



ITU GSR 2005: Stemming the Tide of Spam

John Palfrey
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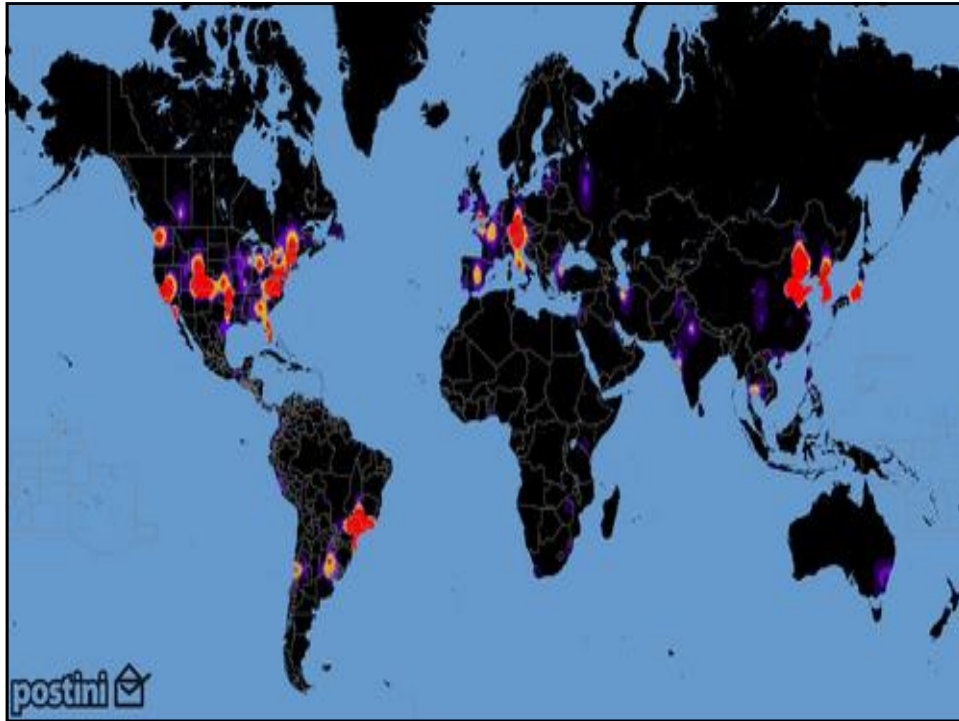
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- Spam laws to date have failed.
- Laws have focused on regulators finding and punishing spammers directly.
- Laws are not coordinated from one state to the next.



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Best Approaches: Distributed

- No New Law at All.
 - End-users: education + changes in social norms about using messaging technologies.
 - Market solutions, such as changing who pays, how incentives are aligned, and competition among messaging providers.
 - Technical solutions, esp. emerging identity management metasystems.
- Better Enforcement.
 - Private rights of action, including by ISPs and through individual class action (more controversial, but perhaps effective).
 - Coordination among existing anti-spam efforts (of the MAAWG, London Action Plan, Asia-Pacific, etc. sort.)



The Case of Developing Countries

- Regulators have limited budgets and staffs.
- Many do not have specific anti-spam statutes to enforce.
- ISPs are often organized and technically sophisticated.
- ISPs are incentivized, so long as they are not cheating, to get rid of spam.
- Costs of a new regulatory regime are outweighed by the benefits of more, and more useful, access for citizens.



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New Thinking in Anti-Spam Laws

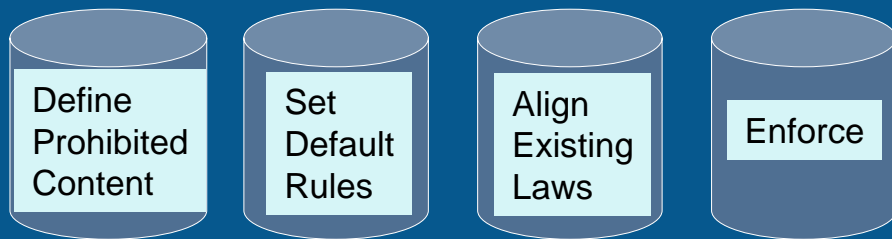
- Anti-Spam Laws Should be Harmonized.
 - Background laws coordinated.
 - Role and enforcement authority of the regulator = key.
 - Cross-border cooperation.
 - Anticipates new technologies (SPIM, SMS, VoIP).



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4 Key Regulatory Decisions



Source: Bambauer, Palfrey, Abrams, *Comparative Analysis of Spam Laws*
<http://www.itu.int/osg/spu/cybersecurity/index.phtml>



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New Roles within Regulatory Scheme



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- Establish Enforceable Codes of Conduct.



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New Roles within Regulatory Scheme

- Establish Enforceable Codes of Conduct.
 - Industry establishes its own Code of Conduct.
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 - Industry implements anti-spam measures consistent with its own Code of Conduct, while ensuring protection of civil liberties of users.



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 - Industry implements anti-spam measures consistent with its own Code of Conduct, while ensuring protection of civil liberties of users.
 - Regulator enforces Code of Conduct against industry, with an emphasis on eradicating the worst providers of spam near the source.



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Best Long-Term Solution: Education

- Regulators should focus on consumer education.
- Regulators in this room could help a great deal by sharing best practices with messaging providers as well as the general public, in person or via web sites.
- But education alone has not gotten the job done, so new regulatory mechanisms are needed.



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Anti-Spam Toolkit - Mozilla Firefox

http://www.oecd.org/document/24/0,2340,en_2649_22555297_34804568_1_1_1_1,00.html

Organisation for Economic Co-operation and Development

Building Partnerships for Progress

OECD Work on Spam

About | Publications & Documents | Information by Country

Home: OECD Work on Spam > Anti-Spam Toolkit

Anti-Spam Toolkit

The goal of the OECD anti-spam Toolkit is to provide OECD member and non-member countries with policy orientation and support in their fight against spam.

The toolkit is in constant evolution, contributions from all stakeholders are very welcome (spam.project@oecd.org).

Element 1 - Anti-Spam Regulation

The aim of this element is to provide a resource to support the development and review of anti-spam regulation strategies and arrangements, trying to emphasise best practices and propose possible options and approaches to comprehensive anti-spam legislation.

Element 2 - International Enforcement and Co-operation

Different elements are needed to support effective international law enforcement co-operation on spam, taking into account that enforcement authorities responsible for the application of anti spam laws vary from country to country. A contact list for enforcement authorities is available and it is constantly updated. A report on anti-spam enforcement is also available (see following links).

- [Enforcement authorities contact list](#)

- [Anti-spam law enforcement report](#)

Don't miss

NEW! OECD Anti-Spam Toolkit

[OECD Resources on Internet Governance](#)

[Contact Us](#)

[Site Map](#)

Information Technology

OECD Information Technology Outlook 2004

The latest edition is now out. A highlights brochure is also available in most OECD country languages.

Next Steps



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- (1) Vet and refine proposed Model Law through appropriate body (or bodies).



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- (3) Implement test-case(s).



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- (5) Implement and coordinate statutes.
- (6) Further education, spread of best practices.



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Take-aways

- (1) Existing anti-spam laws have failed.
- (2) Law is but one tool in the toolkit (technology, markets, social norms are needed, too).
- (3) Spam is not just about e-mail.
- (4) Enforcement, and the role of the regulator, is the most important missing aspect of existing laws.
- (5) Enforcement, like the problem, must be distributed.
- (6) Enforceable codes of conduct should be tried.



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John Palfrey

jpalfrey@law.harvard.edu

Berkman Center for Internet & Society,
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