



The Internet Corporation for Assigned Names and Numbers

18 July 2014

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Darius Patel  
BRANDON GRAY INTERNET SERVICES INC. (dba "NameJuice.com") (IANA # 636)  
50 Acadia Avenue Suite 302  
Markham Ontario L3R 0B3  
Canada

Email: [dpatel@namejuice.com](mailto:dpatel@namejuice.com)  
Fax Number: +1 905 415 2682

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

Dear Mr. Patel,

Please be advised that as of 18 July 2014, BRANDON GRAY INTERNET SERVICES INC. (dba NameJuice.com) ("Brandon Gray") is in breach of its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 12 February 2014 ("RAA"). This breach results from:

- Brandon Gray's resellers subjecting Registered Name Holders to false advertising, deceptive practices, or deceptive notices, pursuant to Section 3.12.7 of the RAA and Section 3 of Domain Name Registrants' Rights of the Registrants' Benefits and Responsibilities Specification ("RBRS").

Please refer to the attachment for details regarding these breaches.

In addition, Brandon Gray has been deemed noncompliant for the following:

- Failure to publish on Brandon Gray's website the full name, contact information, and position of all officers of the registrar, as required by Section 3.17 of the RAA and Section 17 of the Registrar Information Specification ("RIS") of the RAA.

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### Additional Concerns

Since at least 2009, ICANN has received numerous complaints from Registered Name Holders, registrars, and various ICANN Supporting Organizations and Advisory Committees regarding the business solicitation practices of Brandon Gray's resellers. Such practices were not specifically prohibited under the 2001 and 2009 RAAs. Section 3.12 of the 2013 RAA, however, requires registrars to ensure its reseller's actions comply with the RAA, as well as the Registrants' Benefits and Responsibilities Specification, which protects Registered Name Holders from false or deceptive practices. Brandon Gray's reseller Registration Services Inc. ("RSI") conducts business through the brands Domain Registry of America ("DROA"), Domain Registry Services ("DRS"), Domain Registry of Canada ("DROC"), and Domain Renewal Group ("DRG"). As detailed below, the domain renewal notices sent by RSI through its brands deceive Registered Name Holders to transfer domain names to Brandon Gray.

Furthermore, Brandon Gray and/or its reseller(s) send business solicitations to Registered Name Holders via postal mail. The contact information and postal mail addresses used to address these solicitations is available in public Whois data, however, ICANN is concerned that the collection of this data violates Section 3.3.5 of the RAA.

ICANN requests that Brandon Gray cure these breaches by 8 August 2014, 21 calendar days from the date of this letter, by taking the following actions:

1. Provide ICANN with all written communications between Brandon Gray and/or any of its reseller(s) and the Registered Name Holders of the domain names <vintagevillagecycles.com>, <atkinsonhunt.net>, <yorkhairstylists.com>, <timothysantana.com>, and <birdsandbloomsinfo.com>;
2. Provide ICANN with a copy of a Certificate of Good Standing (or equivalent depending on the jurisdiction) and a copy of the Articles of Incorporation of Brandon Gray's reseller RSI;
3. Provide ICANN with detail as to how Brandon Gray and/or its reseller(s) obtains Whois data from other ICANN-accredited registrars for mailing solicitations, and demonstrate how that complies with Section 3.3.5;
4. Provide a description of all marketing practices conducted by RIS through all its brands, including but not limited to, DROA, DRS, DROC and DRG;
5. Provide ICANN with records detailing the total number of marketing emails, postal mails, or facsimiles sent by RSI or any other Brandon Gray reseller through any of the above mentioned brands to Registered Name Holders of domains not sponsored by Brandon Gray at the time of receipt, from 1 January 2014 to 1 July 2014, including dates, times, methods of delivery, recipient, and domain name;



6. Provide ICANN with a sample of 25 (per brand) of the marketing materials identified in No. 5 above; and
7. Clearly publish on Brandon Gray's website the full names, contact information, and positions of all officers of the registrar.

If Brandon Gray fails to timely cure these breaches and provide the information requested by 8 August 2014, ICANN may commence the RAA termination process.

Please see the concurrent Notice of Suspension being sent to Brandon Gray and take steps necessary to resolve the issues identified in the Notice of Suspension to maintain your registrar's accreditation with ICANN.

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", is written over a light blue circular watermark.

