



NABP
National Association of
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May 14, 2018

Carlos Chavoya
GDD Ry Operations
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Sent via Email

Re: Recall and Submit Amendment of .Pharmacy Registry-Registrar Agreement

Dear Mr Chavoya:

On March 9, 2018, National Association of Boards of Pharmacy® (NABP®) submitted a formal notice (Notice) of intent to amend its Registry-Registrar Agreement (RRA). On April 24, 2018, the Internet Corporation for Assigned Names and Numbers (ICANN) requested that NABP recall its Notice and submit a cover letter outlining both the 2016 and 2018 RRA changes. Accordingly, please accept this letter as a formal recall of the Notice and NABP's submission of its 2016 RRA amendments and a declaration of NABP's intent to further amend its RRA. Please find attached a copy of the redlined RRA, with the 2016 amendments in orange, and the new proposed amendments in blue.

2016 Amendments

NABP did not request ICANN's review of the 2016 RRA amendments because the amendments concerned exhibits to the RRA, rather than the RRA itself, and NABP believed that the updates were not "material in nature" as that term is used in Section 2.9 of the NABP's Registry Agreement. More specifically, we did not believe that such amendments needed ICANN approval under section 2.9(a) of NABP's Registry Agreement".

Without conceding that we are required to obtain approval from ICANN under our Registry Agreement, we are voluntarily providing you with a description of the 2016 revisions to our RRA; please refer to the Attachment for specific language:

- Exhibit D, Registry Operator's Operational Standards, Policies, Procedures and Practices, section V Domain Name Renewal, was deleted and replaced in its entirety to stream line the annual domain renewal process.
- Exhibit E, Registration Fees, was deleted and replaced in its entirety to ensure that the .pharmacy domain was affordable for companies interested in registering a .pharmacy address. NABP is a nonprofit organization and the .pharmacy TLD is a public health initiative undertaken

in response to the scourge of fraudulent internet pharmacies that endanger patient safety. As a verified TLD, .pharmacy requires registrants to meet strict Registry standards prior to granting them the use of a .pharmacy domain name. These standards foster an online environment where consumers can obtain medicine and medication-related information that is safe, legitimate, and verified. These high standards also limit the available pool of registrants. To recoup the cost of the verification process in place to ensure high quality is maintained, the registration fee for .pharmacy domains is higher than average and presents an obstacle to some small businesses. We recognize that because of our stringent verification requirements, the pool of registrars desiring to sell .pharmacy domains is much lower than that for open domains. With such few sellers of domains, we wanted to ensure that mark-ups imposed by Registrars were commercially reasonable so that the barrier to registration was not insurmountable to some legitimate entities. NABP wants to encourage legitimate entities to register .pharmacy domains and therefore has implemented measures to maintain reasonable markups on its domains.

- NABP does not believe this process violates European Competition rules because the terms apply consistently to every Registrar and Registrars may voluntarily and independently set their fees or choose the amount of their domain fee mark-up. NABP is not mandating the fees or mark-ups that Registrars must charge registrants, rather, NABP is merely placing a cap on the maximum mark-up allowed. This enhances competition and benefits the consumers of the .pharmacy domain.
- Exhibit H, section 5, General Availability paragraph two was deleted and replaced to be consistent with the changes made in Exhibit E.

2018 Amendments

NABP is proposing to amend the following parts of the RRA to make the necessary changes identified through the recent ICANN audit of the .pharmacy gTLD:

- In section 3, Obligations of Registrar, subsection 3.3, the addition of a new third bullet to require Registrars to include in their registration agreement a provision requiring a Registrant to comply with all applicable laws;
- In section 3, Obligations of the Registrar, subsection 3.3, the addition of language to the new fifth bullet to require Registrars to include in their registration agreement a provision to ensure that the Registrants continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve;
- In Section 3, Obligations of the Registrar, subsection 3.17, the change was made to delete a service provider that NABP is no longer using, and to correct a website address; and
- In Exhibit E, subsection 2, the addition of two paragraphs to clarify that the Registrar must not renew a domain name to a URS Complainant who prevailed for longer than one year.

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In addition, NABP is proposing to make changes to Exhibit E, in the “.Pharmacy Domain Tier Pricing and Registrant Types” chart to add a new, lower price tier to encourage community pharmacies to register domains in the .pharmacy gTLD.

Please contact NABP at registry@safe.pharmacy if you have any questions.

Sincerely,

NATIONAL ASSOCIATION OF
BOARDS OF PHARMACY

A handwritten signature in black ink, appearing to read "C. A. Catizone". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

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

Attachment