

DEPOSITORY

January 27, 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

Dear Mr. Beckstrom:

The Depository, Inc., a commercial registry for Internet Protocol (“IP”) numbers, respectfully submits this appeal to the Internet Corporation for Assigned Names and Numbers (“ICANN”) concerning the January 24, 2011, denial by the American Registry for Internet Numbers (“ARIN”) of bulk access to the public, Whois database currently maintained by ARIN. This appeal is based upon the intentional and anti-competitive nature of the denial and its negative effects on the security, stability and competitive environment of the Internet. These are the very goals for which ICANN was created by the United States government and accepted by the international Internet community.¹

The Depository, Inc. (“Depository”), submits this written appeal to ICANN because, although no formal appeal process exists for this matter, ICANN is authorized, through its contract with the U.S. Department of Commerce (“DoC”), to perform the IP number allocation functions previously provided by the Internet Assigned Numbers Authority (“IANA”)² (See DoC-ICANN Contract Number SA1301-06-

¹ “The new system must be open and competitive. The perpetuation or the establishment of a monopoly regime in the domain name system is not in the public interest.” Vint Cerf, speaking about the parallel system of second-level domain name registration, March 23, 1998, “Response to the White House Green Paper on Domain Name System Reform.”

² Beginning May 30, 1972, the IANA function (though its name was not used until 1990) was performed primarily by Jon Postel at the Information Sciences Institute of the University of Southern California (“USC-ISI”), under a contract USC-ISI had with the U.S. Department of Defense. As early as 1972, USC-ISI delegated the IANA function to SRI International (“SRI”) which handled the administration of IP number assignments and the central Internet registry function at its Defense Data Network Network Information Center (“DDN-NIC”). Effective October 1, 1991, Government Systems, Inc., replaced SRI and subcontracted the functions to Network Solutions, Inc. (“NSI”). On January 1, 1993, NSI was awarded a cooperative agreement by the National Sciences Foundation (“NSF”) to assume responsibility for IP number assignments, among other functions. On December 1, 1997, NSF allowed NSI to transfer the IP number distribution function to a newly-formed, private non-profit, 501(c) (6) corporation, known as ARIN. Although DoC has assumed the governmental oversight of these activities from the NSF, and the DoC has a contract with ICANN, ICANN has no contract with ARIN. For the first time in this entire

CN-0048 <http://www.icann.org/en/general/iana-contract-14aug06.pdf>). These functions include overall responsibility for allocated and unallocated IPv4 and IPv6 numbers and Autonomous System Numbers. ICANN also acts as the Internet registry for IPv4 numbers allocated before the advent of regional IP number registries, including ARIN.³ Although ARIN has declined to enter into any contractual relationship with ICANN, ICANN nonetheless distributes certain blocks of previously unallocated IP numbers to ARIN and, therefore, could withhold any further allocations should ICANN deem ARIN's denial of bulk access to be anti-competitive or not in the interests of stability and security of the Internet infrastructure.⁴

Bulk Whois Data

The concept of Whois data is nearly as old as the Internet. Registries for second-level domain names and for IP numbers maintain and update "authoritative," free "Whois" services open to the public. The concept of "bulk access" to an entire database of web information goes back at least to 1999, when NSI, as the *registry for .com, .org and .net*, began granting access to its entire top-level zone files to newly-formed registrars. Under the terms of the original bulk access agreement, known as a "Zone File Access Agreement," the data could be downloaded and used for any legal purpose, not prohibited under the agreement. The two specific prohibitions were: (1) spam (*i.e.*, "...the transmission... of mass unsolicited, commercial advertising or solicitations to entities other than your own existing customers"; and (2) high volume, robotic querying (*i.e.*, high volume, automated, electronic processes that send queries or data to the systems of "...the registry...") The recipient of bulk access data was permitted to redistribute the data insofar "as it has been incorporated by you into a value-added product or service that does not permit the extraction of a substantial portion of the data from the value-added product or service." Finally, the recipient agreed that no proprietary (*i.e.*, ownership) rights in the data were transferred due to the access and that the data was being provided "as is."⁵

