
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.

A [California 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.

A [Nevada law](#) 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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