



## The Internet Corporation for Assigned Names and Numbers

27 March 2007

Via Facsimile

RegisterFly.com, Inc.  
960 Arthur Godfrey Road  
Suite 402  
Miami Beach, FL 33140  
Attn: Kevin Medina, CEO

Re: RegisterFly's Failure to Provide Data and Further Notice of Termination

Dear Mr. Medina:

Your time is up. ICANN will no longer tolerate RegisterFly's refusals to comply with its Registrar Accreditation Agreement ("RAA").

After having conducted a technical review of the data that RegisterFly provided to ICANN on Friday, 23 March 2007, we find it quite suspect that the data, with the file name of regfly\_escrow.csv, is the exact same data that RegisterFly sent to and was received by ICANN on 5 March 2007. The data in both files appear to have been created on or about 27 February 2007. If this was an error, please take due care to respond to all such requests as compelled under the Registrar Accreditation Agreement ("RAA") with the correct level of diligence to ensure that the information is useful. If you intentionally provided the same files, we see this as a clear indication that RegisterFly is acting intentionally to delay ICANN's exercise of its rights under the RAA. ICANN demands that RegisterFly fully comply with its obligations.

To reiterate, it appears that the information that RegisterFly provided to ICANN a few days ago was created on or about 27 February 2007, and is now four weeks old. We are aware of significant changes that have occurred during those four weeks relating to this registration data, and those changes are not reflected in the data that RegisterFly supplied this past Friday.

Accordingly, we hereby demand that RegisterFly immediately send to ICANN via electronic means (and additionally via a DVD for delivery tomorrow morning at ICANN's offices located at 4676 Admiralty Way, Suite 330, Marina del Rey, California 90292), all of RegisterFly's current, complete and correct data. We further demand that RegisterFly provide updates to that data every 48 hours thereafter, for as long as it maintains any records associated with its failed accreditation.

As you know, we have revoked RegisterFly's accreditation effective 31 March 2007. As you also know this data is necessary for us to take action to bulk transfer RegisterFly's



registrations, with as little disruption to the registrants as possible, when termination of RegisterFly's accreditation becomes final. As stated many times before, RegisterFly is required to fully cooperate with that transfer.

Given RegisterFly's failure to provide current and complete data, you are also now on notice that RegisterFly has failed to cure its continued breaches of the RAA identified in ICANN's March 2, 2007 "Second Notice of Breach and Notice to File Suit" (the "March 2 Notice"). In accordance with sections 5.3 and 5.3.4 of the RAA, ICANN hereby gives RegisterFly notice of further formal notice of termination and that the impending termination of the RAA is based, in part, on RegisterFly's failure to cure these continuing breaches.

In totality, it is clear that RegisterFly is providing a disservice to the many registrants that have trusted you to provide domain name registration services. You are also disrupting other DNS service providers and causing harm throughout the industry (in particular negatively impacting ICANN and the registries which are required under their agreements with ICANN to provide you service). Despite all of this, you have elected to ignore our demand that you remove ICANN Trademarks from your website. Failure to remove those Trademarks is inexcusable and against the law. You must remedy this immediately.

Very truly yours,

A handwritten signature in black ink, appearing to read "John O. Jeffrey", with a long horizontal flourish extending to the right.

John O. Jeffrey  
General Counsel

cc: Mr. Kurt Pritz  
Amy A. Stathos, Esq.  
Jeffrey A. LeVee, Esq.  
Harold Rabner, Esq.  
Mitchell Novick, Esq.