38 year history, the entity performing the distribution of IP numbers has no contract with anyone in the U.S. governmental chain of authority. ARIN, as emperor, has no clothes. (For another discussion of this issue, see <http://ciara.fiu.edu/publications/Rubi%20-%20Property%20Rights%20in%20IP%20Numbers.pdf>, Ernesto M. Rubi, "The Impending IPv4 Crisis: How U.S. Courts are Likely to Approach the Question of Ownership Rights in IPv4 Numbers," November, 2010.)

³ In addition, the DNS zone maintenance function for IN-ADDR.ARPA will transition in February, 2011, to ICANN from ARIN. Thus, this function will now be managed by ICANN concurrently with its central assignment of IPv4 numbers to registries such as ARIN.

⁴ ARIN currently has over 48,000,000 IPv4 numbers in its inventory, so suspension of further distribution by ICANN will not affect any immediate impact on daily operations or pending requests.

⁵ A sample of the early bulk access agreement, known as a Zone File Access Agreement, can be found at <http://www.icann.org/en/nsi/nsi-registry-agreement-appd-04nov99.htm>.

In turn, *domain name registrars* followed the same pattern for allowing bulk access to their registration data. Bulk access to data maintained by the registrars is covered under the Registrar Accreditation Agreement, and includes the same two prohibitions (see <http://www.icann.org/en/registrars/ra-agreement-17may01.htm#3.3.6>, 3.3.6.3 - 5).

ARIN, as an *IP number registry*, also grants access to the data it maintains for IP numbers. IP number registries, including ICANN's function as an IP number registry, were created to enable different organizations, in an authoritative manner, to understand and identify which IP numbers were in use and who is (was) using those numbers. The concept is one of authentication. Search engines were provided through a service called Whois. The registries also processed requests to change or to delete the technical information regarding specific IP numbers. The technical information contained in these registry databases is published and shared with the entire Internet community to provide added security and stability to the infrastructure. The primary function is to enable operational contact persons to find their counterparts in other organizations to resolve technical problems. These registries also became the places where requests for numbers (and additional numbers) were made.

ARIN's published "Bulk Whois Data Request Form," which has been substantially the same since 2003, includes the following two-sentence "Acceptable Use Policy" ("AUP"):

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, market research, or similar purposes.

The intent of this "Policy" is parallel to and consistent with the two prohibitions of spam and high-volume querying on the domain name registration side of the Internet infrastructure. AfriNIC, APNIC, LACNIC and RIPE have similar, if not identical, AUPs. The Depository has a similar, if not identical, AUP.⁶

⁶ ARIN, however, recently violated its own AUP. Turning to "Legacy" holders, *i.e.*, holders of IP numbers allocated long before the existence of ARIN, with whom ARIN has no contractual relationship whatsoever, ARIN sent emails trying to entice these Legacy holders to sign contracts with ARIN, contracts which eliminate Legacy holders' rights in their decades-old assignments:

"So, we've devised this sort of phased system, where we notify Class A holders – we notified them back in December, I think it was, or November – about the existence of the Legacy RSA. Then we recently worked our way through the Class B holders, there are 4,500 of those. So we sent notifications, just a letter of information. And based on that, this past letter, we've gotten quite a bit of feedback, quite a bit of interest, which I have a slide later to show that. And our third phase will be the Class C holders. That one's going to be really big, so we're kind of waiting a little bit, and we'll work our way through those, eventually. No, we're not recycling spam."

See ARIN XXI Members Meeting Draft Transcript, https://www.arin.net/participate/meetings/reports/ARIN_XXI/mem_transcript.html#anchor_5

ARIN, of course, does not claim any ownership interest in the data contained in the Whois database (see ARIN Web Account Terms of Service Agreement, <https://www.arin.net/public/termsOfService.xhtml>).⁷ ARIN simply acts as a “passive conduit” and maintains the database for its registrants officially to further the operational efficiency and stability of the Internet. ARIN does not control the data posted and “cannot and will not evaluate and is not responsible for the accuracy, reliability, completeness, veracity or suitability of any Material uploaded to the Secure Site by third parties, or for verifying the identity of the submitting registrant.” (ARIN Web Account Terms of Service, Paragraph 8).

