

1 Jeffrey A. LeVee (State Bar No. 125863)
jlevee@jonesday.com
2 Samantha S. Eisner (State Bar No. 230344)
seisner@jonesday.com
3 JONES DAY
555 South Flower Street
4 Fiftieth Floor
Los Angeles, CA 90071-2300
5 Telephone: (213) 489-3939
Facsimile: (213) 243-2539
6

7 Attorneys for Plaintiff
The Internet Corporation for Assigned Names
and Numbers
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 The Internet Corporation for Assigned
Names and Numbers,
13
14 Plaintiff,
15
16 v.
RegisterFly.Com, Inc., and
UnifiedNames, Inc.,
17
18 Defendants.

Case No. CV 07-2089 R (PLAx)

**REVISED [PROPOSED]
TEMPORARY RESTRAINING
ORDER**

Date: TBD
Time: TBD
Judge: Hon. Manuel L. Real

1 **[PROPOSED] ORDER**

2 Based on the Complaint filed herein, the *Ex Parte* Application for Temporary
3 Restraining Order, the Memorandum filed in Support of the Application, the
4 Declarations in Support of the Application and Supplement to Plaintiff ICANN's
5 Application for Temporary Restraining Order,

6 IT IS HEREBY ORDERED THAT:

7 The Application of Plaintiff Internet Corporation for Assigned Names and
8 Numbers ("ICANN") for Temporary Restraining Order is hereby GRANTED.

9 IT IS FURTHER ORDERED THAT:

10 1. Defendants RegisterFly.Com, Inc., and UnifiedNames, Inc., and all of
11 their officers, directors, agents, or representatives (collectively referred to as
12 "RegisterFly"), and all persons or entities in active concert with or under common
13 control by or with the above listed, are hereby directed *immediately*, in accordance
14 with Sections 3.4 and 3.6 of the Registrar Accreditation Agreement ("RAA")
15 between ICANN and RegisterFly, to provide ICANN with a complete copy of all
16 registrant data for all Internet domain names that RegisterFly services as an
17 ICANN-accredited Registrar, including the registration data for the equitable
18 registrants of those domain names currently identified as registered by a proxy
19 registration service, such as "ProtectFly" (the "Data"). In providing ICANN with
20 this Data, RegisterFly is enjoined and restrained from altering or destroying any of
21 the Data prior to making the copy. RegisterFly is further directed to provide
22 ICANN a complete and current update of the Data on a recurring weekly (once
23 every seven days) basis.

24 2. The Data referred to within this order, must include the following
25 information, as required under sections 3.2, 3.3, and 3.4 of the RAA:

- 26
- 27 • the Registered Name;
 - 28 • the names of the primary nameserver and secondary
nameserver(s) for the Registered Name;

- 1 • the identity of the registrar (which may be provided through
- 2 registrar's website);
- 3 • the original creation date of the registration;
- 4 • the expiration date of the registration;
- 5 • the name and postal address of the Registered Name Holder;
- 6 • the name, postal address, e-mail address, voice telephone
- 7 number, and (where available) fax number of the technical
- 8 contact for the Registered Name;
- 9 • the name, postal address, e-mail address, voice telephone
- 10 number, and (where available) fax number of the administrative
- 11 contact for the Registered Name;
- 12 • the name and (where available) postal address, e-mail address,
- 13 voice telephone number, and fax number of the billing contact;
- 14 • any other Registry Data that the registrar has submitted to the
- 15 registry operator or placed in the registry database.

16 For the registration data for the equitable registrants of those domain
17 names currently identified as registered by a proxy registration service, such as
18 "ProtectFly", the Data referred to in this Order must include all of the information
19 specified above, however all of the name, address, contact and billing information
20 must reflect data as it relates to the equitable registrant, as opposed to the registered
21 proxy service.

22 3. An electronic copy of the registration data for the equitable registrants of
23 those domain names currently identified as registered by a proxy registration
24 service such as "ProtectFly" must be submitted to ICANN immediately upon entry
25 of this Order, and must be made in accordance with the procedures specified herein.

26 4. The Data referred to in this Order must be current, complete and reflect
27 all registration transfers.

1 5. The Data referred to in this Order must be submitted to ICANN's secured
2 file transfer protocol ("SFTP") server as earlier agreed to by RegisterFly.

3 6. RegisterFly is required to perform a MD5 algorithm over each
4 transmission of Data prior to submission to ICANN and to provide ICANN with
5 that MD5 algorithm result with the Data file.

6 7. RegisterFly must provide the Data referred to in this Order in a consistent
7 .csv file format, in accordance with RFC 4180. If RegisterFly is unable to perform
8 .csv exports to create the Data file, RegisterFly must, within 48 hours of the entry
9 of this order, (1) provide ICANN notice that it cannot perform the required export;
10 (2) complete discussions with ICANN staff to agree upon an acceptable
11 standardized file format; and (3) utilize the negotiated standardized file format for
12 all Data submissions.

13 8. RegisterFly, and all persons or entities in active concert with or under
14 common control, are enjoined immediately from taking any actions to interfere with
15 ICANN's rights to inspect and audit all of RegisterFly's registration Data under
16 Section 3.4.3. RegisterFly must make its books and records, including the Data,
17 immediately available for audit by ICANN.

18 9. RegisterFly, and all persons or entities in active concert with or under
19 common control, are enjoined immediately from taking any actions to interfere with
20 ICANN's rights under the RAA, including, but not limited to, ICANN's right to use
21 the Data in order to protect the domain names of RegisterFly's customers.

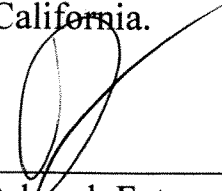
22 IT IS SO ORDERED.

23
24 Dated: April __, 2007

25
26

The Honorable Manuel L. Real
United States District Court Judge

Executed on April 11, 2007, at Los Angeles, California.



Deborah Futrowsky

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28