



The Internet Corporation for Assigned Names and Numbers

17 November 2016

TRANSMITTED VIA ELECTRONIC MAIL, FACSIMILE, AND COURIER

Luiz Claudio de Araujo Pires
Open System Ltda - Me (IANA #1365)
Rua Paraiba 966 Second Floor
Belo Horizonte Minas Gerais 30430-490
Brazil

Email: luiz@twi.com.br
Fax: +55 31 4003 2322 (+4)

RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT

Dear Luiz Claudio de Araujo Pires,

Please be advised that as of 18 November 2016, Open System Ltda - Me (“Open System”) is in breach of its Registrar Accreditation Agreement (“RAA”) with the Internet Corporation for Assigned Names and Numbers (“ICANN”) dated 19 April 2012 (“RAA”). This breach results from:

1. Open System’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 Section 3.14 of the RAA; and
 - b. Failure to maintain and make available to ICANN registration data and records available upon request by ICANN, as required by Section 3.4.2 and 3.4.3 of the RAA.

Please refer to the attachment for details regarding these breaches.

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

Los Angeles Offices: 12025 Waterfront Drive, Suite 300 Beijing • Brussels • Los Angeles, CA 90094 USA Istanbul • Montevideo • T +1 310 301 5800 Singapore • F +1 310 823-8649 Washington

<http://icann.org>



1. Open System's failure to provide an interactive webpage Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by Open System for each top-level domain ("TLD") in which it is accredited, as required by Section 3.3.1 of the RAA;
2. Open System's failure to provide a link on its website to ICANN's registrant rights and responsibilities webpage, as required by Section 3.15 of the RAA;
3. Open System's failure to display its deletion and auto-renewal policies on its website, as required by Section 3.7.5.5 of the RAA;
4. Open System's failure to include a link in Open System's registration agreement, to its renewal fees, post-expiration renewal fees (if different) and redemption/restore fees, as required by Section 4.1 of the Expired Registration Recovery Policy ("ERRP");
5. Open System's failure to provide a description on its website and in its registration agreement of the methods used to deliver pre- and post-expiration notifications, as required by Section 4.2 of the Expired Registration Recovery Policy ("ERRP");
6. Open System's failure to display the correct ICANN logo on its website, as required by the Logo License Appendix of the RAA; and
7. Open System's failure to timely pay past due accreditation fees, as required by Section 3.9 of the RAA.

ICANN requests that Open System cure these breaches by 12 December 2016, 15 business 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 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;
2. Provide an interactive webpage Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by Open System for each TLD in which it is accredited;



3. Clearly display a link to ICANN's registrant rights and responsibilities webpage on Open System's website;
4. Publish Open System's deletion and auto-renewal policies details on its website;
5. Provide a link to the renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in Open System's registration agreement;
6. Provide a description of the methods used to deliver pre- and post-expiration notifications on Open System's website, and include a description of its notification methods or a link to the applicable page(s) on its website where this information is available, in Open System's registration agreement;
7. Display the correct ICANN logo on Open System's website in accordance with the Logo License Appendix of the RAA, or remove the ICANN logo from Open System's website;
8. Provide ICANN with the action(s) that Open System will take, with implementation date(s), to address its non-response to ICANN Contractual Compliance and to ensure it has provided ICANN with valid contact information; and
9. Pay all past and currently due accreditation fees.

If Open System fails to timely cure the breaches and provide the information requested by 12 December 2016, ICANN may commence the RAA termination process.

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

Sincerely,

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

Maguy Serad
Vice President
Contractual Compliance

Cc: John O. Jeffrey, General Counsel and Secretary



ATTACHMENT

Failure to provide documents and information for audit

Section 3.14 of the RAA requires Open System, as part of any reasonable contractual compliance audit, to timely provide the documents and information known by Open System necessary to demonstrate compliance with the terms of the RAA. As detailed in the chronology below, ICANN sent Open System multiple notices regarding the requirements of ICANN's Audit Program. Open System's failure to respond and provide the requested documents and information in response to the audit is a breach of Section 3.14 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 Registered Name Holder (RNH) and registration data, and to make those records available to ICANN upon reasonable notice. Open System's failure to provide the requested registration records and data related to the audit notices detailed in the chronology below is a breach of Sections 3.4.2 and 3.4.3 of the RAA.

