

**MEMORANDUM OF UNDERSTANDING**

BETWEEN

**THE KOREA INFORMATION SECURITY AGENCY**

AND

**THE AUSTRALIAN COMMUNICATIONS AUTHORITY**

AND

**THE NATIONAL OFFICE FOR THE INFORMATION ECONOMY OF AUSTRALIA**

CONCERNING

**COOPERATION IN THE REGULATION OF SPAM**

The KOREA INFORMATION SECURITY AGENCY, AUSTRALIAN COMMUNICATIONS AUTHORITY and the NATIONAL OFFICE FOR THE INFORMATION ECONOMY OF AUSTRALIA (hereinafter referred to as the "Signatories");

CONSIDERING that the protection of the information economy is a major factor for social, economic and environmental development and for the realisation of productivity and service delivery improvements in the government, business and community sectors of each country; and

CONSIDERING ALSO that large volumes of spam can impair the infrastructure and viability of the information economy;

RECOGNISING the necessity for mutual cooperation for the minimisation of spam originating in and being sent to each country;

HOPING to work together to develop cooperative mechanisms to combat the spam problem;

DESIRING to enhance cooperative relations; and

HAVE REACHED the following understandings:

**Focus of Cooperation**

1. Acting within the framework of their powers, interests and responsibilities, the Signatories will collaborate on the regulation of spam (unsolicited commercial electronic messages).
2. The purpose of this Memorandum of Understanding is to encourage cooperation between the Signatories in minimising spam originating in each country and being sent to end-users in each country. The Signatories will also encourage closer cooperation and the exchange of information relating to spam in accordance with the relevant laws and regulations of each country and on the basis of equality, reciprocity and mutual benefit.

**Scope of Cooperation**

3. The Signatories will promote cooperation in all spheres of activity defined by this Memorandum of Understanding in order to derive maximum benefits for both the Republic of Korea and Australia.

4. Recognising that bilateral cooperation can complement areas of mutual interest in reducing the spam problem, the Signatories have identified areas of common interest for cooperation including, but not limited to, the encouragement of:

- a. the exchange of information about policies and strategies for establishing and enforcing anti-spam regulatory frameworks;
- a.b. the exchange of information and strategies about the effective use of regulation policies by Government and in support of Government enforcement;
- a.c. the exchange of intelligence, relating to the other country, gathered as a result of Government enforcement; and
- a.d. industry collaboration.

#### **Forms of Cooperation**

5. Cooperation between the Signatories in the field of regulating spam may take the following forms:

- a. exchange of information on spam, and establishment of channels for exchange of information as appropriate;
- a.b. exchange of delegations and visits as appropriate;
- a.c. encouragement of liaison between industry and Governmental organisations to promote areas of interest and cooperation; and
- a.d. other forms of cooperation arranged by the Signatories.

#### **Designated Representative**

6. In order to coordinate cooperative activities, each Signatory will appoint a representative to be responsible for determining the particular directions of cooperation and for ensuring the effectiveness of all cooperation and exchange activities.

7. The representatives of the Signatories, or their designated coordinators, will consult with each other through the Government channel specified by the Signatories, to define activities and other related matters.

#### **Activities subject to the Laws of the Signatories**

8. All activities implemented pursuant to this Memorandum of Understanding will be subject to the respective international obligations and domestic laws and regulations of the Republic of Korea and Australia.

#### **Funding and Resources**

9. The cooperative activities carried out under this Memorandum of Understanding will be subject to the availability of funds and resources of the Signatories. For those activities carried out under this Memorandum, unless otherwise jointly decided, each Signatory

will provide resources adequate to carry out its own commitments in relation to those activities.

### **Treatment of "In Confidence" Material**

10. Neither Signatory will disclose or distribute any information that is supplied and marked, or stated to be "in-Confidence" by the originating Signatory, except as, and to the extent authorised, by the originating Signatory.

### **Settlement of Disputes**

11. Any disputes between the Signatories arising from the interpretation or implementation of this Memorandum of Understanding will be settled amicably through consultations between the Signatories.

### **Duration**

12. This Memorandum of Understanding will come into effect on the date of its signature. It will remain in effect for a period of five (5) years thereafter unless terminated by either Signatory giving six (6) months prior notice in writing to the other Signatory.

13. Notwithstanding termination of this Memorandum of Understanding pursuant to paragraph 12, activities being undertaken pursuant to this Memorandum of Understanding immediately before its termination will continue to be governed by this Memorandum of Understanding until their completion, unless the Signatories mutually determine otherwise.

14. This Memorandum of Understanding may be amended or extended at any time by written mutual determination of both Signatories.

SIGNED at Melbourne, Australia on 20 October 2003 in duplicate in the Korean and English languages, each version being equally authentic.

FOR THE KOREA INFORMATION SECURITY AGENCY	FOR THE AUSTRALIAN COMMUNICATIONS AUTHORITY	FOR THE NATIONAL OFFICE FOR THE INFORMATION ECONOMY OF AUSTRALIA
<b>CHANG-KON KIM</b> President Korea Information Security Agency	<b>ROBERT HORTON</b> Acting Chairman Australian Communications Authority	<b>JOHN ROGER RIMMER</b> Chief Executive Officer National Office for the Information Economy