



The Internet Corporation for Assigned Names and Numbers

5 December 2013

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

D. Paul Kalra  
Jetpack Domains, Inc. (IANA # 1015)  
20 Corporate Park, Suite 170  
Irvine, CA 92606  
United States

Email: [paul@california101.com](mailto:paul@california101.com)  
Fax Number: +1 866 611 1767

**RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT**

Dear Mr. Kalra,

Please be advised that as of 5 December 2013, Jetpack Domains, Inc. (“Jetpack”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 18 January 2011 (“RAA”). These breaches result from:

1. Jetpack’s failure to timely respond to ICANN’s Contractual Compliance Audit Program (“Audit”) notices, specifically:
  - a. Failure to provide documents and information as required by the terms of Section 3.14; and
  - b. Failure to maintain records relating to Jetpack’s dealings with Registry Operator(s) and Registered Name Holders and to make such records available to ICANN for inspection, pursuant to Sections 3.4.2 and 3.4.3 of the RAA.

Please refer to the attachment for details regarding these breaches.



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ICANN requests that Jetpack cure the breaches by 2 January 2014, 15 working days from the date of this letter, by taking the following actions:

1. Complete the Audit Request for Information (RFI) Phase, by:
  - a. Contacting [complianceaudit@icann.org](mailto:complianceaudit@icann.org) to receive your registrar's login credentials for the ICANN Compliance Site ("Site"); and
  - b. Completing the RFI and providing all supporting documentation through the Site.

If Jetpack fails to timely cure the 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](mailto:owen.smigelski@icann.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "M Serad".

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



## ATTACHMENT

### Failure to Provide Documents and Information for Audit and to Make Records Relating to Registered Name Holders Available to ICANN

Section 3.14 of the RAA requires Jetpack, as part of any reasonable contractual compliance audit, to timely provide the documents and information known by Jetpack necessary to demonstrate compliance with the terms of this Agreement. Section 3.4.2 of the RAA requires Jetpack 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 Jetpack's management. Section 3.4.3 of the RAA requires Jetpack to make these records and data available to ICANN upon reasonable notice.

As detailed in the chronology below, since 1 October 2013 ICANN sent Jetpack three notices regarding the requirements of ICANN's Audit Program. To date, Jetpack has logged into the Site, but has not completed and submitted the RFI and has not provided the supporting documentation.

#### Chronology:

Date of Notice	Deadline for Response	Details
1 Oct 2013	N/A	ICANN sent all Registrars and Registries a Pre-Audit Notification Letter with Dates of future Notifications. This letter was immediately published on icann.org.
14 Oct 2013	4 Nov 2013	ICANN sent 1 <sup>st</sup> Notice via email to <a href="mailto:paul@california101.com">paul@california101.com</a> . In addition, the notice was faxed to: +1 866 611 1767.
14 Oct 2013	N/A	ICANN received an email from Registrar indicating that the Primary Contact of Registrar was traveling with limited Internet access. Secondary Contact requested copy of 1 <sup>st</sup> Notice and login information.
15 Oct 2013	N/A	ICANN forwarded 1 <sup>st</sup> Notice with login instructions to <a href="mailto:frank@domaincocoons.com">frank@domaincocoons.com</a> .



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Date of Notice	Deadline for Response	Details
17 Oct 2013	N/A	ICANN received an email from Registrar stating it is currently reviewing the 1 <sup>st</sup> Notice. ICANN sent email to Registrar clarifying dates of Pre-Audit Notification and 1 <sup>st</sup> Notice. Registrar confirmed receipt of email.
4 Nov 2013	10 Nov 2013	ICANN sent 2 <sup>nd</sup> Notice via email to <a href="mailto:paul@california101.com">paul@california101.com</a> . In addition, the notice was faxed to: +1 866 611 1767. No response received.
11 Nov 2013	18 Nov 2013	ICANN sent 3 <sup>rd</sup> (FINAL) Notice via email to <a href="mailto:paul@california101.com">paul@california101.com</a> . In addition, the notice was faxed to: +1 866 611 1767.
19 Nov 2013	N/A	Registrar sent email to ICANN with one document and stated that Registrar will follow up with the other items as they become available.
20 Nov 2013	N/A	ICANN sent email to Registrar indicating only one document was received, and that the remaining documentation should be emailed directly to ICANN to avoid escalation and breach.
25 Nov 2013	N/A	Registrar responded indicating Registrar will have further information later that day.
2 Dec 2013	N/A	Registrar emailed ICANN some audit documentation. ICANN responded via email that the documentation was insufficient. Registrar responded that it will try to locate the requested data and remaining audit documentation.
5 Dec 2013	N/A	To date, Registrar has not provided the requested documentation.