

ARIN
45



VIRTUAL MEETING

Recommended Draft Policy
ARIN-2019-12: M&A Legal
Jurisdiction Exclusion

History



- Advisory Council Shepherds:
 - Joe Provo, Chris Tacit
- Proposal - ARIN-prop-272 – 9 April 2019
- Draft Policy – 21 May 2019
- Recommended – 24 March 2020
- Presented at:
 - ARIN 44
- Latest Version:
 - 27 January 2020

Staff and Legal Review



- Summary (Staff Understanding) – 1/2
 - ARIN staff understands this policy to mean that the surviving entity of a Number Policy Resource Manual (NRPM) section 8.2 Mergers, Acquisitions, and Reorganizations transfer will be permitted to continue holding any number resources issued by ARIN prior to said transfer regardless if they cease to have a real and substantial connection to the ARIN region.

Staff and Legal Review

- Summary (Staff Understanding) – 2/2
 - In addition, they will not qualify to receive any additional number resources from ARIN unless they once again establish a real and substantial connection with the ARIN region. A real and substantial connection would be decided in accordance with the ARIN NRPM.

Staff and Legal Review



- Staff Comments

- ARIN would implement this policy as it is written and currently using NRPM section 9 to determine “real and substantial connection” to the ARIN region.
- ARIN would manage these number resources the same as any other number resource currently managed by ARIN.
- A new Registration Services Agreement would need to be signed by the surviving entity.

Staff and Legal Review



- Legal Assessment
 - No material legal issues in the current proposal.
- Resource Impact
 - Minimal - could be implemented within three months.
 - The following would be needed in order to implement:
 - Staff training
 - Updated guidelines and internal procedures
 - Standard documentation updates
 - Development of internally managed reporting schemes

AC Shepherd Presentation...

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**Recommended Draft Policy 2019-12: M&A
Legal Jurisdiction Exclusion**

Shepherds: Joe Provo & Chris Tacit

Problem Statement



- Merger and acquisition activity sometimes results in a surviving legal entity that is not in ARIN service region, but may prefer to continue the pre-existing relationship with ARIN.
- Examples provided in the linked proposal.
- Infrequent corner case

Policy Statement

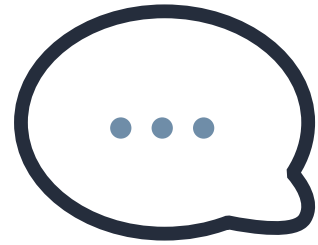


- Add the following to section 8.2:
- Mergers, acquisitions, and reorganization activity resulting in the surviving entity ceasing to have a real and substantial connection with the ARIN region shall be permitted to continue holding any numbering resources issued (directly or indirectly) by ARIN prior to the merger, acquisition or reorganization activity, but shall not qualify for any additional numbering resources (directly or indirectly) from ARIN, unless and until it once again has a real and substantial connection with the ARIN region as required by the Numbering Resource Policy Manual.

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Thank you.

Any Questions?



Discussion

