



# Solving The Spam Problem

By David P. McClure ■ *US Internet Industry Association (USIIA)*

Perhaps the most interesting thing about last month's grand "anti-spam" event at the Federal Trade Commission is that nothing of interest happened.

Billed as an effort to "get everybody in one room and lock the doors until they come up with a solution," the three-day conference instead degenerated into a country carnival, complete with barkers, wild rides and pickpockets.

Nonetheless, a few points about the problem of spam have become clearer. Chief among these:

- It is perfectly legal to send unsolicited commercial email. If we wish to stop folks from jamming our inboxes with it, then we will have to pass some kind

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of law to make spamming illegal—or at least outlawing spam that contains false information.

- The spam problem is growing because spam works. Robert Wientzen of the Direct Marketing Association noted

that 37 percent of Americans have responded to a spam ad. As much as we may hate receiving spam, it is effective in selling things.

- None of the existing schemes for reducing or eliminating spam will do the job. If they could, the problem would be gone already.

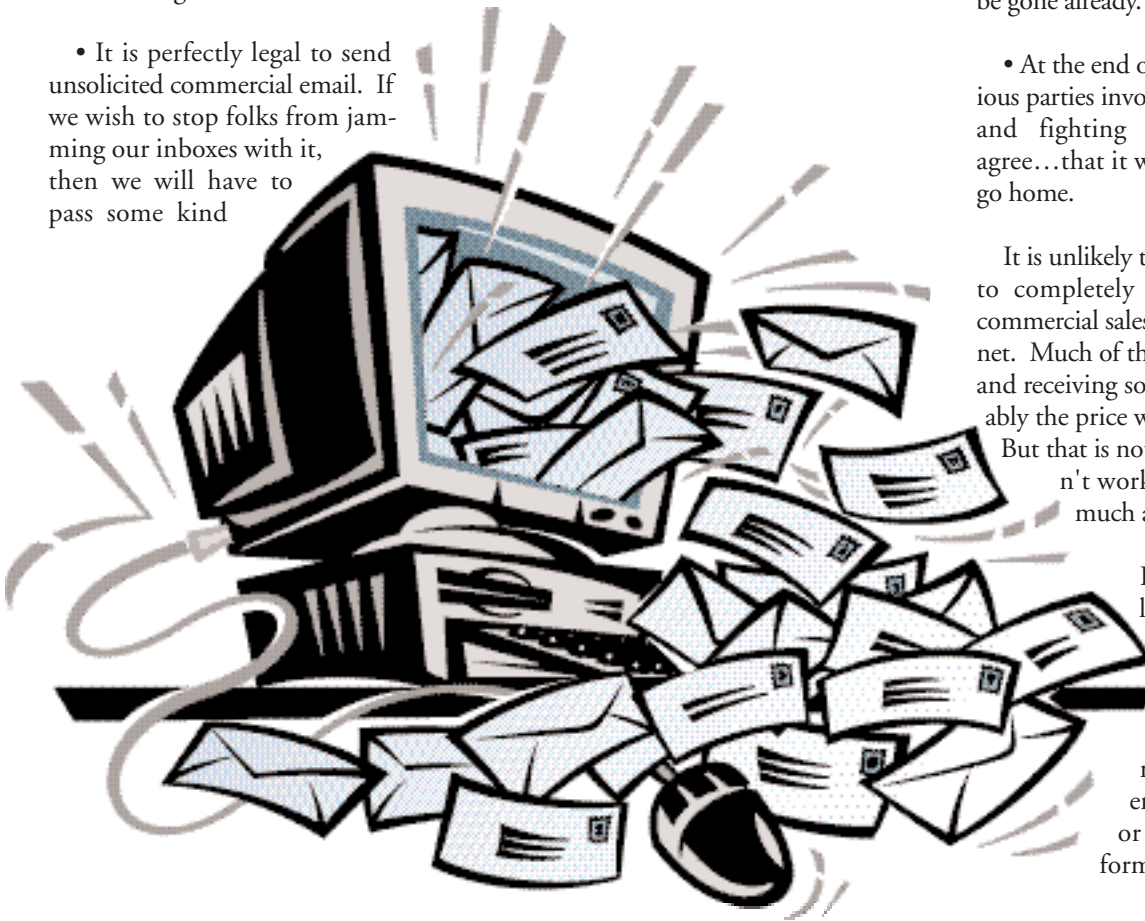
- At the end of the third day, the various parties involved in both producing and fighting spam were able to agree...that it was Friday, and time to go home.

It is unlikely that we will ever be able to completely eliminate unsolicited commercial sales pitches over the Internet. Much of the Internet is commerce and receiving some junk email is probably the price we pay for convenience.

But that is not to say that we shouldn't work to reduce the flow as much as possible.

I think we could do a lot to limit spam by following four simple steps:

- Pass a national law making it illegal to send email that contains false or misleading header information or that contains



an invalid opt-out mechanism. The law is ready for a vote in Congress but has failed in the past two years while interest groups argue over whether it is too much or too little—enough of that. It is time to get the Wyden-Burns "CAN-Spam Act" into law. This would be a national law enforced by the Federal Trade Commission, which has both the resources and the desire to handle the job. The problem with the 26 state spam laws already on the books is that they are either poorly written or poorly enforced. In addition, having a national law will give us the ability to work with our international trade partners to negotiate similar laws around the world. We can't do that with state laws.

- Encourage the Internet Corporation for Assigned Names and Numbers (ICANN)—the folks who manage Internet addresses—to de-register any domain for which false contact information has been provided. Internet users should have the right to learn who is sending the spam to them, and to voice their displeasure if necessary.

- Educate Internet users not to respond to spam—not even in an effort to get off the mailing list. A response to spam of any kind is simply verification that the email address is valid—inviting more spam. If we remove the financial incentive for sending spam, then we eliminate the problem.

- Improve anti-spam technologies. Frankly, most of the efforts in this arena to date have been pathetic. In an age in which we can sort through millions of messages in a nanosecond to identify key phrases, why don't we have technology that can block messages in Mandarin Chinese?



The FTC conference on spam will not end the problem any more than this article will. But there is much that can and should be done to reduce the flow of spam before it is completely out of control. It starts with federal legislation, and it starts now. ■

### About the Author

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