

Newsletter

Blocking websites for non-compliance of healthcare regulations

October 2nd, 2020

Dear Ladies and Gentlemen,

We would like to update you on the new measure aimed to ensure compliance with healthcare regulations in e-commerce.

Specifically, on September 18th, 2020, the Federal Service for Surveillance in Healthcare (**Roszdraznadzor**) adopted a new **Order** approving the criteria for blocking the websites with the content infringing the healthcare regulations.

The document establishes criteria for identifying and blocking websites that illegally sale or distribute content that forms a positive image of persons engaged in prohibited retail trade of medicines.

Grounds for blocking

The key criteria for blocking a website are the following:

- offering **counterfeit**, poor-quality and substandard prescription medicines;
- offering **distance retail sale** of prescription medicines;
- offering distance retail sale of **narcotic and psychotropic medicines**;
- offering alcohol-containing medicinal products with a volume fraction of ethyl alcohol of **more than 25%**;
- offering medicinal products remotely using domain names or site page pointers that are **not indicated in the distance selling permit**;
- offering sales of medicine by persons who **do not have a license**.

Enforcement

Right holders and the General Prosecutor are entitled to file a claim in court. Moreover, Roszdraznadzor is also entitled to make decisions on website blockage independently.

Upon the **court's or Roszdraznadzor's decision** on the website blocking, telecom operators and a hosting provider obtain a notification on the obligation to restrict access to the website with the infringing content. The telecom operator is obliged to immediately restrict access to the website. If the owner of the website deletes the infringing content within 24 hours, the access to the website is restored. Otherwise, the website remains blocked, unless there is a further specific court decision on its unblocking.

As for September 28th, 2020, **42 websites** illegally selling medicines **have been blocked** based on the Order.

Takeaways and Recommendations

Summarizing the above, we would like to emphasize the following:

- The new mechanism can be useful for ensuring **protection of the right holders** in the life science industry who face counterfeit sales.
- Pharmaceutical companies, online retailers and online platforms should **be more careful with their content related to life sciences industry**.
- Marketplaces and e-commerce retailers should **specify requirements for the content to pharmaceutical sector** in order to avoid their websites' blockage due to the placement of the infringing content.

If any of your colleagues would also like to receive our newsletters, please let us know by sending us his/her email address in response to this message. If you would like to learn more about our [Healthcare and Pharmaceuticals Practice](#), please let us know in reply to this email. We will be glad to provide you with our materials.

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If you have any questions,
please, do not hesitate
to contact ALRUD partner



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Sincerely,
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