

Arbitration Case #19

Date: June 2019

Summary

The case concerns a dispute between University Telecommunications Ltd (“Member”) and the RIPE NCC. The dispute arose when the RIPE NCC decided to revert a transfer of Internet number resources to its previous holder (“Transferring Party”). This was based on a ruling from the Member’s national court, which declared the transfer agreement invalid, as it had not been signed by an authorised representative of the Transferring Party.

Details of the Case

In July 2015, the RIPE NCC processed a transfer of Internet number resources from the Transferring Party to the Member. This was based on the transfer agreement that had been provided and was consistent with the applicable RIPE policies and RIPE NCC procedural documents.

The Transferring Party later disputed the transfer, claiming that the person who signed the transfer agreement had not been authorised to do so. The Transferring Party initiated the RIPE NCC Conflict Arbitration Procedure against the Member, requesting that the transfer agreement be considered invalid. When arbitration got concluded in 2016, the ruling was not in the Transferring Party’s favour (more information can be found in the [arbitration case report](#)).

The Transferring Party decided to further challenge the validity of the transfer agreement and initiated legal proceedings against the Member in their national court. After few rounds, the case was finally concluded in February 2018. The court established that the individual who had signed the transfer agreement on the Transferring Party’s behalf did not have the authority to do so and therefore declared the transfer agreement invalid.

Considering this court ruling as new evidence, the RIPE NCC decided to revert the transfer and return the Internet number resources to the Transferring Party. The Member then claimed that this was in violation of the procedures described in the RIPE NCC procedural document “[Handling Requests for Information, Orders and Investigations from Law Enforcement Agencies](#)” and initiated the RIPE NCC Conflict Arbitration Procedure against the RIPE NCC.

Arbitration Ruling

After evaluating the information provided by both parties, the arbiter rejected the Member’s request to return the Internet number resources. The arbiter found that the RIPE NCC had acted in accordance with RIPE policies and its own documented procedures. The arbiter also noted that as no Law Enforcement Agencies were involved in the dispute, the RIPE NCC procedural document “[Handling Requests for Information, Orders and Investigations from Law Enforcement Agencies](#)” was not relevant to the case.