



## **National Association of Boards of Pharmacy**

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nabp

May 16, 2013

Board of Directors  
Internet Corporation for Assigned Names and Numbers  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

Dear members of the ICANN Board of Directors:

National Association Boards of Pharmacy (NABP) would like to thank ICANN for providing applicants and other stakeholders the opportunity to comment on the April 29, 2013 Proposed Final New gTLD Registry Agreement (RA). While we appreciate the progress that has been made on the Registry Agreement through the various negotiations that have taken place both during and since the ICANN Public Meeting in Beijing, we have identified a number of concerns that persist with regard to the RA. We would like to use this Comment Period as an opportunity to recommend a number of changes to the RA.

NABP is an impartial professional organization that supports the state boards of pharmacy in creating uniform regulations to protect public health. NABP has applied for the .PHARMACY gTLD with the intention of bringing to market a trusted, hierarchal, and intuitive namespace for legitimate Internet pharmacies and other prescription drug related entities.

NABP has reviewed the RA with its external consultants and members of the .PHARMACY community. In this process, we identified a number of concerns that persist with regard to the RA. Based upon our review and analysis, we recommend that the following changes be implemented in the Final New gTLD Registry Agreement:

- Following Registry Transition, the secondary Registry Operator should be required to maintain registration restrictions to the extent that such restrictions exist to protect the public interest.
- The Emergency Back End Registry Operator should be required to maintain the registration restrictions established by the Registry Operator during a period of emergency transition.
- The maximum aggregate monetary liability of the Registry Operator should be equal to that of ICANN.
- ICANN should be required to indemnify the Registry Operator from all claims, damages, liabilities, costs, and expenses unless incurred due to willful omission or breach of the Registry Agreement.
- Confidentiality provisions should be expanded, and should incorporate appropriate remedies in cases where breaches in confidentiality result in material harm to the Registry Operator.
- ICANN should allow the release of reserved geographic names and two-character labels for use by the Registry Operator in conjunction with the promotion or operation of the registry.

- Technical audits should be restricted to the relevant service provider(s). Registry operators should not be required to bear the cost of audits, even if certain registry functions have been outsourced to an ICANN-accredited registrar.

We appreciate the opportunity to offer comment on this issue and look forward to further dialogue with ICANN regarding the RA.

Sincerely,

NATIONAL ASSOCIATION OF  
BOARDS OF PHARMACY

A handwritten signature in black ink, appearing to read "Carmen A. Catizone". The signature is fluid and cursive, with the first name "Carmen" and last name "Catizone" clearly distinguishable.

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