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The Internet Corporation for Assigned Names  
and Numbers

FILED  
CLERK, U.S. DISTRICT COURT  
MAY 31 2007  
CENTRAL DISTRICT OF CALIFORNIA  
BY

COPY

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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11  
12 The Internet Corporation for Assigned  
13 Names and Numbers,  
14 Plaintiff,  
15 v.  
16 RegisterFly.Com, Inc., and  
UnifiedNames, Inc.,  
17 Defendants.

Case No. CV 07-2089 R (PLAx)

~~PROPOSED~~ ORDER  
IMPOSING FURTHER CIVIL  
CONTEMPT SANCTIONS

Date: May 25, 2007  
Time: 10:00 a.m.  
Judge: Hon. Manuel L. Real

1 **[PROPOSED] ORDER**

2 On April 26, 2007, this Court issued a Preliminary Injunction (“PI”) against  
3 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. (collectively,  
4 “RegisterFly”). Though the Court had ordered RegisterFly to file, by April 20,  
5 2007, a response to an order to show cause why a preliminary injunction should not  
6 be issued against RegisterFly, RegisterFly did not file any response.

7 On May 1, 2007, plaintiff Internet Corporation for Assigned Names and  
8 Numbers (“ICANN”) filed an *Ex Parte* Application for Civil Contempt Sanctions,  
9 presenting clear and convincing evidence to this Court of RegisterFly’s failure to  
10 comply with the PI. In addition, ICANN presented this Court with evidence that it  
11 served RegisterFly with the PI. On May 9, 2007, this Court held a hearing on  
12 ICANN’s Application for Civil Contempt Sanctions. RegisterFly did not file any  
13 response to ICANN’s Application, nor did RegisterFly appear at the hearing on the  
14 Application. At the May 9, 2007 hearing, this Court granted ICANN’s Application  
15 and entered an Order Granting Civil Contempt Sanctions Against RegisterFly.  
16 Also at the May 9, 2007 hearing, the Court requested ICANN to submit a  
17 [Proposed] Order to Show Cause Regarding Further Contempt Sanctions against  
18 RegisterFly and to require the personal appearance of RegisterFly’s principal and  
19 counsel. The Court later set the Order to Show Cause Regarding Further Contempt  
20 Sanctions for hearing on May 25, 2007.

21 On the afternoon of May 24, 2007, RegisterFly filed a Response to the Order  
22 to Show Cause Re Further Contempt Sanctions, and on May 25, 2007 presented the  
23 Court and counsel for ICANN with a Declaration of Kevin Medina in Support of  
24 the Response. At the May 25, 2007 hearing, RegisterFly and Mr. Medina appeared,  
25 and the Court heard argument from counsel for ICANN and RegisterFly.

26 Based on the Complaint filed herein, the *Ex Parte* Application for Temporary  
27 Restraining Order, the Memorandum filed in Support of the Application, the  
28 Declarations in Support of the Application, Supplement to Plaintiff ICANN’s

1 Application for Temporary Restraining Order, ICANN's Briefing In Support of  
2 Preliminary Injunction, the Declaration of Jeffrey A. LeVee in Support of  
3 Preliminary Injunction, the Preliminary Injunction, the *Ex Parte* Application for  
4 Order to Civil Contempt Sanctions, the Memorandum and Declaration of Jeffrey A.  
5 LeVee filed in support of the Contempt Application, the Response of Defendants  
6 RegisterFly.Com, Inc. and UnifiedNames, Inc. to Order to Show Cause Re Further  
7 Contempt Sanctions, the Declaration of Kevin Medina In Support Of Response of  
8 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. to Order to Show Cause  
9 Re Further Contempt Sanctions, and the argument of counsel,

10 IT IS HEREBY ORDERED THAT:

11 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. are hereby found  
12 in further civil contempt for violating this Court's April 26, 2007 Preliminary  
13 Injunction.

14 IT IS FURTHER ORDERED THAT:

15 1. Within seven (7) calendar days of May 25, 2007, RegisterFly is required  
16 to provide ICANN with a copy of all data for the equitable registrants of all domain  
17 names currently identified as registered by a proxy registration service, such as  
18 "ProtectFly," as required in Paragraphs 1, 2 and 3 of the Preliminary Injunction  
19 ("PI"), attached hereto as Exhibit A.

