

## Press Release

### **Litigation between AFRINIC and Cloud Innovation** **AFRINIC exposes serious breaches of contract by Cloud Innovation**

**Ebene, Mauritius, 30 August 2022:** The African Network Information Centre (AFRINIC) strikes back following the publication of erroneous and defamatory information in various media in Mauritius, home to the Regional Internet Registry for Africa and the Indian Ocean, by the management of Cloud Innovation Ltd (CIL). The latter has indeed, through those publications, been insinuating unethical practices and lack of professionalism on the part of AFRINIC, which is why the Regional Internet Registry for Africa and the Indian Ocean, deems it necessary to set the records straight for the benefit of its members, public officials, and the public in general. Even more so as extensive investigation has revealed that the majority of the sample of IP addresses allocated to CIL are being used for hosting websites connected to child pornography, illegal gambling, and illegal streaming of copyrighted material.

CIL, registered in Seychelles and owned and controlled by a Chinese national, Mr. Lu Heng, has been allocated 6.2 million IPv4 addresses by AFRINIC, following needs expressed by the company for the region. The use of these resources is governed by a Registration Service Agreement (RSA), signed by CIL.

*"In June 2020, AFRINIC, in accordance with the provisions governing the allocation of IP addresses, drew the attention of Cloud Innovation to the breaches of its RSA and asked for explanations. In March 2021, noting that the identified breaches had not been remedied, AFRINIC initiated the contractual procedures stipulated in the RSA. Instead of collaborating, CIL chose to initiate legal proceedings against AFRINIC. As of now, Mr. Lu Heng and associates have entered over 25 lawsuits against AFRINIC before the Supreme Court of Mauritius. The litigation is mainly linked to the legitimate decision of AFRINIC to investigate the usage of the IP addresses allocated to CIL based on evidence that the RSA has been violated and the IP addresses are being used beyond the contractual scope. As for the information pertaining to the use of the majority of the sample of IP addresses allocated to CIL for hosting websites connected to illegal activities, this already forms part of AFRINIC's case before the Supreme Court, and the matter is still pending,"* says Eddy Kayihura, CEO of AFRINIC.

In terms of the common practice adopted by all regional Internet registries, AFRINIC has provisions that determine how IP resources that are issued to its resource members must be used. AFRINIC is the Internet registry for addresses allocated to Africa - with IPv4 being a finite and presently a scarce resource, and the share allocated to Africa being less than 6% of the global resources. The issue of protecting and distributing this resource in Africa with integrity is therefore non-negotiable.

*"This further underscores AFRINIC's mission and why we must do everything possible to ensure that things are done with integrity within the established parameters. This is the mandate of every Internet registry in the world. As such, AFRINIC, being the custodian of the Internet number resources assigned to it, has at all times the mission to ensure a fair and equitable management of these scarce resources on which the Internet penetration in Africa is hinged. We are more determined than ever to continue to play a leading role in the sustainable digital transformation and socio-economic development of Africa. And we intend to do so by affirming our integrity and our unwavering dedication to the African community,"* concludes Kayihura.



AFRINIC strongly condemns all public attempts by Cloud Innovation and its associates which have for effect to cause reputational harm to it as the Regional Internet Registry for Africa and accordingly, it reserves the right to take such legal actions as it may be advised.

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**About the African Network Information Centre (AFRINIC)**

AFRINIC is the Regional Internet Registry for Africa. Based in Mauritius, this not-for-profit organisation is responsible for the distribution and management of Internet numbers (IPv4, IPv6 addresses and autonomous system numbers) for Africa and the Indian Ocean. Serving more than 2,000 organisations in the public, private and academic sectors, AFRINIC contributes to the development of the African Internet through the equitable distribution of Internet numbers, technical support and capacity building of African policy makers and engineers in the field of Internet technology and governance. More on AFRINIC can be found at [www.afrinic.net](http://www.afrinic.net).

**For more information:**

More information on the cases is available at <https://afrinic.net/court-cases>

Frequently Asked Questions (FAQs) on this matter available at <https://afrinic.net/litigation-faq>

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