



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE & COURIER SERVICE

9 October 2009

Mr. Michael Bahlitzanakis
BP Holdings Group, Inc. dba IS.COM – IANA ID 825
26-55 29th Street
Astoria, NY 11102

**RE: NOTICE OF EXPIRATION OF REGISTRAR ACCREDITATION AGREEMENT
AND NON-RENEWAL OF ACCREDITATION**

Dear Mr. Bahlitzanakis:

Be advised that as of 9 October 2009, BP Holdings Group, Inc. dba IS.COM ("BP Holdings") remains in breach of its Registrar Accreditation Agreement – May 2001 ("RAA") with the Internet Corporation of Assigned Names and Numbers ("ICANN"). These breaches result from BP Holdings' failure to: (1) escrow gTLD registration data pursuant to Section 3.6 of the RAA, (2) pay accreditation fees to ICANN pursuant to Section 3.9 of the RAA and (3) provide public access to data on registered names pursuant to Section 3.3 of the RAA.

Section 5.4 of the RAA provides that upon the expiration of the BP Holdings' RAA, BP Holdings may apply for and shall be entitled to renewed accreditation, if BP Holdings is in compliance with its obligations under the RAA. Based on BP Holdings' failure to comply with Sections 3.6, 3.9 and 3.3 of the RAA, ICANN does not intend to renew the BP Holdings' accreditation upon the expiration of the RAA on 10 November 2009, unless the registrar begins escrowing gTLD registration data to the elected escrow agent, pays its outstanding balances to ICANN in full and provides an interactive web page and port 43 Whois services by 23:59 UTC or 5:00 pm PDT on 20 October 2009.

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

Section 3.6 of the RAA requires BP Holdings, "on a schedule, under the terms, and in the format specified by ICANN" to "submit an electronic copy of the database described

Brussels
Sydney
Washington, DC
Marina del Rey

6 Rond Point Schuman, Bl. 5
Level 2, 48 Hunter Street
1875 I Street, NW, 5th Floor
4676 Admiralty Way, Suite 330

B-1040 Brussels
Sydney NSW 2000
Washington, DC 20006
Marina del Rey, CA 90292

BELGIUM
AUSTRALIA
USA
USA

T +32 2 234 7870
T +61 2 8236 7900
T +1 202 429 2704
T +1 310 823 9358

F +32 2 234 7848
F +61 2 8236 7913
F +1 202 429 2714
F +1 310 823 8649

<http://icann.org>



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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 BP Holdings by facsimile on 13 December 2007 of BP Holdings' obligation to begin escrowing certain enumerated gTLD registration data by no later than 1 March 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>. I understand ICANN staff also called and spoke to Mr. John Berryhill on 1 May 2008 and was told by Mr. Berryhill that BP Holdings made an election to deposit data with Iron Mountain Intellectual Property Management, Inc. To date, no deposits were made in furtherance of BP Holdings' escrow obligation.

BP Holdings' failure to escrow registration data constitutes a breach of Section 3.6 of the RAA.

2. 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. BP Holdings currently owes ICANN \$18,916.62 in past due accreditation fees. Notices regarding BP Holdings' past due accreditation fees, including detailed customer statements, were transmitted to you several times over the past two years.

On 20 April 2009, ICANN sent you, via courier, a Notice of Breach of Registrar Accreditation Agreement for failure to pay accreditation fees along with a detailed customer statement reflecting \$16,766.78 in past due accreditation fees. BP Holdings failed to cure this breach in the time period allowed by the RAA.

BP Holdings' failure to make timely payments on invoice numbers 11661, 13056, 14345, 15195, 15460, 16754, 18114, 19491, 20410, 20694, 21965 and 23449, all of which are over 90 days past due, constitutes numerous independent breaches of Section 3.9 of the RAA. A copy of BP Holdings' most recent customer statement is enclosed.

3. Failure to provide public access to Data on Registered Names pursuant to Section 3.3 of the RAA

Section 3.3.1 of the RAA requires BP Holdings to "provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e.,



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updated at least daily) data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited," such data to include:

- 3.3.1.1 The name of the Registered Name;
- 3.3.1.2 The names of the primary nameserver and secondary nameserver(s) for the Registered Name;
- 3.3.1.3 The identity of Registrar (which may be provided through Registrar's website);
- 3.3.1.4 The original creation date of the registration;
- 3.3.1.5 The expiration date of the registration;
- 3.3.1.6 The name and postal address of the Registered Name Holder;
- 3.3.1.7 The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the Registered Name; and
- 3.3.1.8 The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the Registered Name.