Maguy Serad  
Vice President  
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



## ATTACHMENT

### Failure to prevent resellers from subjecting Registered Name Holders to false advertising, deceptive practices, or deceptive notices

Section 3.12.7 of the RAA requires registrars to ensure that its resellers publish on their website(s) and/or provide a link to the RBRS and that its resellers do not take any action inconsistent with the corresponding provisions of the RAA or applicable law. Additionally, Section 3 of the Domain Name Registrants' Rights of the RBRS states that registrants shall not be subject to false advertising or deceptive practices by registrars. Section 3 of the RBRS describes deceptive practices as deceptive notices, hidden fees, and any practices that are illegal under the consumer protection law of the registrant's residence.

As detailed below, ICANN received complaints from four different Registered Name Holders concerning notices received from DROA and DROC. All four stated they were misled and/or deceived to pay Brandon Gray and/or its reseller(s) to transfer their domain names from their current registrars to Brandon Gray. Summaries of examples provided to ICANN are:

1. Registered Name Holder stated it did not ask for the transfer, did what DROA asked because it appeared to be a government or other official notice, and included the Registered Name Holder's personal contact information.
2. Reporter stated that DROA sent a letter to the Registered Name Holder with wording that made the Registered Name Holder think it was only paying for its domain name (and not to transfer).
3. Registered Name Holder sent email to Brandon Gray stating that the communications from Brandon Gray made it sound like the Registered Name Holder requested the transfer (which the Registered Name Holder denies doing).
4. Registered Name Holder acted because letter appeared to be from the government (not a registrar soliciting services), and the Registered Name Holder was very confused by the letter (and thought it was from the current registrar).

The full complaints were provided to Brandon Gray during the processing of these complaints.

As detailed in the chronologies below, since 23 May 2014, ICANN sent Brandon Gray multiple notices requesting information and records. Brandon Gray provided payment information and stated that because the Registered Name Holders paid for the domains, the marketing materials complied with



Section 3.12.7 and the RBRS. Brandon Gray did not address any of the concerns from the reporters and RNHs about being deceived or misled by the solicitations from DROA and DROC, in breach of Section 3.12.7 and the RBRS.

Failure to publish officer information on registrar's website

Section 3.17 of the RAA requires registrars to provide to ICANN and maintain accurate and current information as specified in the RIS of the RAA. In addition, a registrar must publish on each website through which a registrar provides or offers registrar services, the information specified as requiring publication in the RIS. The RIS requires registrars to publish the full name, contact information, and position of all officers of the registrar on its website. Brandon Gray's failure to publish the full name, contact information, and position of all its officers on its website, is a breach of Section 3.17 of the RAA and the RIS.

**Chronologies:**

**Ticket LXX-280-34258, <vintagevillagecycles.com>:**

Date of Notice	Deadline for Response	Details
23-May-2014	2-Jun-2014	ICANN sent first compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .
26-May-2014	N/A	Registrar responded to first compliance notice with incomplete information. Registrar informed ICANN that the domain name was transferred back to the previous registrar.
30-May-2014	2-Jun-14	ICANN sent a follow-up notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> requesting a copy of all communications with the Registered Name Holder and documentation that the Registered Name Holder submitted the transfer request prior to receiving any communication from DROA.
2-Jun-2014	N/A	Registrar provided an incomplete response to ICANN via email.



Date of Notice	Deadline for Response	Details
11-Jun-2014	18-Jun-2014	ICANN sent second compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> requesting a copy of the reseller-registrar agreement and evidence demonstrating that the transfer request was submitted by the Registered Name Holder.
17-Jun-2014	N/A	Registrar responded to the second compliance notice advising that the scanned copy of the reseller-registrar agreement could not be sent due to the file size. Registrar provided a link to download a scanned copy. Link did not work. Registrar provided a check number for the domain name transfer payment.
18-Jun-2014	18-Jun-2014	ICANN sent a follow-up notice via email to <a href="mailto:domaintransfers@namejuice.com">domaintransfers@namejuice.com</a> and provided an alternative email for forwarding a copy of the reseller-registrar agreement. ICANN requested evidence that the transfer request was submitted by the Registered Name Holder and not as a result of the Registered Name Holder being misled by a notice received from DROA.
20-Jun-2014	23-Jun-2014	ICANN called Primary Contact at +1 905 415 2681 x402, and an automated message stated that the call would be attended by the next available representative. No answer. ICANN called Primary Contact's mobile phone at [REDACTED]. Primary Contact stated he did not receive the follow-up to the second compliance notice. ICANN requested Registrar to provide evidence demonstrating that Registered Name Holder submitted a transfer request prior to receiving any communication from DROA, provided with ICANN staff direct line for any questions, and stated the follow up notice would be resent with a 23 June 2014 deadline. ICANN forwarded follow-up notice of 18-Jun-2014 via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> and <a href="mailto:domaintransfers@namejuice.com">domaintransfers@namejuice.com</a> .



