



# Draft Policy 2012-8

Aligning 8.2 and 8.3 Transfer Policy

24-26 Oct 2012

# 2012-8 - History

1. Origin: ARIN-prop-175 (Jun 2012)
2. AC Shepherds: Chris Grundemann, David Farmer
3. Current version: 5 September 2012
4. Text and assessment online & in Discussion Guide

**[https://www.arin.net/policy/proposals/2012\\_8.html](https://www.arin.net/policy/proposals/2012_8.html)**

## 2012-8 – Summary

- This draft policy attempts to align 8.2 transfers with 8.3 and 8.4 transfers by adding some additional common criteria to 8.2. It codifies the minimum size of address blocks that can be transferred; it requires the recipient of a transfer to sign an RSA; and it codifies the requirement that the source entity of the transfer be the current registrant and not be engaged in a dispute over the registration rights.

# 2012-8 – Status at other RIRs

No similar proposals/discussions.

# 2012-8 – Staff Assessment

## Staff Comments: Issues/Concerns?

- No comments as previous comments were addressed.

## Implementation: Resource Impact? – Minimal (3 mos.)

- Updated guidelines and staff training



# 2012-8 – Legal Assessment

- Any change in NPRM 8.2 requires heightened legal scrutiny because literally hundreds of different disparate proposed 8.2 acquisitions may be considered within the next several years under the changed language. I have these comments.
  - First, the use of RSA in this case may need to permit issuance of an LRSA, if the resources are legacy addresses that have not previously been the subject of an RSA.
  - Second, the following new language needs careful community review: "The new entity (recipient) must provide evidence that they have acquired assets that use the resources transferred from the current registrant (source entity) such that their continued need is justified. ARIN will maintain an up-to-date list of acceptable types of documentation" Counsel believes this proposed language requires the 8.2 recipient to demonstrate that the number resources are part of an ongoing business that is being sold, and that the number resources are utilized by the business. It would be unwise to adopt language in 8.2 that would arguably permit an 8.2 transfer where the number resources are the only genuinely valuable asset of the business that has any material monetary value. If the number resources are the only genuinely valuable remaining material assets of the prior business which is now defunct, the transfer has to be considered under NPRM 8.3, not 8.2. If the community agrees that is the case, the language does not pose problematic legal issues.

# 2012-8 – PPML Discussion

- **1 post by 1 person (0 in favor and 0 against)**
  - No comments



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