

Mozilla Foundation Board of Directors

Attention: Mitchell Baker, Executive Chairwoman

Mozilla Corporation

Attention: Chief Executive Officer

Attention: General Counsel

July 16, 2019

Mozilla CA Certificate Policy Module: Appeal of the Module Owner Decision Dated July 9, 2019

Dear Sirs/Mesdames

In accordance with the Mozilla organization's dispute resolution mechanism¹, I am writing to the Mozilla Foundation Board of Directors and the Mozilla Corporation, to formally dispute the decision of Mr. Wayne Thayer ("Module Owner"), the current owner of the Mozilla CA Certificate Policy module ("Mozilla CA Module"), dated July 9, 2019 (and concurred to by Ms. Kathleen Wilson on July 16, 2019), with regard to the Mozilla Root Store inclusion request for both the United Arab Emirates Global Roots and the Digital Trust Commercial Roots ("Root Inclusion") originally made by Dark Matter LLC ("DarkMatter") and currently being progressed by its affiliate Digital Trust LLC ("Digital Trust", and together with DarkMatter, the "Applicants").

In the conduct of his discretionary decision, the Module Owner recommended (1) a rejection of the Applicant's Root Inclusions, (2) a prohibition of any new additional Root Inclusion requests from Digital Trust, and (3) opened a bug request for an additional distrust of existing intermediate CA certificates created for public trust within the UAE national PKI.²

The Module Owner's discretionary decision is disputed, and **an appeal to the Mozilla Foundation Board of Directors is lodged, on the grounds of (1) Undisclosed Conflict of Interest, (2) Procedural Fairness/Bias, (3) Abuse of Discretionary Power, (4) Discriminatory Practices, (5) Erroneous Legal Conclusions, and (6) Violation of Global Anti-Trust Laws**, as more fully detailed below:

- 1) **Conflict of Interest:** The Module Owner failed to recognize, or blatantly ignored, undisclosed Conflict of Interests posed by certain participants (including Mozilla Staff) who represent for-profit corporations with a significant (including, but not limited, to global market dominance and monopolization power) economic interest in the outcome of the Applicant's Root Inclusion, and the distorting impact of such Conflict of Interests on the Module Owner's discretionary decision.

¹ <https://www.mozilla.org/en-US/about/governance/roles/> and also https://wiki.mozilla.org/CA:Dispute_resolution

² <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/TseYqDzaDAAJ>



- a) The Mozilla Corporation is a wholly-owned for-profit subsidiary of the Mozilla Foundation. The for-profit Mozilla Corporation provides internet based browser software and other related services. Access to the entire global internet traffic is controlled by four (4) Browser Root Stores (Mozilla Corporation, Google, Microsoft and Apple). Two of these commercial Browser Root Stores are the most significant search engine providers on the internet, and therefore have a substantial economic interest in the global Certificate Authority business (including in the United Arab Emirates). Approximately 93% to 94% of Mozilla Corporation's revenues are derived from such search engine providers³.
- b) The Module Owner is employed by the for-profit Mozilla Corporation as a Certificate Authority Program manager. Key Mozilla staff who are involved in framing the negative media feedback about the Root Inclusion are also employed by the for-profit Mozilla Corporation.⁴ Key CA/Policy participants in the Mozilla CA Module are also employed by other commercial Certificate Authorities/or Browser Stores which have a significant economic stake in the Root Inclusion decision⁵.
- c) In light of the above, the Module Owner had a responsibility to ensure that any Conflict of Interests by any participants in the Root Inclusion discussions are clarified for the record so that undisclosed interests (including economic market domination and monopolization of the global Certificate Authority business ecosystem) which may distort the Module Owner's decision making process are publicly disclosed for interested media, the general public, and global trade/competition regulators.
- d) The Applicants have repeatedly brought their concerns with Conflict of Interests to the attention of the Module Owner.

