

**AMERICAN ARBITRATION ASSOCIATION
INTERNATIONAL COMMERCIAL ARBITRATION**

OPENTLD B.V.,

Claimant,

V.

**INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,**

Respondent.

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Case No. 01-15-0004-1379

[Assigned to: Peter Michaelson]

**SUPPLEMENTAL DECLARATION OF JERL B. LEUTZ IN SUPPORT OF
COMPLAINANT, OPENTLD B.V.'S REPLY BRIEF IN SUPPORT OF REQUEST FOR
A STAY OF SUSPENSION**

ROME & ASSOCIATES, A.P.C.
Eugene Rome (SBN 232780)
Contact Information Redacted
Jerl B. Leutz (SBN 253229)
Contact Information Redacted

Attorneys for Complainant, OpenTLD B.V.

DECLARATION OF JERL B. LEUTZ

I, Jerl B. Leutz, declare as follows:

1. I am counsel of record for 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 its Request for a Stay of Suspension of OpenTLD’s registrar operations.

3. ICANN makes publicly available its “Specification on Privacy and Proxy Registrations” on its website and at the location <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#privacy-proxy>. Among other things, this “Specification” sets forth the regulatory requirements that ICANN requires of its accredited registrars that offer such a service. By performing an internet-based search, I was able to identify a number of other ICANN accredited registrars that offer such a private or proxy registration service, including Godaddy.com’s “DomainsByProxy” service, Domain.com’s “Domain Privacy” service, Register.com’s “Domain Discreet” service, and many others.

4. WIPO makes publicly available its decisions in domain name disputes, and these decisions are searchable. On August 10, I performed a search of all decisions where the named respondent was “Domainsbyproxy,” which is therein described as the privacy or proxy registration service offered by the domain name registrar Godaddy.com. A true and correct copy of a printout of the numerous search results is attached hereto as Exhibit A. In light of the number of WIPO decisions reached against “Domainsbyproxy,” I also performed a search of ICANN’s enforcement actions for incidents where ICANN initiated RAA enforcement actions against either Godaddy.com or “Domainsbyproxy” for registering or using domain names that were identical or confusingly similar to the trademarks or service marks of third parties. All of ICANN’s Notices of Breach, Suspension, Termination and Non-Renewal are indexed on

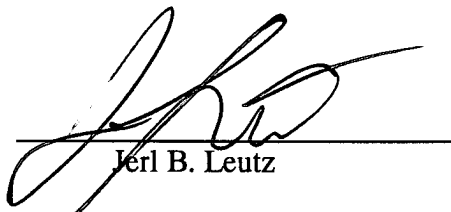
ICANN's website at the location <https://www.icann.org/resources/pages/notices-2012-02-25-en>. I was unable to find any adverse action taken against either Godaddy.com or "Domainsbyproxy," whether regarding infringing domain registrations or otherwise.

5. On or around August 10, 2015, with the assistance of OpenTLD's chief executing officer, Joost Zuurbier, we prepared an affidavit accompanied by 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.

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

Executed in Los Angeles, California.

Dated: August 10, 2015



Jerl B. Leutz

EXHIBIT A

Named Respondent

(decided cases only; searches based on inclusion of selected search term in respondent names as provided)

Case Number	Named Respondent
<u>D2015-0876</u>	Daniel Perez, Pacsolutor, S.L.U / Registration Private / DomainsByProxy.com/ Domains By Proxy, LLC
<u>D2015-0590</u>	Domains By Proxy, LLC / Domainsbyproxy.Com / Kevin Earnest / Real Property Group
<u>D2014-2221</u>	Richard Davis / Domains by Proxy, Inc. / DomainsByProxy.com
<u>D2014-2162</u>	Blogging, Saad Sulari -- Registration Private / Domains By Proxy, LLC / DomainsByProxy.com
<u>D2014-2088</u>	Imran Hayat / Domains By Proxy, LLC / DomainsByProxy.com
<u>D2014-1876</u>	MOHAMMAD ALI / Domains By Proxy, LLC, DomainsByProxy.com
<u>D2014-1695</u>	DomainsbyProxy.com, Inc., Proxy, Inc. Domain Names
<u>D2014-1496</u>	DomainsByProxy.com Private Registration
<u>D2014-1007</u>	Domains By Proxy, LLC, DomainsByProxy.com / Hooman Elmi Kitabforoosh
<u>D2014-0709</u>	Domains By Proxy, LLC - DomainsByProxy.com / Anthony Barron
<u>D2014-0344</u>	DomainsByProxy.com / Hans Kam, Nature Malaysia
<u>D2013-1983</u>	Registration Private, DomainsByProxy.com, Domains By Proxy, LLC / Murat Gocen
<u>D2013-1072</u>	Adam Mascal, DomainsByProxy.com
<u>D2013-1000</u>	DomainsByProxy.com / Alvaro Giacoman
<u>D2013-0940</u>	Domains By Proxy, LLC, DomainsByProxy.com / Stratford Coin & Bullion
<u>D2013-0939</u>	Mr. Harry Henien v. Domains By Proxy, LLC, DomainsByProxy.com / Stratford Coin & Bullion