All five of the regional IP number registries maintain their geographic portion of the overall IP number database⁸, but routinely allow the other registries to “mirror” the data for which each of the registries is the primary or “authoritative” source. ARIN, for example, allows APNIC and LACNIC to mirror ARIN’s data in their databases. Although the repetition of one registry’s data in another registry’s database could be referred to as “duplicative,” no confusion results because the secondary (or non-authoritative) registry display’s a pointer to the “registry of record.” This full attribution process has been in place for years. Obviously, changes to a given registration record are allowed only with the “registry of record.”

The Request

On November 30, 2010, Depository submitted a “Bulk Whois Data Request Form” (see Exhibit A) to ARIN. Depository described its “Type of Business” as “IP Number Registry Services” and described its “intended use” as “Directory Mirroring”. The President of the Depository, David H. Holtzman, agreed to ARIN’s AUP without objection.⁹

On December 13, 2010, Depository received an e-mail (see Exhibit B) from ARIN, denying Depository’s request for bulk Whois access to the database. The denial recites the following sentence:

ARIN is using its database to send direct marketing material promoting itself. Whether the content of the message is true is not the issue. This activity is clearly precluded under ARIN’s own AUP.

⁷ In order to complete a bulk access request form, an ARIN Online account must be created, part of which is agreeing to the Web Account Terms of Service. <https://www.arin.net/resources/request/bulkwhois.html>

⁸ There are numerous exceptions to allocation division by geography agreed to among these five registries, none of which have a contractual relationship with ICANN, but all of which are part of their own, unincorporated organization, known as the Number Resource Organization (“NRO”).

⁹ Mr. Holtzman, former Chief Technology Officer of NSI, oversaw the growth of the domain name registration system from 500,000 to 20 million registrations. Part of his responsibilities at NSI included the implementation and oversight of bulk access to Whois information.

“ARIN only provides access to: (1) bona fide academic researchers who are publishing papers or conducting public experiments based on the data; or (2) operators/researchers who are using the data to provide a clear benefit to the broader end-to-end networking community (“pertinent to Internet operations”).”

The denial states that “Mirroring Whois is not supported by the language of the Bulk Whois AUP.”

On December 17, 2010, Depository responded to ARIN with a request for reconsideration (see Exhibit C). In that letter, Depository pointed out the following:

1. ARIN’s Number Resource Policy Manual provides that “ARIN will provide a bulk copy of Whois output, including point of contact information, on the ARIN site for download by any organization that wishes to obtain the data, provided they agree to ARIN’s acceptable use policy.” (ARIN Policy Manual, Sec. 3.1, Bulk Copies of ARIN’s Whois) (Emphasis added).
2. Depository is the first, but certainly not the last, commercial IP number registry. As such, Depository fulfills all of the post-allocation registration functions of the five regional IP number registries, with the distinction that Depository has not sought permission to become an allocation authority; it does not allocate IP numbers. Depository has neither sought permission to become an allocation authority, nor does it currently intend to do so. Depository does, however, have customers who have hired it to manage their IP number registration records and who look to Depository 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. Thus, to repeat the words from ARIN’s first unpublished criterion: Depository is an “operator who is using (intends to use) the data to provide a clear benefit to the broader end-to-end community.”
3. Depository, once again, reiterated that it will not use bulk information obtained from ARIN for advertising, direct marketing, market research or similar purposes, but simply to provide accurate information from its Whois service when someone searches via its site or makes a port 43 query and a registration record referring to one of ARIN’s registrants is returned. In addition to the contact information, Depository will additionally display a “pointer” to ARIN’s Whois record, *i.e.*, full attribution. In the very near future, Depository will ask ARIN to do the same for Depository’s data, and will, of course, reciprocate by exchanging its bulk data, similar, if not identical, to arrangements that ARIN already has with other organizations in the same business as ARIN and Depository, such as the other four regional IP number registries¹⁰.
4. In addition to contact modifications submitted by ARIN’s member-registrants, ARIN’s information is comprised of public data gleaned from multiple sources, including historical information obtained from the Internic, prior to the separation of ARIN from NSI, as well as data contained in Requests For Comment (“RFCs”) and older copies of the IANA (now ICANN’s) database. Depository’s President and

