

It must be assumed that the intent of any anti-spam act is not to severely punish and likely destroy legitimate businesses, including small, home-based businesses. The intent is to prevent those who bulk email, those who harvest email addresses with the intent more to aggravate than inform, those who steal email addresses through a variety of nefarious means, and those who profit from the selling of email addresses obtained in a variety of methods from destroying the valid and productive use of the Internet email system for the rest of us.

It would be hoped that this be kept in mind.

With regard to email sent by those with confirmed opt-in lists:

If someone subscribes to a list, in whatever way, and is then sent an additional confirming email which must be replied to in order to confirm the subscription, that must be construed as adequate permission for the continued sending of email.

Full information on the many ways to unsubscribe from the list should be sent with every email in the series. Ten days is more than ample for almost any system to remove the email address in question.

With regard to forwarding emails to friends, for or without compensation:

If the intent is to simply have those already interested in a newsletter or product share their interest with others who may have similar interests, there can be no harm in that, even if the originator provides some kind of product or discount in exchange. The only way for this to work would be to have the friend provide email addresses that would be used, one time only, to send an introductory email, explaining why and by whom it was sent, with a link to a subscription site. If the "friend" to who this was forwarded uses this link to subscribe, following by the required reply to a confirmation email, this person then becomes as all the other subscribers with all the rights and enjoyments.

Responsibility for unsubscribing:

To hold liable anyone other than the original sender of unsolicited commercial email is a process that can cause both bureaucratic and logistical disaster. It would not adhere to any rules of evidence known. There would not be intent to spam, there would be no means on the part of the third parties to commit the act, and any benefit derived would only be if the link to the third-party site were followed, implying consent, or used to make a purchase or additionally subscribe, which would de facto indicate consent. Just because someone unscrupulously sends something in an email does not then paint all entities mentioned in the email with the same brush.