*"While we welcome the public discussion as a vital component in the maintenance of trust and transparency in Mozilla's Root Store, we wish to bring to your attention, and to other esteemed CABForum members, DarkMatter's reasonable apprehension of bias and conflict of interest in how the Mozilla organization has framed and conducted the discussion at hand. Notwithstanding the stated goal of transparency in the public discussion, recent public comments by Mozilla employees (including your opening statement in the discussion), indicate a hidden organizational animus that is fatal to the idea of "due process" and "fundamental fairness" being accorded to any CA applicant to the Mozilla Root Store.*⁶

The Applicants explicitly articulated concern has been noted by various participants, and has even been noted in the media.⁷ However, the Module Owner has chosen to ignore this explicitly articulated concern of the

³ <https://assets.mozilla.net/annualreport/2017/mozilla-fdn-2017-fs-short-form-final-0927.pdf>

⁴ <https://www-archive.mozilla.org/reorganization/#q13>

⁵ https://wiki.mozilla.org/CA/Policy_Participants

⁶ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/VZf8xR-hAgAJ>

⁷ <https://www.thesslstore.com/blog/should-the-tech-industry-be-the-arbiters-of-morality/>

Applicants, including his own role in the controversy, in his discretionary decision. We believe that the Module Owner's failure to recognize these Conflicts of Interests, even in his own discretionary decision, has distorted his decision making process, and generated discriminatory consequences (to be discussed below) that undermine a key Mozilla Foundation commitment, namely, that "The Internet is a global public resource that must remain open and accessible".⁸

- 2) **Procedural Fairness/Bias:** The Module Owner's decision making activities, and the supporting actions of other Mozilla staff, were not procedurally fair, transparent, absent of bias, nor made in good-faith.
- a) The Applicants are headquartered in the United Arab Emirates, and have wholly-owned subsidiaries domiciled in Canada and the European Union. The Applicants conduct all of their business strictly in accordance with the laws of the jurisdictions in which they operate and continue to do so. Over the past three and half (3.5) years, the Applicants have successfully completed two (2) Web Trust public audits verifying that the Applicants CA business is operating in accordance with the technical standards stipulated within Mozilla Root Store Policy and the latest version of the CA/Browser Forum Requirements for the Issuance and Management of Publicly-Trusted Certificates. Furthermore, the Applicants have been ISO9001 and ISO27001 certified in their quality and information systems management as an independent verification of the management controls and governance in place for the operations of the business itself.
 - b) To-date the Applicants have not been cited for any non-compliance with the laws of the jurisdictions in which they operate, and there has never been any credible evidence of their malfeasance in any form or shape whatsoever.
 - c) Notwithstanding the above, by directly asserting and attributing a false innuendo of "MitM Certificates" to the Applicants' intention, the Module Owner deliberately framed the public discussion about the merits of the Root Inclusion requests in a significantly detrimental manner from the outset.

"In the past Mozilla has taken action against CAs found to have issued MitM certificates. We are not aware of direct evidence of misused certificates in this case. However, the evidence does strongly suggest that misuse is likely to occur, if it has not already."⁹

The Module Owner would have, or should have known, that framing the public discussion in such an inflammatory statement would "intentionally manipulate fact and reality" and deliberately distort the Root Inclusion discussion in a manner that misinforms the public about the Applicants Root Inclusion and their activities. The Module Owner chose to imply the negative innuendos about "MitM Certificates" even though there was no credible evidence available to him as to such malfeasance by the Applicants in the

⁸ <https://www.mozilla.org/en-US/about/manifesto/>

⁹ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/YiybcXciBQAJ>



more than three (3) years within which as the Module Owner he would have been aware of the Applicants work and Root Inclusion request.

- d) Concerted efforts by Mozilla staff to publicly pre-judge the issue, by soliciting and providing follow-up interviews to the media, were solely intended to undermine the efforts of the Applicants in disputing the misleading articles used as the basis for biasing the Root Inclusion public discussions.

