

Top Level Spectrum, Inc.  
1845 W Mercer Way  
Mercer Island, WA 98040  
April 6th 2017  
Re: Breach of accreditation with .Feedback

TO: MarkMonitor, Inc  
CC: ICANN Compliance

Attention: MarkMonitor's Domain Administrator (via email)

While on a phone call with ICANN compliance they pointed out to us that MarkMonitor disclosed the "Confidential RRA Agreement". We were concerned about that breach of our contract. On November 3rd 2015 MarkMonitor signed a Confidential Agreement with Top Level Spectrum. That agreement was marked "CONFIDENTIAL" and further to that fact section 9 of the agreement you agreed how to handle the "Use of Confidential Information". The contract was not for public disclosure. Your company along with others filed a PICDRP incorporating the Confidential Agreement as an exhibit.

We think the ICANN PICDRP panel should have seen the Registry-Registrar Agreement however you failed to provide the full agreement and omitted Schedule B of the Registry-Registrar Agreement which transparently disclosed our pricing. As a result, **the panel believed we were not being transparent on pricing**. All registrars had the same fee schedule and we were being transparent with everyone but the evidence was being hidden in your complaint.

The problem we take issue with is that your exhibit should have redacted the "Confidential RRA Agreement" prior to being handed over to "**the press**" and it should have been marked in an appropriate way so ICANN would not publicly disclose it. As we can tell no precautions were taken and as a party to the action we find that you violated the confidentiality of the agreement. A copy of the Confidential Agreement included in your exhibit did not come from MarkMonitor directly however as a party to the Confidential Agreement and as a party to the group that disclosed the Confidential Agreement we find you are in breach of section 9. MarkMonitor should have pointed out to the group that disclosing the "Confidential RRA Agreement" would jeopardize any ICANN Accredited Registrar that was a member of the group.

The PICDRP panel was successful at tricking the panel into finding we were not in compliance with ICANN public interest commitments. The fact that you lied and withheld evidence was the only reason the panel found us in breach. We talked to ICANN Compliance Officers and we have been found to cure any breaches they believed actually existed.

The result is we should never been in breach, however you it is clear that you are. As a result of breaching your agreement with us and the fact that you lie. It seems incurable. Please let us know what actions you will take to cure this breach with us or we will have no other option but to de-accredited your Registrars.

Sincerely,

Jay Westerdal  
CEO, Top Level Spectrum, Inc.  
[www.registry.feedback](http://www.registry.feedback)