22 November 2017

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Joost Zuurbier
OpenTLD B.V. (IANA #1666)
Danzigerkade 23D
Amsterdam 1013 AP
Netherlands

Email: jzuurbier@opentld.com
Fax: +31 20 531 5721

Dear Joost Zuurbier,

Please be advised that as of 22 November 2017, OpenTLD B.V. ("OpenTLD") is in breach of its 2013 Registrar Accreditation Agreement with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 5 June 2014 ("RAA"). This breach results from:

1. OpenTLD's failure to take reasonable steps to investigate and correct claimed Whois inaccuracies regarding the domain name <bhgeae.com>, as required by Section 3.7.8 of the RAA;

2. OpenTLD's failure to maintain and make available to ICANN registration data and records relating to dealings with the Registered Name Holder ("RNH") of the domain name <bhgeae.com>, as required by Sections 3.4.2 and 3.4.3 of the RAA; and

3. OpenTLD's failure to validate and verify Whois contact information, as required by Sections 1, 2 and 4 of the Whois Accuracy Program Specification ("WAPS") of the RAA.

Please refer to the attachment for details regarding these breaches.

In addition, OpenTLD has been deemed noncompliant in the following areas:

1. OpenTLD's failure to provide domain name data in the specified response format, as required by Section 1.4 of the Registration Data Directory Service (Whois) Specification of the RAA ("Whois Specification") and the Advisory: Clarifications to the Registry Agreement, and the 2013 Registrar Accreditation Agreement (RAA) regarding applicable Registration Data Directory Service (Whois) Specifications ("Clarifications");

2. OpenTLD's failure to publish OpenTLD's ultimate parent entity on OpenTLD's website, as required by Section 3.17 and Section 22 of the Registrar Information Specification ("RIS") of the RAA; and

3. OpenTLD's failure to display the correct ICANN logo on OpenTLD's website, as required by the Logo License Specification of the RAA.
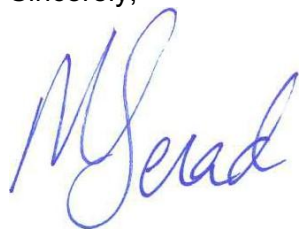
ICANN requests that OpenTLD cure these breaches by 13 December 2017, 21 days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that OpenTLD took reasonable steps to investigate and, where applicable, correct the Whois inaccuracy concerning the domain name <bhgeae.com>. This includes: (a) copies of OpenTLD's correspondence with the RNH while investigating the Whois inaccuracy claims (including dates, times, means of inquiries, telephone numbers, e-mail addresses and postal addresses used), (b) the steps OpenTLD took to verify and validate the Whois information and (c) confirmation steps taken to resolve this matter will also apply to all existing and future Whois inaccuracy complaints;

2. Display domain name data in the specified response format, as required by Section 1.4 of the Whois Specification and Clarifications;

3. Publish on OpenTLD's website, its ultimate parent entity;

4. Display the correct ICANN logo on OpenTLD's website in accordance with the Logo License Specification of the RAA, or remove the ICANN logo from OpenTLD's website; and

5. Provide ICANN with corrective and preventative action(s), including implementation date(s), to ensure that OpenTLD will timely respond to ICANN compliance matters.

If OpenTLD fails to timely cure the breaches and provide the information requested by 13 December 2017, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Jennifer Scott at jennifer.scott@icann.org.

Sincerely,

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

Failure to take reasonable steps to investigate and correct Whois inaccuracy

Section 3.7.8 of the RAA requires registrars, upon notification of a claimed inaccuracy in the contact information associated with a registered name sponsored by a registrar, to take reasonable steps to investigate the claimed inaccuracy. In the event the registrar learns of inaccurate contact information associated with a registered name it sponsors, the registrar shall take reasonable steps to correct that inaccuracy. OpenTLD's failure to provide documentation demonstrating the reasonable steps it took to investigate and correct the alleged Whois inaccuracy is a breach of Section 3.7.8 of the RAA.

