

2 March 2011

Mr. Rod Beckstrom
President and Chief Executive Officer
Internet Corporation of Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292 6601

Re: Bulk Access Denial by the American Registry for Internet Numbers, Ltd.

Dear Mr. Beckstrom:

Per your letter of 1 March 2011, the American Registry for Internet Numbers, Ltd. (“ARIN”) is pleased to provide the following information to assist in your consideration of the referenced correspondence from Depository, Inc. (“Depository”). ARIN recognizes ICANN’s important role in providing coordination and oversight of the Internet number resource identifier system and welcomes the opportunity to address any questions that ICANN may have at any time regarding ARIN’s activities in this area.

ARIN did receive a "Bulk Whois Data Request Form" from Depository on 30 November 2010, which was denied in accordance with ARIN’s “Bulk Whois Acceptable Use Policy”, and subsequently we received a request for reconsideration of the same matter on 17 December 2010 that was also denied.

ARIN's Acceptable Use Policy (“AUP”) for Bulk Copies of ARIN WHOIS Data (copy attached as Exhibit A) was created through an open community consultation process. The first

sentence of the policy reads: "The ARIN WHOIS data is for Internet operational or technical research purposes pertaining to Internet operations only." ARIN noted this requirement in both responses to Depository, and indicated that Depository's stated use was not pertinent to Internet operations. The determination of ARIN that Depository's intended use of the Whois data does not pertain to Internet research and/or operational purposes (and consequentially the denial of bulk copies of the ARIN Whois data) appears to be the dispute Depository is raising.

ARIN believes its administration of the Whois data is very important, and brings to this duty a conscientious adherence to the regional and global policies established by the Internet community for Internet number resource management. It is incumbent upon ARIN to review each request for Bulk Whois access to ascertain whether the stated use is compliant, that is, pertaining to Internet operational purposes and also not for any AUP-proscribed uses of advertising, direct marketing, market research or similar purposes. We have taken enforcement steps to prohibit violations by members of the community.

When Depository submitted its request for Bulk Whois access on 30 November 2010, it stated its "intended use" as "Directory Mirroring". The nature of the stated intended use does provide concern regarding pertinence to operations, as attempting to mirror the data introduces a real potential for both discrepancies and confusion over the integrity of the Whois data. After careful consideration of the matter, ARIN ultimately denied the request, because it was inconsistent with the existing policy. It should be noted that dozens of organizations have agreed to the Bulk Whois AUP while specifying purposes that clearly pertain to Internet operations that are permitted under the policy. These organizations today receive bulk copies of the Whois data and their operational and technical research uses result in benefits to the community in a manner consistent with the intent of the policy.

In the 17 December 2010 request for reconsideration, Depository provided additional details regarding its intended use of the ARIN Whois data, and in the process provided much more explicit evidence that the purpose was contrary to the purpose of facilitating Internet operations.

Specifically, Depository stated (in part) that:

Depository is the first, but certainly not the last, commercial Internet Protocol ("IP") number registry. As such, we fulfill all of the registration functions of the five regional IP number registries, with the clear distinction that we do not engage in the allocation function; we do not allocate IP numbers. We have neither sought permission to become an allocation authority nor do we intend to do so. We do, however, have customers who have hired us to manage their IP number registration records and who look to us to keep their contact information current and accurate, a goal clearly in the best interests of the Internet community at large and to users of such information, including U.S. Homeland Security and global law enforcement in general. Failing to grant our request, will, over time, reduce the usefulness of IP number searches through WHOIS by degrading the accuracy even worse than it currently is, clearly negatively impacting both the international community, as represented by organizations such as ICANN, as well as undermining the effectiveness of U.S. national security organizations.

Depository's decision to appoint itself as an "IP number registry" raises the potential that it is soliciting changes for the Whois entries of number resources assigned to third-party organizations (organizations which might not even be aware that such changes would not be reflected in the global IP address registry system). Thus, it became quite clear that Depository was seeking more than "Directory Mirroring" and instead intended to use the ARIN Whois data in a manner directly contrary to the global principles of number registry operation established between the Regional Internet Registry ("RIR") community and the ICANN in Internet Coordination Policy 2 "ICP-2: Criteria for Establishment of New Regional Internet Registries" <http://www.icann.org/en/icp/icp-2.htm>.

