

ARIN's LEGACY REGISTRATION SERVICES AGREEMENT



AGENDA

Understanding ARIN's Legacy Registration Services Agreement

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Legacy RSA Stats

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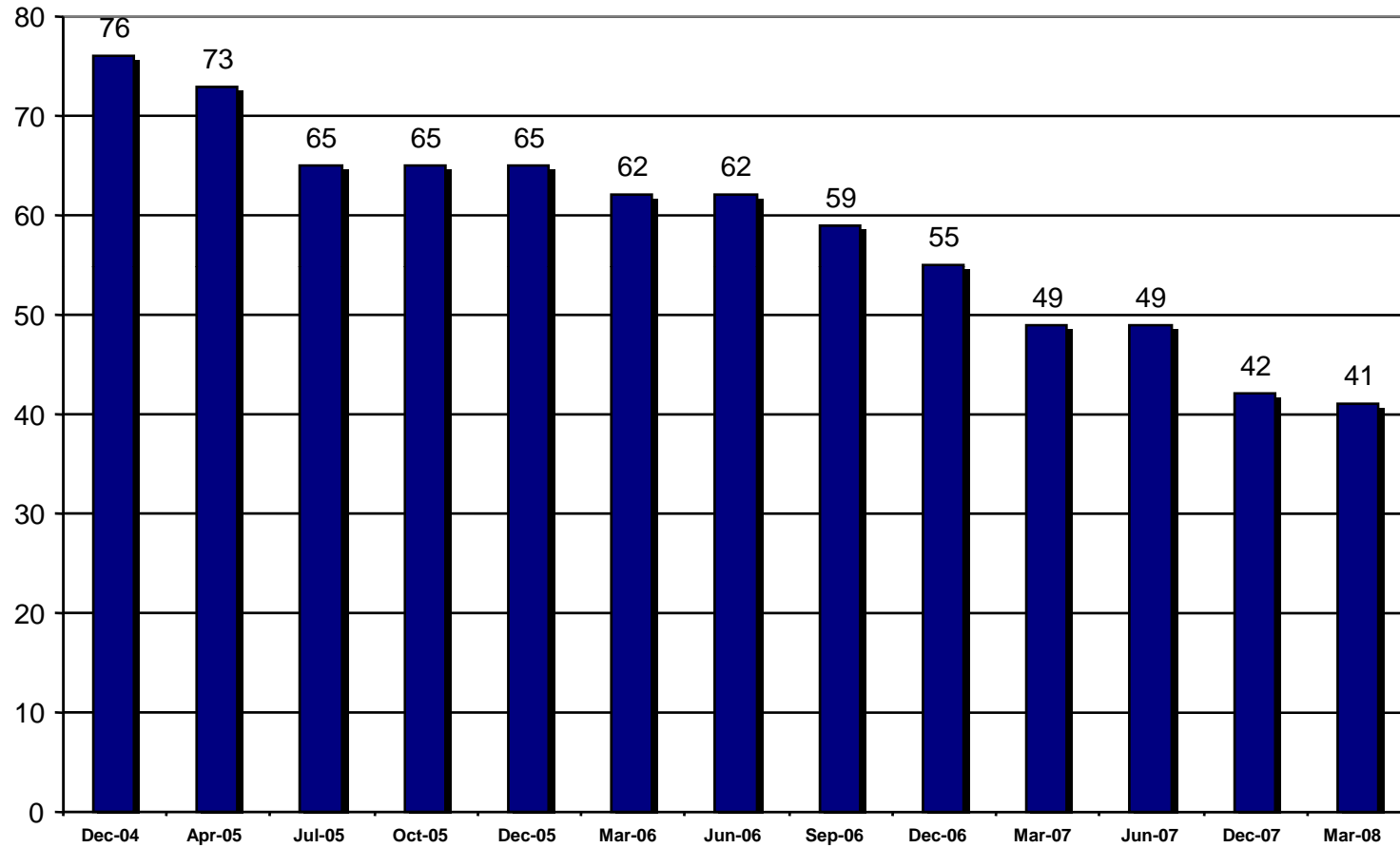
Understanding ARIN's Legacy Registration Services Agreement

