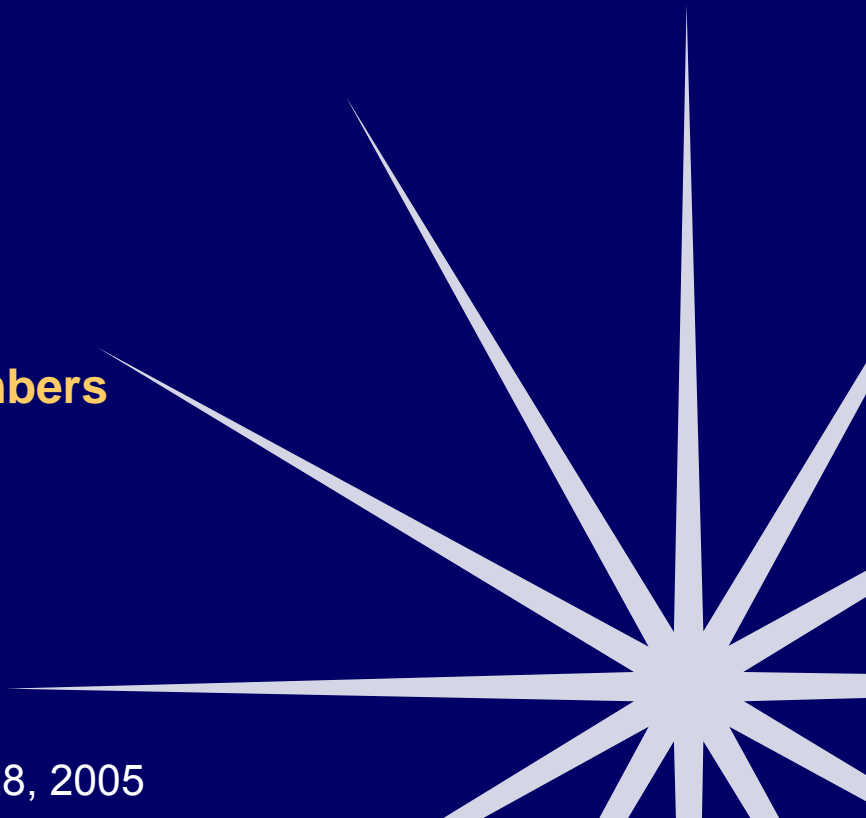


Legal Activities at ARIN

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Introduction

- * Is Internet Crime Different?
- * Isn't Fraud Fraud?
- * Internet Crime Methods and Instrumentality are at Once Familiar but Different.
- * With Regard to National Governments:
 - ▶ Laws need to be reviewed for possible modification or updating;
 - ▶ Internet crime issues are politically popular, if not well understood.

Government Organization to Address Internet Crime

- * Governments Must have Clear Vision of its Duties Regarding Internet Crime
- * e.g., Internet Crime Complaint Center, Pittsburgh, Pennsylvania
- * Governments Must Acquire and Maintain Expert Staff
- * Courts Must be Educated through the Process

Typical Internet Criminal Activity

- * Identity Theft
- * Hacking
- * Interception of Private Communication
- * Communication to Support Criminal Activity
- * Denial of Service Attacks
- * Unlawful Pornography
- * SPAM

SPAM

- * Unsolicited, Unwanted Message
 - RFC 2505, RFC 2635
- * Recipient Bears Most of the Cost
- * Types of Criminal Actions
 - ▶ Identity Theft [Spoof Sender Name/Address]
 - ▶ Hijacked IP Address
- * Litigation Issues
 - ▶ Identification
 - ▶ Linkage

Regional Internet Registry (RIR) Legal Considerations

- * ARIN's Service Area is Multi-National
- * But Each RIR, like ARIN, is Incorporated in One Nation
- * ARIN Status as a Party to Litigation:
 - ▶ Testify and Authenticate Documents in Criminal Proceedings, e.g., Commonwealth of Virginia case;
 - ▶ Testify and Authenticate Documents in Civil Proceeding, e.g., AOL
- * Subpoena/Inquiry Response
 - ▶ **Receive Inquiries**
 - ▶ IRS
 - ▶ FBI
 - ▶ Other Federal, State and local authorities
 - ▶ **Inquiry Requirements**
 - ▶ In Writing to ARIN
 - ▶ Reviewed Thoroughly by Staff Before Formally Responding
- * ARIN is Reluctant to Engage in Informal Cooperation with Private Parties or Governments