*"We don't currently have technical evidence of misuse (by DarkMatter) but the reporting is strong evidence that misuse is likely to occur in the future if it hasn't already," said Selena Deckelmann, a senior director of engineering for Mozilla.*¹⁰

The Module Owner, and Mozilla staff, would have, or should have, known that by deliberately fanning the controversy (as news-makers rather than impartial adjudicators), they would harm the prospects of a fair process for the Applicants' Root Inclusion. We are of the view that Mozilla staff did a great disservice to the idea of "trust" - when they persisted in a concerted effort with Reuters - to accelerate the false narrative about the Applicants, solely because they were a commercial CA business head-quartered in the United Arab Emirates.

This undue interference by the Module Owner, and Mozilla staff, demonstrated an abdication of impartiality, extreme prejudicial bias in the decision making process, and a hidden organizational animus, that is fatal to the idea of "due process" and "fundamental fairness" being accorded to the Applicants by Mozilla in this Root Inclusion.

- 3) **Abuse of Discretionary Power:** The Module Owner's failure to consider relevant factors that should have been given significant, or equal weight, and deliberate mischaracterizations of facts intended to inflate the perceived risks of the Root Inclusion, resulted in an abuse of discretionary power.
- a) The Module Owner, and Mozilla staff, have repeatedly indicated that the decision to distrust the Root Inclusion has been predicated on "credible evidence" as reported in the misleading Reuters articles (including those articles where Mozilla staff are quoted as news-makers), and on the totality of the information to be provided.

"Much of the discussion has been about the desire for inclusion and distrust decisions to be made based on objective criteria that must be satisfied. However, if we rigidly applied our existing criteria, we would deny most inclusion requests. As I stated earlier in this thread, every distrust decision has a substantial element of subjectivity. One can argue that we are discussing a different kind of subjectivity here, but it still amounts to a decision being made on

¹⁰ <https://www.reuters.com/article/us-usa-spying-darkmatter/firefox-maker-fears-darkmatter-misuse-of-browser-for-hacking-idUSKCN1QL28T>



a collective assessment of all the information at hand rather than a checklist.”¹¹

The Applicants have repeatedly challenged the misleading Reuters articles as being based on a singular false and defamatory allegation. The CEO of DarkMatter formally, and publicly, communicated to the Module Owner by letter dated 26 February, 2019 refuting the misleading Reuters articles.¹² The CEO of DarkMatter has also gone on the record with various media refuting the baseless and defamatory allegations.¹³

Notwithstanding to the assertions for a decision “made on a collective assessment of all the information at hand”, the Module Owner, and Mozilla staff, have blatantly ignored, or failed to acknowledge and consider, any of the information provided by the Applicants to-date. On the other hand, the Module Owner has been less than impartial in his approach, consistently (in our view) minimizing the Applicants’ information, or public comments supporting the Applicants, while highlighting only those false, and disputed articles that push a hidden agenda against the United Arab Emirates and the Applicants.¹⁴

- b) Since the Module Owner has singularly defined the purpose of the Root Inclusion discussions as a necessary requirement for the protection of the security and privacy of individuals, the Applicants provided concrete evidence demonstrating that their work since the very inception of the company, is fundamentally aligned with the goals of the Mozilla Manifesto. The Applicants further made a standing offer, for the Mozilla organization and other media parties to visit the United Arab Emirates to see directly for themselves the work being conducted by the Applicants.