Denver, Colorado

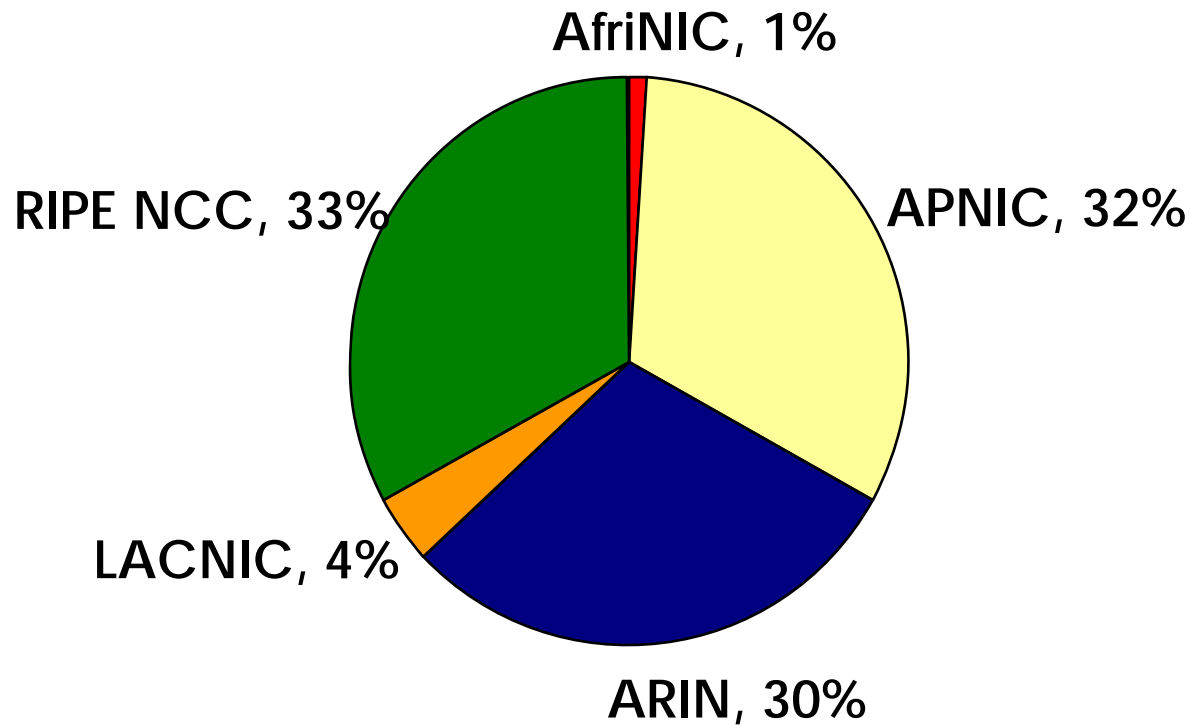
April 6, 2008

IPv4 Depletion

Central Pool Devolution



IPv4 Allocations - Cumulative Total as of March 2007



BACKGROUND

- Some policy proposals implicitly urge abandonment of RFCs 2008 and 2050, which established the still current legal premise of IP resource allocation followed by all RIRs. No ownership of IP resources by individuals or even ISPs, but by community. Use it or return it!

Legal Basis for Use of Services

- Some proposals suggest encouraging the creation of a “market” to permit redistribution of prior allocated but under utilized IPv4 addresses.
- This would present a fundamental change from current system. ARIN currently restricts transfers of resources to those instances where there are verifiable changes in corporate organization – but the change is not from Company A directly to Company B, but from A to ARIN and back to B.
- What is being transferred is the lawful right to use the services related to a particular set of numbers or resources.

Some Issues That Must Be Resolved Regarding “Market” or “Transfer” Policies

- Any proposal for unregulated transfers might require the current legal regime that treats IP numbers as community resource to be scrapped – the transition must be carefully planned: Lloyd George: “It is dangerous to leap a chasm in two bounds.”
- A “market” could reward legacy holders, or others who obtained but have not fully used resources.

Relationship Of Legacy Address Issue To End Of New IPv4 Blocks

- In retrospect, with 20/20 rear vision, many legacy allocations were larger than they needed to be due to then-current technology limitations as well as assumptions about growth. Many legacy holdings are not fully utilized or routed. Current assumption: some portions of these currently unused and unrouted resources can be recovered and redistributed to maximize IPv4 life, and buffer the transition to IPv6.
- U.S. Government has led the way in formally agreeing to return unneeded IPv4 resources.

Characteristics of ARIN's Legacy Registration Services Agreement ("RSA")

- Was adopted in fall of 2007.
- It is completely voluntary.
- It allows those who received legacy resources pre-ARIN/pre-other RIRs, and currently are legacy address holders, to lock in contractual guarantees of ARIN services (and possible future services), such as in-addr and whois listing, plus the broader ability to transfer as such policies may be adopted within ARIN.

Standard ARIN RSA And Legacy RSA Differ Significantly And Favor Legacy Holder

- Legacy RSA terms, *i.e.*:
 - Grandfathers right to use these resources even if they are not yet currently utilized;
 - Low, low annual renewal fee designed to keep POC current;
 - Fees waived for long period if portion of unrouted space returned;
 - Limits ARIN rights to adopt future policies limiting legacy RSA holders' protected contractual rights.