Failure to provide an interactive webpage Whois service

Section 3.3.1 of the RAA requires registrars to provide an interactive webpage and a port 43 Whois service providing free public query-based access to up-to-date data concerning all active registered names sponsored by the registrar. Open System's failure to provide an interactive webpage Whois service is a breach of Section 3.3.1 of the RAA.

Failure to display a link to ICANN's registrant rights and responsibilities webpage

Section 3.15 of the RAA requires registrars to clearly display a link on its website to ICANN's registrant rights and responsibilities webpage. Open System's failure to provide a link on its website to ICANN's registrant rights and responsibilities webpage is a breach of Section 3.15 of the RAA.

Failure to publish deletion and auto-renewal policies on website

Section 3.7.5.5 of the RAA requires registrars that operate a website for domain name registration or renewal to clearly display details of the registrar's deletion and auto-renewal policies on the registrar's website. Open System's failure to clearly display its deletion and auto-renewal policies on its website is a breach of Section 3.7.5.5 of the RAA.

Failure to clearly display a link to renewal fees, post-expiration renewal fees (if different) and redemption/restore fees in registration agreement

Section 4.1 of the ERRP requires registrars to make their renewal fees, post-expiration renewal fees (if different) and redemption/restore fees reasonably available to RNHs and prospective RNHs at the time of registration of a gTLD name. At a minimum, these fees must be clearly displayed on the registrar’s website and a link to these fees must be included in the registrar’s registration agreement. Open System’s failure to provide a link to these fees in its registration agreement is a breach of Section 4.1 of the ERRP.

Failure to describe the methods used to deliver pre- and post-expiration notifications

Section 4.2 of the ERRP requires registrars to describe on their websites (if used), and include in their registration agreements, a description of its notification methods or a link to the applicable page(s) on their websites where this information is available, the methods used to deliver pre- and post-expiration notifications for renewal of domain registrations. Open System’s failure to describe these notifications on its website and in its registration agreement is a breach of Section 4.2 of the ERRP.

Failure to display correct ICANN-Accredited Registrar logo

The Logo License Appendix of the RAA requires registrars, if displaying the ICANN-Accredited Registrar logo, to use the logo displayed in the appendix. Open System’s use of a modified version of the ICANN-Accredited Registrar logo is a breach of the Logo License Appendix of the RAA.

Failure to pay accreditation fees

Section 3.9 of the RAA requires registrars to timely pay accreditation fees to ICANN, consisting of yearly and variable fees. Open System owes ICANN past due accreditation fees, in breach of Section 3.9 of the RAA. Open System additionally owes currently due accreditation fees, due 30 November 2016.

Chronology:

Date of Notice	Deadline for Response	Details
4-Oct-2016	25-Oct-2016	ICANN sent 1st compliance notice via email to luiz@twi.com.br . No response received from Registrar.
26-Oct-2016	1-Nov-2016	ICANN sent 2nd compliance notice via email to luiz@twi.com.br . No response received from Registrar.

Date of Notice	Deadline for Response	Details
27-Oct-2016	N/A	ICANN called Primary Contact at +55 31 3261 2168 and at mobile number [NUMBER REDACTED]. No answer and no ability to leave a message.
2-Nov-2016	8-Nov-2016	ICANN sent 3rd compliance notice via email to luiz@twi.com.br . No response received from Registrar.
3-Nov-2016	N/A	ICANN sent 3rd compliance notice via fax to +55 31 4003 2322 (+4). Fax unsuccessful.
4-Nov-2016	N/A	ICANN called Primary Contact at +55 31 3261 2168 and at mobile number [NUMBER REDACTED]. No answer and no ability to leave a message.
16-Nov-2016	N/A	ICANN conducted compliance check to determine other areas of noncompliance.
17-Nov-2016	N/A	To date, the Registrar has not responded to ICANN with the requested information and documentation and the issue remains unresolved.