More specifically, the Applicants have provided several recent examples of their pro-bono activities to the Module Owner with information regarding how critical security responsible disclosures are made by the Applicants and their affiliated companies, and which directly align with Mozilla’s principles to ensure that the internet, and other digital products, are safe for all users worldwide. E.g.:

Pgpool – PgPoolAdmin Responsible Disclosure

- <http://www.pgpool.net/pipermail/pgpool-committers/2018-December/005399.html>

Cisco - IP Phone Responsible Disclosure

- <https://tools.cisco.com/security/center/content/CiscoSecurityAdvisory/cisco-sa-20190320-ip-phone-rce>
- <https://tools.cisco.com/security/center/content/CiscoSecurityAdvisory/cisco-sa-20190703-ip-phone-sip-dos>

¹¹ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/TseYqDzaDAAJ>

¹² <https://bug1427262.bmoattachments.org/attachment.cgi?id=9046699>

¹³ <https://www.cnbc.com/video/2019/06/17/darkmatter-ceo-we-do-not-spy-on-uae-citizens.html>

¹⁴ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/t1SL5N-BBwAJ>



Sony - Smart TV Responsible Disclosure

- <https://www.sony.com/electronics/support/downloads/0016213>

FoxitSoftware - Foxit Reader Responsible Disclosure

- <https://www.foxitsoftware.com/support/security-bulletins.php>

Samsung - S Family Responsible Disclosure

- <https://security.samsungmobile.com/securityUpdate.smb>

LibreNMS Responsible Disclosure

- <https://github.com/librenms/librenms/pull/10276>
- <https://github.com/librenms/librenms/pull/10270>
- <https://github.com/librenms/librenms/pull/10091>

ABB - HMI Responsible Disclosure

- <https://search.abb.com/library/Download.aspx?DocumentID=3ADR010402&LanguageCode=en&DocumentPartId=&Action=Launch>
- <https://search.abb.com/library/Download.aspx?DocumentID=3ADR010377&LanguageCode=en&DocumentPartId=&Action=Launch>
- <https://search.abb.com/library/Download.aspx?DocumentID=3ADR010376&LanguageCode=en&DocumentPartId=&Action=Launch>

Notwithstanding the above, the Module Owner has either blatantly ignored, or failed to acknowledge and consider, any of the above information provided, or the invitations accorded, by the Applicants to-date, in making his decision.

- c) In addition to attributing a false innuendo of "MitM Certificates" to the Applicants' intention, the Module Owner has deliberately continued to mischaracterize the facts in a manner that is intended to overinflate the perceived risks of the Root Inclusion to the public at large.

*"The question that I originally presented to this community was about distrusting DarkMatter's current intermediate CA Certificates (6 total) based on credible evidence of spying activities by the company."*¹⁵

¹⁵ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/TseYqDzaDAAJ>



The Module Owner is well aware that the original 3 intermediate CA Certificates (one for EV, one for OV, and one for Client Certificates) that were crated for public trust issuance within the UAE national PKI were name constrained and had already been revoked by QuoVadis/Digicert.¹⁶ A decision this significant should be based on accurate facts, and not on the sort of mischaracterization that overinflates the risk.

Considering that a number of community participants, including Ryan Sleevi, a Mozilla CA Module participant employed by Google, have tried to justify any technical non-compliance as a support a revocation of the Applicants Root Inclusion (while conveniently ignoring the millions of users that put at risk due to the same serial entropy violations of his own employer Google)¹⁷, the Module Owner would have, or should have, known that these types of mischaracterizations, when made in the process of rendering a discretionary decision, would continue to dramatically overstate the risks posed and prejudicially impact the Root Inclusion in a detrimental manner.

We call on Mozilla to define the basis and weighting of the new discretionary criterion being applied to the Applicants, we invite Mozilla to additionally consider a fact-based due process to inform their criterion, and continue to extend our invitation to Mozilla to visit the Applicants and have unrestricted access to management and communities to learn first-hand about the work we do.

