



ARIN 44

31 October - 1 November 2019 • Austin, Texas

ARIN-2019-12

M&A Legal Jurisdiction Exclusion

Problem Statement



- M&A 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 your discussion guide
- Infrequent corner case
- Late-breaking discussion on PPML

Policy Statement - S&L



- Add the following to section 8.2:
- M&A activity resulting in the surviving legal entity which is not incorporated in the ARIN service region will be permitted to hold number resources directly allocated or assigned by ARIN.

Policy Statement - PPML



- Add the following to section 8.2:
- M&A activity resulting in the surviving legal entity **having no presence** in the ARIN service region will be permitted to **retain their existing** number resources directly allocated or assigned by ARIN.

Clarifying Comment



- Original Proposal comment: This proposal may be overtaken by a more general approach to ARIN membership legal jurisdiction exclusion.
- Suggested update before moving beyond Draft: This proposal may be overtaken by a more general approach to ARIN membership legal jurisdiction exclusion. To clarify more broadly, a legal entity present within the ARIN service region with a current and fully-execute ARIN RSA is necessary to receive allocations or assignments from ARIN. In the scenario postulated in the problem statement, such an organization would have to re-establish itself within the ARIN service region to receive additional resources from ARIN, while it can continue to hold the allocations or assignments made prior to any merger, acquisition, or reorganization activity.

Staff Review



- ARIN staff currently allows a surviving legal entity that is not incorporated in the ARIN region to hold either assigned or allocated resources.
- Adopting the wording in 2019-12 will not change the way that ARIN processes 8.2 transfers today; however, it will clarify the intent going forward.

Legal Review



- In general, counsel believes the policy is designed to address a relatively rare ‘corner case’. If this were to occur, ARIN staff already has the authority to address the issue, consistent with the proposed policy’s intent.
- By making this a specific addition to policy it could create an artificial way to move resources from one region to another, as opposed to one that is organically occurring.

???

Thank you.

Any Questions?



Discussion

