

Lawmakers Seek Crackdown on Spam

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Commonly derided as "spam" or "junk e-mail," unsolicited commercial e-mail remains a legislative issue in Congress and state legislatures.

Unsolicited e-mail often carries enticing too-good-to-be-true offers by sophisticated scam-artists. However, your company's clever new Internet marketing idea may also be considered "spam" if you propose to send e-mail of a commercial nature to anyone with whom you do not already have an established business relationship. Be warned - Lawmakers are cracking down.

Numerous anti-"spam" bills have been introduced in Congress in recent years, but none has yet been signed into law. Several proposals are pending now.

The proposed "Can Spam Act" would allow Internet Service Providers (ISPs) to sue unauthorized senders of unsolicited bulk e-mail, and would impose criminal penalties on senders who hide behind false domain names. Other bills would allow recipients to "opt-out" of future mailings, and one proposal would create a centralized opt-out system administered by the Federal Trade Commission. Another pending bill would extend federal criminal fraud laws to cover deceptive acts committed by "Internet communication." Lawmakers have also proposed expanding the existing law which already bans unsolicited commercial faxes. While federal legislation slowly advances, state legislatures are enacting their own anti-"spam" measures.

ACalifornia law allows ISPs to sue unauthorized "spammers" and requires senders to honor recipients' opt-out requests. In addition, California has imposed a controversial labeling requirement under which unsolicited e-mail advertising must be labeled "ADV:" in the subject line.

ANevada law at requires senders to identify themselves and to inform recipients how to opt out of future mailings. A Washington state statute prohibits false or misleading e-mail headers and subject lines. Under new Virginia laws, unsolicited bulk e-mail may constitute "computer trespass," and false header information may result in criminal prosecution.

Other proposals are pending. A Massachusetts proposal would broadly prohibit unsolicited commercial e-mail messages. A similarly broad measure was introduced in Massachusetts in 1997 but was never enacted.

As the public loses patience with "junk e-mail," e-mail legislation remains an issue to watch. In the absence of comprehensive federal "spam" rules, senders of bulk e-mails must be especially careful to comply with all applicable state laws.

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