Standard ARIN RSA And Legacy RSA Differ Significantly And Favor Legacy Holder

- Legacy RSA terms (continued)
 - Paragraph 14 Evergreen
 - Intro limits coverage to only resources described in the policy
 - Paragraph 10 (b) Promises no revocation and no reduction of services if legacy holder is not using resources
 - Paragraph 9 Describes right to beneficial use of services but not an ownership right

Related Issues To Legacy RSA That Make Sign-Up More Valuable

- Legal Comments on Policy Proposal 2008-2 The IPv4 Transfer Policy Proposal
 - Generally, this policy permits a broader set of transfers.
 - Counsel does not take positions “for” or “against” policies.
 - However counsel is required to provide advice as to whether the *status quo* or a changed policy will have a legal impact on ARIN.

Legacy RSA And Its Relationship To Policy Proposal 2008-2, continued...

- Any transfer policy will have to be carefully reviewed to ensure it supports to the legal theory of the Internet community that numbers are not "owned."
- Under either policy ARIN will continue to claim that it does not grant "ownership" to number resources, and that what is being transferred is the right to make beneficial use of number resource services.
- Poorly drafted transfer policies could undercut this current clear understanding, and well crafted policy reinforces such understanding.

Legacy RSA And Its Relationship To Policy Proposal 2008-2, continued...

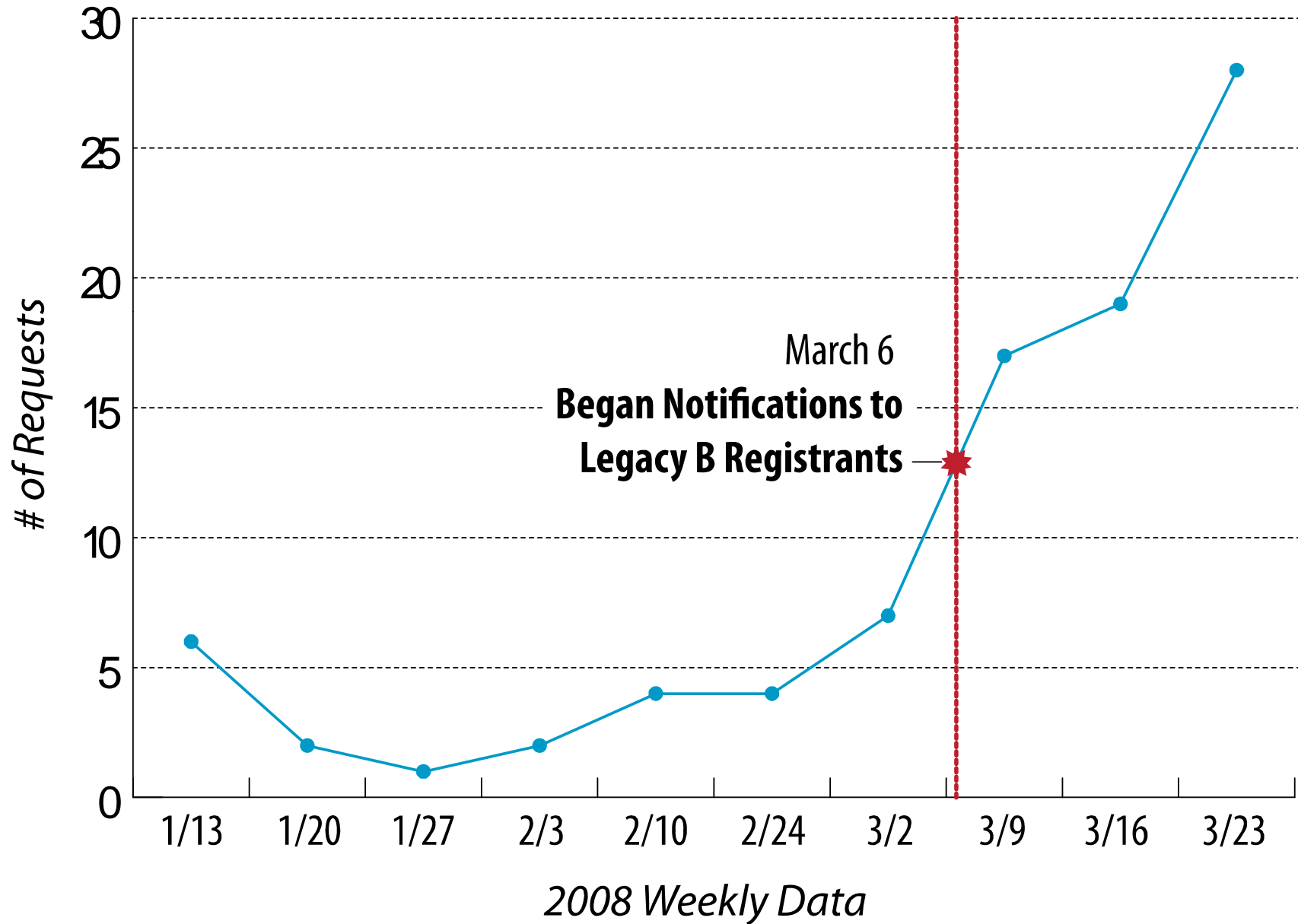
- No matter which transfer policy exists, it seems likely that there will be more disputes, and more legal risk, once ARIN can no longer satisfy requests for v4 resources.
- A serious risk implicit in adoption of any transfer policy is that it will lead to litigation if ARIN, for example, (1) refuses to permit a transfer it finds inconsistent with the then current transfer policy, or (2) ARIN seeks to revoke resources for an “under the table” transfer that violates the existing transfer policy.

