

17 April 2004

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

To the Commissioners,

It's great that you are trying to curb the spam problem. However, the proposed requirements for merchants to maintain suppression lists are completely detrimental to honest merchants who use email as marketing tool, while they will do nothing to stop the real culprits – unethical spammers who operate offshore in an attempt (often successful) to stay out of the reach of US law.

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.

The rulings would also hamper competition. The rules essentially hold the merchant liable for the actions of anyone who wishes to promote (or destroy) their product. They create an opportunity for a company to embroil a competitor in frivolous litigation by “promoting” the competitor's product without respecting with the suppression list. (Even a disgruntled customer could do this.)

Please don't let these rules go through. They will do far more to destroy email as we know it – and most commerce on the Internet – than anything the spammers have done until now.

Sincerely,



Terrel Shumway
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Logan, Utah