



Recommended Draft Policy

ARIN-2014-9

Resolve Conflict Between RSA and 8.2 Utilization Requirements

2014-9 History

1. Origin: ARIN-prop-199 from January 2014
2. AC Shepherds: Heather Schiller, Scott Leibrand
3. Presented at the PPC at NANOG 60
4. AC accepted as a Draft Policy in March
5. Presented at ARIN 33
6. Revised in May
7. Presented at the PPC at NANOG 61
8. AC advanced this to Recommended Draft Policy in July
9. Text Online & in Discussion Guide
https://www.arin.net/policy/proposals/2014_9.html

- **Staff Understanding**

- This proposal would revise NRPM 8.2 “Mergers and Acquisitions” by removing aggregation and reclamation of resources as methods to restore compliance with current policy.

Staff Comments

1. Removing the aggregation terminology from the policy is appropriate given the retirement of the aggregation policy language elsewhere in the NRPM.
2. Removing the reclamation terminology from the policy may encourage more people to complete 8.2 transfers because the reclamation aspect is no longer part of the policy.
3. The problem statement does not specify which version and date of the RSA. This is a reconciliation issue between policy and RSA and therefore staff interprets this proposal as pertaining to current RSA version 11.0 (2012-04-20) [section 6].

Legal Assessment

- This proposal does not appear to pose any material legal issues.

Presentation by the AC

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, ~~aggregate,~~ or transfer, ~~or reclaim~~ resources as needed to restore compliance via the processes outlined in current ARIN policy."

What Stays Unchanged..

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.

History

- Presented and discussed at PPM in April and PPC in June.
- No PPM comments on this proposal since April.

Discussion

- Do you support this recommended draft policy as written?
- If you are opposed, what concerns do you have? Do you have any other suggestions for how to handle this?