

Draft Policy ARIN-2014-9
Resolve Conflict Between RSA
and 8.2 Utilization Requirements

Problem Statement

- 8.2 transfer policy has utilization requirements at the time of the review of the transfer request.
- The RSA section 6 expressly forbids ARIN from de-registering blocks (in whole or in part) due to under-utilization or no-justification during transfer requests.
- This is a direct conflict.

What this solves

1. WHOIS Accuracy - Some M&A resource transfers never complete once ARIN starts asking about utilization. Organizations who may not have full historical documentation may be concerned ARIN will force return of resources, so WHOIS never gets updated to reflect the fact the recipient is using the IPs.
2. NRPM 8.2 Conflict with RSA - The RSA prohibits ARIN from forcibly taking away space when the signer is in compliance with the other terms and conditions of the contract.
3. Removes defunct reference to “aggregating” space, which was in the just-removed sections 4.6 and 4.7.

Proposed Solution

There was support on PPML and at the PPM to remove the words 'aggregate' and 'reclaim'. Based on that feedback the proposed change to 8.2 reads:

"In the event that number resources of the combined organizations are no longer justified under ARIN policy at the time ARIN becomes aware of the transaction, through a transfer request or otherwise, ARIN will work with the resource holder(s) to **return or transfer** resources as needed to restore compliance via the processes outlined in current ARIN policy."

Discussion

- Do you concur with or have any comment on the problem statement?
- If you support the problem statement, do you support removing 'aggregate' and 'return' as the correct path for remediating this conflict? Do you have other suggestions for how to handle this?
- If you are opposed, what concerns do you have about implementing this policy?

What Stays..

8.2. Mergers and Acquisitions

ARIN will consider requests for the transfer of number resources in the case of mergers, acquisitions, and reorganizations under the following conditions:

- The new entity must provide evidence that they have acquired assets that use the resources to be transferred from the current registrant. ARIN will maintain an up-to-date list of acceptable types of documentation.
- The current registrant must not be involved in any dispute as to the status of the resources to be transferred.
- The new entity must sign an RSA covering all resources to be transferred.
- The resources to be transferred will be subject to ARIN policies.
- The minimum transfer size is the smaller of the original allocation size or the applicable minimum allocation size in current policy.

PPML Comments

There haven't been any on this proposal since the PPM in April

Previous PPML comments against

- “8.2 doesn't say that ARIN will unilaterally revoke resources, it says it will work with the resource holder(s) to bring them back into compliance.”
- ...a failure by the requester [to complete the transfer], not ARIN, and we should not change ARIN because the requester wants it to be easy...
- ...a loophole ... to acquire IPv4 resources without demonstrating a needs basis...
- ...I see no reason that the amount transferred should not at the time be right-sized to fit the infrastructure also being transferred...

Alternatives suggested

- Modify the RSA

Previous PPML Comments in favor

- Not adopting this will contribute another to the pile of existing reasons as to why the registry is hugely inaccurate.
- A number resource that isn't properly registered certainly seems to have diminished value.
- The longer this abandon rate stays high, the more incorrect entries in the registry will accumulate.
- ...should you also have to do the "technical" documentation that the paragraph in question requires as well? Frequently, such an organizational change implies little to no technical change. So, what is the rational for doing this "technical" reporting?
- “Whether or not and 8.2 transfer occurs is not the point, the point is the language goes against the RSA and it causes un-needed legal reviews and risk analysis by many teams in corporations fearful of their inability to continue operations as-is. Those are what prevent some (myself included) from undertaking the 8.2 transfers in order to accurately update the registry.”