

Re: CAN-SPAM Act Rulemaking, Project No. R411008 To the Commissioners, Your proposed rulemaking seems to fail to differentiate between the two main types of spam, one of which is easy to recognise and should be controlled, the other is more of an annoyance that we would prefer to do without. Items that fall into the first category could be defined as those you would prefer your children not to see. Pornography and adverts for viagra etc fall easily into this category. If it has no place on your doormat along with normal mail, it has no place in your e-mail box either. Stuff from 'electronic entrepreneurs' that sprung up with the internet are annoying, but can be filtered reasonably well by end users and ISP's. The proposed legislation seems to place almost draconian restraints upon them. They should not be expected to suffer the same penalties and workload as the villains we all want rid of. Many small/home businesses may be misguided, but their intentions are rarely up to those mentioned above. It could be said that anyone e-mailing to a list of a few thousand or even a few tens of thousands is unlikely to have the same motives as a company perhaps selling 'artistic' videos to a list of millions. How do you propose to deal with charitable organisations? Yes, we get annoyed with them, but do we really consider them in the same light as the penis enlargement guys? E.1 Issuing Regulations to Implement Various Aspects of CAN-SPAM -- Defining who is the "sender" of a commercial email message. It seems quite incredible to me that the subject in 2 re. multiple adverts, could be even considered for inclusion. What you seem to be suggesting is that, if I complain to Radio Shack to stop them sending me junk mail, then if I subsequently receive a catalogue from WalMart that happens to contain something from Radio Shack somewhere in its hundreds of pages, I should be able to take action against WalMart. I cannot believe that would be enforceable, and if it was commerce would simply grind to a halt. There is also the issue of just who this act applies to. The definition that states any email sent from, to and through the U.S. is affected by CAN-SPAM seems to suggest that just about everyone on the planet will be subject to US legislation. What treaties do you have in place, or intend to have in place, to allow you to prosecute folks no matter where on Earth they live? I think the original aims of this legislation were to be applauded, but it seems to be wandering further and further away from its original mission. Please try to keep the baby. Just dump the bathwater. Regards Mike Pepper [REDACTED]