



National Association of Boards of Pharmacy

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nabp

December 23, 2008

Sarah Akhtar Cooper
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15801 NE 24th Street
Bellevue, WA 98008

Dear Ms Cooper:

I am writing to express the concern of the National Association of Boards of Pharmacy[®] (NABP[®]) about Web sites that you are sponsoring, commonly referred to as “rogue” online pharmacies, or Internet drug outlets, that violate your Terms and Conditions by illegally selling real or counterfeit prescription drugs.

NABP was founded in 1904. Our members are the pharmacy regulatory and licensing jurisdictions in the United States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands, nine provinces of Canada, two Australian States, and New Zealand. Our purpose is to serve as the independent, international, and impartial Association that assists states and provinces in developing, implementing, and enforcing uniform standards for the purpose of protecting the public health.

Pharmacy Web sites that operate safely and in accordance with appropriate laws and regulations can pose a valuable service to customers. “Rogue” Internet drug outlets, however, operate illegally and pose serious safety and health risks to Internet users, including children. The most common legal and safety violations include:

- Selling prescription drugs, often including controlled substances, without requiring a prescription.
- Selling counterfeit or adulterated pharmaceutical products.
- Selling products from an entity that is not a licensed pharmacy, and as such, does not adhere to important safety standards.

These Web sites contribute to the growing problem of prescription drug abuse – now the second largest drug abuse problem in the United States – as well as the growing problem of counterfeit drugs.

NABP has recognized the Internet pharmacy verification standards of a company called LegitScript, which monitors Internet drug outlets and has identified more than 20,000 "rogue" sites. LegitScript has agreed to adhere to NABP-recognized standards. We encourage you to work with LegitScript to determine which rogue Internet drug outlets you may be sponsoring, as well as to be responsive to complaints from the public.

Our request is based upon your Terms and Conditions, which unambiguously gives you the authority to terminate or suspend domain names engaged in the illicit sale of pharmaceutical products. As a Domain Name Registrar, you furthermore have the technical ability to terminate these Web sites or otherwise make them inaccessible to the public, just as you do with Web sites engaged in "spam" or "phishing," or that do not pay registration fees. Specifically, your Terms and Conditions provide:

"SERVICE(S) PROVIDED AT WILL AND TERMINATION OF SERVICE(S): ... Outside of (the initial 30-day) period, we and your Primary Service Provider may terminate or suspend the Service(s) at any time for cause, which, without limitation, includes...serious allegations of illegal conduct..."

DISPUTE RESOLUTION POLICY: You agree to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), which is available at <http://www.icann.org/udrp/udrp-rules-24oct99.htm>...

Moreover, terminating illegal pharmaceutical Web sites is in accordance with the Internet Corporation for Assigned Names and Numbers (ICANN) Uniform Domain-Name Dispute Resolution Policy, Paragraph 2, which all ICANN-accredited Domain Name Registrars are required to follow. This document mandates that you require domain name registrants to agree to the following provision:

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.

NABP appreciates your commitment to Internet safety and looks forward to working with you to reduce the incidence of illegal pharmaceutical Web sites. I am happy to answer any questions you may have.

Sincerely,



Carmen Catizone, MS, RPh, DPh
Executive Director/Secretary
National Association of Boards of Pharmacy