ARIN 2019-13 ARIN Membership Legal Jurisdiction Exclusion

Shepherds: Amy Potter and Alicia Trotman

Problem Statement

- Legal entities that have a strong nexus to the ARIN region, but that are not incorporated in the ARIN region, are not able to hold direct allocations and assignments from ARIN.

Example

- Large US based company decides to offer services in a non-ARIN region
- Local laws require an in-country legal entity to hold registration of ASNs used for peering
- Company's team would prefer to use ARIN to…
  - Create an ARIN OrgID for non-ARIN region legal entity
  - Receive an ARIN ASN
  - Reallocate IPs from the ARIN-region based related entity to non-ARIN-region based entity

Suggested NRPM Changes

Section 9- Out of Region Use (text additions in bold)

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. Likewise, **legal entities can demonstrate a substantial connection to the ARIN service region without necessarily being incorporated within the ARIN service region.**

Staff & Legal

Significant Legal Concerns
- Opens ARIN up to necessity of…
  - Serving legal papers and litigating in foreign legal forums
    - May not be committed to rule of law
    - May be hostile to foreign business interests
    - Legal systems may be expensive or unresponsive
- Substantially reduces ARIN's ability to know its customers
- ARIN GC advises against adoption unless ARIN has a clear and pressing need to fulfill its mission
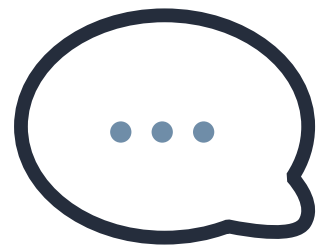
Questions

- Is this a real problem that exists?
- Does ARIN have a clear and pressing need to allow organizations incorporated outside the ARIN region, but that otherwise have a substantial connection to the ARIN region, to receive resources from ARIN in order to fulfill its mission?

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Thank you.
Any Questions?

Discussion