime.

Medina should save what face he can and transfer his database to a different registrar then file for bankruptcy. I'm sure he won't because he's obviously a thief but there is absolutely no way that he has the resources to withstand the litigation that will be forthcoming. He and his company are toast. And I wouldn't want to be his E&O insurance provider. Pop!

Certainly, it would be prudent to make changes in your accreditation process. Regular audited financials and weekly database dumps, along with contracts in place that allow you to intervene under adverse conditions would be a good start.

[Reply to this comment](#)

 *Comment by [Paul Levins](#)*

2007-03-10 11:37:04

Thanks for the input about changes you think are needed to the accreditation process. I do hope this will see a lot of registrants interested in providing input.

On your question about criminal action - I don't think I'm equipped to comment other than to say that if you believe a criminal act has been committed you should refer the matter to the law enforcement agencies.

[Reply to this comment](#)

 *Comment by [Charlie](#)*

2007-03-10 08:29:51

I was able to transfer 250 of 700 domain names BEFORE the judge in New

Jersey made his determination. ICANN has some of the most prominent names in the industry on it's board. I go back with many of them to the start of the industry.

We need to learn from this but at the same time, some sort of special resolution needs to be put in place. I have clients that WILL go out of business because of this. That means LOTS of unemployed people.

There must be a mechanism to fix this now.

As far as deregulation, while it did lower prices somewhat, it also spawned as 'squatter' industry with obscene prices being asked for domain names. That doesn't help anyone.

Trademarks aren't always in place. While the Internet has changed many of our lives in a good way, this is a very sad chapter.

Kudos to Paul for at least answering some of these posts ...

[Reply to this comment](#)

 *Comment by [Paul Levins](#)*

2007-03-10 11:52:21

Charlie

Glad to hear you were able to transfer some of your names.

On the 'lessons learnt' part of your post - I agree that there should be robust discussion and speedy implementation of the agreed position. There are lots of questions that arise from this - should ICANN have much stronger powers to more quickly act on a registrar? Is this a relative rarity and has the system worked well enough until this? Should we have more resources for compliance (Although as I key those words in I can hear people saying no because it means a bigger ICANN)....there are many more way beyond my simplistic analysis.

On deregulation - is any other market different? Some of the issues to do with squatting, fyshing and other DNS phenomena are the subject of discussions and updates at our metings and other fora as you would know.

The mechanisms to fix this 'now' are limited. The Agreement makes it clear the options are removal of accreditation and that has to follow a process.

I'd still rather have the Internet than not even with this episode.....

I'm trying to respond to as many posts as I possibly can if there is something useful, sensible or informative to say. I wish the circumstances were diferent for all concerned.

[Reply to this comment](#)

 *Comment by ndk*

2007-03-10 09:08:48

What about relationships eNom and RegFly, they have no relationships at this moment, but many domains was registered thru regfly, why eNom sell it at auctions ? Why you don't breach eNom for that ? eNom accredited registrar too. RegFly need to repair they system to let their clients go. period. You give them accreditaion, you must take it back.

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-10 11:52:56

I don't know the answer to this. I will find out and come back.

[Reply to this comment](#)

 *Comment by Anonymous*

2007-03-11 00:06:43

as far as it looks like ICANN has sent the breach-notice to the wrong person. i would not wonder if a court declares that breach-notice as null and void because of this.

ICANN was aware of the fact that there was a figth between 2 people about the ownership.

In such situatiion it looks preety dumb that the notice was only sent to one of those instead of sending it to both at the same time.

[Reply to this comment](#)

 *Comment by Paul Levins*

2007-03-11 16:20:47

The breach has been sent to both both parties

[Reply to this comment](#)

 *Comment by [Fantasys](#)*

2007-03-12 02:45:21

We have *over 115 domains* with Registerfly several of them critical domains to our business in which we were diligent and **attempted to renew BEFORE the due date and they still expired. Several of these domains were on auto-renew.** Even though we have account access we can't transfer our domains nor change registration information since we've discovered the DNS administrator e-mail information in the public record is not up to date. The public record says X and the account profile says Y and I distinctly recall updating it months ago; because of this we can't get transfer e-mails to move the domain.

This is NOT our error but the Registerfly's system. In addition we can NOT get an EPP code. ***As of this morning at 10:30 AM EST the published EPP code procedures doesn't work.*** This intolerable situation has cost us a lot of money and in the end will result in people being unemployed and the lively hoods of families being threatened. We realize this may be just a Registrar failure to many of the staff at ICANN, but the ripple effects are real for our employees and their children

We also add our voices to the call for intervention so we who are innocent bystanders can get our domains back under our control immediately. What do we have to do ? Who do we have to call ? Who do we have to hire to make this happen ?

[Reply to this comment](#)

 *Comment by [Paul Levins](#)*

2007-03-12 03:10:37

I do appreciate your frustration and the stress you must be under.


We will provide an update on RegisterFly's progress with transfers today.

We are intervening in accordance with the law. We cannot close them down over night as much as that may appear desirable. The point of the breach notice is that if these are not cured accreditation can then be taken away and they are not accredited to sell domain names anymore.

Unfortunately as with any business that is not delivering, your only recourse at this point is to keep at them.

You can also email us at transfer-questions@icann.org

[Reply to this comment](#)

 *Comment by [Steven I](#)*

2007-03-16 00:35:15

WOOOHOOOOOOO!!!!!!!!!!!!!!

FINALY THERE IS A SOLUTION TO THOSE IN NEED OF AUTHORIZATION CODE!!!!!!!!!!!!

“POKER BLOG” FOUND A LOOPHOLE TO GETTING THE AUTH CODES ASAP!!

News Release:

<http://www.emediawire.com/releases/2007/3/emw511292.htm>

And

Steps to take:

<http://pokerrouge.com/blog/other/registerflycom-get-your-authorization-codes-now-before-titanic-sinks/>

Good Luck Guys!!

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