



For Immediate Release

September 17, 2004

WLF Paper Dissects and Analyzes Complex New Federal Anti-Spam Law

Earlier this year the federal government's most ambitious move to regulate the information economy, the "CAN-SPAM Act of 2003," went into effect. The law is intended to stem the flow of unsolicited commercial e-mails. The scope and complexity of the law is quite considerable, and precisely how it will be applied is somewhat uncertain at this point. In the meantime, as a new Washington Legal Foundation (WLF) analysis states, "In the absence of extensive federal rulemaking and significant judicial decisions that further interpret the Act, companies need to carefully evaluate the Act's provisions, inherent ambiguities and various potential interpretations."

The analysis, **UNDERSTANDING & COMPLYING WITH THE "CAN-SPAM" ACT** was authored *pro bono* by **Kristen J. Matthews** of the law firm *Brown Raysman Millstein Felder & Steiner LLP*, for WLF's CONTEMPORARY LEGAL NOTES series.

The first section of the paper lists in a readable bullet format the general types of activities that trigger the Act, as well as its specific requirements and prohibitions. The next section details the Act's scope and applicability, including discussions on what types of messages are exempt, the status of e-mail newsletters, and who is considered a "recipient" of an e-mail.

After a third section, in which the authors briefly describe what actors are culpable under the law, the paper offers a lengthy discussion on CAN-SPAM's requirements and prohibitions. It explains specifically what must be included in a commercial e-mail, how the "opt-out" requirement can be met, how those senders who use third party contractors are affected, and which actions trigger the Act's criminal sanctions. The final sections touch upon the Act's enforcement provisions, what types of cases the FTC has thus far brought under the Act, and what other activity FTC will pursue to implement it. The authors conclude with a useful list of ten practical steps all regulated entities can follow to remain in compliance with CAN-SPAM.

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Copies of this educational paper, WLF CONTEMPORARY LEGAL NOTE Number 47 (Sept. 2004), can be obtained by forwarding a request to: Publications Department, Washington Legal Foundation, 2009 Massachusetts Avenue, NW, Washington, D.C. 20036, or calling (202) 588-0302.