

Ref: ORG-CIL1/202108/MS-1

Friday, 27 August 2021

Cloud Innovations Ltd
c/o Abacus (Seychelles) Limited
Mont Fleuri, Mahe
Seychelles

Dear Sir,

**Re: IPv4 Number Resources Allocated to Cloud Innovation Ltd
- ORG-CIL1-AFRINIC**

1. We refer to:

- (a) the temporary reinstatement of your membership effected in July 2021 as stated in our email sent to you dated 15 July 2021,
- (b) the affidavit sworn by Mr. Neil Roland Hare-Brown on 09 August 2021, a copy of which has been communicated to you as part of the case brief *viz* African Network Information Centre (AfrinIC) Ltd vs Cloud Innovation Ltd [SC/COM/JICA/000471/2021],
- (c) your letter dated 11 August 2021 under the hand of your attorney-at-law, and
- (d) our reply dated 18 August 2021 under the hand of our Senior Attorney.

2. The evidence of Mr. Hare-Brown shows that the IP addresses allocated to you, are presently being used for illegal practices some of which are highly dangerous and/or amoral. In particular, we note with serious concern that out of some 1010 websites hosted on Cloud Innovation-assigned space, more than two-thirds of the 632 active and operational sites relate to illegal gambling, illegal streaming of movies and other copyrighted content, or adult content/pornography sites, including some with indecent images of children.

3. You are aware that subclauses 4 (b) and (c) of the RSA and clause 5.5.1.14 of the Consolidated Policy Manual provide as follows:

(b) Cooperation:

- (i) *An applicant receiving service under an agreement is at all times bound to provide to AFRINIC such information, assistance and cooperation as may be reasonably required by the latter in the provision of the service.*
- (ii) *Such request for information may also be made where AFRINIC is investigating (reviewing) the applicant's utilisation of the number resources already assigned to it.*
- (iii) *Failure by the applicant, to comply with a request made at above may:*
 - (1) *entail revocation or withholding of the service supplied by AFRINIC;*
 - (2) *be taken into account by AFRINIC in its evaluation for further and future assignment or allocation of number resources;*
 - (3) *lead to the closure of an LIR and termination of the agreement by AFRINIC.*

(c) Applicant's use of the service

The Applicant hereby irrevocably:

- (i) *Commits itself to using the services solely for the purpose for which it was requested.*
- (ii) *Commits itself to using the services in full and unreserved compliance with AFRINIC's policies and mandate:*
 - (1) *without knowingly infringing the rights and/or interests of other users of such services,*
 - (2) *within the limits of applicable laws and/or regulations of the jurisdiction in which it operates.*

5.5.1.14 Record keeping by LIRs

LIR's must keep and maintain records of any documentation regarding assignments and sub-allocations to end-users. It is needed for future reference when evaluating requests from the same organisation and for any audits by AFRINIC. These documents should be kept electronically for easier access. It's advisable that these records should include but not be limited to:

1. *The original request.*
2. *Supporting documentation.*
3. *Related correspondence between LIR and end-user.*
4. *The decision of the assignment, and the reasons behind any unusual decision.*
5. *Role of the person that made the decision.*

4. In light of the above and considering the seriousness of the issues raised, you are hereby required to provide us with the necessary information (including where necessary your explanations) in relation to the sites hosted by you ("**Your Hosted Sites**") as to:

4.1. why:

- (a) Your Hosted Sites carry, host and/or have illegal, unlawful, dangerous and/or amoral content, information or data;

- (b) (i) You allow Your Hosted Sites to, and/or
- (ii) You fail to control and/or monitor adequately or at all that Your Hosted Sites do not, carry, host and/or have illegal, unlawful, dangerous and/or amoral content, information or data;
- (c) Your Hosted Sites are allowed to carry, host and/or have illegal, unlawful, dangerous and/or amoral activities; and/or
- (d) as shown by your attorney-at-law's letter,
 - (i) you have no measures, means and/or processes and/or
 - (iii) you have failed to put in place and/or implement the necessary and/or adequate measures, means and/or processes to control and/or monitor adequately or at all Your Hosted Sites for illegal, unlawful, dangerous and/or amoral content, information or data;

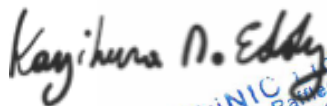
and give information (including your explanations) as to how that state of affairs has been brought about;

- 4.2. what are the measures, means and/or processes put in place to ensure that Your Sites do not carry, host and/or have illegal, unlawful, dangerous and/or amoral content, information or data;
 - 4.3. what is the list of all sites hosted by you and whether contracts have been entered with those persons, referenced to the specific IP addresses you have assigned to them; as well as any related correspondence with those persons and the name and role of the person that made the decision;
 - 4.4. whether you have a set of standard terms and conditions for the use of Your Hosted Sites and if so, what are those standard terms and conditions; and/or
 - 4.5. whether over the last five years you have carried out any monitoring of or exercised any form of control over Your Hosted Sites and if so, the dates of those monitoring/control exercises as well as (a) the result of such monitoring/control exercises and (b) all reports made in respect of such monitoring/control exercises; and/or
 - 4.6. whether over the last five years you have taken action against any of Your Hosted Sites and if so, which one, when and what action was taken.
5. The required information (and your explanations, if any) should reach AFRINIC in searchable electronic format within fifteen days of the date of this letter and by noon Mauritius time on Monday 13 September 2021 at latest. Further information may be required after a review of the information are hereby required to provide.

6. Please be informed that a serious view is taken of the matters set out in this letter. Should you fail in your contractual duty of cooperation, including to provide the information (including the explanations) required from you, we reserve all our rights including suspending service; and/or terminating the RSA after inviting you to show cause within the delay set out in the RSA why such action should not be taken against you or to take remedial measures to cure any particularised breach of the RSA and your failing to do so within the delay set therefore.

7. Notwithstanding the above, you further informed that we may decide to refer the matter to the competent investigative authorities, both domestic and foreign.

Yours faithfully,



Eddy Kayihura
Chief Executive Officer

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