

The CAN-SPAM act has done nothing to reduce spam- I personally have received more spam in the last few months than I have in the 5 years total that I have been online. The following are my opinions and suggestions. SPAM should be defined as: Unsolicited email that has been sent using at least 1 of the following- Harvested addresses, forged headers, dictionary attacks, or unauthorized relays. The only other situation that qualifies as SPAM is the refusal of a list owner to remove a person's email address after receiving a legitimate removal request. The "primary purpose" of an email is subjective- it should not be used to define SPAM. Using the above definitions would weed out 99% of the spam that I receive: Logic dictates that that figure would transfer to others. Concerning "transactional/relationship messages": Once a person has requested information from a particular company or group, that company should be able to contact the person by email. For instance, if John requests a catalog from ABC, Inc.- whether online or off, it should be acceptable for ABC to email him. BUT- if John requests to be removed from ABC's contact list, he should be immediately removed. There should be a clause, however, that allows the company to contact him (on a one-time basis only) in the event of a recall or safety issue with a product that he has purchased. Another point of "transactional or relationship" messages: Adding an advertisement for something else, whether it is a paid ad or not, should not change the message's definition. Sometimes the list owner will choose to add an affiliate link to a relevant site, or accept advertising within his ezine or autoresponder series. This is a legitimate practice, and should not be punished. It should never take a company 10 days to remove someone from their list. Most list-managing software has immediate removal- the only exception is a pre-batched message that is to be sent in the next few days. Aggravated violations: Using the SPAM definitions above would get down to the real problem- spammers who have no regard for courtesy, legality, and common sense. These "aggravated violators" use bulk harvesters, software that forges headers and hijacks relay transmitters, misleading subject, "to" and "from" lines, software that adds irrelevant, random words into the email to get past spam filters, and dashes or other characters in between the letters of "spam filter" no-nos ("V~ico.din", "bád-credít!", etc.) Spam filters have become out of control. For every step they take towards eliminating spam, two things happen: 1. More and more legitimate email is sucked into the "spam traps" and 2. The spammers figure out a way to get around it. Regardless of what the large ISPs say, the "false-positive" rate is high. Personally, all my order notification emails come in marked as SPAM. I am unable to fix this- that's the lowest setting that I can choose from. My brother and my mother can not email each other. The emails disappear every time they try. I now have to accept an email from one of them and then forward it to the other. (Good thing we all get along, huh?) YET- I still receive hundreds of spam mails a day, unmarked. Clearly this is an ineffective way to reduce spam. Now the big question: Who is the "sender" of an email, and who should be responsible for removing a person from the list of contacts (otherwise known as building a "suppression list"?) Let's go back to John. He requested information from ABC, who has been contacting him on a regular basis. One day, for whatever reason, John requests to be removed from their contact list. ABC, being a legitimate and honest company, removes him promptly and does not send him any more emails. Now, ABC is a company, and companies advertise if they want to stay in business. Therefore, ABC places an ad in an ezine that has related subject matter. What ABC doesn't know is that John is a subscriber to this ezine. This is where the "suppression list" issue comes in. ABC

forwards a copy of their suppression list to those places they advertise. But it doesn't stop there. If the ezine that accepts ABC advertising is not allowed to expose John to said ads, they must form a separate suppression list for each advertiser, and not send that particular issue to those on the suppression list. As confusing as that is, it's only a scratch on the surface of the insanely complex suppression list issue. Going further, the original ezine owner also advertises in OTHER ezines. He is now required to forward HIS suppression list to the other ezine owners, thereby violating his own privacy policy, which states that his subscriber's details will not be divulged to anyone. The implications of this are HUGE. These so-called "suppression" lists will be highly attractive to spammers (Active, valid email addresses? That's a spammer's DREAM!) and very hard to keep secure, as they MUST (unlike subscriber lists) be shared with anyone who is advertising legitimately or who operates a mailing list of any kind online. And yet, this is only a minor part of what happens with "unwanted" ads. There are many "mailing list" companies, who offer an advertising venue to companies online. Personally, I don't like them much, because many get their so-called "subscribers" by "fine-print" means (tagged on to the sweepstakes entry, free lotto submission, or others), but they can't be considered spam because people DO agree (albeit not so willingly) to receive their email. For the sake of (slight) simplicity, let's use John and his situation to illustrate some of the problems the suppression list brings into this scenario: John signs up for the DEF list when he puts his name in for a drawing. ABC decides to send out an advertisement through DEF, and forwards the suppression list to DEF, who does not send the ad to John. Then ABC, who is an affiliate (a VERY common arrangement online) of GHI, decides to send an ad for GHI through the DEF list. ABC now has to send a suppression list for GHI to the DEF list in addition to their own suppression list. This means that GHI has to send, constantly, their suppression list out to ALL of their affiliates to ensure that none of them expose GHI's ads to John. (This means that any spammer could sign up as an affiliate and get an instant mailing list!) Now, the DEF list regularly sells its subscriber list to JKL company, who, like DEF, offers a paid advertising venue. DEF has to pass on their suppression list (those who do not wish to receive DEF ads), but the people on the list have NOT specifically requested to be removed from JKL's list. So JKL can advertise all they want to John until he unsubscribes from their list. I'm sure that this was not the intention of suppression lists, but JKL essentially has proof that John requested their emails (through the subscription to DEF, who acknowledges that they sell their subscriber lists) and does not have a "remove" request from John. What happens if JKL is not completely above board? I'll stop with the scenarios now, but will ask one more question: What if the reason John unsubscribed from the ABC list was because he didn't like the XYZ company that advertised in the ABC email? XYZ, ABC, DEF, GHI, JKL - no one (and I suspect that includes John) can figure that out by an unsubscribe request. And even with all the lists being shared and scrubbed, John is STILL exposed to the very ads he didn't want to see! This "suppression list" idea is one that seemed like a good idea on the surface, but besides the terrifying reality that spammers will (and that's an emphatic WILL) find a way to use these lists to SPAM heavily, their effectiveness will be limited. Imagine magazines using suppression lists. Or newspapers. Or, laughably, broadcast media. (Would billboards have to ensure that no one on their suppression list would be exposed to their ads?) The bottom line is that SPAMMERS DON'T CARE about the CAN-SPAM act. They have quickly found ways to blast their emails to

seemingly everyone on the planet- at least thirty times a day. They don't include a physical address. They don't keep subscriber lists or proof of subscription. They don't honor unsubscribe requests. Essentially, the CAN-SPAM act has made legitimate online marketers shake in fear of doing the wrong thing, while the spammers are running rampant with complete disregard, as they have for the last few years. I propose that the CAN-SPAM act should be simplified, rather than made even more tangled. \*Define spammers by the actions that honest, legitimate marketers don't use (forged headers, dictionary attacks, harvesting addresses and/or using unauthorized relays.) \*Forget trying to ascertain the "feel" of an email- that's a subjective solution that will end up in a never-ending debate. \*Eliminate the spammer heaven of suppression lists. \*Make the punishment harsh for the spammers who, against any law and certainly against any decency, continue to flood your inbox with their invasive and annoying trash. Thank you for taking the time to listen. Shari Brown <http://www.JustASmallThing.com>