



The Internet Corporation for Assigned Names and Numbers

TRANSMITTED VIA FACSIMILE, ELECTRONIC MAIL AND COURIER

16 November 2010

Mr. Flavia Soares Roberti  
Open System Ltd. (IANA ID #1365)  
Rua Paraiba 966/ 303 Funcionarios Belo Horizonte  
Minas Gerais State 30430-490  
Brazil

**RE: NOTICE OF BREACH OF REGISTRAR ACCREDITATION AGREEMENT**

Dear Mr. Roberti:

Please be advised that as of 16 November 2010, Open System Ltd. ("Open System") is in breach of the Registrar Accreditation Agreement between the Internet Corporation for Assigned Names and Numbers (ICANN) and Open System ("RAA"). This breach results from Open System's failure to provide public access to data on registered names, pursuant to section 3.3 of the RAA. Should Open System fail to cure this breach within 15 working days, ICANN may commence the termination process as set forth in section 5.3.4 of the RAA.

Failure to Provide Public Access to Data on Registered Names.

Section 3.3 of the RAA requires Open System to:

provide an interactive web page and a port 43 Whois service providing free public query-based access to up-to-date (i.e., updated at least daily) data concerning all active Registered Names sponsored by Registrar for each TLD in which it is accredited. The data accessible shall consist of elements that are designated from time to time according to an ICANN adopted specification or policy. Until ICANN otherwise specifies by means of an ICANN adopted specification or policy, this data shall consist of the following elements as contained in Open System's database:

3.3.1.1 The name of the Registered Name;

**Brussels**  
**Sydney**  
**Washington, DC**  
**Marina del Rey**

6 Rond Point Schuman, Bt. 5  
Level 2, 48 Hunter Street  
1875 I Street, NW, 5th Floor  
4676 Admiralty Way, Suite 330

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T +1 310 823 9358

F +32 2 234 7848  
F +61 2 8236 7913  
F +1 202 429 2714  
F +1 310 823 8649

<http://icann.org>



3.3.1.2 The names of the primary nameserver and secondary nameserver(s) for the Registered Name;

3.3.1.3 The identity of Registrar (which may be provided through Registrar's website);

3.3.1.4 The original creation date of the registration;

3.3.1.5 The expiration date of the registration;

3.3.1.6 The name and postal address of the Registered Name Holder;

3.3.1.7 The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the technical contact for the Registered Name; and

3.3.1.8 The name, postal address, e-mail address, voice telephone number, and (where available) fax number of the administrative contact for the Registered Name.

For the reasons set out below, ICANN has determined that Open System has failed to comply with its RAA obligation by not providing public access to data on registered names pursuant to section 3.3 of the RAA.

ICANN attempted to access Open System's port 43 Whois Service every day from 3 September 2010 to 1 November 2010. All attempts were unsuccessful.

In particular, instead of providing the hostname of a port 43 Whois server, Open System provides the URL of Open System's web based Whois, "turbsite.com.br/home/registro.php." The RAA requires Open System to provide an interactive web page and a port 43 Whois service. ICANN notified Open System about this via e-mail on 30 September 2010 and 13 October 2010. In addition, ICANN attempted to contact Open System via telephone on multiple occasions to discuss this matter.

Open System's failure to provide an interactive web page and a port 43 Whois service is a violation of section 3.3 of the RAA. As previously stated, ICANN may terminate the RAA before its expiration if a registrar fails to cure any breach of the agreement within 15 working days after ICANN gives the registrar notice of breach, pursuant to section



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5.3.4. Should Open System fail to cure the breach cited herein by 7 December 2010, ICANN may commence the termination process. For more information on complying with the technical requirements of an acceptable Whois port 43 service, please contact the ICANN Contractual Compliance department.

ICANN specifically reserves the right to pursue any and all other breaches in addition to the breach mentioned above, and nothing herein shall be deemed a waiver of that right.

Should you have questions or require assistance, please feel free to contact me at (310) 301-3860 or at [stacy.burnette@icann.org](mailto:stacy.burnette@icann.org).

Very truly yours,

A handwritten signature in blue ink that reads "Stacy Burnette". The signature is written in a cursive, flowing style.

Stacy Burnette  
Director,  
Contractual Compliance