



nabp

## National Association of Boards of Pharmacy

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February 10, 2011

Dear Domain Name Registrar:

The National Association of Boards of Pharmacy® (NABP®) represents the government agencies that license and regulate pharmacies and pharmacists in all 50 states, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, eight provinces of Canada, and New Zealand. On behalf of NABP's member boards, we are writing to request that your company fully enforce an Acceptable Use Policy, as several other Registrars have already done, to prevent the use of your registration service by Web sites engaged in the illicit and illegal sale of prescription drugs.

As you may be aware, Web sites engaged in the illicit sale of prescription drugs (often referred to as "rogue Internet pharmacies" or "rogue Internet drug outlets") pose a significant danger to Internet users. Among the illegal and dangerous conduct engaged in by these Web sites are the sale of counterfeit, expired, or other unregulated pharmaceutical products; sale of genuine or unregulated pharmaceutical products without a valid prescription; and supply of drugs from entities that are not licensed as a pharmacy in required jurisdictions (if at all).

Please note that several other domain name registrars, including GoDaddy (in the United States), eNom/Demand Media (in the United States), Directi (in India) and several others have implemented and enforced policies prohibiting the use of their registration services by Web sites engaged in the illicit sale of pharmaceutical products. Upon receiving notification of, and confirming, the promotion of illicit prescription drug sales, the registrar then suspends and locks the domain name for violation of its terms and conditions. We encourage your company to take similar steps.

NABP recognizes that some Registrars are not located in the US. However, rogue Internet pharmacy Web sites typically market illicit pharmaceutical products to the US, Canada, European countries, Japan, and other locations, even if the Web site's domain name registrant is physically located elsewhere. **Being physically located outside of the US, Canada, European, or other countries does not exempt a business from having to comply with drug safety and pharmacy licensure requirements in those countries.** An illicit Internet drug outlet should not be able to hide behind a non-US domain name registrar to continue illegally shipping pharmaceutical products into the US.

Accordingly, NABP has recognized the standards and monitoring program of LegitScript. NABP has consistently confirmed the accuracy of LegitScript's designation of Web sites as rogue Internet pharmacies, and LegitScript is a resource for registrars and other companies to verify and explain the legitimate or illicit nature of an Internet pharmacy. On behalf of our member regulatory boards, NABP endorses the use of LegitScript by domain name registrars to assist in identifying and confirming the violation of registrars' terms and conditions by these illegally operating Web sites.

### **Your Terms and Conditions**

As a domain name registrar, you have the authority and the responsibility to suspend domain names for Web sites engaged in the illicit sale of prescription drugs. Every Domain Name Registrar has some language in its Terms and Conditions, Acceptable Use Policies, or similar contract with its customers prohibiting the use of domain name registration services in the furtherance of unlawful and dangerous conduct, such as the illicit sale of prescription drugs.

Furthermore, we note that as an Internet Corporation for Assigned Names and Numbers-accredited registrar, you are bound by the Uniform Domain-Name Dispute-Resolution Policy (UDRP). Although the UDRP primarily relates to trademark infringement, it also requires you to prohibit the use of domain names for "unlawful purposes":

**2. Your Representations.** By applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and warrant to us that . . . **(c) you are not registering the domain name for an unlawful purpose; and (d) you will not knowingly use the domain name in violation of any applicable laws or regulations.**

"Rogue" Internet pharmacy Web sites designated as such by LegitScript have been found to engage in a variety of actions that constitute criminal and/or regulatory offenses, thus violating your Terms and Conditions as well as Paragraph 2 of the UDRP. These include:

- The sale of prescription drugs, including addictive medications, without requiring a valid prescription.
- The lack of any age requirement, including the sale of prescription drugs without a prescription to children.
- The sale of prescription drugs that are not "Food and Drug Administration-approved," including counterfeit medications, or medications that have been diluted, are expired, or otherwise substandard.
- The sale of products from an entity that is not a licensed pharmacy in the jurisdiction it ships prescription drugs to, and as such, need not adhere to any drug quality or safety standards.

NABP looks forward to working with you to reduce the incidence of illegal pharmaceutical Web sites. Please direct any questions you may have to Gertrude Levine, Policy and

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Communications Project Manager at NABP, at 847/391-4497. You may also direct questions to John Horton, President at LegitScript, at 877/534-4879.

Sincerely,

**NATIONAL ASSOCIATION OF  
BOARDS OF PHARMACY**



**Carmen A. Catizone, MS, RPh, DPh**  
Executive Director/Secretary

cc: Drug Enforcement Administration  
Food and Drug Administration, Office of Criminal Investigation  
Federal Bureau of Investigation  
National Telecommunications IA, Department of Commerce  
National Attorneys General Association  
Internet Corporation for Assigned Names and Numbers  
LegitScript, LLC