



The Internet Corporation for Assigned Names and Numbers

19 August 2013

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

Moshe Fogel  
Gal Communication (CommuniGal) Ltd. (IANA ID# 418)  
2 Habonim St.,  
Netanya 42504  
Israel

E-mail: [icann@galcomm.com](mailto:icann@galcomm.com)  
Fax Number: +972 9 885 0583

**RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT**

Dear Mr. Fogel,

Please be advised that as of 19 August 2013, Gal Communication (CommuniGal) Ltd. ("Gal Comm") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 3 March 2010. These breaches result from:

- Failure to communicate the implementation date for a UDRP panel decision to the parties, the dispute resolution provider and ICANN, pursuant to Paragraph 16(a) of the UDRP Rules;
- Failure to implement a UDRP panel decision, pursuant to Paragraph 4k of the UDRP; and
- Failure to maintain and make available to ICANN registration records relating to dealings with the Registered Name Holder, pursuant to Sections 3.4.2 and 3.4.3 of the RAA.

In addition, Gal Comm has been deemed noncompliant in the following area:

- Failure to pay past due accreditation fees, pursuant to Section 3.9 of the RAA; and



Moshe Fogel  
Gal Communication (CommuniGal) Ltd.  
Page 2 of 6

- Failure to display a link to ICANN's Registrant Rights and Responsibilities webpage on Gal Comm's website, as required by Section 3.15 of the RAA.

Please refer to the attachment for details regarding these breaches.

ICANN requests that Gal Comm cure these breaches by 10 September 2013, 15 working days from the date of this letter, by taking the following actions:

1. Provide ICANN with the registration data and written communications concerning the domain name <homedpeot.com> for the period 1 March 2013 to present;
2. Pay all past due accreditation fees in the amount of \$4,228.34. Please see the enclosed customer statement for details; and
3. Clearly display a link to ICANN's Registrant Rights and Responsibilities webpage on Gal Comm's website.

If Gal Comm fails to timely cure these breaches and provide the information requested by 10 September 2013, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Owen Smigelski at [owen.smigelski@icann.org](mailto:owen.smigelski@icann.org)

Sincerely,

A handwritten signature in blue ink, appearing to read "Maguy Serad".

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



Moshe Fogel  
Gal Communication (CommuniGal) Ltd.  
Page 3 of 6

## ATTACHMENT

### 1. Failure to Communicate the Implementation Date for a UDRP Panel Decision

Rule 16(a) requires registrars to, “immediately communicate to each Party, the Provider and ICANN the date for the implementation of the decision in accordance with the Policy.” This rule places an affirmative obligation on registrars to communicate how they intend to implement UDRP panel decisions in every case.

After repeated requests from ICANN, Gal Comm failed to provide records demonstrating that it communicated to each party, the dispute resolution provider, and ICANN the date for the implementation of the panel decision regarding the domain name <homedpeot.com >. Gal Comm’s failure to demonstrate compliance constitutes a breach of Paragraph 16(a) of the UDRP Rules.

### 2. Failure to Implement a UDRP Panel Decision

Paragraph 4(k) of the UDRP requires registrars to implement a UDRP decision unless it receives official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) within ten business days, after the Provider rendered the decision, that the respondent has commenced a lawsuit against the complainant. The respondent must have commenced the lawsuit in a jurisdiction to which the complainant has submitted under UDRP provision 3(b)(xiii) of the Rules of Procedure.

Absent timely receipt of documentation that the respondent commenced a lawsuit against the complainant, Gal Comm had an obligation to implement the panel decision in the UDRP matter concerning the domain name <homedpeot.com>. As of the date of this notice, Gal Comm did not implement the panel decision, and instead allowed the domain to be deleted. The domain was subsequently re-registered and transferred to another registrar. Therefore, Gal Comm is in violation of Paragraph 4(k) of the UDRP.

### 3. Failure to Retain Registered Name Holder and Registration Data and Failure to Make Such Data Available for Inspection and Copying

Section 3.4 of the RAA requires registrars to maintain Registered Name Holder and registration data and make those records available to ICANN upon reasonable notice. ICANN requested that Gal Comm provide copies of registration data and written communications concerning the domain name <homedpeot.com>. Gal Comm’s repeated



Moshe Fogel  
Gal Communication (CommuniGal) Ltd.  
Page 4 of 6

failure to provide ICANN with the requested information constitutes a breach of Sections 3.4.2 and 3.4.3 of the RAA.

#### 4. Failure to Pay Accreditation Fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Gal Comm currently owes ICANN \$4,228.34 in past due accreditation fees.

Gal Comm failed to comply with its obligation to timely pay accreditation fees and this failure constitutes a breach of Section 3.9 of the RAA.

#### Chronology:

Date of Notice	Deadline for Response	Details
28-Jun-13	08-Jul-13	ICANN sent first compliance notice via e-mail to <a href="mailto:icann@galcomm.com">icann@galcomm.com</a> . Registrar did not respond. Decision not implemented.
08-Jul-13	15-Jul-13	ICANN sent second compliance notice via e-mail to <a href="mailto:icann@galcomm.com">icann@galcomm.com</a> . Registrar did not respond. Decision not implemented.
12-Jul-13	N/A	ICANN attempted to call registrar at 972-9-8850558. Unable to reach registrar. No answer.
18-Jul-13	N/A	ICANN contacted UDRP contact Moshe Fogel at 972-9-8850558. Mr. Fogel stated he would respond in the next day or so, and requested that ICANN resend second compliance notice to his personal e-mail <a href="mailto:moshef@galcomm.com">moshef@galcomm.com</a> .



Moshe Fogel  
Gal Communication (CommuniGal) Ltd.  
Page 5 of 6

Date of Notice	Deadline for Response	Details
18-Jul-13	25-Jul-13	ICANN re-sent second compliance notice to <a href="mailto:moshef@galcomm.com">moshef@galcomm.com</a> . Registrar did not respond. No decision implemented.
24-Jul-13	N/A	ICANN contact UDRP contact Moshe Fogel at 972-9-8850558. He said someone should have responded, and that he will send a response soon.
01-Aug-13	08-Aug-13	ICANN sent third compliance notice via e-mail to <a href="mailto:icann@galcomm.com">icann@galcomm.com</a> .
01-Aug-13	N/A	ICANN sent third compliance notice to registrar via fax at 972-9-8850583. Fax successful.
02-Aug-13	N/A	Registrar responded stating there was a Whois inaccuracy case that was handled which resulted in cancellation of the domain <b>&lt;homedpeot.com&gt;</b> although there was an active UDRP case pending. The domain was deleted and then re-registered through another registrar. No registration data and records provided.



Moshe Fogel  
Gal Communication (CommuniGal) Ltd.  
Page 6 of 6

<b>Date of Notice</b>	<b>Deadline for Response</b>	<b>Details</b>
07-Aug-13	N/A	ICANN called registrar at 972-9-8850558. Left a message for registrar to provide ICANN with documents requested in the third notice.