<u>D2013-0784</u>	Domains By Proxy, LLC, DomainsByProxy.com / Marcello Grimaldi
<u>D2013-0638</u>	DomainsByProxy.com / Contact Information Redacted
<u>D2013-0624</u>	Domains By Proxy, LLC, DomainsByProxy.com / Human Health Network
<u>D2013-0618</u>	Domains By Proxy, LLC a/k/a DomainsByProxy.com / No Filter News
<u>D2013-0305</u>	Domains by Proxy, LLC, DomainsByProxy.com / Virtual Clicks
<u>D2012-1615</u>	Gina Jacob / Domains By Proxy, LLC, DomainsByProxy.com
<u>D2012-1563</u>	Jupiter Miguel Tarrero Gallo / Domains By Proxy, LLC, DomainsByProxy.com
<u>D2012-0860</u>	Domains by Proxy, Inc. / Private Registration DomainsByProxy.com / Sarah Forman
<u>D2012-0733</u>	Two Chicks Productions / DomainsByProxy.com
<u>D2012-0615</u>	Private, Registration, Domains By Proxy, LLC, DomainsByProxy.com / David Haan
<u>D2012-0590</u>	DomainsByProxy.com, Registration Private, Domains By Proxy, LLC / domainturkey
<u>D2012-0465</u>	Romas Bartkus/ DomainsByProxy.com
<u>D2012-0177</u>	Domains By Proxy, LLC, DomainsByProxy.com / Knight, Seek
<u>D2012-0141</u>	DomainsByProxy.com/ Alpha Systems
<u>D2011-2235</u>	Domains by Proxy, Inc, DomainsByProxy.com / Saqib Mahmood
<u>D2011-1839</u>	Domains by Proxy, Inc., DomainsByProxy.com / DBA David Inc
<u>D2011-1769</u>	Essential Planet / DomainsByProxy.com
<u>D2011-1446</u>	DomainsByProxy.com / janelle Fausett
<u>D2011-1316</u>	Ritesh Pal / MLM Hub / DomainsByProxy, Inc.
<u>D2011-1290</u>	DomainsByProxy.com/ DBA David Inc
<u>D2011-1288</u>	DomainsByProxy.com / DBA David Inc
<u>D2011-1175</u>	DomainsByProxy.com/ Nicolas Zanoni
<u>D2011-1050</u>	DomainsByProxy.com / Paul Cotten
<u>D2011-0872</u>	DomainsByProxy.com / None

<u>D2011-0801</u>	DomainsByProxy, Inc.
<u>D2011-0317</u>	DomainsByProxy.com / Plessers Appliances
<u>D2011-0302</u>	DomainsByProxy.com / Dahai Huang
<u>D2010-2149</u>	DomainsByProxy.com
<u>D2010-1526</u>	DomainsByProxy.com
<u>D2010-0950</u>	DomainsByProxy.com/ www.NAOCELS.com
<u>D2010-0828</u>	DomainsByProxy.com/The Christian Party
<u>D2010-0659</u>	DomainsByProxy.com / Goodstead Limited
<u>D2010-0135</u>	Domains by Proxy, Inc., DomainsByProxy.com, /My Co Doan
<u>D2010-0134</u>	DomainsByProxy.com / My Co Doan
<u>D2009-0857</u>	DomainsByProxy.com / AG Distributing Inc.
<u>D2009-0335</u>	DomainsByProxy/Pablo Vega
<u>D2008-1775</u>	Domains by Proxy, Inc. - DomainsByProxy.com / VELO-IRK.ru
<u>D2008-1044</u>	DomainsByProxy.com / Domain Works
<u>D2008-0870</u>	DomainsByProxy.com/bb1webs
<u>D2008-0833</u>	DomainsByProxy.com
<u>D2008-0027</u>	Julia Sorokin / DomainsbyProxy.com
<u>D2007-1794</u>	Fred Dennis/ Domains by Proxy, Inc. dba DomainsByProxy.com
<u>D2007-1453</u>	Alex. / DomainsByProxy.com
<u>D2007-1451</u>	Bethesda Properties LLC / GODA - 033098097, DomainsByProxy, Inc
<u>D2007-1116</u>	Doug Demko / DomainsByProxy.com
<u>D2007-0628</u>	DomainsByProxy.com
<u>D2007-0540</u>	DomainsByProxy.com
<u>D2007-0070</u>	DomainsByProxy.com
<u>DWS2008-0007</u>	DomainsByProxy Inc.
<u>DES2011-0045</u>	DomainsByProxy.com