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The Commissioners,  
The Federal Trade Commission,  
CAN-SPAM Act,  
Post Office Box 1030,  
Merrifield, VA,  
22116-1030  
United States of America.

14<sup>th</sup> April 2004

Dear Sirs,

Re : CAN-SPAM Act Rulemaking, Project No R411008

Because the Internet knows no geographic boundaries, what you are doing on behalf of the world's expanding internet population to tackle the terrible problem of unsolicited bulk e-mail is truly laudable. I hope other governments around the world will follow your great example.

It is probably not too strong to suggest that you are tackling an International scourge which the United Nations has so far seemingly chosen to ignore.

However as a UK resident, I do hope that you will not consider it presumptuous on my part to make comment on one particular aspect of CAN-SPAM, as it stands at the moment, which gives me, and many other internet users, grave cause for concern.

I refer to the proposal to require merchants to maintain 'suppression lists', and I seriously urge a careful 're-think'.

As it stands, it will impose unwarranted problems and costs and cause serious damage to the conduct of normal legitimate, moral, decent and ethical commercial trade of all types, but most particularly to publishers of digital information products including training courses.

These are surely not the people who CAN-SPAM was designed to put out of business, but the requirement for 'Suppression Lists' will certainly have that effect if implemented as it is currently proposed.

There is also the potential for significant harm to consumers, through their possible lack of appreciation, awareness or understanding of the implications of unsubscribing from a list.

In addition, I believe that there is an additional danger of 'Suppression Lists' falling into the hands of 'spammers' leading to more spam rather than less.

'Suppression Lists' might also lead consumers into a false sense of security which might be taken advantage of by the very Spammers the CAN-SPAM proposal is designed to inhibit.

My own view is that the vast majority of consumers are both sensible people and very clear about what they consider unacceptable behaviour on the Internet. I am sure they would welcome an easy and practical procedure to forward unacceptable spam e-mail to a central international policing body for handling and the dissemination of justice in the event of an agreed default.

I feel certain that Microsoft, Netscape and the major Internet Service Providers would jointly collaborate with the FTC in the setting up and implementation of such necessary procedures. After all, it is in their best interests to do so and also they are the acknowledged experts in the procedures required. They just lack the Law Making facilities which reside in your hands.

It is my firm belief that the consultation process you are following will provide the answers for the provision of the fairest legislation including careful re-writing of the requirement for 'Suppression Lists'.

Yours respectfully,

Charles Hardy  
Managing Director



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