



The Internet Corporation for Assigned Names and Numbers

23 June 2015

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Joost Zuurbier  
OpenTLD B.V. (IANA #1666)  
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Amsterdam 1016 DT  
Netherlands

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**RE: NOTICE OF SUSPENSION OF REGISTRAR'S ABILITY TO CREATE NEW REGISTERED NAMES OR INITIATE INBOUND TRANSFERS OF REGISTERED NAMES**

Dear Mr. Zuurbier,

This notice is sent to OpenTLD B.V. ("OpenTLD") further to its Registrar Accreditation Agreement ("RAA") with the Internet Corporation for Assigned Names and Numbers ("ICANN") dated 5 June 2014.

Pursuant to Section 5.5.2.4 of the RAA, ICANN has found that OpenTLD has engaged in a pattern and practice of trafficking in or use of domain names identical or confusingly similar to a trademark or service mark of a third party in which the Registered Name Holder has no rights or legitimate interest.

ICANN elects to suspend OpenTLD's ability to create new Registered Names or initiate inbound transfers of Registered Names for 90 days pursuant to Section 5.7 of the RAA.

The suspension is effective 8 July 2015 at 00:00 UTC and will conclude on 6 October 2015 at 00:00 UTC, or longer if OpenTLD has not demonstrated compliance on or before 15 September 2015.

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• Washington

<http://icann.org>

Consistent with Section 5.7 of the RAA, during the suspension period, OpenTLD must not:

1. Create new Registered Names for any generic top-level domain (“gTLD”); or
2. Initiate or accept inbound transfers of Registered Names for any gTLD.

To demonstrate compliance, OpenTLD must timely cure all the breaches identified in this notice of suspension by:

1. Providing ICANN with a list of all domain names for which OpenTLD or its affiliate(s) are the Registered Name Holder, which are identical or confusingly similar to a trademark or service mark of a third party, in which OpenTLD or its affiliate(s) have no rights, and which were registered and are being used in bad faith (collectively the “Domain Portfolio”);
2. Providing ICANN with a remediation plan for OpenTLD to collaborate with the trademark or service mark owner(s) to transfer or cancel all domains in the Domain Portfolio (as decided by each trademark or service mark owner);
3. Demonstrating that OpenTLD and its affiliates do not use third level domains that are identical or confusingly similar to a trademark or service mark of a third party;
4. Providing ICANN with a list of all resellers utilized by OpenTLD, and demonstrating to ICANN that OpenTLD complies with all RAA requirements regarding resellers;
5. Providing ICANN with a list of all privacy and proxy providers utilized by OpenTLD, and demonstrate to ICANN that OpenTLD complies with all RAA requirements regarding privacy and proxy providers;
6. Providing ICANN with corrective and preventative action(s), including implementation dates and milestones, to ensure that OpenTLD complies with the Uniform Domain-Name Dispute-Resolution Policy (“UDRP”) and the Rules for Uniform Domain Name Dispute Resolution Policy; and how OpenTLD will ensure timely responses to UDRP Providers;
7. Providing ICANN with corrective and preventative action(s), including implementation dates and milestones, to ensure that OpenTLD complies with Section 3.7.5.7 of the Expired Domain Deletion Policy (“EDDP”);



8. Providing ICANN with assurances that OpenTLD and its affiliate(s) will not register any domain names in bad faith that are identical or confusingly similar to a trademark or service mark of a third party.
9. Providing ICANN with corrective and preventative action(s), including implementation dates and milestones, to ensure that OpenTLD will respond in a timely fashion to ICANN and registrars.

Failure to demonstrate compliance by 15 September 2015 may result in RAA termination and an extension to OpenTLD's suspension pending final termination.

#### **Notice on OpenTLD's Website**

During the suspension period, OpenTLD must prominently display the following on its website on all pages where Registrar Services, as defined by the RAA, are offered:

**No new registrations or inbound transfers will be accepted from 8 July 2015 through 6 October 2015.**

This notice must also include a link to the notice of suspension from ICANN.

Please be advised that OpenTLD may be subject to escalated compliance action (including RAA termination) if ICANN receives additional information, either through complaints or its own monitoring, demonstrating that OpenTLD continues to violate the RAA or Consensus Policies, after the suspension period ends.



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

**Chronology:**

Date of Notice	Deadline for Response	Details
28-May-2015	N/A	ICANN received information and documentation concerning Registrar's alleged pattern and practice of cybersquatting, including WIPO UDRP Decisions for Case Nos. D2015-0428 and DME2015-0002.
2-Jun-2015	10-Jun-2015	ICANN sent 1st compliance inquiry via email to <a href="mailto:jzuurbier@opentld.com">jzuurbier@opentld.com</a> . No response received from Registrar.
8-Jun-2015 to 20-Jun-2015	N/A	ICANN continued to review the findings of WIPO UDRP Decisions for Case Nos. D2015-0428 and DME2015-0002 in support of its determination.  ICANN reviews indicate that Registrar has stopped using certain third level domains that are identical or confusingly similar to a trademark or service mark of third parties.