



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL, AND COURIER

13 September 2013

Chris Jeske  
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**RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT AND  
NOTICE OF SUSPENSION OF REGISTRAR'S ABILITY TO CREATE NEW  
REGISTERED NAMES OR INITIATE INBOUND TRANSFERS OF REGISTERED  
NAMES**

Dear Mr. Jeske:

Please be advised that as of 13 September 2013, Cheapies.com Inc. ("Cheapies.com") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 15 February 2011 ("RAA"). These breaches result from:

- Cheapies.com's failure to provide the Registered Name Holder ("RNH") of <ebookvortex.com> with the mandatory Standardized Form of Authorization ("FOA") at least 24 hours after receiving the transfer request from the Registry Operator.

Please refer to the attachment for details regarding this breach. In addition, Cheapies.com has been deemed noncompliant in the following areas:

- Cheapies.com's failure to display a link to ICANN's Registrant Rights and

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Responsibilities webpage on Cheapies.com's website, as required by Section 3.15 of the RAA.

#### Additional Consideration

A fax sent to Cheapies.com during the compliance process by ICANN was unsuccessful. The Primary Contact information in RADAR appears to be the same that was used in ICANN's 11 January 2013 Notice of Breach that was returned as "undeliverable" by the courier.

ICANN requests that Cheapies.com cure the breaches by 4 October 2013, 15 working days from the date of this letter, by taking the following actions:

1. Demonstrate to ICANN that Cheapies.com has remediated its systems to comply with the Intra-Registrar Transfer Policy ("IRTP"), specifically the FOA requirements of Section 3;
2. Display a link to ICANN's Registrant Rights and Responsibilities webpage on Cheapies.com's website, and on all websites on which Cheapies.com offers registration services, as required by Section 3.15 of the RAA; and
3. Provide ICANN with a primary contact update form duly completed and signed.

#### **Suspension of Registrar's Ability to Create New Registered Names or Initiate Inbound Transfers of Registered Names**

ICANN sent Cheapies.com Notices of Breach on 11 January 2013 and 18 January 2013. The current breach is the third breach for Cheapies.com within a twelve-month period. Accordingly, Cheapies.com's ability to create new Registered Names or initiate inbound transfers of Registered Names is suspended for 90 days pursuant to Section 2.1 of the RAA.

The suspension is effective 18:00:00 (UTC/GMT) 4 October 2013 through 18:00:00 (UTC/GMT) 2 January 2014, or longer if Cheapies.com has not demonstrated compliance on or before 2 January 2014. Consistent with Section 2.1 of the RAA, during the suspension period, Cheapies.com must not:

1. Create new Registered Names for any Top Level Domain ("TLD"); or



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2. Initiate or accept inbound transfers of Registered Names for any TLD.

The three breaches were primarily for (1) the failure of Cheapies.com to timely provide ICANN with copies of documents and information and (2) the failure of Cheapies.com to timely provide RNHs with access and information to manage their domain names.

ICANN also considered that during the complaint process, (1) Cheapies.com does not respond to ICANN inquiries until the deadline of third compliance notices, (2) ICANN staff is not able to contact Cheapies.com via telephone during business hours, and (3) Cheapies.com does not return voice messages left by ICANN staff.

To demonstrate compliance, Cheapies.com must provide ICANN with:

1. The root-cause of the failure(s);
2. Any short-term, corrective actions to address the failure's root cause; and
3. Any long-term, preventative actions to ensure that the failure(s) do not reoccur.

Cheapies.com must demonstrate compliance by 18 December 2013, fifteen days before the scheduled suspension period ends. Failure to demonstrate compliance by 18 December 2013 may result in RAA termination and an extension of Cheapies.com's suspension pending final termination.

#### **Notice on Cheapies.com's Website**

During the suspension period, Cheapies.com must prominently display the following on its website on all pages where Registrar Services, as defined by the RAA, are offered:

**No new registrations or inbound transfers will be accepted from 4 October 2013 through 2 January 2014.**



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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 "M Serad".

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary  
VeriSign (.com, .net)  
Neustar (.biz)  
PIR (.org)  
Afilias (.info)



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### Attachment

#### Failure to Provide the FOA to the Registered Name Holder

Section 3 of the IRTP states that the FOA should be sent by the Registrar of Record to the RNH as soon as operationally possible, but must be sent not later than 24 hours after receiving the transfer request from the Registry Operator.

As detailed in the chronology below, ICANN sent multiple notices to Cheapies.com requesting that it provide copies of written communications with the RNH of the domain name <ebookvortex.com>. In response to the third compliance notice, Cheapies.com stated that no FOA was ever sent to the RNH.

#### Chronology:

Date of Notice	Deadline for Response	Details
16-Jul-13	23-Jul-13	ICANN sent first compliance notice via email to <a href="mailto:chris@cheapies.com">chris@cheapies.com</a> . Registrar did not respond.
24-Jul-13	31-Jul-13	ICANN sent second compliance notice via email to <a href="mailto:chris@cheapies.com">chris@cheapies.com</a> . Registrar did not respond.
25-Jul-13	N/A	ICANN called registrar at +1-866-707-7633. Left a detailed voicemail. Registrar did not respond.
1-Aug-13	8-Aug-13	ICANN sent third compliance notice via email to <a href="mailto:chris@cheapies.com">chris@cheapies.com</a> and attempted to send it via fax to +1-905-668-5080. Fax unsuccessful.



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<b>Date of Notice</b>	<b>Deadline for Response</b>	<b>Details</b>
5-Aug-13	N/A	ICANN called registrar at +1-866-707-7633. Left a detailed voicemail. Registrar did not respond.
8-Aug-13	N/A	Registrar responded to ICANN's third compliance notice stating that the <i>AuthInfo</i> code had been sent to the RNH, but attached no documentation to its response.
14-Aug-13	21-Aug-13	ICANN sent a follow-up to third compliance notice requesting a copy of the email sent to the RNH containing the <i>AuthInfo</i> code and a copy of the FOA.
20-Aug-13	N/A	Registrar responded to ICANN follow-up to the third notice and provided system logs of the <i>AuthInfo</i> code retrieval. Registrar stated that no FOA was ever sent to the RNH.