¹⁰ Depository assumes the fact that Depository is not a member of the five regional registries’ NRO is not a consideration in ARIN’s decision to deny bulk access to the Whois data maintained by ARIN. Depository has no knowledge whether ARIN consulted the four other members of the NRO in its decision-making process.

CTO has personal knowledge of this separation since, as CTO of NSI at the time, he ran the operations of the Internic and was personally responsible for overseeing the development of the original ARIN system.

5. Denying Depository's request for access to the bulk data maintained at ARIN, Depository suggests, is anti-competitive and tantamount to restraint of trade, given that ARIN does so for other organizations in the same business as Depository, such as APNIC, RIPE, LACNIC, and AfrINIC.
6. It is Depository's understanding that ARIN does allow both APNIC and LACNIC to mirror ARIN's data. Depository asked for nothing more and sees no other reason for the denial, other than ARIN's attempt to contain competition. That competition, Depository assures ARIN, will come nevertheless. ARIN can operate in a fair and open manner, with equal behavior towards other competitors, or it can attempt to create barriers to entry, which will be seen by all for what they are. Indeed, given ARIN's non-profit, tax exempt status, Depository fails to see how ARIN would even consider its control of the database for profitable purposes, given the strictures on unrelated business income. Thus, the only conceivable purpose for denial of Depository's request must be one of domination and control.

On January 24, 2011, fifty-five days after Depository's initial request, ARIN "confirm[ed] ARIN's *mandatory denial*"¹¹ (emphasis added) of Depository's request for bulk access with a one-page response. (See Exhibit D). ARIN cites, as it must only to the identical words of the AUP. The denial, however, makes no mention of the earlier-stated reason for the denial, that "Mirroring Whois is not supported by the language of the Bulk Whois AUP." The denial also is silent about the fact that ARIN provides the identical data to two other registries: APNIC and LACNIC. The concept of "mirroring," as a facilitator of data retrieval, with full attribution to the originating or "authoritative" registry, has been the norm and, apparently, has been "consistent" with the AUP for years.

¹¹ The term "mandatory denial" has no legal meaning that can be found in the common law. The only context in which it was found is within specific statutes. For example, an immigration judge may not grant asylum to an applicant who has been convicted of a serial crime or an aggravated felony or is a danger to the security of the United States. These applications receive a "mandatory denial." See 8 CFR 208.13.

The usage of the phrase "mandatory denial" in the context of this bulk access denial presumably is meant to connote that ARIN's CEO has no choice in the matter, *i.e.*, that the AUP specifically, expressly forbids such access. The AUP, of course, does not preclude anything of the sort. Much like a Freedom of Information Access request, the AUP is intended to *permit* access (or disclosure), with the limited and express exceptions being the only bases for denial. "Mandatory" gives the denial an air of authority, of command, rather than directive. Apparently "more honor'd in the breach than the observance," (*Hamlet*, Act I, Scene 4), ARIN does not discuss its own use of the data to blanket-e-mail its own database. (See footnote 6 above). It should be recalled that ARIN has no contact whatsoever with any Federal governmental entity or even a governmental contractor, such as ICANN, to lend credence to this air of authority. ARIN's authority actually emanates from its possession of the database from the Internic.

