

Arbitration case #22

Date: April 2021

Summary

The case involves a dispute between Inter Connects Inc ('Member') and the RIPE NCC.

The arbiter identified the following three claims raised by the Member:

- 1) The Member disagrees with the RIPE NCC's rejection of a notarised document submitted as proof of a contractual relationship between the Member as the Sponsoring LIR and its End Users.
- 2) The Member disagrees with the RIPE NCC's rejection of the documents submitted as proof of existence of an End User company registered in Delaware, USA, as well as the authority of the End User Assignment Agreement signee.
- 3) The Member disagrees with the RIPE NCC's decision to not process a transfer request of the Internet number resources from one End User to another due to a change in the business structure.

Additionally, the Member challenges RIPE NCC's questions regarding the overall accuracy of the LIR account data and requests to update said data.

Details of the case

For the first claim, the RIPE NCC was trying to verify the validity of the End User Assignment Agreements between the Member and its End Users by verifying the authority of its signees. The RIPE NCC could not complete the due diligence verification of the documents provided by the Member and requested a notarised document from the notary based in the same jurisdiction as the End User company's official registration.

With regards to the second claim, the Member submitted a request to the RIPE NCC for an AS number on behalf of one of its End Users. The RIPE NCC asked for official legal documents that would prove the registration of this company in the official business registry of Delaware, USA, and proof of the signee's authority to sign the End User Assignment Agreement. While the official legal document submitted proved the company's existence, it did not verify the authorisation of the representative. The RIPE NCC requested a notarised statement that would confirm the End User Assignment Agreement's signee authority. The document provided neither confirmed the requested information, nor met the standards of the applicable RIPE NCC due diligence procedure.

Regarding the third claim, the Member made a request to transfer the Internet number Resources assigned to an End User to another End User based on the claim of the change in the business structure. The original End User company, registered in the UK, was closed via a compulsory strike off by the UK Companies House. The new End User company was officially registered with the UK Companies House several months after the dissolution of the original End User company and under the same legal name. The RIPE NCC could not process the transfer as it did not receive sufficient documents in support of the transfer claim, as required by the applicable procedural document.

Arbitration ruling

After evaluating the information and documentation provided by both parties, the arbiter ruled in favour of the RIPE NCC.

The arbiter concluded that it is within the RIPE NCC's mandate to ensure that the data maintained by the RIPE NCC members is correct, as is required by the [Due Diligence for the Quality of the RIPE NCC Registration Data Procedure](#). Further, the RIPE NCC is entitled to perform an audit to ensure the correctness of the data or if it has suspicions about the quality of the data, as per [RIPE NCC Audit Activity](#). In this case, the RIPE NCC's requests for documents or signee verification were within the procedural requirements and therefore justified.

With regards to the Sponsoring LIR End User relationship, the arbiter concluded that the RIPE NCC was acting based on the requirements of the current procedure: [Contractual Requirements for Provider Independent Resource Holders in the RIPE NCC Service Region](#). Namely, the procedure requires the presence of a contractual relationship with either a Sponsoring LIR or directly with the RIPE NCC. Secondly, the registration of an End User must be verified by a copy of the official incorporation documents or its alternative. Therefore, the RIPE NCC was correct to ask the Member to comply with the above requirements for all the End User assignments it was holding under its account.