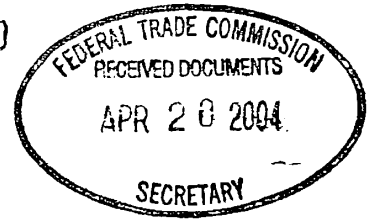


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Victor Cheng
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April 16, 2004

Federal Trade Commission/Office of the Secretary
Room 159-H
600 Pennsylvania Avenue, N.W.
Washington, D.C.
20580

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

To the Commissioners,

I wanted to make two comments on this regulation.

1) I believe that aggravated violations should include falsifying the identity of the sender or sending unsubscribe requests to a site or email address not owned by the sender.

As a newsletter publisher, I was recently victimized by a spammer. The spammer provided my legitimate "unsubscribe" link at the end of his illegitimate spam email.

As a result, I received many complaints from an email that I did not send.

My company's reputation was harmed by the incident and the act should prevent such abuses.

2) As a small business owner and online newsletter publishers, I am concerned about the proposed requirement for merchants 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.

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In my view, if the consumer receives full disclosure of what a newsletter subscription and they "opt-in", then that "fair & reasonable" definition of "opting-in".

If as a small business owner, I were required to compare my mailing list to hundreds of suppression lists before sending each email, it would quite possibly put me out of business.

You see I am self-employed and I rely on technology to automate my newsletter system. I literally mail out opt-in emails at any given time of any given day.

It would be an administrative nightmare for the small business to have to run a suppression list comparison every few minutes of every day just to send out a single email.

I would have to run hundreds of comparisons every day!

As a technologist, I know this is possible... but not at a reasonable cost for the small business owner.

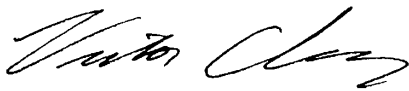
I know CAN-SPAM was designed to put spammers out of business, but this requirement will very likely have little effect on spammers since they won't comply anyhow.

However, for legitimate opt-in emailers like myself, this aspect of the CAN-SPAM act would create an onerous burden for me and my family to bear.

In addition, since I am the victim of SPAM, I would be extremely concerned that spammers might attempt to steal a suppression lists -- enabling them to send even MORE spam to unsuspecting consumers.

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,

Respectfully,



Victor Cheng
San Mateo County, California