The "Criteria for Establishment of New Regional Internet Registries" (ICP-2) was developed through ICANN's Address Supporting Organization ("ASO") with the assistance of

APNIC, ARIN, and RIPE NCC communities, it was then recommended for adoption by the ASO's Address Council, and on 4 June 2001 was accepted by the ICANN Board of Directors as a statement of essential requirements for the recognition of new Regional Internet Registries (“RIRs”). It contains a very specific requirement about need for a single authoritative Internet number registry for coordination of number resources in each region:

“Each region should be served by a single RIR, established under one management and in one location. The establishment of multiple RIRs in one region is likely to lead to:

- *fragmentation of address space allocated to the region;*
- *difficulty for co-ordination and co-operation between the RIRs;*
- *confusion for the community within the region. “*

The internal administrative or membership structure of an RIR must also not be such as to cause any of these effects.”

The uncoordinated introduction of additional “IP number registries” raises precisely the operational concerns that the Internet community foresaw and attempted to avoid through these global requirements. The risk of coordination difficulties within the global operator community is so significant that the Internet community specified that even the subordinate structures within an RIR must also be carefully considered to avoid introducing confusion in the authority of Internet number registry data.

ARIN’s rejection of Depository’s initial request for Bulk access was reinforced by the additional material provided by Depository that indicated a clear disregard for the principles of the Internet number registry system. Depository’s stated intent to unilaterally introduce additional “IP number registries” is clearly contrary to the principles agreed to by ICANN and the Regional

Internet Registry system as documented in ICP-2. These principles serve to protect the integrity of the Internet number registry system. ARIN believes that this issue has now been joined by Depository's request to ICANN so that ICANN may consider the global public interest in the operational stability of the Internet and its own role in providing oversight in this area.

Despite ARIN's appropriate rejection of the Depository request, I would ask that ICANN carefully review the Depository correspondence and consider the issues it raises with respect to the evolution of the Internet number registry system. While ARIN and the other Regional Internet Registries are obligated to follow the framework agreed to in ICP-2 and related guidelines such as the IETF's RFC 2050, the structure of the Internet number registry system is substantially unchanged since inception. This stability in design is certainly a valued feature given the instrumental role of the Internet number registry system in reliable Internet operations, but may not be the optimum structure in light of the many changes taking place in the Internet today (including IPv4 depletion & IPv6 transition, internationalization of Internet multi-stakeholder oversight, and ongoing developments in cyber security.) ARIN would welcome an opportunity to participate in any and all discussions regarding how to best evolve the Internet number registry system, and would consider ICANN instrumental in leading such discussions in forums globally as appropriate.

With best wishes,



John Curran

President and CEO

American Registry for Internet Numbers

Exhibit A

AMERICAN REGISTRY FOR INTERNET NUMBERS, LTD BULK WHOIS DATA REQUEST FORM

ARIN provides a bulk copy of WHOIS output only to organizations that will use the data for Internet operational or technical research purposes. Your request for this data may be publicly announced.

To request this data you must complete this form and submit the signed original via postal mail to:

American Registry for Internet Numbers
Attn: Bulk WHOIS Request
3635 Concorde Parkway, Suite 200
Chantilly, VA 20151

Faxed copies of the signed AUP will not be accepted. Please provide the following information in addition to signing and dating the AUP at the bottom of this page.

Requesting Organization Name: _____

Organization Address: _____

Organization Point of Contact:
Information to include full name,
phone number, and e-mail address. _____

Organization's Type of Business: _____

Intended use of the WHOIS data: _____

If you will be publishing the data on
an individual query, or small number
of queries at a time basis, provide
the URL, server name, port, or any
other pertinent information related
to how this data will be accessed: _____

Acceptable Use Policy (AUP) for Bulk Copies of ARIN WHOIS Data

The ARIN WHOIS data is for Internet operational or technical research purposes pertaining to Internet operations only. It may not be used for advertising, direct marketing, marketing research, or similar purposes. Use of ARIN WHOIS data for these activities is explicitly forbidden. ARIN requests to be notified of any such activities or suspicions thereof.

Redistributing bulk ARIN WHOIS data is explicitly forbidden. Distribution of derivative data is only permitted with the express written permission of ARIN and under the same terms as this AUP. It is permissible to publish the data on an individual query or small number of queries at a time basis, as long as reasonable precautions are taken to prevent automated querying by database harvesters.

By signing this request form you agree to the acceptable use policy for ARIN WHOIS data and confirm the accuracy of the information provided in your request.

Signature

Date

Printed name

E-mail Address

To access the requested data, you must have an ARIN Online web account.

Indicate your ARIN Online username: _____