20 The Data referred to within this Order, must include the following  
21 information, as required under sections 3.2, 3.3, and 3.4 of the RAA:

- 22 • the Registered Name;
- 23 • the names of the primary nameserver and secondary  
24 nameserver(s) for the Registered Name;
- 25 • the identity of the registrar (which may be provided through  
26 registrar's website);
- 27 • the original creation date of the registration;
- 28 • the expiration date of the registration;

- 1 • the name and postal address of the Registered Name Holder;
- 2 • the name, postal address, e-mail address, voice telephone
- 3 number, and (where available) fax number of the technical
- 4 contact for the Registered Name;
- 5 • the name, postal address, e-mail address, voice telephone
- 6 number, and (where available) fax number of the administrative
- 7 contact for the Registered Name;
- 8 • the name and (where available) postal address, e-mail address,
- 9 voice telephone number, and fax number of the billing contact;
- 10 • any other Registry Data that the registrar has submitted to the
- 11 registry operator or placed in the registry database.

12 For the registration data for the equitable registrants of those domain names  
13 currently identified as registered by a proxy registration service, such as  
14 “ProtectFly”, the Data referred to in this Order must include all of the information  
15 specified above; however, the name, address, contact and billing information must  
16 reflect data as it relates to the equitable registrant, as opposed to the registered  
17 proxy service.

18 2. Within seven (7) calendar days of May 25, 2007, RegisterFly is required  
19 to provide ICANN with the appropriate MD5 algorithm to accompany the transfer  
20 of all Data, as required in Paragraph 6 if the PI.

21 3. Within 48 hours of the Court hearing on May 25, 2007, RegisterFly is  
22 required to post a notice on its website to comply with the Paragraph 11 of the PI.  
23 The notice must be posted at <http://www.registerfly.com/> and any other website  
24 through which RegisterFly offers to register Internet domain name registrations a  
25 notice that must appear in the top third of each web page, must be in 14 point bold  
26 typeface, and must read “NOTICE TO CONSUMERS: THE INTERNET  
27 CORPORATION FOR ASSIGNED NAMES AND NUMBERS, THE NOT-FOR-  
28 PROFIT ENTITY THAT ADMINISTERS THE INTERNET’S DOMAIN NAME

1 SYSTEM, HAS ISSUED A NOTICE OF TERMINATION OF THIS  
2 COMPANY'S ACCREDITATION TO SERVE AS AN INTERNET DOMAIN  
3 NAME REGISTRAR. PLEASE SEE [www.icann.org](http://www.icann.org) FOR FURTHER  
4 INFORMATION."

5 4. RegisterFly is required to file with the Court an affidavit of posting the  
6 notice to consumers on its website.

7 5. With the exception of the notice requirement of paragraph 3 of this Order,  
8 RegisterFly is required to comply with all matters required by the PI by June 1,  
9 2007.

10 6. As a SANCTION for RegisterFly's continued refusal to comply with the  
11 PI, beginning on June 2, 2007 RegisterFly will be sanctioned in the amount of  
12 \$5,000.00 per day for every day it remains in contempt of this Court's order, and  
13 this sanction will continue until RegisterFly is in compliance with all matters  
14 required by the PI.

15 7. RegisterFly is under a continuing obligation to abide by all terms of the  
16 April 26, 2007 PI and may be subject to additional civil or criminal sanctions for  
17 any further violations thereof.

18 IT IS SO ORDERED.

19 Dated: MAY 31 2007  
20 2007

MANUEL L. REAL

21 The Honorable Manuel L. Real  
22 United States District Court Judge  
23  
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Attorneys for Plaintiff  
The Internet Corporation for Assigned Names  
and Numbers

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

The Internet Corporation for Assigned  
Names and Numbers,  
Plaintiff,  
v.  
RegisterFly.Com, Inc., and  
UnifiedNames, Inc.,  
Defendants.

Case No. CV 07-2089 R (PLAx)  
~~PROPOSED~~ PRELIMINARY  
INJUNCTION

[Brief in Support of Preliminary  
Injunction and Declaration of Jeffrey  
A. LeVee in Support of Preliminary  
Injunction concurrently filed  
herewith]

Date: April 26, 2007  
Time: 10:00 a.m.  
Judge: Hon. Manuel L. Real

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CENTRAL DISTRICT OF CALIFORNIA  
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U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
LOS ANGELES

U.S. COURTESY OFFICE OF ENTRY  
AS REQUIRED BY FRCP RULE 71(c)

1 **[PROPOSED] ORDER**

2 On April 16, 2007, this Court issued a Revised Temporary Restraining Order  
3 against Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. (collectively  
4 "RegisterFly"). The Court further ordered RegisterFly to file, by April 20, 2007, a  
5 response to an order to show cause why a preliminary injunction should not be  
6 issued against RegisterFly. RegisterFly did not file any response to the Court's  
7 order to show cause.

