

Patrick Jones

From: David W. Maher [dmaher@pir.org]
Sent: Thursday, March 01, 2007 1:11 PM
To: Patrick Jones
Cc: 'Kurt Pritz'; 'Daniel Halloran'
Subject: RE: PIR - Excess Deletion Fee

Patrick

Thank you for the prompt response.

I believe that the added language:

"plus five days to account for any Grace Period Deletes that may occur in the last five days of a calendar month."

introduces a new error.

The "relevant time period" is a calendar month, and that is the time period in which the number of initial registrations is counted. PIR then makes an analysis of how many deletions are made WITH RESPECT TO the initial registrations in that calendar month. This analysis will have three segments:

1. Deletions within the FIRST five days of a calendar month (e.g.

January). The only deletions counted will be those affecting the initial registrations in that same month (January). Deletions within the first five days of a calendar month (January) affecting the previous month (December) will be counted only with respect to the previous month (December).

2. Deletions occurring within the month (e.g. January) after the first five days. All of these will be counted.

3. Deletions occurring within the first five days of the subsequent month (February in our example). Only those deletions affecting initial registrations within the previous month (January) will be counted.

Therefore it is inaccurate to say that the relevant time period is one calendar month plus five days.

I suggest that the sentence read simply:

"The time period shall be one calendar month."

I hope this clarifies matters.

Please let me know if this is OK.

Thanks again.

David

At 02:08 PM 3/1/2007, Patrick Jones wrote:

>David,

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>Thank you for your email yesterday. After discussing this internally,

>the calendar month period should be reflected in the amendment

>language. Our suggestion is that Appendix 8, Exhibit A could read:

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>6. Excess Deletion Fee. PIR may charge registrars a fee (the "Excess
>Deletion Fee") for each Registered Name deleted within the five day add
>grace period (as specified in Appendix 7, Section 3.1.1 of the Registry
>Agreement, "Grace Period Deletes") in the event Grace Period Deletes
>with respect to the relevant time period as determined by PIR are in
>excess of ninety percent (90%) of the total number of initial
>registrations made by the registrar over that time period. The time
>period shall be one calendar month, plus five days to account for any
>Grace Period Deletes that may occur in the last five days of a calendar month.
>The Excess Deletion Fee shall be US\$.05 (five cents) per Grace Period
>Delete."

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>Please confirm whether this is acceptable.

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>Patrick

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>-----Original Message-----

>From: David W. Maher [mailto:dmaher@pir.org]

>Sent: Wednesday, February 28, 2007 8:50 PM
>To: pritz@icann.org
>Cc: patrick.jones@icann.org; daniel.halloran@icann.org
>Subject: PIR - Excess Deletion Fee
>
>Dear Kurt:
>This will confirm my discussions with Patrick Jones regarding the
>posting of the "PIR Amendment to Implement Approved Registry Service"
>on 22 February 2007 at:
><http://www.icann.org/announcements/announcement-22feb07.htm>
>The amendment to the .ORG Registry Agreement correctly provides that
>Appendix 7, 3.1.1 is amended as follows:
>"An Excess Deletion Fee will be charged pursuant to Appendix 8, Exhibit
>A of the Registry Agreement when the number of deleted registrations
>within the five-day add grace period is in excess of ninety percent
>(90%) of the total number of initial registrations made by the
>registrar over a relevant time period as determined by PIR."
>However, the amendment to Appendix 8 incorrectly includes a reference
>to registrations deleted "during any thirty (30) day period". In fact,
>the number of deleted registrations will be computed with reference to
>initial registrations made in each calendar month, the time period that
>has been determined by PIR.
>PIR respectfully requests that ICANN acknowledge this correction of the
>amendment to the .ORG Registry Agreement, and that ICANN correct the
>public notice so that it provides:
>"Appendix 8, Exhibit A
>6. Excess Deletion Fee. PIR may charge registrars a fee (the "Excess
>Deletion Fee") for each Registered Name deleted within the five day add
>grace period (as specified in Appendix 7, Section 3.1.1 of the Registry
>Agreement, "Grace Period Deletes") in the event Grace Period Deletes
>with respect to the relevant time period as determined by PIR are in
>excess of ninety percent (90%) of the total number of initial
>registrations made by the registrar over that time period.
>The Excess Deletion Fee shall be US\$.05 (five cents) per Grace Period
>Delete."
>This correction implements the amendment to the .ORG Registry Agreement
>as it was intended by the parties and approved by the Board of ICANN.
>Thank you for your consideration.
>David
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