- 4) **Discriminatory Practices;** The Module Owner conducted his decision making process, and allowed the distrust discussion to proceed, in a manner contrary to the Mozilla Foundation commitment to an "Internet that includes all the peoples of the earth – where a person demographic characteristics do not determine their online access, opportunities, or quality of experience".
 - a) The Applicants notified Mozilla of their Root Inclusion request in December of 2017. All TLS certificates (both EV and OV) were logged to CT. The Applicants completed Webtrust certification for CA, for BRs, and for EV in October 2017, and submitted the United Arab Emirates Global Roots as well as the Applicants' own Commercial Roots to Mozilla for inclusion. In October 2018, the Applicants completed their second year of the required WebTrust Audits for CA, BRs, and EV and provided the same to Mozilla for inclusion with their root submission. Mozilla completed a successful Policy/Process review of and technical review of the UAE Global Roots and the Applicants' Commercial Roots in January of 2019. Notwithstanding the above, nowhere in his decision, nor in the call for distrust, did the Module Owner provide any weight on the Applicants exemplary conduct in the CA community as reflected in their WebTrust audits over the period of time leading up to the distrust discussion.

In February of 2019, citing the disputed Reuters articles, the Module Owner, and Mozilla staff began the distrust of the UAE Global Roots, including the

¹⁶ https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/8rN_X-0QBgAJ

¹⁷ <https://www.thessistore.com/blog/mass-revocation-millions-of-certificates-revoked-by-apple-google-godaddy/>



Applicants' Commercial Roots, and implicitly put into question the right of the United Arab Emirates to operate its existing public trust subordinate CAs through a commercial party located in the United Arab Emirates.

- b) The distrust discussion marked a significant departure from the existing Mozilla process, in that the Module Owner had now abandoned the reliance on technical compliance and any qualification of the CA or its ability to demonstrate compliant operations.

Some, including DarkMatter representatives, have declared the need to examine and consider the benefits of having DarkMatter as a trusted CA. However, last year we changed our policy to replace the weighing of benefits and risks with "based on the risks of such inclusion to typical users of our products."¹⁸

The new standard which the Module Owner has now discriminatorily applied solely to the UAE Global Roots and the Applicants' Commercial Roots appears to be on the hypothetical and unfounded basis of what the Applicants may allegedly do in the future.

All of the facts lead would lead an objective person to conclude that the Module Owner has established a dangerous precedent that he wishes to discriminatorily apply only to the Applicants, solely on the basis of incorporation and residence in the United Arab Emirates.

- c) Notwithstanding the Module Owner's comments about safeguarding the typical users of Mozilla products, and in regards to the false and unsubstantiated allegation that the Applicants have engaged in spying activities (which the Applicants have repeatedly indicated they do not do); other participants have highlighted that a number of other companies, who currently provide offensive security and surveillance related services have been enrolled in the Mozilla Root Program for a number of years.¹⁹

Notwithstanding the Module Owner's assertion (in his decision) that "our foremost responsibility is to protect individuals who rely on Mozilla products", to-date the Module Owner has not contemplated or triggered a distrust discussion against any of these parties.

If, in fact, this decision is truly motivated by the issue of "trust" and the protection of individuals (rather than the creation of additional barriers that preserve incumbent parties continued market domination and monopolization), **we call on the Mozilla Foundation to apply the same standard that the Module Owner wishes to apply to the Applicants, and immediately start the process of distrust discussion for all CAs in the Mozilla Root Store who are either affiliated, directly, or indirectly, involved or even alleged to be in the business of offensive security and surveillance.**

¹⁸ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/TseYqDzaDAAJ>

¹⁹ https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/M_Yj5vwrDQAJ



- d) Furthermore, In accordance with the Mozilla "commitment to an internet that elevates critical thinking, reasoned arguments, shared knowledge, and verifiable facts", we are of the view that the Module Owner failed in his fiduciary responsibility to moderate the distrust discussions, and reject public assertions that magnified divisive stereotypes about the United Arab Emirates and the Applicants.

The Module Owner would have, or should have known, that by remaining silent in the face of discriminatory and divisive comments about the United Arab Emirates and the Applicants, while at the same time continually highlighting the alleged and disputed Reuters' articles without mentioning the lack of "verifiable facts", the Applicants would be discriminatorily hampered in presenting their case for inclusion.