8 On April 24, 2007, plaintiff Internet Corporation for Assigned Names and  
9 Numbers ("ICANN") filed a memorandum in support of the preliminary injunction,  
10 in which ICANN provided evidence that RegisterFly has failed to respond to the  
11 Court's April 16, 2007 Revised Temporary Restraining Order. ICANN also  
12 provided to the Court evidence that RegisterFly's counsel has been receiving the  
13 papers that ICANN has served in this action.

14 Accordingly, based on the Complaint filed herein, the *Ex Parte* Application  
15 for Temporary Restraining Order, the Memorandum filed in Support of the  
16 Application, the Declarations in Support of the Application, Supplement to Plaintiff  
17 ICANN's Application for Temporary Restraining Order, ICANN's Briefing In  
18 Support of Preliminary Injunction, the Declaration of Jeffrey A. LeVee in Support  
19 of Preliminary Injunction, and the argument of counsel,

20 **IT IS HEREBY ORDERED THAT:**

21 The April 16, 2007 Revised Temporary Restraining Order against  
22 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. is hereby ISSUED as a  
23 Preliminary Injunction.

24 **IT IS FURTHER ORDERED THAT:**

25 1. Defendants RegisterFly.Com, Inc., and UnifiedNames, Inc. and all of  
26 their officers, directors, agents, or representatives (collectively referred to as  
27 "RegisterFly"), and all persons or entities in active concert with or under common  
28 control by or with the above listed, are hereby directed *immediately*, in accordance



1 with Sections 3.4 and 3.6 of the Registrar Accreditation Agreement ("RAA")  
2 between ICANN and RegisterFly, to provide ICANN with a complete copy of all  
3 registrant data for all Internet domain names that RegisterFly services as an  
4 ICANN-accredited Registrar, including the registration data for the equitable  
5 registrants of those domain names currently identified as registered by a proxy  
6 registration service, such as "ProtectFly" (the "Data"). To be clear, RegisterFly is  
7 required to provide a complete and accurate copy of all Data, including all  
8 registrant data identifying a proxy registration service as registrant, and separately  
9 to provide a copy of the registration data for the equitable registrants of those  
10 domain names identified as registered by a proxy registration service. In providing  
11 ICANN with this Data, RegisterFly is enjoined and restrained from altering or  
12 destroying any of the Data prior to making the copy, except for those alterations  
13 required to facilitate RegisterFly customer-requested domain name transfers.  
14 RegisterFly is further directed to provide ICANN a complete and current update of  
15 the Data on a recurring weekly (once every seven days) basis.

16 2. The Data referred to within this order, must include the following  
17 information, as required under sections 3.2, 3.3, and 3.4 of the RAA:

- 18 • the Registered Name;
- 19 • the names of the primary nameserver and secondary  
20 nameserver(s) for the Registered Name;
- 21 • the identity of the registrar (which may be provided through  
22 registrar's website);
- 23 • the original creation date of the registration;
- 24 • the expiration date of the registration;
- 25 • the name and postal address of the Registered Name Holder;
- 26 • the name, postal address, e-mail address, voice telephone  
27 number, and (where available) fax number of the technical  
28 contact for the Registered Name;

- 1 • the name, postal address, e-mail address, voice telephone
- 2 number, and (where available) fax number of the administrative
- 3 contact for the Registered Name;
- 4 • the name and (where available) postal address, e-mail address,
- 5 voice telephone number, and fax number of the billing contact;
- 6 • any other Registry Data that the registrar has submitted to the
- 7 registry operator or placed in the registry database.

8 For the registration data for the equitable registrants of those domain  
9 names currently identified as registered by a proxy registration service, such as  
10 "ProtectFly", the Data referred to in this Order must include all of the information  
11 specified above; however, the name, address, contact and billing information must  
12 reflect data as it relates to the equitable registrant, as opposed to the registered  
13 proxy service.

14 3. An electronic copy of the registration data for the equitable registrants of  
15 those domain names currently identified as registered by a proxy registration  
16 service such as "ProtectFly" must be submitted to ICANN within twenty-four hours  
17 of ICANN's service on RegisterFly of this Order, and must be made in accordance  
18 with the procedures specified herein.

19 4. The Data that RegisterFly is required to provide to ICANN as set forth in  
20 this Order must be current, complete and reflect all registration transfers up to the  
21 point of the Data transmission to ICANN.

