

DECLARATION OF JOOST ZUURBIER

I, Joost Zuurbier, declare as follows:

1. I am the chief executive officer of Complainant OpenTLD B.V. (“OpenTLD”). Unless otherwise stated as based on information and belief, I have personal knowledge of the facts stated herein. If called upon to do so, I could and would testify to the truth thereof.

2. I make this supplemental declaration in support of OpenTLD’s Reply Brief in Support of OpenTLD’s Request for Stay of Suspension of OpenTLD’s registrar operations pursuant to the ICANN’s June 23, 2015 Notice of Suspension.

3. On or around August 10, 2015, with the assistance of OpenTLD’s counsel of record, I prepared an affidavit accompanied by various multiple submissions of documents, data, and affirmative statements to ICANN to comply with and otherwise substantiate OpenTLD’s undertakings meant to satisfy the compliance demands made by ICANN upon OpenTLD in its June 23, 2015 Notice of Suspension. OpenTLD’s submission demonstrates that it and its affiliates do not currently hold any domain names that are identical or confusingly similar to the trademarks or service marks of any third party, and that OpenTLD and its affiliates will not register any such domains in the future. The submission also includes a list of OpenTLD’s subsidiary relationships, a list of its resellers and Whois privacy providers. Finally, the submission contains several affirmations that OpenTLD and its counsel are diligently undertaking to review and cure any perceived deficiencies in OpenTLD’s various policies and procedures as required the ICANN specifications. A true and correct listing of this submission is attached hereto as Exhibit A.

4. OpenTLD does not, nor do any of its subsidiaries, maintain or



otherwise use any domain names or third level domain names that are identical to or confusingly similar to the trademarks or service marks of any third party.

5. In connection with gTLD domain registrations, OpenTLD offers a type of free corresponding ccTLD domain name registrations to its customers under .TK, .ML, .GA, .CF, and.GQ. Registrants utilize these services for a multitude of purposes, such as to explore the value of various terms at low risk and cost, or to register corresponding terms under multiple TLDs to maximize coverage. Under this free domain structure, when third parties register these country-code domains, they are registered in name to OpenTLD while the actual registrant remains the licensee and user of the domain. Further, parked and expired domains are transferred to one of OpenTLD's affiliates: Freedom Registry, Inc. or Freenom SARL. These parked or expired domains are only transferred if they have not been cancelled or suspended due to abuse. Due to the nature of this service offering, OpenTLD developed a special policy and API (Application Programming Interface) for combating abuse of its services. (*See, e.g.,* http://www.freenom.com/en/antiabuse_api.html). This abuse mitigation approach is similar to that used by other large internet corporations to manage abuse from its users in a commercially reasonable manner. Under this API, abusive domains are subject to rapid rights enforcement takedown. Domains that are taken down by the anti-abuse API are suspended and will not be transferred to anyone. For the purposes of contributing to the use of its API, OpenTLD maintains partnerships with trusted third parties which includes, among over fifty other organizations, Facebook, Twitter, Kaspersky Labs, and the Anti-Phishing Alliance of China. User abuse of these types are common and ongoing issues that public facing service providers, not limited to registrars, must constantly manage.

6. OpenTLD also undertakes procedures to prevent abusive registrations.



(1) OpenTLD uses automated systems, such as “iovation,” to alert OpenTLD's staff about any possible fraudulent paid registration. OpenTLD also performs Daily Paid Domain Verifications. OpenTLD’s finance team monitors paid registrations of the past twenty-four hours to screen for fraudulent registrations that may lead to payment fraud. Those registrations are flagged as “doubtful” and manually verified (registrant name, address, country, payment information, registration history, payment history, payment declined history). If the information is incomplete, OpenTLD contacts the registrant. If fraud is clear, OpenTLD refunds payment and reports the fraud to the payment processor. The domain is then deleted and the registrant account closed. (2) OpenTLD matches new registrant info against previously closed accounts by linking email addresses, PayPal email account, and/or domain name registered. OpenTLD’s financial team evaluates the risk, and if it is unacceptable, the account is closed. (3) Payment Reconsolidation. OpenTLD’s finance and risk management team downloads the payment activity from the payment providers, including email addresses, IP, payment details, and transaction details. The information is analyzed for mismatches and history, and risk is evaluated. If the risk is unacceptable, again, the domain is deleted, the payment refunded, and the account is closed. (4) OpenTLD cooperates actively with DMCA and UDRP claims, as well as abuse complaints and court orders as required under the RAA and applicable laws.

7. Past communications that OpenTLD has had with ICANN regarding compliance matters have always included supplemental attempts to communicate with OpenTLD in methods aside from solely email. In addition to emails, past inquiries from ICANN arrived by postal mail and/or courier. However, the claimed inquiry of June 2, 2015 did not arrive by mail or any other means.