Date of Notice	Deadline for Response	Details
23-Jun-2014	N/A	Email received from Registrar with a copy of the reseller-registrar agreement (undated and without title of the signatories). Registrar stated that reseller received orders in different formats, such as website, telephone, fax, and postal mail. However, Registrar stated that the only evidence that could be provided was the FOA, as per IRTP.
27-Jun-2014	7-Jul-2014	ICANN sent third compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> and <a href="mailto:domaintransfers@namejuice.com">domaintransfers@namejuice.com</a> .
27-Jun-2014	N/A	ICANN faxed the third compliance notice to +1 905 415 2682. Fax transmitted successfully.
30-Jun-2014	N/A	Email received from Registrar requesting a conference call to discuss the ticket. ICANN and Registrar scheduled a conference call.
3-Jul-2014	N/A	Conference call was held between Registrar and ICANN. Registrar expressed confusion as to what documents to provide. ICANN informed Registrar that the transfer was performed per the IRTP, but Registrar had failed to demonstrate that the transfer was requested by the Registered Name Holder and not the result of DROA sending out deceptive notices. ICANN provided examples of acceptable documents and records.
7-Jul-2014	N/A	Email received from Registrar with a screenshot of a reseller management console showing a check number and publicly available data listed in the Whois service offered by the registrar of record.
8-Jul-2014	11-Jul-2014	ICANN sent a follow-up notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> and <a href="mailto:domaintransfers@namejuice.com">domaintransfers@namejuice.com</a> explaining to registrar the deficiencies and requesting additional specific information to demonstrate compliance.
10-Jul-2014	N/A	Registrar provided a scanned copy of an undated remittance form that included domain name, an amount of \$60 for two years, email address, and



Date of Notice	Deadline for Response	Details
		signature.
14-Jul-2014	N/A	Per Registrar's request, ICANN called Primary Contact at +1 905 415 2681 x402 and confirmed receipt of Registrar's response.
14-Jul-2014	N/A	ICANN conducted compliance check for other areas of noncompliance.

**Ticket KDW-931-99636, <atkinsonhunt.net>:**

Date of Notice	Deadline for Response	Details
11-Jun-2014	18-Jun-2014	ICANN sent first compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> . No response received from Registrar.
20-Jun-2014	27-Jun-2014	ICANN sent second compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .
20-Jun-14	N/A	ICANN called Primary Contact at +1 905 415 2681 x402, and an automated message stated that the call would be attended by the next available representative. No answer. ICANN called Primary Contact's mobile phone at [REDACTED]. ICANN requested that Registrar provide evidence demonstrating that the Registered Name Holder submitted a transfer request prior to receiving any communication from DROA. Registrar was provided with ICANN staff direct line for questions.
30-Jun-2014	8-Jul-2014	ICANN sent third compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .





Date of Notice	Deadline for Response	Details
30-Jun-2014	N/A	ICANN faxed third compliance notice to +1 905 415 2682. Fax successfully transmitted.
30-Jun-2014	N/A	Email received from Registrar requesting a conference call to discuss the ticket. ICANN and Registrar scheduled a conference call.
3-Jul-2014	N/A	Conference call was held between Registrar and ICANN. Registrar expressed confusion as to what documents to provide. ICANN informed Registrar that the transfer was performed per the IRTP, but Registrar had failed to demonstrate that the transfer was requested by Registered Name Holder and not the result of DROA sending out deceptive notices. ICANN provided examples of acceptable documents and records.
7-Jul-2014	N/A	Registrar responded to third compliance notice with a screenshot of a reseller management control showing a check number and publicly available data listed in the Whois service offered by the registrar of record.
8-Jul-2014	11-Jul-2014	ICANN sent a follow-up notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> explaining to registrar the deficiencies and requesting additional specific information to demonstrate compliance.
10-Jul-2014	N/A	Registrar provided a scanned copy of a remittance form that included the domain name, an amount of \$35 for one year, and was not dated or signed. No further evidence provided.
10-Jul-2014	N/A	ICANN provided reporter a copy of remittance form.
13-Jul-2014	N/A	Reporter informed ICANN that the Registered Name Holder was misled into believing that it was paying to avoid losing the domain name. Reporter attached further communications from end user informing ICANN that no transfer was ever requested.



