



## OPEN-IX ASSOCIATION

# MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MoU) is made by and between Open-IX Association ("Open-IX"), 340 South Lemon Avenue, #7988, Walnut, CA 91789 and \_\_\_\_\_ of \_\_\_\_\_, ("Applicant") this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and sets forth the requirements, terms and procedures for obtaining and retaining Open-IX certification whether as a Data Center or an IXP:

### **PROCEDURES TO BE FOLLOWED FOR OBTAINING AND RETAINING OPEN-IX CERTIFICATION.**

Applicant agrees to the following Open-IX procedures for reviewing and evaluating applications for Open-IX certification and for applicants to obtain and retain such Open-IX certification. Open-IX reserves the right to modify, amend, add or delete these procedures. Applicant agrees to comply with Open-IX standards including those published from time to time on the Open-IX Web Site as well as the following procedures unless notified that the procedures have been changed or eliminated.

1. Applicant will submit its complete application for Open-IX certification with a deposit and processing fee of \_\_\_\_\_ for \_\_\_\_\_. All Applications become the property of Open-IX upon filing and Applicant consents to their publication in the manner provided herein.
2. The Open-IX Board or designated Open-IX Committee will review any such application and use best efforts to diligently provide preliminary feedback to Applicant with respect to any missing, incomplete or inaccurate information in the completed application.
3. Once an application has received approval of the Open-IX Board or designated Open-IX committee, then, unless Applicant has withdrawn the application, copies of the application will be distributed to the entire Open-IX Membership for review and comment. After a period of up to one week or longer, as determined by the Open-IX Board or designated Open-IX Committee, the Open-IX Board will consider comments received and make a final decision as to whether or not to grant Open-IX certification.
4. Further, an Applicant whose Data center or IXP is granted Open-IX Certification (a "Certified Applicant") will, while Applicant's facility retains Open-IX certification:
  - a. Identify itself as an Open-IX Certified Data center or IXP
  - b. Allow Open-IX to publicly identify the Data center or IXP as an Open-IX Certified Data center or IXP on the Open-IX website or a peer directory service;
  - c. Display Open-IX-created identifiers so the public can easily distinguish it from a non-certified entity;
  - d. Renew certification on a yearly basis for as long as applicant elects to retain its **Open-IX** certification; and
  - e. Comply with the terms and agreements contained in its application with such changes as may be agreed to by Open-IX.
5. Certified Applicant and Open-IX will cooperate and use best efforts to ensure and maintain the integrity of the certification.
6. If Applicant withdraws its application prior to certification or does not obtain certification for any reason, the deposit and processing fee, minus 15% to cover administrative expenses, will be returned to Applicant.



## COMMUNITY PARTICIPATION REQUIREMENTS

1. A representative from a Certified Applicant shall attend and present general performance indicators at the annual general meeting (“AGM”) of Open-IX.
2. Certified Applicants shall present key performance indicators (KPIs) to the users of the Certified Applicant. These KPIs should include at a minimum a summary of interconnect delivery, summaries of major interconnect outages, planned and unplanned, electrical or cooling outages and other activities that occurred infrastructure wide. Certified Applicants should present their technical operating plan for the year ahead including a general financial state of the operating entity.
3. Certified Applicants shall provide a localized announcements mailing list for operational discussion and notices to all users.
4. Certified Applicants should regularly update the general Internet community (e.g. NANOG, GPF or other relevant gathering of customers and interested parties) on its Open-IX certified facilities operations, especially when there are significant changes or developments.

## PRIVACY

Certified Applicants must publicly and annually post, on a web site operated by the Certified Applicant, an updated privacy policy with respect to user facilities, data and connection integrity. The policy should include a “warrant canary” specific to whether the Data Center or IXP has been subject to a court order under Section 215 of the USA Patriot Act, Section 701 of the FISA Amendments Act, and/or equivalent order type in any countries related to the entity in order to safeguard the integrity, security and privacy of the North American operations.

Certified Applicants, must post, on a web site operated by the Certified Applicant, an accurate and monthly report on Government information requests and actions taken related to the requests. An example of such a report can be viewed at <http://bit.ly/12VY4e2>

## RENEWAL

Certified Applicants who seek renewal may use this form to re-apply. If no conditions stated in the original applications have changed and you remain fully compliant to the standard for which we offer certification and that you desire, please insure you check “renewal” above. Sign and date the applications in the space provided below. If any existing conditions have changed or you aren’t sure if you remain compliant you must submit a new application along with the MoU.



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**FOR APPLICANT:**

New Application     Renewal

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NAME TITLE

---

TELEPHONE NUMBER EMAIL ADDRESS

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COMPANY

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ADDRESS

---

CITY STATE COUNTRY ZIP/POSTAL CODE

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SIGNATURE DATE



# OPEN-IX ASSOCIATION MEMORANDUM OF UNDERSTANDING

## FOR OPEN-IX ASSOCIATION:

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NAME TITLE

info@open-ix.org

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TELEPHONE NUMBER EMAIL ADDRESS

Open-IX Association 340 South Lemon Avenue, #7988

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ADDRESS

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Walnut CA US 91789  
CITY STATE COUNTRY ZIP/POSTAL CODE

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SIGNATURE DATE

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## FOR OPEN-IX USE ONLY:

PROVISIONAL DATE: ..... CERTIFICATION DATE: .....

REJECTED DATE: ..... FEE RETURNED DATE: .....



## OPEN-IX ASSOCIATION MEMORANDUM OF UNDERSTANDING

**All funds must be transmitted in US Dollars. Contact: [info@open-ix.org](mailto:info@open-ix.org)**

**WIRE FUNDS TO:** BANK OF AMERICA, NA

**ROUTING NUMBER:** 026009593

**SWIFT:** BOFAUS3N

**FOR THE BENEFIT OF:** Open-IX Association

**ADDRESS:** Bank of America, NA, 555 California St,  
San Francisco, CA 94104

**FINAL CREDIT TO:** 004644743127

### CALCULATING AND SENDING APPLICATION FEE

#### IXP Application Fee

IXP application fee is \$1,000 per market with  $\leq 35$  members, and \$2,500 per market with  $\leq 75$  members. Markets with  $> 76$  members are \$5,000 per market for 1-2 markets, \$4,000 per market for 3-4 markets and \$3,000 per location for 5 or more markets. Geographic service region is defined as reasonably associated with a metropolitan or general service area. Each service area should have a separate application, but, in coordination with Open-IX, payment by a single wire may be sent combining fees for all applications. **Example:** If you are applying for certification for IXPs in the Washington, DC, London and Johannesburg areas each with  $> 76$  members the application fee would be  $\$4,000 * 3 = \$12,000.00$ . IXP member levels are assessed annually at certification time, and do not change certification pricing during the year if the number of members changes.

#### Data Center Application Fee

Data center application fee is \$5,000 for 1-2 locations, \$4,000 per location for 3-4 locations and \$3,000 per location for 5 or more locations. Each location should have a separate application, but, in coordination with Open-IX, payment by a single wire may be sent for all of the buildings combined. **Example:** If you are applying for certification for four data centers with two in Chicago, one in London and one in Sao Paolo your fee would be  $\$4,000 * 4 = \$16,000.00$  and you would submit four applications.

#### Renewal Application Fee

Renewal application fees are the same as new application fees listed above.