



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL, AND COURIER

11 September 2013

Matthew McClure
Register.com, Inc. (IANA ID# 9)
12808 Gran Bay Parkway West
Jacksonville FL 32258

Fax: +1 904 880 0350
Email: legal@register.com

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. McClure:

Please be advised that as of 11 September 2013, Register.com, Inc. ("Register.com") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 28 September 2009. These breaches result from:

1. Register.com's failure to maintain registration data and records, as required by Section 3.4.2 of the RAA;
2. Register.com's failure to make registration data and records available to ICANN upon reasonable notice, as required by Section 3.4.3 of the RAA; and
3. Register.com's failure to enter into registration agreements with Registered Name Holders of domain names as required by Section 3.7.7 of the RAA, or alternatively, explain how the domains are used for the purposes of Registrar Services, as defined by Section 1.11 of the RAA.

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

- Register.com's failure to display a link to ICANN's Registrant Rights and Responsibilities webpage on Register.com's website, as required by Section 3.15 of the RAA; and

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- Register.com failure to resolve the issues identified in the 3 June 2013 review by Iron Mountain of Register.com's Registrar Data Escrow ("RDE"), after multiple inquiries by Iron Mountain and ICANN, as required by Section 3.6 of the RAA.

ICANN requests that Register.com cure the breaches by 2 October 2013, 15 working days from the date of this letter, by taking the following actions:

1. Provide copies of all records identified in Sections 3.4.2.1, 3.4.2.2, and 3.4.2.3 of the RAA, since 11 September 2010, for the domains <000123.net>, <0011pp.com>, <00h4.com>, <010fang.net>, <01rabota.com>, <02071988.com>, and <020tong.com>, pursuant to Section 3.4.3 of the RAA;
2. Provide a detailed explanation to ICANN how 62,232 domains in which Register.com itself is the registrant are used for the purposes of Registrar Services, as defined by Section 1.11 of the RAA;
3. Display a link to ICANN's Registrant Rights and Responsibilities webpage on Register.com's website (and on all websites on which Register.com offers registration services), as required by Section 3.15 of the RAA; and
4. Resolve all outstanding issues identified in the 3 June 2013 review by Iron Mountain of Register.com's RDE, as required by Section 3.6 of the RAA.

If Register.com fails to timely cure these breaches and provide the information requested by 2 October 2013, ICANN may commence the RAA termination process.



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If you have questions or require assistance, please contact Owen Smigelski at owen.smigelski@icann.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "MSerad", is written in a cursive style.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



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ATTACHMENT

Failure to Make Records Relating to Registered Name Holders Available to ICANN

Sections 3.4.2 and 3.4.3 of the RAA requires Register.com to maintain registration data and records relating to its dealings with Registered Name Holders and with Registry Operator(s) for every domain name under its management and to make these records and data available to ICANN upon reasonable notice.

As detailed in the chronology below, ICANN sent multiple notices to Register.com requesting registration data and records for the domain names <000123.net>, <0011pp.com>, <00h4.com>, <010fang.net>, <01rabota.com>, <02071988.com>, and <020tong.com>. To date, Register.com has not provided these documents.

Failure to Enter into Registration Agreement with Registered Name Holders

Section 3.7.7 of the RAA requires Register.com to enter into a registration agreement with all Registered Name Holders for domains under Register.com's management, except those domains used for the purposes of Registrar Services. Section 1.11 of the RAA defines Registrar Services as "services provided by a registrar in connection with a TLD as to which it has an agreement with the TLD's Registry Operator, and includes contracting with Registered Name Holders, collecting registration data about the Registered Name Holders, and submitting registration information for entry in the Registry Database."

Register.com identified 62,232 domains that have Register.com as the registrant. As detailed in the chronology below, ICANN sent three notices (and multiple follow-up notices) requesting information how the 62,232 domains are used for the purposes of Registrar Services as defined by Section 1.11 of the RAA. Register.com and ICANN held a conference call to discuss this matter. To date, Register.com has not provided any information regarding this request.



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Chronology:

Date of Notice	Deadline for Response	Details
21 June 2013	28 June 2013	ICANN sent 1 st compliance notice via e-mail to legal@register.com . Registrar responded on 26 June 2013 requesting extension.
02 July 2013	08 July 2013	ICANN sent follow-up to 1 st compliance notice via e-mail to tiam@web.com . Registrar responded on 8 July 2013 requesting reasoning behind the requested information.
22 July 2013	29 July 2013	ICANN responded to 8 July 2013 email from registrar with a follow-up to 1 st compliance notice via e-mail to legal@register.com , tiam@web.com , and jstandiford@web.com . Registrar responded on 22 July 2013 requesting an extension of 16 August 2013. Registrar then responded again on 22 July 2013 requesting a conference call.
23 July 2013	N/A	ICANN sent follow-up to 1 st compliance notice via e-mail to legal@register.com , tiam@web.com , and jstandiford@web.com . Registrar responded on 23 July 2013 confirming conference call for 29 July 2013 at 4PM EDT.
29 July 2013	N/A	ICANN and representatives for registrar conducted a teleconference to discuss outstanding issues and a mutually agreed upon date for registrar's response.



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Date of Notice	Deadline for Response	Details
29 July 2013	02 August 2013	ICANN sent follow-up to 1 st compliance notice via e-mail to legal@register.com , tlam@web.com , jstandiford@web.com , jtenenbaum@web.com , and dmodlesky@web.com with notes from conference call, including mutually agreed upon date for registrar's response. Registrar responded on 2 August 2013 requesting an additional extension.
02 August 2013	07 August 2013	ICANN sent follow-up to 1 st compliance notice via e-mail to jstandiford@web.com . Registrar responded on 7 August 2013 with incomplete answers to follow-up to 1 st compliance notice.
19 August 2013	26 August 2013	ICANN sent 2 nd compliance notice via e-mail to jstandiford@web.com . Registrar did not respond.
27 August 2013	N/A	ICANN called registrar at +1-904-680-6919. Left a detailed voice-mail. Registrar responded leaving voice-mail.
27 August 2013	4 September 2013	ICANN sent 3rd compliance notice via e-mail to jstandiford@web.com and sent it via fax to +1-904-880-0350. Fax successful.
28 August 2013	N/A	ICANN received call from Registrar acknowledging receipt of 3rd compliance notice.
5 September 2013	N/A	ICANN called registrar at +1-904-680-6919. Left a detailed voice-mail. Registrar did not respond.