Date of Notice	Deadline for Response	Details
14-Jul-2014	N/A	Per Registrar's request, ICANN called Primary Contact at +1 905 415 2681 x402 and confirmed receipt of its response.
14-Jul-2014	N/A	ICANN conducted compliance check for other areas of noncompliance.

**Ticket ABE-337-54447, <timothysantana.com> and <yorkhairstylists.com>:**

Date of Notice	Deadline for Response	Details
18-Jun-2014	25-Jun-2014	ICANN sent first compliance notice regarding via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> . No response received from Registrar.
27-Jun-2014	7-Jul-2014	ICANN sent second compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .
30-Jun-2014	N/A	Email received from Registrar requesting a conference call to discuss the ticket. ICANN and Registrar scheduled a conference call.
3-Jul-2014	N/A	Conference call was held between Registrar and ICANN. Registrar expressed confusion as to what documents to provide. ICANN informed Registrar that the transfer was performed per the IRTP, but Registrar had failed to demonstrate that the transfer was requested by the Registered Name Holder and not the result of DROA sending out deceptive notices. ICANN provided examples of acceptable documents and records.
8-Jul-2014	15-Jul-2014	ICANN sent third compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .



Date of Notice	Deadline for Response	Details
8-Jul-2014	N/A	ICANN faxed third compliance notice to +1 905 415 2682. Fax successfully transmitted.
14-Jul-2014	N/A	Registrar responded to third notice advising that the records and information requested would be provided that day.
14-Jul-2014	N/A	Per Registrar request, ICANN called Primary Contact at +1 905 415 2681 x402 (for other complaints). Registrar confirmed that Registrar was gathering the records and information and would provide them in a timely manner.
15-Jul-2014	N/a	Registrar provided a scanned copy of two undated remittance forms. Forms displayed domain name, email address (not corresponding with the Registered Name Holder's email as listed in the Whois), and an amount of \$35 for one year; and domain name, email address, signature, credit card number, and an amount of \$35 for one year, respectively. No further evidence provided.
15-Jul-14	N/A	ICANN conducted compliance check for other areas of noncompliance.

**Ticket NUS-623-65595, <birdsandbloomsinfo.com>:**

Date of Notice	Deadline for Response	Details
21-Jun-2014	27-Jun-2014	ICANN sent first compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> . No response received from Registrar.
30-Jun-2014	8-Jul-2014	ICANN sent second compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .



Date of Notice	Deadline for Response	Details
30-Jun-2014	N/A	Email received from Registrar requesting a conference call to discuss the ticket. ICANN and Registrar scheduled a conference call.
3-Jul-2014	N/A	Conference call was held between Registrar and ICANN. Registrar expressed confusion as to what documents to provide. ICANN informed Registrar that the transfer was performed per the IRTP, but Registrar had failed to demonstrate that the transfer was requested by the Registered Name Holder and not the result of DROA sending out deceptive notices. ICANN provided examples of acceptable documents and records.
10-Jul-2014	17-Jul-2014	ICANN sent third compliance notice via email to <a href="mailto:dpatel@namejuice.com">dpatel@namejuice.com</a> .
10-Jul-2014	N/A	ICANN faxed third compliance notice to +1 905 415 2682. Fax successfully transmitted.
14-Jul-2014	N/A	Per Registrar request, ICANN called Primary Contact at +1 905 415 2681 x402 (for other complaints). Registrar confirmed that Registrar was gathering the records and information and would timely provide them.
15-Jul-2014	N/A	Email from Registrar with a scanned copy of an undated remittance form, with domain name, email address, signature, and an amount of \$70 for a renewal of two years. No further evidence provided.
17-Jul-14	N/A	ICANN conducted compliance check for other areas of noncompliance.