- 5) **Erroneous Legal Conclusions:** The Module Owner's discretionary decision was guided by an erroneous legal conclusion, when he determined that the legal ownership structure of the Applicants was insufficient to allow them to operate independently.

- a) Digital Trust is an affiliate of DarkMatter and has never been owned by it as a subsidiary since its incorporation in April 2016. Both companies are subsidiaries of their parent company, Dark Matter Investments. The Applicants have provided the necessary legal documents to Mozilla, and have further disclosed all ultimate beneficial shareholders in a transparent manner.

DarkMatter has argued that their CA business has always been operated independently and as a separate legal entity from their security business. Furthermore, DarkMatter states that once a rebranding effort is completed, "the DarkMatter CA subsidiary will be completely and wholly separate from the DarkMatter Group of companies in their entirety." However, in the same message, DarkMatter states that "Al Bannai is the sole beneficial shareholder of the DarkMatter Group." and leaves us to assume that Mr. Al Bannai would remain the sole owner of the CA business. More recently, DarkMatter announced that they are transitioning all aspects of the business to DigitalTrust and confirmed that Al Bannai controls this entity. This ownership structure does not assure me that these companies have the ability to operate independently, regardless of their names and legal structure.²⁰

It is a fundamental principle of law that corporations have a statutory personality distinct from their shareholders. If taken at face value, the Module Owner's erroneous assertion would imply that even the Mozilla Foundation and the Mozilla Corporation do not have the ability to operate independently, regardless of their names and legal structure.

It should be noted that a number of CAs, e.g. Google and Sectigo, have complicated ownership structures and this is not cited in their ability to

²⁰ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/TseYqDzaDAAJ>



operate independently. We note that to-date that the Module Owner has not made this type of claim against any other Mozilla Root Store participant.

Unless the above reasoning is held to be an Erroneous Legal Conclusion made by the Module Owner this would be, in our view, another new standard that will be discriminatorily applied only to the Applicants, solely on the basis of incorporation and residence in the United Arab Emirates.

- 6) **Violation of Anti-Trust Laws:** The Module Owner's discretionary decision, when taken into context with the comments of other Mozilla Peers employed by other Browsers and/or competing Certificate Authorities, **are intended to result in the types of unfair competition that are prohibited under the United States Sherman Act, the United States Federal Trade Commission Act, the Canadian Competition Act, the European Union Anti-Trust Policies, and the United Arab Emirates Competition Laws.**
- a) Notwithstanding to the assertions for a decision "made on a collective assessment of all the information at hand", the Module Owner, and Mozilla staff, have blatantly ignored, or failed to acknowledge and consider, the impact of anti-competitive comments made by Mr. Ryan Sleevi, a Google employee, with regard to the Applicants' Root Inclusion request.

"I highlight this, because given the inherently global nature of the Internet, there is no technical need to work with local CAs, and, with a well-run root store, all CAs provide an equivalent level of protection and security, which rests in the domain authorization."

The above statement is quite startling in that it is being made by a representative of a dominant market power as an argument against the inclusion of a new economic participant's entry into the global CA market place. In light of the fact that representative has tried to justify a technical non-compliance to support revocation of the Applicants' Root Inclusion (note that significantly higher number of users were at risk due to the same serial entropy violations of his own employer Google)²¹, and considering that this representative was a key player in the demonstration of dominant Browser market power against a significant CA global business²², the Applicants have a reasonable basis to believe that the distrust discussion are more likely to be motivated by economic considerations that preserve incumbent parties market domination and monopolization.

