

27 February 2020

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 205315721

Dear Joost Zuurbier:

Please be advised that as of 27 February 2020, 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 2019 (“RAA”). This breach results from:

1. OpenTLD’s failure to make registration data and records available upon request by ICANN, as required by Section 3.4.3 of the RAA.

Please refer to the attachment for details regarding this breach.

Additional concerns

OpenTLD continues to exhibit the same pattern of conduct that led to the notice of breach issued against it by ICANN on 22 November 2017. As detailed in the chronology, ICANN sent OpenTLD multiple notices requesting registration data and records. Several attempts were also made though the telephone where the urgency of the requests and a reminder of ICANN Contractual Compliance’s process and approach, including the issuance of a notice of breach were communicated. To date, OpenTLD has not provided the evidence requested to demonstrate compliance with the RAA and the Expired Registration Recovery Policy (“ERRP”). Further, there has been no indication of any attempt to respond to the Compliance complainant’s concerns.

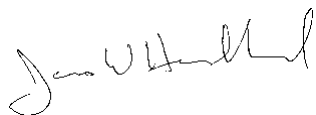
ICANN requests that OpenTLD B.V. cure these breaches by 19 March 2020, 21 days from the date of this letter, by taking the following actions:

1. Provide records demonstrating that OpenTLD complied with ERRP requirements with respect to the renewal of the registration of the domain name `tensportslive.net`. This includes:
 - a. Copies of the expiration renewal notices sent to the Registered Name Holder (“RNH”)/Registrant at Expiration (“RAE”) pre- and post- expiration of the domain name;
 - b. Evidence that the RNH/RAE was permitted to renew/restore the expired registration; and
 - c. Copies of any and all communications OpenTLD or its reseller, where applicable, has had with the RNH/RAE of the domain name `tensportslive.net` pertaining to the renewal of the domain name registration.
2. If OpenTLD is unable to provide the records, information and data above, explain the corrective and preventative action(s) that OpenTLD will take, with implementation date(s), to ensure compliance with the renewal of registrations requirements set forth in the ERRP; and
3. Provide ICANN with the corrective and preventative action(s) that OpenTLD will take, with implementation date(s), to address its pattern of untimely, incomplete and non-response to ICANN Contractual Compliance matters, beyond those previously provided to cure the 22 November 2017 notice of breach.

If OpenTLD B.V. fails to timely cure the breaches and provide the information requested by 19 March 2020, ICANN may commence the RAA termination process.

If you have questions or require assistance, please contact Leticia Castillo at leticia.castillo@icann.org.

Sincerely,



Jamie Hedlund
Senior Vice President, Contractual Compliance and Consumer Safeguards
Managing Director, Washington, DC Office

Cc: John O. Jeffrey, General Counsel and Secretary

ATTACHMENT

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

Section 3.4 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 records and data related to the domain name [tensportslive.net](https://www.tensportslive.net) is a breach of 3.4.3 of the RAA.

Chronology:

Date of Notice	Deadline for Response	Details
23-Dec-2019	7-Jan-2020	ICANN sent 1st compliance notice via email to jzuurbier@opentld.com . No response received from Registrar.
8-Jan-2020	15-Jan-2020	ICANN sent 2nd compliance notice via email to jzuurbier@opentld.com .
15-Jan-2020	N/A	ICANN called Primary Contact at +31 205315726 and provided Registrar Representative with complaint details.
15-Jan-2020	N/A	Email from Registrar (mtrik@opentld.com) insufficient to demonstrate compliance.
21-Jan-2020	28-Jan-2020	ICANN sent follow-up compliance notice via email to jzuurbier@opentld.com and mtrik@opentld.com . No response received from Registrar.
30-Jan-2020	N/A	ICANN called Primary Contact at +31 205315726 and provided Registrar Representative with complaint details.
31-Jan-2020	7-Feb-2020	ICANN sent 3rd compliance notice via email to jzuurbier@opentld.com and mtrik@opentld.com . No response received from Registrar.
31-Jan-2020	N/A	ICANN sent 3rd compliance notice via fax to +31 20 531 5721. Fax unsuccessful.
3-Feb-2020	N/A	ICANN called Primary Contact at +31 205315726 and provided Registrar Representative with complaint details.
12-Feb-2020	N/A	ICANN called Primary Contact at +31 205315726 and provided Registrar Representative with complaint details.
26-Feb-2020	N/A	ICANN called Primary Contact at +31 205315726 and provided Registrar Representative with complaint details.
27-Feb-2020	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
27-Feb-2020	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.