Finally, ARIN reveals its true motivation for the denial in the last paragraph of its letter:

“A *duplicative* registry is inconsistent with the... AUP.... ARIN recommends that all address holders maintain accurate information in the ARIN WHOIS database, and suggests that Depository become familiar with ARIN’s online... system... if it is performing record maintenance activities as an agent for any third parties (emphasis added).”

Translation: Send your registrants to ARIN. Depository must respectfully decline. Depository does not act as “an agent” for its registrants; “agency” is not the issue. Depository has, unlike ARIN, a *contract* with its registrants, who have chosen to register their IP numbers with Depository. In fact, there are thousands of registrants who hold over 1,500,000,000 IP numbers who do not have any contract for registration services with ARIN. It is, and should be, their choice to sign a contract with the registry they believe best meets their needs. ARIN has no contract with these registrants. ARIN, as a 501(c)(6) business league, much like a chamber of commerce, performs these services for these registrants on a volunteer basis. Depository, or any other IP number registry, should be able to compete for this business.

Competition does not “create confusion.”¹² Competition did not create confusion in the registration of millions upon millions of second-level domain names. It only caused the creation of an entirely competitive, lower cost, world-wide, efficient system of registration. “Monopoly” consists in the ownership or control of a large part of the market-supply or output of a given commodity so as to stifle competition, restrict the freedom of commerce, and give the monopolist control. The perpetuation of the current monopoly regime is not in the public interest.

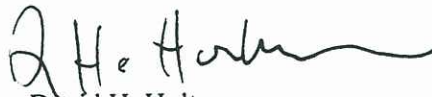
¹² The denial uses the term “duplicative registry” to allege that Depository would be more confusing than helpful. There would be, however, nothing more “duplicative” about Depository’s presentation of the data than it is by APNIC or LACNIC (see Exhibits E and F). As stated in our request for reconsideration, we offered complete attribution for ARIN’s registrations to ARIN in language and format identical to the two other registries. The only other interpretation of “duplicative,” as described above, is eliminated the moment ARIN removes from its Whois database a number resource record and substitutes “collapsed placeholder records,” identifying which registry is the registry of record (*i.e.*, the authoritative administrator) (see <ftp://ftp.arin.net/erx/data-transfer.txt>, Step 3). The registry that holds the registration should have the authoritative database record (see <ftp://ftp.arin.net/erx/zone-mnt.txt>). In the case of Depository’s registrants, ARIN’s database should be considered “duplicative.” ARIN should mirror any changes to Depository’s registrations that originate at Depository.

By inductive logic, “mirroring” is actually a temporary measure for what should be a centralized or “shared registration system,” similar to that created in October, 1998, by the DoC and NSI for the first five of what is now nearly a thousand second-level domain name registrars. (See <http://www.icann.org/en/nsi/coopagmt-amend11-07oct98.htm>). Consideration should be given to the development of an IANA-administered (either directly or by contract) *global* Whois service which would act as the authoritative source of the records for IP number registration. This would eventually eliminate the concept of mirroring and ameliorate the current state of the various registration databases, where there is significant concern about accuracy.

In summary, although Depository is performing the same post-allocation registry functions as ARIN, Depository is a commercial business, not a non-profit, member organization, and it is in both companies' best interests, and certainly in the best interests of the Internet community at large, for all of the data to be as current, accurate and shared as possible and reciprocation of bulk data on a regular basis is the best way to achieve that highly desirable goal.

In conclusion, Depository has offered to agree to the same terms and conditions as anyone else seeking bulk access to data that ARIN readily admits is not its own. Depository, a Delaware corporation, with its principal place of business in Virginia, is insured, financed and staffed with highly competent personnel. If ICANN is truly intent upon the goals of competition and growth of the Internet with stability and security, Depository asks that ICANN intercede in this situation. Depository is ready and willing to agree with ICANN on any terms and conditions ICANN deems appropriate.

Sincerely,



David H. Holtzman
President

cc.