22 5. The Data referred to in this Order must be submitted to ICANN's secured  
23 file transfer protocol ("SFTP") server as earlier agreed to by RegisterFly.

24 6. RegisterFly is required to perform a MD5 algorithm over each  
25 transmission of Data prior to submission to ICANN and to provide ICANN with  
26 that MD5 algorithm result with the Data file.

27 7. RegisterFly must provide the Data referred to in this Order in a consistent  
28 .csv file format, in accordance with RFC 4180. If RegisterFly is unable to perform

1 .csv exports to create the Data file, RegisterFly must, within 48 hours of the entry  
2 of this Order: (1) provide ICANN notice that it cannot perform the required export;  
3 (2) complete discussions with ICANN staff to agree upon an acceptable  
4 standardized file format; and (3) utilize the negotiated standardized file format for  
5 all Data submissions.

6 8. RegisterFly, and all persons or entities in active concert with or under  
7 common control, are enjoined immediately and permanently from taking any  
8 actions to interfere with ICANN's rights to inspect and audit all of RegisterFly's  
9 registration Data under Section 3.4.3. RegisterFly must make its books and  
10 records, including the Data, immediately available for audit by ICANN.

11 9. RegisterFly, and all persons or entities in active concert with or under  
12 common control, are enjoined immediately and permanently from taking any  
13 actions to interfere with ICANN's rights under the RAA, including, but not limited  
14 to, ICANN's right to use the Data in order to protect the domain names of  
15 RegisterFly's customers.

16 10. RegisterFly, and all persons or entities in active concert with or under  
17 common control, must immediately provide ICANN with identification of all  
18 physical locations where all Data referred to in this Order is located or stored.

19 11. RegisterFly must immediately post a notice on its website at  
20 <http://www.registerfly.com/> and any other website through which it offers to  
21 register Internet domain name registrations a notice that must appear in the top third  
22 of each web page, must be in 14 point bold typeface, and must read "NOTICE TO  
23 CONSUMERS: THE INTERNET CORPORATION FOR ASSIGNED NAMES  
24 AND NUMBERS, THE NOT-FOR-PROFIT ENTITY THAT ADMINISTERS  
25 THE INTERNET'S DOMAIN NAME SYSTEM, HAS ISSUED A NOTICE OF  
26 TERMINATION OF THIS COMPANY'S ACCREDITATION TO SERVE AS AN  
27 INTERNET DOMAIN NAME REGISTRAR. PLEASE SEE [www.icann.org](http://www.icann.org) FOR  
28 FURTHER INFORMATION."

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1 12. RegisterFly is immediately and permanently enjoined from performing  
2 any alterations to WHOIS data for any domain name for which RegisterFly  
3 currently serves as the registrar of record except for those alterations required to  
4 facilitate RegisterFly customer-requested domain name transfers.

5 13. ICANN is permitted immediately to take all steps necessary to preserve  
6 the domain names of all registrants for which RegisterFly serves as the registrar of  
7 record, including entering into agreements with domain name registries to prevent  
8 the deletion of current RegisterFly domain names. The Court urges all domain  
9 name registries to take whatever steps are necessary to assist ICANN in avoiding  
10 the deletion of domain names registered by RegisterFly.

11 14. Pursuant to the Registrar Accreditation Agreement ("RAA") between  
12 ICANN and RegisterFly, ICANN shall be permitted immediately to terminate  
13 RegisterFly's RAA, thereby terminating RegisterFly's ability to serve as a registrar.  
14 Should ICANN terminate the RAA, RegisterFly may continue to pursue an  
15 arbitration to seek to have its accreditation restored.

16 15. In the event ICANN terminates the RAA, except as directed by ICANN,  
17 RegisterFly shall be immediately enjoined from providing any service or function  
18 performed by registrars, including but not limited to the solicitation and/or  
19 acceptance of domain name registrations, transfers or renewals, accepting payment  
20 for domain name registrations, transfers or renewals, and altering any WHOIS data  
21 for domain names for which RegisterFly served as the registrar of record.

22 16. Upon ICANN's termination of the RAA, RegisterFly must immediately  
23 post a notice on its website at <http://www.registerfly.com/> and any other website  
24 through which it solicits Internet domain name registrations to inform customers  
25 that its ICANN accreditation has been terminated. The notice must be placed in the  
26 top third of each web page, must appear in 14 point bold typeface, and must read  
27 "NOTICE TO CONSUMERS: ICANN HAS TERMINATED THIS COMPANY'S  
28 ACCREDITATION TO SERVE AS AN INTERNET DOMAIN NAME

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REGISTRAR. THIS COMPANY MAY NOT REGISTER DOMAIN NAMES.  
PLEASE SEE [www.icann.org](http://www.icann.org) FOR MORE INFORMATION.”

