



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL AND COURIER

19 November 2010

Mr. Sarju Gurung
Best Bulk Register, Inc. (IANA ID 1092)
8 Station Way
Los Gators, California 95030

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Gurung:

Please be advised that as of 19 November 2010, Best Bulk Register, Inc. ("Best Bulk Register") is in breach of the Registrar Accreditation Agreement between the Internet Corporation for Assigned Names and Numbers ("ICANN") and Best Bulk Register ("RAA"). These breaches result from Best Bulk Register's failure to: 1) provide an interactive web page and public access to data on registered names, pursuant to Section 3.3 of the RAA; and 2) to pay accreditation fees to ICANN, pursuant to Section 3.9 of the RAA. Should Best Bulk Register fail to cure these breaches within 15 working days, ICANN may commence the termination process as set forth in Section 5.3.4 of the RAA.

Failure to Provide Public Access to Data on Registered Names Pursuant to Section 3.3

Section 3.3 of the RAA requires Best Bulk Register 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. The data accessible shall consist of elements that are designated from time to time according to an ICANN adopted specification or policy. Until ICANN otherwise specifies by means of an ICANN adopted specification or policy, this data shall consist of the following elements as contained in Registrar's database:

3.3.1.1 The name of the Registered Name;

Brussels
Sydney
Washington, DC
Marina del Rey

6 Rond Point Schuman, Bl. 5
Level 2, 48 Hunter Street
1875 I Street, NW, 5th Floor
4676 Admiralty Way, Suite 330

B-1040 Brussels
Sydney NSW 2000
Washington, DC 20006
Marina del Rey, CA 90292

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T +32 2 234 7870
T +61 2 8236 7900
T +1 202 429 2704
T +1 310 823 9358

F +32 2 234 7848
F +61 2 8236 7913
F +1 202 429 2714
F +1 310 823 8649

<http://icann.org>



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;

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.”

Best Bulk Register failed to comply with its obligation pursuant to Section 3.3 of the RAA by not providing consistent public access to data on registered names.

ICANN provided notice to Best Bulk Register on 30 September 2010 of the unavailability of public access to data on registered names. More recently, ICANN notified Best Bulk Register on 4, 13 and 19 October 2010 of its failure to provide a functional web page, web-based and port 43 Whois services. ICANN attempted to access Best Bulk Register's web-based and port 43 Whois services several times over the past eight weeks, including an attempt today. ICANN's attempts have been unsuccessful. Best Bulk Register's failure to provide an interactive web page, web-based and port 43 Whois services is a violation of Section 3.3 of the RAA.

Failure to Pay Accreditation Fees Pursuant to Section 3.9

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Best Bulk Register currently owes ICANN \$9,910.40 in current and past due accreditation fees. Notices regarding Best Bulk Register's past due accreditation fees, including detailed customer statements, were transmitted to you on 23 April 2010, 29 June 2010 and 24 August 2010.

Best Bulk Register's failure to make timely payment on invoice numbers 21738, 29098, 29970, 30478, 32459, all of which are over 30 days past due, constitutes numerous breaches of Section 3.9 of the RAA. A copy of Best Bulk Register's most recent customer statement is enclosed.



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As previously stated, ICANN may, pursuant to Section 5.3.4, terminate the RAA before its expiration if a registrar fails to cure any breach of the agreement within fifteen working days after ICANN gives the registrar notice of breach. Should Best Bulk Register fail to cure the breaches cited herein by 10 December 2010, ICANN may commence the termination process.

Other ICANN Concerns – Failure to Maintain Accurate Primary Contact Information

Pursuant to section 5.11 of the RAA, all notices to be given under the RAA by Best Bulk Register and ICANN must be given in writing at the addresses provided in the RAA, unless a change of address has been provided by the parties to the contract. This section of the RAA further provides that notices required by the RAA are deemed properly given when delivered, “in person, when sent by electronic facsimile with receipt confirmation of delivery or when scheduled for delivery by internationally recognized courier service.”

The information provided pursuant to section 5.11 of the RAA is commonly referred to as “primary contact information” by ICANN and the registrar community. It is essential that registrars maintain accurate primary contact information, as ICANN relies on that information to maintain timely communications with its contracted parties. Registrar failure to maintain accurate primary contact information undermines the basic principles of contract law and thwarts ICANN’s efforts to enforce the terms of the RAA. In September 2010, ICANN determined that Best Bulk Register’s primary contact information was not valid. Specifically, when ICANN staff attempted to send compliance inquiries to Best Bulk Register via email, ICANN received a notice that the email address was no longer valid. When ICANN attempted to send Best Bulk Register a compliance notice via postal mail, the mail was returned with note that stated, “Incorrect Address – Recipient Moved.”

To date, our records show that Best Bulk Register did not contact ICANN to update its primary contact information or respond to the compliance inquiries. We urge Best Bulk Register to update its primary contact information immediately. Nevertheless, as noted in the RAA, Best Bulk Register’s failure to maintain valid primary contact information with ICANN does not preclude ICANN’s ability to provide all required notices under the RAA.

ICANN specifically reserves the right to pursue any and all other breaches besides those enumerated above, and nothing herein shall be deemed a waiver of that right.



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Should you have questions or require assistance, please feel free to contact me at stacy.burnette@icann.org.

Very truly yours,

A handwritten signature in blue ink that reads "Stacy Burnette". The signature is written in a cursive style with a large, looping initial "S".

Stacy Burnette
Director,
Contractual Compliance