Peter Dengate Thrush
Chair, Board of Directors
Internet Corporation for Assigned Names and Numbers

D. Huberman
Technical Specialist
American Registry for Internet Numbers

Vernita D. Harris
Senior Telecommunication Policy Specialist
National Telecommunication and Information Administration
U.S. Department of Commerce

James J. Tierney, Chief
Networks and Technology Enforcement Section
Anti-Trust Division
Department of Justice

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: Depository, Inc.
Organization Address: 1725 Wiehle
ste 400
Reston, VA 20190
Organization Point of Contact: David H. Holtzman 703-343-6286 David.Holtzman@depository.net
Information to include full name, phone number, and e-mail address.
Organization's Type of Business: IP Number Registry Services
Intended use of the WHOIS data: Directory mirroring
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: whois.depository.net
or
Port 43 lookup

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.

David H. Holtzman
Signature

30 Nov 2010
Date

David H. Holtzman
Printed name

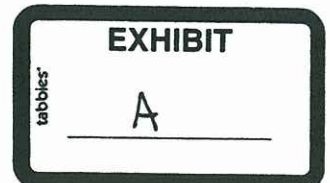
David.Holtzman@depository.net
E-mail Address

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

Indicate your ARIN Online username:

depository

ARIN Bulk WHOIS AUP (01 Jun 2010)



From: "hostmaster@arin.net" <hostmaster@arin.net>
Date: December 13, 2010 4:56:28 PM EST
To: David Holtzman <david.holtzman@depository.net>
Subject: Re: [ARIN-20101206.9001] Your Bulk Whois Request

-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA1

Hello,

ARIN is unable to approve your request for bulk whois access. ARIN only provides access to: (1) bona fide academic researchers who are publishing papers or conducting public experiments based on the data; or to (2) operators/researchers who are using the data to provide a clear benefit to the broader end-to-end networking community ("pertinent to Internet operations"). Mirroring Whois is not supported by the language of the Bulk Whois AUP. ARIN makes Whois freely available to all through multiple platforms (port 43 NICNAME Whois, port 80 web-based Whois, via FTP download, and via a RESTful API).

If you have any further questions, comments, or concerns, please do not hesitate to reply to this e-mail or contact me directly.

Regards,

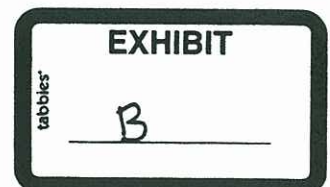
David R Huberman
ARIN Technical Specialist
703-227-0660

Are you ready for IPv6? For more information on transitioning to IPv6 see:

https://www.arin.net/knowledge/about_resources/v6/v6.html

-----BEGIN PGP SIGNATURE-----
Version: GnuPG v1.2.6 (GNU/Linux)

iD8DBQFNBpaNZKymzxl/LaURAtpNAJ9QQCOX2S7WIE2kXpyFA2J34tBLugCcCvqI
iGf1Z64O7kFCYwy0su4kuBc=
=vyLn
-----END PGP SIGNATURE-----



DEPOSITORY

December 17, 2010

Mr. David R. Huberman
American Registry for Internet Numbers
Technical Specialist
3635 Concorde Parkway, Suite 200
Chantilly, VA 20151

Re: Reconsideration of Bulk Access Denial

Dear Mr. Huberman:

On December 13, 2010, Depository, Inc. ("Depository") received your e-mail denying our company's request for bulk WHOIS access to the database managed by the American Registry for Internet Numbers ("ARIN"). Your denial recites the following sentence:

ARIN only provides access to: (1) bona fide academic researchers who are publishing papers or conducting public experiments based on the data; or (2) operators/researchers who are using the data to provide a clear benefit to the broader end-to-end networking community ("pertinent to Internet operations").

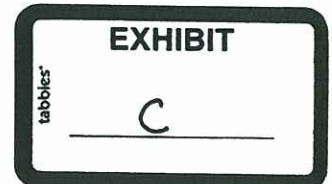
You then state that "Mirroring Whois is not supported by the language of the Bulk Whois AUP." The AUP (Acceptable Use Policy), contained in your parenthetical quoted above, so that we are all on the same page, contains two sentences:

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, market research, or similar purposes.