- b) Additionally, the Module Owner, and Mozilla staff, have blatantly ignored, or failed to acknowledge and consider, the Applicants' response to the Google Representative in their decision-making process. The General Counsel of DarkMatter asserted unambiguously in the public discussion as follows:

We are of the view that CA monopolies are inherently bad for the internet in that they unfairly exploit market power. The result is a

²¹ <https://www.thesslstore.com/blog/mass-revocation-millions-of-certificates-revoked-by-apple-google-godaddy/>

²² <https://www.thesslstore.com/blog/remove-trust-in-existing-symantec-ssl-certificates/>



fundamental right to Internet security and privacy being deliberately priced out of reach for a significant population of the world. We ask you, what can be more of an anti-competitive monopoly than a "well run store" (read Google/Mozilla) that does not take into consideration that sovereign nations have the fundamental right to provide digital services to their own citizens, utilizing their own national root, without being held hostage by a provider situated in another nation."²³

The above discussions are highly relevant to the decision-making process, considering that the Module Owner is aware of the significant economic investment the Applicants have made in progressing the Root inclusion requests over the past two years. In fact, the Applicants have received further communications from other relevant Browser Stores indicating that their respective decision to permit the Applicants to participate in the global CA business ecosystem will be based and influenced by the Mozilla Module Owner's highly subjective discretionary decision. The entire global internet traffic is controlled by four (4) Browser Root Stores (Mozilla, Microsoft, Google and Apple). As Reuters pointed out in its July 4 story, three (3) of those Browser Stores will likely adopt and enforce this decision by Mozilla. In light of this, the Module Owner would be, or should be, aware of the significant economic harm of a decision based on less than verifiable "credible evidence".

- c) Notwithstanding the above highly relevant elements of the public discussion, the Module Owner has now made a significant decision (on less than verifiable "credible evidence") which we believe is intended to unfairly affect commerce in the global CA ecosystem through the use of the coercive influence he wields on the Applicants as a result of his discretionary decision making power. While rejecting the right of the Applicants to participate directly within the Mozilla Root Store, and by extension setting the stage for an outright denial of the Applicants' inclusions in any other browser store, the Module Owner has decided as follows:

Mozilla does welcome DigitalTrust as a "managed" subordinate CA under the oversight of an existing trusted CA that retains control of domain validation and the private keys.

We are of the view that a fair-minded and objective observer would reasonably conclude that the above statement indicates that the Module Owner's decision is simply an attempt to place a trade restraint on the Applicant's competitive global CA business. Furthermore, we are of the view that assertion that Digital Trust would be welcome into the Mozilla Root Store so long as its commercial interests were subordinated in favour of another CA competitor / Browser store would constitute the type of "monopolization, attempted monopolization, or conspiracy or combination to monopolize" that is prohibited by global anti-trust legislation.

²³ <https://groups.google.com/d/msg/mozilla.dev.security.policy/nnLVNfqgz7g/QAj8vTobCAAJ>



The Module Owner's action to apply this subjective process selectively to Digital Trust effectively amounts to incremental tariffs on the internet of the United Arab Emirates with Mozilla de-facto promoting anti-competitive behavior in what was once a vaunted open Trust community.

In conclusion we wish to reiterate to the members of the Mozilla Foundation Board of Directors that the Module Owner has wrongly decided this issue for the reasons enumerated above.

We call on the Mozilla Foundation Board of Directors to (1) immediately halt the distrust process initiated by the Module Owner and (2) reverse this decision, or review the Root Inclusion request "de novo" on the basis of standard that is applicable to all other CA's in the Mozilla Root Store CA's in a non-discriminatory and anti-competitive manner.

We continue to assert our agreement, and alignment, with all of the principles stated in the Mozilla Manifesto unequivocally. We have repeatedly made it clear that a key reason why we decided to launch a commercial CA business is because the citizens, residents and visitors to the United Arab Emirates currently do not have access to trusted local providers who can provide them with the protections taken for granted in other parts of the world. We continue to extend our invitation to the Mozilla organization to visit us in the United Arab Emirates so that they can have first-hand "credible" information on the work that we conduct each and every day.

Yours sincerely,

