



The Internet Corporation for Assigned Names and Numbers

19 November 2012

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE AND COURIER

Mr. Kevin Wall
Bargin Register, Inc. (IANA ID# 1081)
Unit 11, Galleria Plaza. Westbay rd
P.O. Box 12086 APO
Grand Cayman KY1-1010
Cayman Islands

E-mail: kevin@barginregister.com
Fax Number: +1 345 924 1212

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Mr. Wall,

Please be advised that as of 19 November 2012, Bargin Register, Inc. ("Bargin Register") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 23 March 2011 ("RAA"). These breaches result from:

1. Bargin Register's failure to maintain registration data and records concerning the domain name <rexrothdistributors.com> pursuant to Section 3.4.2 of the RAA;
2. Bargin Register's failure to make registration data and records available to ICANN upon reasonable notice, pursuant to Section 3.4.3 of the RAA; and
3. Bargin Register's failure to pay past due accreditation fees pursuant to Section 3.9 of the RAA.

Please refer to the attachment for details regarding these breaches.

ICANN requests that Bargin Register cure the breaches by 12 December 2012, 15 working days from the date of this letter, by taking the following actions:

Los Angeles
Offices:

12025 Waterfront Drive, Suite 300
Brussels

Los Angeles, CA 90094-2536
Silicon Valley

USA
T +1 310 301 5800
Sydney

F +1 310 823 8649
Washington



Mr. Kevin Wall
Bargin Register, Inc.
Page 2 of 6

1. Provide copies of all written communications between Bargin Register and the Registered Name Holders for the domain name <rexrothdistributors.com> for the period 11 August 2011 through 19 November 2012;
2. Provide ICANN with a response to the Asian Doman Name Dispute Resolution Centre's (ADNDRC) complaint regarding Bargin Registrar's failure to respond to a UDRP verification request regarding the domain name <rexrothdistributors.com>;
3. Details regarding the steps Bargin Register took, or will take, to address the issues in ADNDRC's complaint; and
4. Pay all past due accreditation fees of \$1,000.00 and accreditation fees due by 30 November 2012 in the amount of \$2,845.44 (for a total of \$3,845.44).

Additional Concerns and Request for Information

Between 13 July and 14 August 2012, ICANN received complaints from ADNDRC and WIPO Arbitration and Mediation Center (Center) regarding Bargin Register's failure to respond to UDRP verification requests.

WIPO referred ICANN to a recent administrative panel decision, The Uder Company Pty Ltd and Stay In Bed Milk & Bread Pty Ltd (trading as Aussie Farmers Direct) v. PrivacyProtect.org, Case No. D2012-0924

<http://www.wipo.int/amc/en/domains/search/text.jsp?case=D2012-0924> (Decision), wherein Bargin Register's failure to respond to a UDRP verification request was discussed at length and the administrative panel referenced three prior matters involving Bargin Registrar's failure to respond to UDRP verification requests. However, the administrative panel determined that it would not issue an administrative panel procedural order concerning Bargin Register because more than likely Bargin Register would not respond to the order. The administrative panel encouraged the Center to bring the Decision and the registrar's conduct to the attention of ICANN "...to be dealt with appropriately."

Based on the complaints received from ADNDRC and the Center, the concern set out in the Decision and the fact that Bargin Register has repeatedly failed to timely respond to



Mr. Kevin Wall
Bargin Register, Inc.
Page 3 of 6

ICANN's notices, ICANN requests that Bargin Register also provide the following on or before 12 December 2012:

1. Details regarding Bargin Register's processes, tools and plans to ensure that it provides timely responses to UDRP dispute resolution provider verification requests; and
2. Details regarding any processes, tools and plans that Bargin Register proposes, or has put in place, to ensure that it timely responds to notices and requests from ICANN.

If Bargin Register fails to timely cure these breaches and provide the information requested, ICANN may commence the termination process.

If you have questions or require assistance, please contact Owen Smigelski at owen.smigelski@icann.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad". The signature is fluid and cursive.

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary
Stacy Burnette, Director, Contractual Compliance



Mr. Kevin Wall
Bargin Register, Inc.
Page 4 of 6

ATTACHMENT

Failure to Maintain and Make Available to ICANN Registered Name Holders' Data

Section 3.4.2 of the RAA requires Bargin Register to maintain registration data and records relating to its dealings with Registered Name Holders and with the Registry Operator(s) for every domain name under Bargin Register's management. Section 3.4.3 of the RAA requires Bargin Register to make these records and data available to ICANN upon reasonable notice.

In response to a complaint from ADNDRC concerning Bargin Register's failure to respond to a UDRP verification request concerning the domain name <rexrothdistributors.com>, ICANN requested that Bargin Register make registration data and records available to ICANN regarding this domain name. Although numerous requests were made by ICANN, to date Bargin Register has not produced any of the requested registration data or records. Because Bargin Register failed to produce the requested data and records, ICANN can only conclude that Bargin Register is not maintaining the data and records required by Section 3.4.2 of the RAA and Bargin Register's failure to make the required data and records available to ICANN is a separate breach of Section 3.4.3 of the RAA.

Failure to Pay Accreditation Fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Bargin Register owes ICANN \$1,000.00 in past due accreditation fees, in breach of Section 3.9 of the RAA. Furthermore, Bargin Register owes ICANN \$2,845.44 in accreditation fees due by 30 November 2012.



Mr. Kevin Wall
Bargin Register, Inc.
Page 5 of 6

Chronology:

Date of Notice	Deadline for Response	Details
21 Aug 12	28 Aug 12	ICANN sent 1 st Notice via email to kevin@barginregister.com . No response received.
04 Sep 12	11 Sep 12	ICANN sent 2 nd Notice via email to kevin@barginregister.com . No response received.
19 Sep 12	N/A	ICANN staff called registrar at +1 345 924 1212 regarding Notice, however, was unable to communicate as recorded message indicated mailbox was full.
25 Sep 12	2 Oct 12	ICANN sent 3 rd Notice via email to kevin@barginregister.com ; and courier to primary contact address.
1 Oct 12	N/A	ICANN staff called registrar at +1 345 924 1212 regarding Notice, however, was unable to communicate as recorded message indicated mailbox was full.
2 Oct 12	N/A	ICANN staff called registrar at primary number and spoke to Primary Contact regarding outstanding issues. Registrar claimed to have previously reached out to ICANN via email.
2 Oct 12	5 Oct 12	ICANN staff sent follow-up to registrar after phone call to reiterate request for information from previous notices. ICANN staff allowed extra days for the registrar to fulfill this request. No response received.



Mr. Kevin Wall
Bargin Register, Inc.
Page 6 of 6

Date of Notice	Deadline for Response	Details
31 October 2012	7 November 2012	ICANN sent Final Notice via email to kevin@barginregister.com .
1 November 2012	7 November 2012	ICANN sent Final Notice via courier to primary contact address.
14 November 2012	N/A	Registrar responded to Final Notice and claimed to be awaiting details from ADNDRC in order to transfer the domain name.