In response, we respectfully offer the following information for your reconsideration. Depository is the first, but most certainly not the last commercial Internet Protocol ("IP") number registry. As such, we fulfill all of the registration



1775 WILHELM AVE SUITE 400 RESTON, VA 20190 USA
OFFICE: +1 703.871.4835
FAX: +1 202.550.1002



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. The allocation function is neither in our business model, nor our purview. 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. Thus, to repeat the words from your first statement: we are an “operator who is using (intends to use) the data to provide a clear benefit to the broader end-to-end community.”

We, once again, reiterate that we will not use bulk information obtained from ARIN for advertising, direct marketing, market research or similar purposes, but simply to provide accurate information from our WHOIS service when someone searches via our site or makes a port 43 query and a registration record referring to one of your customers is returned. In addition to the contact information, we will additionally display a “pointer” to ARIN’s WHOIS record, i.e., full attribution. In the very near future, we will begin asking ARIN to do the same for us and will, of course, reciprocate by exchanging our bulk data, similar, if not identical, to arrangements that you already have with other organizations in the same business as ARIN and Depository, such as the other four regional IP number registries. Given that ARIN grants access for other organizations in the same business as us, such as APNIC, RIPE, LACNIC and AFRNIC, we ask you to reconsider your decision. We assume that you are not claiming any ownership or proprietary rights in the data, but are trying to provide some useful filtering mechanism to control who has a copy of the information in order to preclude contacts from being spammed or solicited, neither of which we have already assured you, we will do.

Additionally, in regards to mirroring, it is our understanding that you do allow both APNIC and LACNIC to mirror ARIN's data. We ask for nothing more.

In addition to contact modifications submitted by your member-registrants, ARIN's information is comprised of public data gleaned from multiple sources, including historical information obtained from the Internic prior to the separation of ARIN from Network Solutions, Inc., as well as data contained in Requests For Comment ("RFCs") and older copies of the IANA database. I have personal knowledge of this separation since, as CTO of Network Solutions at the time; I ran the operations of the Internic and was personally responsible for overseeing the development of the original ARIN system.

In conclusion, although Depository is performing the same registration functions as ARIN, Depository is a commercial business, not a non-profit, member organization, and it is in our shared best interests, and certainly in the best interests of the Internet community at large and fair competition for all of our data to be as current, accurate and shared as possible and reciprocation of bulk data on a regular basis is the best way to achieve that highly desirable goal. Therefore, we respectfully request that you reconsider and honor our request for access to ARIN's bulk WHOIS data.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. H. Holtzman", with a long horizontal stroke extending to the right.

David H. Holtzman

President

Mr. David H. Holtzman
President
Depository
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Dear Mr. Holtzman:

On December 17, 2010 Depository sent a letter requesting that ARIN reconsider its December 13, 2010 written rejection of Depository's request to obtain bulk access to the ARIN WHOIS database. This letter confirms ARIN's mandatory denial of Depository's request.

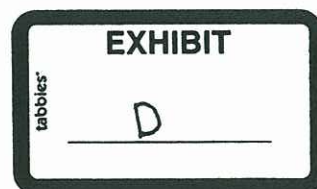
ARIN's **Acceptable Use Policy (AUP) for Bulk Copies of ARIN WHOIS Data** was created through an open community consultation process. The first sentence of the policy reads: "The ARIN WHOIS data is for Internet operational or technical research purposes pertaining to Internet operations only."

Depository, in its letter requesting reconsideration, claims that it has been hired by customers to manage their IP number registration records, and asserts that failure to grant its request for bulk access will reduce the usefulness of the WHOIS database through the degradation of its accuracy over time.