ICANN attempted to access BP Holdings' web-based and port 43 Whois services several times over the past two weeks, including an attempt today. ICANN's attempts have been unsuccessful. BP Holdings does not have a working interactive web page and its port 43 Whois service is not functional. BP Holdings' failure to provide a working interactive web page and port 43 Whois service is a violation of Section 3.3 of the RAA.

4. Conclusion

ICANN previously notified you on 26 August 2009 via email of the breaches described above. Additionally, ICANN notified BP Holdings via fax and courier on 6 October 2009 that if the breaches described above were not cured by 20 October 2009, BP Holdings would be ineligible to renew its RAA. Accordingly, if these breaches have not been cured by 20 October 2009, on 10 November 2009, the RAA will expire and ICANN will not renew BP Holdings accreditation.

Due to the impending expiration of BP Holdings' RAA and ICANN's non renewal of BP Holdings' accreditation, it is critical that ICANN take action to protect the interests of registrants that registered domains names with your registrar. To facilitate the transition of the domain names currently managed by BP Holdings, ICANN will follow its De-Accredited Registrar Transition Procedure ("Procedure") posted at, <http://www.icann.org/en/processes/registrars/de-accredited-registrar-transition-procedure-01oct08.pdf>.

We encourage you to read the Procedure in its entirety. Consistent with the Procedure, we are requesting that BP Holdings propose a bulk transfer recipient within 7 days from



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the date of this letter. Please contact ICANN's Registrar Liaison Manager Mike Zupke at mike.zupke@icann.org, to designate a proposed bulk transfer recipient. Kindly note, however, that your designation of a bulk transfer recipient does not prejudice ICANN's right to the Registrar Data Escrow data and other rights under the RAA, as well as ICANN's right to transfer names to a registrar of our choosing selected pursuant to the Procedure. It is ICANN's goal to protect registrants from unnecessary harm and we look forward to the full cooperation of BP Holdings during the transition process.

Please note that the expiration of BP Holdings' RAA does not relieve BP Holdings of the obligation to pay any outstanding accreditation fees, which should be paid immediately, and accreditation fees for the most recently-ended and current quarters that have not yet been invoiced. ICANN reserves the right to pursue all means available to collect these fees. 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.

You may contact me via e-mail at stacy.burnette@icann.org should you have any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Stacy Burnette". The signature is fluid and cursive.

Stacy Burnette
Director
Contractual Compliance

CC: John Berryhill, Esq.

Enclosure: Customer Statement



Internet Corporation for Assigned
Names and Numbers
4676 Admiralty Way Suite 330
Marina del Rey CA 90292
USA

Voice: +1/310/823-9358
Fax: +1/310/823-8649

Customer Statement

BP Holdings Group Inc.
Michael Bahlitzanaki
26-55 29 Street
Astoria NY 11102

Statement Date: 10/08/2009

Customer Number: 136

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Apply To	Doc #	Document Type	Date	Due Date	Description	Charge	Credit	Balance
11661	11661	Standard Invoice	04/30/07	05/30/07	Quarter Ending 03/31/2007	1,132.52		\$1,132.52
13056	13056	Standard Invoice	07/25/07	08/25/07	Quarter Ending 06/30/2007	1,113.76		\$1,113.76
14345	14345	Standard Invoice	10/31/07	11/30/07	Quarter Ending 09/30/2007	1,112.71		\$1,112.71
15195	15195	Standard Invoice	11/12/07	12/12/07	Contract Year Ending 11/11/08	4,000.00		\$4,000.00
15460	15460	Standard Invoice	01/31/08	03/04/08	Quarter Ending 12/31/2007	1,099.99		\$1,099.99
16754	16754	Standard Invoice	04/30/08	05/31/08	Quarter Ending 03/31/2008	1,084.73		\$1,084.73
18114	18114	Standard Invoice	07/31/08	08/31/08	Quarter Ending 06/30/2008	1,070.82		\$1,070.82
19491	19491	Standard Invoice	10/31/08	11/30/08	Quarter Ending 09/30/2008	1,076.03		\$1,076.03
20410	20410	Standard Invoice	11/17/08	12/17/08	Contract Year Ending November 2009	4,000.00		\$4,000.00
20694	20694	Standard Invoice	01/31/09	03/05/09	Quarter Ending 12/31/2008	1,076.22		\$1,076.22
21965	21965	Standard Invoice	04/30/09	05/31/09	Quarter Ending 03/31/2009	1,073.82		\$1,073.82
23449	23449	Standard Invoice	07/31/09	08/31/09	Quarter Ending 06/30/2009	1,076.02		\$1,076.02

Due after 10/8/2009	Up to 30 Days Past Due	30 to 60 Days Past Due	60 to 90 Days Past Due	Over 90 Days Past Due	Total Due
0.00	0.00	1,076.02	0.00	17,840.60	\$18,916.62