8. ICANN identified an instance concerning correspondence from the registrar Godaddy.com that identified abusive domains. To the extent of my knowledge, Godaddy.com did not file any domain disputes regarding these domains. <Domainsbyproxy.ga> was registered in January 2015 by a third party registrant and will naturally expire on January 15, 2016. Domainsbyproxy.tk was registered in April 2014 by a third party registrant and naturally expired on April 23, 2015. It is currently registered by Godaddy.com at Key-Systems GmbH, an accredited Registrar of OpenTLD B.V. A true and correct copy of the Whois registration record of <domainsbyproxy.tk> is attached hereto as Exhibit B. <Godaddy.ml> was never registered and has always been available for registration. <Godaddy.cf> was immediately suspended on February 20, 2015, less than twenty-four hours after receiving GoDaddy's correspondence on February 19, 2015. In these instances, OpenTLD acted in conformity with its anti-abuse protocols.

9. ICANN identifies an instance concerning correspondence from the registrar Tucows that identified an abusive third level domain. To the extent of my knowledge, Tucows did not file any domain disputes or other claims regarding this item. The third level domain about which Tucows complained was quickly deactivated. No other third level domains are maintained within OpenTLD's or any of its affiliate's zones that are identical or confusingly similar to the trademarks or service marks of third parties. In this instance, OpenTLD acted in conformity with its anti-abuse protocols.

10. Under .CF Registry Procedure and Registration Agreements, which encompass the UDRP, and which also give broad authority to the Registry to take action and suspend domain names in response to a valid complaint of abuse, appropriate action includes suspension or deletion of a domain. Such actions are not "cyber-flight."



11. In the past, WIPO has permitted OpenTLD to rely on its rapid takedown procedures in light of OpenTLD's unique domain offerings and structure. Attached as Exhibit C is a true and correct copy of an email communication from WIPO concerning the domain <goyard.tk>, where OpenTLD deactivated the disputed domain and the dispute was thereafter closed by WIPO. No action was thereafter taken against OpenTLD. Such actions are not "cyber-flight."

12. ICANN identified several other registered domains utilizing OpenTLD's proxy or privacy service, i.e., Stichting OpenTLD WHOIS Proxy, namely, <barnesandnoble.link>, <sephora.bargains>, <at-facebook.com>, <ebaybh.com>, <googlefreeporn.com>, <global-paypal.com>, <hotmailtechnicalsupport.com>, and <secure-apple.com>. All of these domains were registered by third party registrants, not by OpenTLD. A true and correct copy of the registration history and identification of actual registrants is attached hereto as Exhibit D. OpenTLD developed a commercially reasonable, human-driven policy to combat the fraudulent and abusive practices of third party registrants, see paragraph 10, above. Some of these domains have not yet been complained of by the respective rightsholders. Some were immediately identified as fraudulent and deleted. In these instances, OpenTLD acted in conformity with its anti-abuse protocols.

13. The detriments OpenTLD will suffer from a suspension are beyond being purely monetary. Suspension will damage the ongoing development of relationships between OpenTLD and its partners in the African domain space. Among other projects, OpenTLD and its partners have been working toward building a robust offering of free domain registrations to registrants located in their respective African nations. If a suspension were to issue at this juncture, the

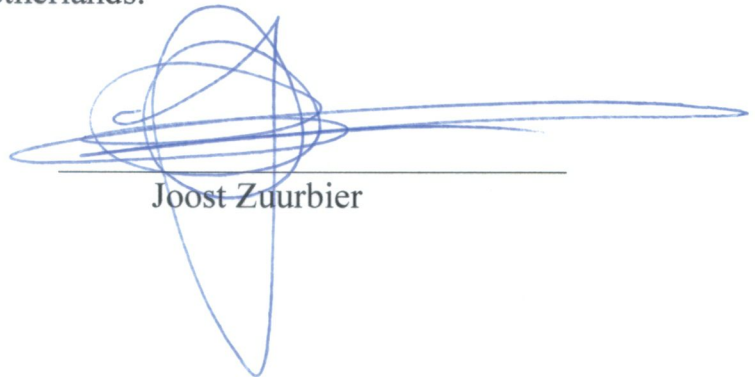


damage to those growing relationships will be done, regardless of whether OpenTLD is ultimately successful in the conclusion of this arbitration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Amsterdam, Netherlands.

