



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER SERVICE

19 November 2009

Mr. Adam Dicker  
Domain Jingles, Inc. – IANA ID 834  
9251-8 Yonge Street, Suite 413  
Richmond Hill Ontario L4C-9T3  
Canada

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

Dear Mr. Dicker:

Be advised that as of 19 November 2009, Domain Jingles, Inc. ("Domain Jingles") 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 Domain Jingles' 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 working web-based and port 43 Whois services pursuant to Section 3.3 of the RAA.

Section 5.4 of the RAA provides that upon the expiration of the Domain Jingles RAA, Domain Jingles may apply for and shall be entitled to renewed accreditation, if Domain Jingles is in compliance with its obligations under the RAA. Based on Domain Jingles' failure to comply with Sections 3.6, 3.9 and 3.3 of the RAA, ICANN does not intend to renew the Domain Jingles' accreditation upon the expiration of its RAA on 6 December 2009.

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

Section 3.6 of the RAA requires Domain Jingles, "on a schedule, under the terms, and in the format specified by ICANN" to "submit an electronic copy of the database described 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 Domain Jingles on 11 January 2008, 10 April 2008, 1 May 2008, and 26 September 2008 of Domain Jingles' obligation to begin escrowing certain enumerated gTLD registration data no later than 20 March 2008 (which was extended to 31 October 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>. To date, no deposits have been made in furtherance of Domain Jingles' escrow obligation.

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Domain Jingles' 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. Domain Jingles currently owes ICANN \$31,885.32 in past due accreditation fees. Notices regarding Domain Jingles' past due accreditation fees, including detailed customer statements, were transmitted to you several times in relation to each of the invoices listed below.

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 \$30,748.22 in past due accreditation fees. Domain Jingles failed to cure this breach in the time period allowed by the RAA.

Domain Jingles' failure to make timely payments on invoice numbers 5231, 5648, 6043, 6954, 7918, 8918, 9524, 10175, 11089, 12014, 13408, 14698, 15251, 15818, 17113, 18479, 19858, 20469, 21083, 22331 and 23821, all of which are over 90 days past due, constitutes numerous independent breaches of Section 3.9 of the RAA. A copy of Domain Jingles' 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 Domain Jingles to "provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., 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;



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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.

On 24 September 2009, ICANN informed you by electronic mail and facsimile that Domain Jingles' Whois service was not compliant with RAA requirements. Specifically, your registrar's Whois service did not provide any Whois data when ICANN staff attempted to access Whois data regarding domain names sponsored by Domain Jingles. You were requested to correct this contract violation immediately and report back to ICANN staff when the violation was corrected. ICANN staff never received a response from you or anyone representing Domain Jingles regarding this matter. On 16 October 2009, ICANN staff checked Domain Jingles' web-based and port 43 Whois service and found it remains noncompliant with the requirements of Section 3.3 of the RAA.

Domain Jingles' failure to provide working web-based and port 43 Whois services constitutes a breach of Section 3.3 of the RAA.

#### 4. Conclusion

ICANN previously notified you on 17 September 2009 via electronic mail of the breaches described above. Additionally, ICANN notified Domain Jingles via facsimile and courier on 6 October 2009 that if the breaches described above were not cured by 6 November 2009, your registrar would be ineligible to renew its accreditation. Accordingly, because these breaches have not been cured, the RAA will expire and ICANN will not renew Domain Jingles' accreditation.

Due to the impending expiration of Domain Jingles' RAA and ICANN's non-renewal of Domain Jingles' 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 Domain Jingles, 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 Domain Jingles propose a bulk transfer recipient within seven days from the date of this letter. Please contact ICANN's Registrar Liaison Manager Mike Zupke at [mike.zupke@icann.org](mailto:mike.zupke@icann.org), to designate a proposed bulk transfer recipient. If ICANN does not approve your proposed bulk transfer recipient, the relevant registries may have no choice but to begin deleting domain names upon their expiration.

Kindly note, however, that your designation of a bulk transfer recipient does not prejudice



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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 Domain Jingles during the transition process.

The expiration of Domain Jingles' RAA does not relieve Domain Jingles 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](mailto: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 written in a cursive, flowing style.

Stacy Burnette  
Director  
Contractual Compliance  
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Enclosure: Customer Statement