Creation of a duplicative registry does not facilitate Internet operations (although it may readily create confusion that could impede such operations.) A duplicative registry is inconsistent with the language of the AUP, and hence ARIN is simply not authorized by the bulk WHOIS policy to provide Depository bulk access to the ARIN WHOIS database. ARIN recommends that all address holders maintain accurate information in the ARIN WHOIS database, and suggests that Depository become familiar with ARIN's online number resource management system (ARIN Online) if it is performing record maintenance activities as an agent for any third parties.

Sincerely,

John Curran
President and CEO
American Registry for Internet Numbers (ARIN)





Whois search

To assist you with debugging problems, this whois query will reveal the IP Address

Your web client may be behind a web proxy.

```
APNIC found the following authoritative answer from: whois.arin.net
#
# The following results may also be obtained via:
# http://whois.arin.net/rest/nets;q=198.41.0.0?showDetails=true&showARIN=false
#
NetRange:          198.41.0.0 - 198.41.3.255
CIDR:             198.41.0.0/22
OriginAS:
NetName:         INTERNIC1
NetHandle:       NET-198-41-0-0-1
Parent:         NET-198-0-0-0-0
NetType:        Direct Assignment
NameServer:     NS3.VERISIGN-GRS.NET
NameServer:     NS1.CRSNIC.NET
NameServer:     NS2.NSIREGISTRY.NET
NameServer:     NS4.VERISIGN-GRS.NET
RegDate:        1993-01-04
Updated:        2005-01-13
Ref:            http://whois.arin.net/rest/net/NET-198-41-0-0-1
OrgName:        VeriSign Infrastructure & Operations
OrgId:          VIC-2
Address:        21345 Ridgetop Circle
City:           Dulles
StateProv:     VA
PostalCode:    20166
Country:       US
RegDate:        2002-07-11
Updated:        2007-05-16
Ref:            http://whois.arin.net/rest/org/VIC-2
OrgTechHandle: NETWO480-ARIN
OrgTechName:   Network Admin
OrgTechPhone:  +1-703-949-4300
OrgTechEmail:  netadmin@verisign.com
OrgTechRef:    http://whois.arin.net/rest/poc/NETWO480-ARIN
#
# ARIN WHOIS data and services are subject to the Terms of Use
# available at: https://www.arin.net/whois_tou.html
#
```





- LACNIC System
- System Guide
- Registration Documents
- Fees
- Statistics
- F.A.Q
- Help

REGISTRATION SERVICES

Whois

SEARCH

```
% Joint Whois - whois.lacnic.net
% This server accepts single ASN, IPv4 or IPv6 queries

% ARIN resource: whois.arin.net

#
# The following results may also be obtained via:
# http://whois.arin.net/rest/nets;q=198.41.0.0?showDetails=true&showARIN=false
#

NetRange:      198.41.0.0 - 198.41.3.255
CIDR:          198.41.0.0/22
OriginAS:
NetName:       INTERNIC1
NetHandle:     NET-198-41-0-0-1
Parent:        NET-198-0-0-0-0
NetType:       Direct Assignment
NameServer:    NS3.VERISIGN-GRS.NET
NameServer:    NS1.CRSNIC.NET
NameServer:    NS2.NSIREGISTRY.NET
NameServer:    NS4.VERISIGN-GRS.NET
RegDate:       1993-01-04
Updated:       2005-01-13
Ref:           http://whois.arin.net/rest/net/NET-198-41-0-0-1

OrgName:       VeriSign Infrastructure & Operations
OrgId:         VIO-2
Address:       21345 Ridgetop Circle
City:          Dulles
StateProv:     VA
PostalCode:    20166
Country:       US
RegDate:       2002-07-11
Updated:       2007-05-18
Ref:           http://whois.arin.net/rest/org/VIO-2

OrgTechHandle: NETWO480-ARIN
OrgTechName:   Network Admin
OrgTechPhone:  +1-703-948-4300
OrgTechEmail:  netadmin@verisign.com
OrgTechRef:    http://whois.arin.net/rest/poc/NETWO480-ARIN

#
# ARIN WHOIS data and services are subject to the Terms of Use
# available at: https://www.arin.net/whois_tou.html
#
```