Legacy RSA And Its Relationship To Policy Proposal 2008-2, continued...

- But if ARIN continues its existing policy which prohibits most transfers, widespread prohibited transfers may nonetheless occur – imposing significant future legal costs, including the costs of investigation, arbitration and litigation related to such transfers.
- A broader and more permissive transfer policy could relieve ARIN of many such costs, but there will remain legal issues.

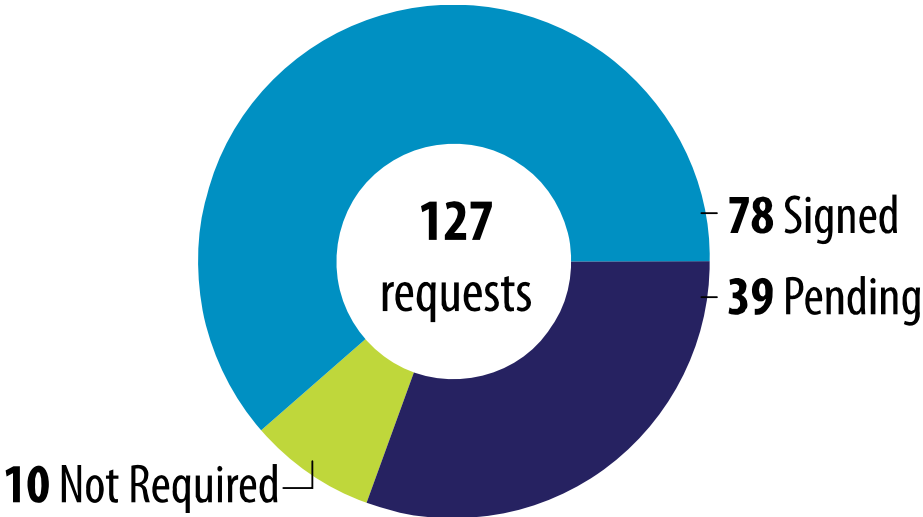
Legacy RSA Status

EFFECT OF OUTREACH EFFORTS

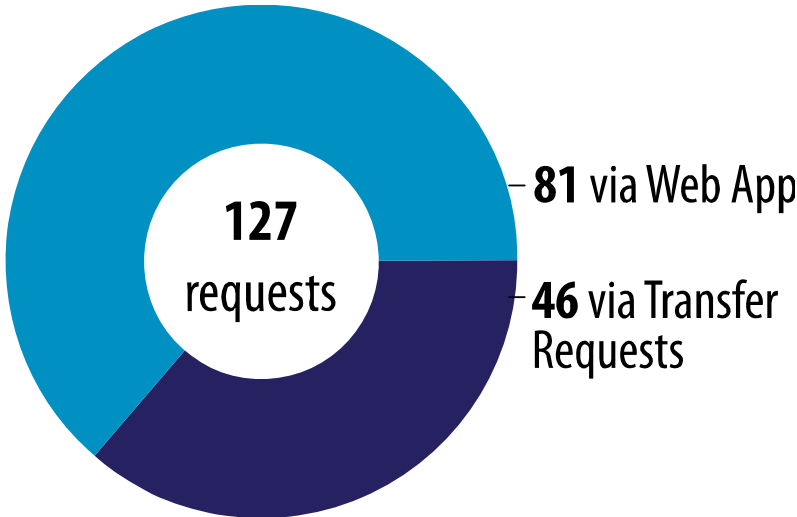


LEGACY RSA STATUS

REQUESTS



STATUS



discussion

thank you