To: THE MAURITIAN COMPETITIONS COMMISION

RE: AFRINIC ANTI-COMPETITIVE PRACTICES AND VIOLATIONS OF ANTI-TRUST REGULATIONS

I, the undersigned, representing <COMPANY NAME> hereby wish to formally raise the issue of anti-competitive practices and anti-trust violations, as committed by AFRINIC LTD, an entity domiciled in Mauritius at 11th Floor, Standard Chartered Tower 19, Cybercity, Ebene

It is my opinion and belief that the above entity is in a monopoly situation as defined by section 46.(1) of the Competitions Act of 2007. Furthermore, it is my opinion that the competitions commission has a responsibility to review said situation as per section 46.1.2.(a) and 46.1.2.(b) of the act.

It should be noted that prior to approaching the competitions commission multiple requests were made to the AFRINIC board of directors to investigate and remedy these potential violations. Despite commitments received from the board of directors to provide answers as to

1. If they believe themselves to be in violation of said regulations
2. To highlight the risks to the organisation if indeed the above point is true so that remedial action could be taken

No such communication has ever been forthcoming from the directors of the company.

During the founding of AFRINIC a full review was done of their application to become an RIR, and that evaluation explicitly defines the countries that AFRINIC will service. (Page 2 and 3 of the the attached afrinic-report-05aug2005.pdf). When read in conjunction with section (1) of the ICP-2 document as attached, which states ”***Each region should be served by a single RIR***” this is a clear case of market division.

Furthermore, while other regional internet registries, have implemented global bi-directional transfer polices, allowing members to move between registries should they wish to do so, AFRINIC has no such policy. The AFRINIC organization believes that such a global bi-directional transfer policy should be passed through a process of community consensus, however, in this case that argument is flawed. The reality of the situation is that AFRINIC has 9 members under law, who hold the power to:

1. Pass policy that is binding on AFRINIC in emergency situations
2. Modify the by-laws of the organization should the by-laws prevent them from passing such a policy. The general community who are the recipients of the services that AFRINIC provides have no recognition in law beyond the by-laws – which as stated can be modified by the current directors (who are also the only registered members)

As such – the refusal to pass a policy that allows an organization who requires address space to choose to move to a registry of their choice is a directly anti-competitive action.

Furthermore, since the AFRINIC board (who are also the members), retain the right to unilaterally change the fees charged, and are demonstrably charging fees that are far in excess of those charged by other registries, while restricting a members ability to relocate to another registry, the AFRINIC board are, in the opinion of the signatory, essentially engaging in a monopoly based price fixing exercise.

Therefore, we are asking the competitions commission to investigate to determine if:

1. AFRINIC is indeed in violation of competitions laws in Mauritius
2. In the event of (a) being found to be accurate – to compel AFRINIC to take immediate action to remedy the situation through the provision of a bi-directional transfer policy passed via whatever means the board and/or competitions commission deems necessary
3. To investigate if AFRINIC is indeed in guilty of price fixing through their actions
4. In the event of being found to be in contravention of price fixing regulations – to compel AFRINIC to take immediate action to regularize the pricing charged to organisations utilizing their services

As per the rules of the competitions commission, I, the undersigned, request that my identity be withheld from the organisation to prevent victimization by the organisation.

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

POSITION: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_