

DEPOSITORY

March 27, 2011

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

Re: 149.81.0.0 - 149.81.255.255/16

Dear Mr. Beckstrom:

Depository, Inc. (“Depository”) again requests the assistance of the Internet Corporation for Assigned Names and Numbers (“ICANN”) concerning the lack of co-operation on the part of the American Registry for Internet Numbers, Ltd. (“ARIN”) with regard to the above-referenced Internet Protocol (“IP”) number block (“Block 149”). This time, ARIN’s failure to cooperate affects both the security and stability of the Internet, creating duplicative registries of record for the same IP number block. As more fully set forth below, changes in the registration information in one registry may not be reflected in the duplicative registry, ARIN.

On February 22, 2011, William Sylvester, a Depository Vice President, notified Leslie Nobile, Director of Registration Services for ARIN, that Depository was now the registry of record for Block 149. (Attachment A.) That three-sentence notification clearly directed ARIN to

“revise your WHOIS and associated network registration records as they currently appear to reflect that Depository, Inc. is now the *registry of record*. Please provide a collapsed placeholder page... referring any inquiries to Depository’s online Whois directory.” (Emphasis added.)

Accompanying that notification was a copy of a Registration Representation Agreement signed by Mr. Khurshed Birdie, the Chief Executive Officer of Northstar Technologies, Inc. (“Northstar”) designating Depository as its registry for Block 149 and specifically authorizing Depository to act on Northstar’s behalf. (Attachment B.) Block 149 has been registered to Northstar since 1992, well before the advent of ARIN, in December, 1997. Such IP numbers are referred to as “Legacy Numbers” in the Internet community and industry, including ARIN.

On February 28, 2011, Ms. Nobile’s email response (Attachment C) declined to acknowledge the contractual relationship between Depository and Northstar, and took the approach that because “Depository is now authorized to act as the agent for” Northstar, Depository could simply be added to ARIN’s WHOIS database as Northstar’s “registered point of contact (POC).” Ms. Nobile continued with the principal-agent concept:

“Therefore, if you would like to be added to this organization’s registration records as an authorized point of contact, you will need to have Khurshed F. Birdie submit the appropriate templates or go through ARIN on-line to add you...to their Organization record as a Technical POC....After the new POC has been created, the Admin POC currently on record (Mr. Birdie) would need to go through ARIN on-line and set up an account, then link their ARIN on-line account to their POC handle (KFB-ARIN). He would then need to modify the organization record to add the new Tech POC to the org record.”

On March 7, 2011, Depository responded to Ms. Nobile’s email. (Attachment D.) In that response, Depository made the following points:

1. According to Northstar, ARIN has no contract with Northstar. Northstar has never signed an LRSA (Legacy Registration Services Agreement) or any other agreement with ARIN.
2. Depository has a contract with Northstar to provide registration services as Northstar’s registry of record.
3. ARIN is not in any position to require our customer to utilize the registration services of ARIN; Northstar is not bound in any way to ARIN.
4. The notice that Depository sent to ARIN was not sent to ARIN in its role as a membership organization; neither Northstar nor Depository are members of ARIN.
5. The notice was sent to direct ARIN to cease performing “its self-appointed, volunteer role as a registry for block holders who have no LSA or RSA.”

Finally, Mr. Sylvester made the following point:

“If you do not comply with our request, then ARIN’s listing of our customer’s information will become not only duplicative but, in fact, erroneous, which is clearly not in keeping with our mutual desire to promote and increase security, accuracy and stability of the Internet. Any changes to Northstar’s registration data will occur, pursuant to Depository’s contract with Northstar, at Depository, not at ARIN. So, please make the appropriate revision to your database....”

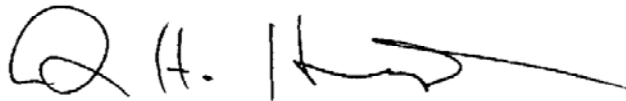
It has now been over thirty days since Depository’s initial instruction to ARIN, with no further response from ARIN.

Depository respectfully requests that ICANN intercede on the behalf of our customer and instruct ARIN to immediately modify the record in the manner our customer has directed. Failure to do so will mean a widening gap between the records of Depository, whose information is current and accurate, and those of alternative registries such as ARIN, whose information is based on historical allocation information imported into their database more than a decade ago. Today, this is a matter of a single block, but soon it will involve many more blocks, as Depository’s business expands and we are possibly joined by other companies eager to provide competitive alternatives to the ARIN monopoly. This ARIN-induced accuracy gap will degrade the quality of highly critical operational contact information, which runs counter to the needs of the majority of Internet users, most notably network operations personnel and global law enforcement to whom accurate TCP/IP contact information is paramount. I again call ICANN’s attention to the general rumble of resentment that much of the industry feels toward ARIN and their noncompetitive, self-serving, imperial conduct and policies, coupled with a disturbing lack of responsive customer

service. This industry that is being handled so poorly by ARIN is a significant part of the Internet community which ARIN often claims to represent.