Dated: August 10, 2015



Joost Zuurbier



EXHIBIT A

**CONFIDENTIAL DUE TO
PRIVILEGED REGISTRAR
INFORMATION-SUBMITTED
SEPARATELY**

EXHIBIT B

Appendix 1: Output WHOIS domainsbyproxy.tk

Domain Name: domainsbyproxy.tk
Registry Domain ID: TK-121531377
Registrar WHOIS Server: whois.rnpproxy.net
Registrar URL: http://www.godaddy.com
Updated Date: 2015-07-07T00:00:00.0Z
Creation Date: 2015-07-07T00:00:00.0Z
Registrar Registration Expiration Date: 2017-07-07T00:00:00.0Z
Registrar: Key-Systems GmbH
Registrar IANA ID: 269
Registrar Abuse Contact Email: Contact Information Redacted
Registrar Abuse Contact Phone: Contact Information Redacted
Domain Status: ok http://www.icann.org/epp#ok
Registry Registrant ID: P-DZA7316
Registrant Name: Domain Administrator
Registrant Organization: Go Daddy Operating Company, LLC
Registrant Street: Contact Information Redacted
Registrant City: Contact Information Redacted
Registrant State/Province: Contact Information Redacted
Registrant Postal Code: Contact Information Redacted
Registrant Country: Contact Information Redacted
Registrant Phone: Contact Information Redacted
Registrant Phone Ext:
Registrant Fax: Contact Information Redacted
Registrant Fax Ext:
Registrant Email: Contact Information Redacted
Registry Admin ID: P-DNA7450
Admin Name: Domain Administrator
Admin Organization: Go Daddy Operating Company, LLC
Admin Street: Contact Information Redacted
Admin City: Contact Information Redacted
Admin State/Province: Contact Information Redacted
Admin Postal Code: Contact Information Redacted
Admin Country: US
Admin Phone: Contact Information Redacted
Admin Phone Ext:
Admin Fax: Contact Information Redacted
Admin Fax Ext:
Admin Email: Contact Information Redacted
Registry Tech ID: P-DNA7449
Tech Name: Domain Administrator
Tech Organization: Go Daddy Operating Company, LLC
Tech Street: Contact Information Redacted
Tech City: Contact Information Redacted

Tech Postal Code: Contact Information Redacted
Tech State/Province: Contact Information Redacted
Tech Country: Contact Information Redacted
Tech Phone: Contact Information Redacted
Tech Phone Ext:
Tech Fax: Contact Information Redacted
Tech Fax Ext:
Tech Email: Contact Information Redacted
Name Server: pdns05.domaincontrol.com
Name Server: pdns06.domaincontrol.com
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2015-08-06T13:08:40.0Z <<<

Registry Billing ID: P-DNA7449
Billing Name: Domain Administrator
Billing Organization: Go Daddy Operating Company, LLC
Billing Street: Contact Information Redacted
Billing City: Contact Information Redacted
Billing State/Province: Contact Information Redacted
Billing Postal Code: Contact Information Redacted
Billing Country: US
Billing Phone: Contact Information Redacted
Billing Phone Ext:
Billing Fax: Contact Information Redacted
Billing Fax Ext:
Billing Email: Contact Information Redacted

EXHIBIT C

Disputes, Domain Contact Information Redacted

7/9/13

to Malibu, support, ross, and vitale, abuse, copyright, me, 'xavier, 'xipostzuurbier, payments, post zuurbier -

Dear Complainant,

The Center has received communication from the Registry in the above-reference proceeding indicating

"Despite the fact that the Dispute Resolution Policy applies under this domain name, we have decided to cancel the domain name registration of this domain- as is possible under the free domain name program. We can cancel such domain name registrations in case of any dispute (from WIPO or elsewhere)

The domain name can now be registered for a fee. There is no set expiration date yet of the domain

I understand that WIPO has an urge to solve issues like these. We apologize for the late reply on this - but please use our general email boxContact Information Redacted for any future complaints regarding free domain names."

In light of the above, the disputed domain name may be available for registration by the Complainant. Accordingly, we direct the Complainant to contact the Registry directly in this regard. The Registry has been copied to this email for your convenience.

Accordingly, the Center may proceed on **July 14, 2013** to terminate these proceedings should it hear no further information in this regard.

Sincerely,

Dandan Zhou
Case Manager

WIPO Arbitration and Mediation Center

Contact Information Redacted

W www.wipo.int/amc

EXHIBIT D

Re: Ican'n's response to claimant OpenTLD B.V.'s request for a stay of the suspension - answer regarding number 44a

Domainname	Client ID	Registrant	Country	What happened?
barnesandnoble.link	1000456497	Aaron Harvey	USA	Registered on July 22, 2015; no complaints, no payment fraud
sephora.bargains	1000456497	Aaron Harvey	USA	Registered on July 22, 2015; no complaints, no payment fraud
at-facebook.com	16775332	Hanafy Khotbob	Indonesia	Registrant paid by credit card on 17 March, 2015, transaction was refunded on 16/04/2015 due to payment fraud. Domain is in status PendingDelete
ebaybh.com	17047651	Alekry Al-Shater	Bahrein	Registered on December 19, 2014. No complaints, no payment fraud
googlefreeporn.com	17412145	Xavier Nicolas Perez	Spain	Registered on July 13, 2015; no complaints, no payment fraud
global-paypal.com	1000642379	Kelli Harris	USA	Registered on July 5, 2015; no complaints; payment fraud discovered on August 5, 2015; Domain is in status PendingDelete
hotmailtechnicalsupport.com	1000424058	Alex Ovanisian	USA	Registered on April 6, 2015; no complaints, no payment fraud
secure-apple.com	16363276	Dennis Grant	USA	Registered on March 27, 2015; no complaints, payment fraud discovered on August 2, 2015; Domain is in status PendingDelete