17. Upon ICANN’s termination of the RAA, ICANN shall be permitted to use all Data collected for any purpose in the public interest, including but not limited to facilitating a bulk transfer of all domain names for which RegisterFly (at the time of termination) served as the registrar of record in accordance with ICANN’s Inter-Registrar Transfer Policy.

18. Upon ICANN’s termination of the RAA, RegisterFly must take any and all steps to facilitate ICANN’s bulk transfer of all domain names for which RegisterFly (at the time of termination) served as the registrar of record in accordance with ICANN’s Inter-Registrar Transfer Policy.

IT IS SO ORDERED.

Dated: April 26 2007

  
The Honorable Manuel L. Real  
United States District Court Judge

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**PROOF OF SERVICE BY OVERNIGHT DELIVERY**

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On April 24, 2007, I deposited with Federal Express, a true and correct copy of the within documents:

**[PROPOSED] PRELIMINARY INJUNCTION**

in a sealed envelope, addressed as follows:

Kevin Medina  
RegisterFly.Com, Inc.  
960 Arthur Godfrey Road, St402  
Miami Beach, FL 33140  
Email:  
[kevin@unifiednames-inc.com](mailto:kevin@unifiednames-inc.com)  
President of RegisterFly.Com,  
Inc. and Unified Names, Inc.

Mitchell Novick, Esq.  
Law Offices of Mitchell P.  
Novick  
66 Park Street  
Montclair, NJ 07042  
Email:  
[mnovick@mitchellnovick.com](mailto:mnovick@mitchellnovick.com)  
Counsel for Kevin Medina,  
Registerfly, and Unified Names

Harold Rabner, Esq.  
Rabner, Allcorn, Baumgart &  
Ben Asher, P.C.  
52 Upper Montclair Plaza  
(Upper Montclair)  
Montclair, NJ 07043  
Email:  
[hrabner@rabnerallcorn.com](mailto:hrabner@rabnerallcorn.com)  
Counsel for Kevin Medina,  
RegisterFly, and Unified Names

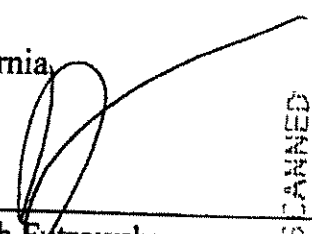
Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I have submitted a courtesy copy of the above described document via email to all parties listed above.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

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Executed on April 24, 2007, at Los Angeles, California

  
Deborah Entrowsky

SCANNED

1  
2  
3 **PROOF OF SERVICE BY OVERNIGHT DELIVERY**

4 I am a citizen of the United States and employed in Los Angeles County,  
5 California. I am over the age of eighteen years and not a party to the within-entitled  
6 action. My business address is 555 South Flower Street, Fiftieth Floor, Los  
7 Angeles, California 90071-2300. On May 30, 2007, I deposited with Federal  
8 Express, a true and correct copy of the within documents:

9 **[PROPOSED] ORDER IMPOSING FURTHER  
10 CIVIL CONTEMPT SANCTIONS**

11 in a sealed envelope, addressed as follows:

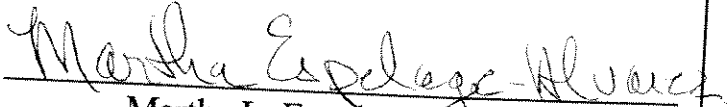
12 Heather L. McCloskey, Esq.  
13 **Ervin, Cohen & Jessup LLP**  
14 9401 Wilshire Blvd., 9th Floor  
15 Beverly Hills, CA 90212  
16 Email: hmcloskey@ecjlaw.com  
17 Counsel for Registerfly.com, Inc.  
18 and UnifiedNames, Inc.

19 Following ordinary business practices, the envelope was sealed and placed  
20 for collection by Federal Express on this date, and would, in the ordinary course of  
21 business, be retrieved by Federal Express for overnight delivery on this date.

22 I have submitted a courtesy copy of the above described document via email  
23 to all parties listed above.

24 I declare that I am employed in the office of a member of the bar of this court  
25 at whose direction the service was made.

26 Executed on May 30, 2007, at Los Angeles, California.

27   
28 Martha L. Espelage-Alvarez