ARIN's actions or, in this case, inactions, are intentionally interfering with our contractual relationships with holders of IP numbers who have absolutely no contractual relationship with ARIN. Depository is a registry for TCP/IP numbers, and we make our revenue solely from providing registration, directory and related functions to our customers. The confusion caused by ARIN's truculence in refusing to do the right thing is damaging our ability to conduct our business. We again urge ICANN to use the considerable power and influence given to it by the United States Government to instruct ARIN to modify its database to conform to the directions of the IP number holder, removing itself as registry of record. Any other action on ARIN's part erodes the foundation of the principles of openness and competitiveness upon which ICANN was and is built.

Respectfully,

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, Depository, Inc.

Encl.

cc.

Mr. John Curran
President and CEO
American Registry for Internet Numbers, Ltd.
3635 Concorde Parkway, Suite 200
Chantilly, VA 20151

Northstar Technologies, Inc.

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

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

DEPOSITORY

February 22, 2011

Ms. Leslie Nobile
Director of Registration Services
American Registry for Internet Numbers
3635 Concorde Parkway, Suite 200
Chantilly, VA 20151-1125

Re: 149.81.0.0 - 149.81.255.255/16

Dear Ms. Nobile:

We are writing to inform you that as of February 10, 2011, Depository, Inc. has been authorized by Northstar Technologies, Inc., holder and registrant of the above-referenced block (Exhibit A) to direct that you revise your WHOIS and associated network registration records as they currently appear (Exhibit B) to reflect that Depository, Inc. is now the registry of record. Please provide a collapsed placeholder page, the form of which is attached (Exhibit C), referring any inquiries to Depository's online Whois directory. If you have any questions, please feel free to contact me at (703) 474-1026 or william.sylvester@depository.net.

Sincerely yours,



William Sylvester, VP Technology
Depository, Inc.
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Cc: Northstar Technologies, Inc.

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Attachment A

Exhibit A

Registry Representation Agreement

This Agreement ("Agreement") is made and entered into as of (the "Effective Date"), by and between Depository, Inc., a Delaware corporation with offices at 1775 Wiehle Ave., Reston, VA 20191, ("Depository"), and NorthStar Technologies, Inc. ("Customer"), a New York corporation with offices at 41 Beekman Street, 3rd Floor, New York, New York 10038.

WHEREAS Customer may have information concerning their IP Number Blocks listed with registries other than Depository; and

WHEREAS Customer wishes to have Depository act as its agent in all authorized respects in regards to managing its listing information on other IP Number registries;

NOW, THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Depository agrees to be Customer's agent in dealing with other IP Number registries. Depository is authorized to act on Customer's behalf regarding the updating of Customer's registration in these registries. If Customer has IP Number Blocks which are listed in another registry, Depository may either have the information updated or require the other registry to direct all inquiries, via a Whois database (a database for IP Number Blocks) or otherwise, to Depository.

DEPOSITORY, INC.

By: David Holtzman
Title: President

Address: 1775 Wiehle Ave., Suite 400
Reston, VA 20190

Date: February 8, 2011

NORTHSTAR TECHNOLOGIES, INC.

By: Khurshed F. Birdie
Title: Chief Executive Officer

Address: 41 Beekman Street, 3rd Floor
New York, New York 10038

Date: 2/10/2011

Exhibit B

Current ARIN Whois Record

Network	
NetRange	149.81.0.0 - 149.81.255.255
CIDR	149.81.0.0/16
Name	NORTHSTAR
Handle	NET-149-81-0-0-1
Parent	NET-149 (NET-149-0-0-0-0)
Net Type	Direct Assignment
Origin AS	
Nameservers	AUTH2.NS.IDT.NET NS.IDT.NET
Organization	
Registration Date	1992-01-28
Last Updated	2009-07-21
Comments	
RESTful Link	http://whois.arin.net/rest/net/NET-149-81-0-0-1
See Also	Related organization's POC records.
Organization	
Name	Northstar Technologies, Inc.
Handle	NORTHS-1
Street	41 Beekman Street, 3 RD Floor
City	New York
State/Province	NY
Postal Code	10038
Country	US
Registration Date	
Last Updated	2008-08-19
Comments	
RESTful Link	http://whois.arin.net/rest/org/NORTHS-1
Referral Server	



Exhibit C

Updated ARIN Whois Record

Network	
NetRange	149.81.00 - 149.81.255.255
CIDR	149.81.00/16
Name	DEPOSITORY-ERX-149-1-0-0
Handle	NET-149-81-0-0-1
Parent	NET-149 (NET-149-0-0-0-0)
Net Type	Early Registrations, Transferred to Depository, Inc.
Origin AS	
Nameservers	
Organization	Depository, Inc.
Registration Date	2011-02-22
Last Updated	2011-02-22
Comments	<p>This IP number range is not registered in the ARIN database. DEPOSITORY is the Registry of Record.</p> <p>For details, refer to the Depository Whois Database via whois.depository.net or http://whois.depository.net/</p> <p>DEPOSITORY does not operate networks using this IP number range and is not able to investigate spam or abuse reports relating to these numbers. For more help, refer to http://www.depository.net/abuse-and-spamming</p>
RESTful Link	http://whois.arin.net/rest/net/NET-149-81-0-0-1
See Also	Related organization's POC records.
Organization	
Name	Depository, Inc.
Handle	DEPOSITORY
Street	P.O. Box 2172
City	Reston
State/Province	VA
Postal Code	20195
Country	US
Registration Date	2011-02-22
Last Updated	2011-02-22
Comments	
RESTful Link	http://whois.arin.net/rest/org/DEPOSITORY
Referral Server	whois://whois.depository.net :43



