Recommended Draft Policy
ARIN 2015-5
Out of Region Use

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Problem Statement

Current policy neither clearly forbids nor clearly permits out of region use of ARIN registered resources. This has created confusion and controversy within the ARIN community for some time. Earlier work on this issue has explored several options to restrict or otherwise limit out of region use or loosen controls and totally authorize such use. None of these options have gained consensus within the community. The next logical option is a proposal that clearly permits out of region use while addressing the key concerns expressed about unlimited openness to out of region use and enables ARIN staff to implement the policy efficiently.

Policy Statement

Create new Section X:

ARIN registered resources may be used outside the ARIN service region. Out of region use of ARIN registered resources are valid justification for additional number resources, provided that the applicant has a real and substantial connection with the ARIN region which applicant must prove (as described below) and is using the same type of resources (with a delegation lineage back to an ARIN allocation or assignment) within the ARIN service region as follows:

* IPv4: At least a /22 used in region
* IPv6: At least a /44 used in region
* ASN: At least one ASN present on one or more peering sessions and/or routers within the region.

Policy Statement (cont'd)

A real and substantial connection shall be defined as carrying on business in the ARIN region in a meaningful manner. The determination as to whether an entity is carrying on business in the ARIN region in a meaningful manner shall be made by ARIN. Simply being incorporated in the ARIN region shall not be sufficient, on its own, to prove that an entity is carrying on business in the ARIN region in a meaningful manner. Methods that entities may consider using, including cumulatively, to prove that they are carrying on business in the ARIN region in a meaningful manner include:

* Demonstrating a physical presence in the ARIN region through a bricks and mortar location that is actually used for the purposes of conducting business in the ARIN region in a meaningful manner. That is to say, the location is not merely a registered office that serves no other business purpose.

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Policy Statement (cont'd)

* Demonstrating that the entity has staff in the ARIN region. The greater the number of staff, the stronger this connecting factor is.

* Demonstrating that the entity holds assets in the ARIN region. The greater the asset value, the stronger this connecting factor is.

* Demonstrating that the entity provides services to and solicits sales from residents of the ARIN region.

* Demonstrating that the entity holds periodic meetings in the ARIN region.

* Demonstrating that the entity raises investment capital from investors in the ARIN region.

Policy Statement (cont'd)

* Demonstrating that the entity has a registered corporation in the ARIN region, although this factor on its own shall not be sufficient.

* Other fact based criterion that the entity considers appropriate and submits for ARIN's review.

The weight accorded to any of the above-noted factors, if any, shall be determined solely by ARIN.

Policy Statement (cont'd)

The services and facilities used to justify the need for ARIN resources that will be used out of region cannot also be used to justify resource requests from another RIR. When a request for resources from ARIN is justified by need located within another RIR's service region, an officer of the application must attest that the same services and facilities have not been used as the basis for a resource request in the other region(s). ARIN reserves the right to obtain from the applicant a listing of all the applicant's number holdings in the region(s) of proposed use, when there are factual reasons to support the request.

Discussion Summary

During ARIN36, we were able to focus on the policy language and found a great deal of support for this version of an Out of Region Use policy. Based on the support 2015-5 received at the meeting and the unanimous show of hands encouraging forward movement the AC moved this to a Recommended Draft Policy at our October meeting.

Since this time there has been no discussion on PPML in either support or opposition of the policy. Therefore the AC needs to your feedback at this time.

Discussion

- Is there any specific aspect of this policy that would prevent you from supporting it?

- Does this policy solve a real problem for some users, do you support this moving forward?