ARIN Has A Duty To Serve As A Good Net Citizen

- ★ While we do not actively seek to find persons who violate the law, due to their expertise, ARIN staff often see evidence of criminal behavior, *e.g.*, use of resources mirrors hijacking and spam.
- ★ Validate entities and utilization of number resources
- ★ Responsibility to ensure contractual compliance
- ★ Expect accurate and thorough responses per Registration Services Agreement

ARIN Has A Duty To Serve As A Good Net Citizen

- * If entities or requests are questionable then ARIN will ask additional questions and may request Certification of Legal Use of Number Resources
- * If accuracy and thoroughness are not provided or there has been willful misrepresentation, ARIN will deny or revoke Number Resources
- * Tightening Up What We Require from Entities
 - ▶ What other documents should we require?
 - ▶ Authorized contracting authority and/or Corporate Officer must sign RSA
- * These processes in many cases are being exercised for the first time and will continue to develop

ARIN Will Address Criminal Violations

- ★ ARIN is not required to provide Notice before referral to law enforcement for those who commit crimes or violate RSA in doing so.
- ★ However, ARIN does in some cases provide written notice, questions, to organizations requesting/using resources.
- ★ ARIN may choose to require a certification letter from organizations about use.

ARIN Will Address Criminal Violations (Continued)

- * ARIN reports possible criminal acts to:
 - ▶ Internet Crime Complaint Center, Pittsburgh, Pennsylvania:
 - ▶ Center is staffed by federal and state law enforcement personnel;
 - ▶ ARIN referrals are protected against FOIA disclosure;
 - ▶ ARIN will ask law enforcement agencies to issue subpoenas.
 - ▶ State Attorneys General
 - ▶ Federal Law Enforcement or Federal Trade Commission
- * ARIN Considers Its Relationship to Government Enforcement Authorities is an Important Public-Private Partnership: We Intend to Replicate it With Canada and Other Governments in our Service Area.

ARIN Will Address Criminal Violations (continued)

- ★ ARIN Has Begun Revocation Procedures to Take Back IP Addresses From Organizations That Are Falsifying Applications or Violating RSA or ARIN Policies
- ★ Recent Case Led to Return of IP to Avoid Referral to Law Enforcement

ARIN – Role In Other Civil Proceedings

* Some Acquisition/Bankruptcy Related Cases

- ▶ Increased Diligence in Filings
- ▶ Staff Access to PACER
- ▶ Recovery efforts are paying off
 - ▶ Single Filing Resulted in \$73,000+
 - ▶ Improved Understanding of Payments Prior to Finalized Reorganization Plans
- ▶ Contract Affirmation Letter

* ARIN as Neutral Party Between Two ISPs

Some Reflections on The Development of Legislation in The US Regarding the Internet

The following high-tech and internet issues are addressed in legislative measures currently before the 109th U.S. Congress:

- * Telecommunications/Broadband Access
- * Database Protection/Copyright
- * Spyware/Consumer Information Privacy
- * Identity Theft/Security Breaches
- * Impact of Hurricane Emergencies/
Communications

Telecommunications Act of 1996

- ★ Current federal regulations governing telecommunications services are based on delivery platform rather than service type.
- ★ For example, both telephone and cable companies may provide an identical service (long distance calling), but the two service platforms (phone wire and fiber optic cable) are regulated differently.
- ★ This is likely to change.

Database Protection

- * Copyright protection legislation exists to protect “creative” or “original” databases;
- * Legislation is being drafted to protect “non-creative” databases, which comprise combinations of existing creative/original databases, repackaged for added value.
- * Seeking to generate billions of dollars in sales revenue for the United States, the copyright protections for creative databases would be extended, to new composite, non-creative, non-original databases.
- * Issues yet to be decided include private right of action, provision of civil and criminal penalties, fixed duration of protection, and retroactive effect.

Spyware

- ★ When the Senate acts on the Spyware legislation already passed by the House, consumers will be able to “opt-in” or choose to allow, in advance of collection, the application’s mining of personally identifiable information.
- ★ Under consideration are consumer protection provisions which would require advance notice and identification of advertisement-generating software sent to one’s computer.

Identity Theft

- ★ High profile, large scale thefts of personal identity information (Social Security numbers, credit card registrations, and other personal information) motivated the drafting of legislation which would require safeguards for personal information and consumer notification of security breaches;
- ★ This legislation could be linked to the database protection legislation also being reviewed.

Disaster Recovery/ Hurricanes Katrina and Rita

- ★ Hurricanes Katrina and Rita highlighted the urgent need to address longstanding broadcast spectrum availability issues, actually legislative priorities since 9/11;
- ★ Lack of viable communication technologies among first responders to disasters, and the necessity to complete conversion from analog to digital television, will inspire legislation to address these issues during this Congress and beyond.

Thank You