From: Leslie Nobile <leslien@arin.net>
Date: February 28, 2011 7:08:37 PM EST
To: William Sylvester <william.sylvester@depository.net>, Leslie Nobile <leslie@arin.net>
Cc: "hostmaster@arin.net" <hostmaster@arin.net>
Subject: **Re: 149.81.0.0 - 149.81.255.255/16**

Hello Mr. Sylvester-

I apologize for the delay in responding to your request.

The attached letter to ARIN indicates that Depository is now authorized to act as the agent for the organization Northstar Technologies, Inc. Consistent with ARIN practices, changes made to an organization's registration records must be submitted by the registered point of contact (POC). Therefore, if you would like to be added to this organization's registration records as an authorized point of contact, you will need to have Khurshed F. Birdie submit the appropriate templates or go through ARIN on-line to add you (or someone else from your organization) to their Organization record as a Technical POC. Below are some general instructions on how this can be accomplished.

If using **ARIN Online**, create a new POC (if one does not already exist) by using the POC Records link from the ARIN Online navigation bar and the option to create a POC record.

After the new POC has been created, the Admin POC currently on record (Mr. Birdie) would need to go through ARIN on-line and set up an account, then link their ARIN on-line account to their POC handle (KFB-ARIN). He would then need to modify the organization record to add the new Tech POC to the org record.

If using the **email templates**, create a new POC by submitting the POC template . Once the new POC has been created, the Admin POC currently on record (Mr. Birdie) would submit an Organization template to modify the Org ID and add the new Tech POC to the org record.

Please let us know if you have any questions.

Regards,
Leslie Nobile
Director of Registration Services
American Registry for Internet Numbers

Attachment C

DEPOSITORY

March 7, 2011

Ms. Leslie Nobile
Director of Registration Services
American Registry for Internet Numbers
3635 Concorde Parkway, Suite 200
Chantilly, VA 20151-1125

Re: IP Number Block 149.81.0.0 – 149.81.255.255/16

Dear Leslie:

Thank you for your prompt response and your acknowledgment of Depository as the agent-of-record for our customer, Northstar Technologies, Inc. (“Northstar”). I realize that our role in this situation is a new one for ARIN, namely, not as a tech or administrative contact, but as the registry of record, albeit not one of the five RIRs, so I would like to explain to you why the situation is different and why we need to have our request honored in the way that we requested, versus what you have proposed.

Last Tuesday, speaking for Northstar and at the direction of Northstar’s CEO, we sent you notice that Depository, Inc. (“Depository”) is the registry of record for Internet Protocol (“IP”) Number Block 149.81.0.0 – 149.81.255.255/16. Depository sent this notice pursuant to its contract with Northstar concerning an IP number block listed in the ARIN Whois database. Correct me if I am wrong, but according to Northstar, ARIN has no contract with Northstar. Northstar has never signed an LSA or any other agreement with ARIN; therefore the only agent for maintaining the accuracy of their information is us, not ARIN. ARIN is not in any position to require our customer to utilize the registration services of ARIN and, correspondingly, Northstar is not bound in any way to ARIN.

You have suggested that we add Depository “to an organization’s registration records... as an authorized point of contact.” Further, you also require Northstar’s CEO to submit “the appropriate templates... to add [Depository] ... as a Technical POC.” Doing this would make ARIN an unnecessary middleman in all contact changes by our customer. The change that we have requested from you is not made to ARIN in its role as a membership organization, which neither we, nor Northstar are a part of, but rather to ARIN in its self-appointed, volunteer role as a registry for block holders who have no LSA or RSA.

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Leslie, I had originally reached out because the ARIN templates and online system do not provide for the creation of our required NetType, nor does it allow the changing of a NetType within Network Objects. Our request is to follow ARIN existing practices in regards to network records referring to the registry of record; in this case the registry of record is Depository. As Depository adds more customers (and you will be seeing many more of these notes from us), we ask you to honor our customers' request to list us as the registry of record, similar to what you would do for one of the RIRs, as it is not only in the best interest of the Internet community at large, but based on a contractual relationship.

If you do not comply with our request, then ARIN's listing of our customer's information will become not only duplicative but, in fact, erroneous, which is clearly not in keeping with our mutual desire to promote and increase security, accuracy and stability of the Internet. Any changes to Northstar's registration data will occur, pursuant to Depository's contract with Northstar, at Depository, not at ARIN. So, please make the appropriate revision to your database, as requested in our original notice to you and refer any inquiries for this IP number block to Depository's Whois directory.

If you'd like to discuss this further, please feel free to contact me.

Sincerely yours,



William Sylvester, VP Technology
Depository, Inc.
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Cc: Northstar Technologies, Inc.
David Holtzman