Failure to retain registered name holder and registration data and failure to make such data available for inspection and copying

Sections 3.4.2 and 3.4.3 of the RAA requires registrars to maintain RNH and registration data, and to make those records available to ICANN upon reasonable notice. OpenTLD's failure to provide the requested registration records and data related to the domain name <bhgeae.com> is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to validate and verify Whois data

Section 1 of the WAPS of the RAA requires registrars to validate that required fields, including telephone numbers, postal addresses and email addresses, are in a standard format or template, as well as verify the email address of the registrant by receiving an affirmative response from the registrant.

Section 2 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar receives changes to any Whois contact information, whether the contact information was previously verified or validated. The registrar is required to (1) receive an affirmative response from the registrant, (2) manually verify the information or (3) suspend the domain name.

Section 4 of the WAPS of the RAA requires registrars to perform validation and verification, as set forth in Section 1 of the WAPS, if a registrar has any information suggesting that the contact information specified in the Whois is incorrect. The registrar must also (1) verify (or re-verify) the registrant's email address by receiving an affirmative response, (2) manually verify the information or (3) suspend the domain name.

OpenTLD's failure to provide documents and information demonstrating validation and verification of the Whois data for the domain name <bhgeae.com> is a breach of the WAPS of the RAA.

Failure to display required Whois format

Section 1.4 of the Whois Specification of the RAA requires registrars to display domain name data in a specified format for Whois query responses. The format of responses shall contain all the elements and follow a semi-free text format outlined in Section 1.4 of the Whois Specification. Additional specifications to the format of Whois query responses are contained in the Clarifications. OpenTLD's failure to display Whois data in the specified format is a breach of Section 1.4 of the Whois Specification of the RAA and Clarifications.

Failure to publish registrar's ultimate parent entity on registrar's website

Section 3.17 of the RAA requires registrars to maintain and provide to ICANN the information specified in the RIS. In addition, registrars must publish on each website through which it provides or offers registrar services, the information specified in the RIS as requiring publication. OpenTLD's failure to publish its ultimate parent entity on OpenTLD's website is a breach of Section 3.17 of the RAA and Section 22 of the RIS.

Failure to display correct ICANN-Accredited Registrar logo

The Logo License Specification of the RAA requires registrars, if displaying the ICANN-Accredited Registrar logo, to use the logo displayed in the specification. OpenTLD's use of a modified version of the ICANN-Accredited Registrar logo is a breach of the Logo License Specification of the RAA.

Chronology:

Date of Notice	Deadline for Response	Details
12-Oct-2017	2-Nov-2017	ICANN sent 1st compliance notice via email to jzuurbier@opentld.com and erome@romeandassociates.com. No response received from Registrar.
3-Nov-2017	10-Nov-2017	ICANN sent 2nd compliance notice via email to jzuurbier@opentld.com and erome@romeandassociates.com.
7-Nov-2017	N/A	ICANN called Primary Contact at +31 20 531 5726 and provided Primary Contact with complaint details.
10-Nov-2017	N/A	Email from Registrar (jzuurbier@opentld.com) insufficient to demonstrate compliance.
10-Nov-2017	10-Nov-2017	ICANN sent follow-up compliance notice via email to jzuurbier@opentld.com and erome@romeandassociates.com. No response received from Registrar.

Date of Notice	Deadline for Response	Details
13-Nov-2017	20-Nov-2017	ICANN sent 3rd compliance notice via email to jzuurbier@opentld.com and erome@romeandassociates.com. No response received from Registrar.
13-Nov-2017	N/A	ICANN sent 3rd compliance notice via fax to +31 20 531 5721. Fax successful.
16-Nov-2017	N/A	ICANN called Primary Contact at +31 20 531 5726 and provided Registrar Representative with complaint details.
21-Nov-2017	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
22-Nov-2017	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.