

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

I applaud your efforts to curb the problem of unsolicited bulk email. However, I am concerned about the proposed requirement for organizations to maintain suppression lists.

There are so many problems and costs associated with this idea, and so much damage done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems

In addition, I would like to leave the following comments in response to your questionnaire.

OTHER POSSIBLE RULEMAKING TOPICS

B. Modifying what is a “transactional or relationship message”.

Question (3)

Be careful with this one, as there are many associations and user groups who promote products to their members via advertisements and sponsorships. This is their only means of income. The members don't mind the advertisements, because they know it helps their organization.

E.2 Issuing Regulations to Implement Various Aspects of CAN-SPAM -- “Forward-to-a-friend” scenarios

Questions

(1)

I believe that “forwarding to a friend” is generally harmless, however the company that is providing the email that is forwarded, should not “harvest” the email of the friend. They can however simply be required to add a link at the bottom of the email asking them if they would like to continue to receive email from them i.e. “subscribe”

(2) Forwarding to a Friend I believe to help many people share the same interests and spread legitimate information. However, I've heard that many of the Greeting eCard companies, harvest the email addresses that the sender has sent the eCard to. Thus using the innocent kindness of the sender to give them free email addresses to add to their spam database..

(3) There should be some rule that would cover the use of the email entered into the "Send to a Friend" database. The person receiving the "forward" should not be placed in their database at all, except for the purpose of sending of that particular email piece, no more.

(4) One idea would be, If the person decides they don't want to receive any more "forwards" from that company, they should be able to click a link to be added to the "Do Not Forward" list.

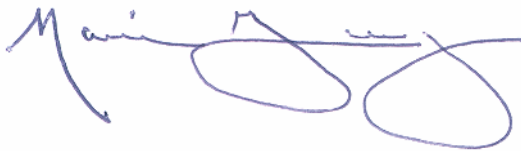
E.3 Issuing Regulations to Implement Various Aspects of CAN-SPAM --The inclusion of a "valid physical postal address"

The only thing I can say about this, is that many legitimate companies must use a PO Box, because they are in a Rural area. There are several towns that I know of that require their residents to pick up their email at the Post Office. Please do not deny legitimate companies from sending email, because they use a Post Office Box. As for the commercial companies that provide email box addresses for a fee, that may be a different story, as anyone can go in and get a box and change it each week. Plus, people are not forced to use them, like they are a PO Box.

E.4 Issuing Regulations to Implement Various Aspects of CAN-SPAM --Information in a message's "from" line.

(2) Unfortunately, there are a lot of email programs (on and offline) out there that do not force the user to enter their name in the name fields. This could be an issue. But I strongly believe that ANY Sender should be required to use a real name. But then, who is to stop the spammers from doing that, they do now. So, the issue would be, how to make sure the email comes from how it says it's from.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brenda Marie Gormley", with a large, stylized flourish at the end.

Brenda Marie Gormley
Rocklin, CA USA