

Russian Federation: no regulation, legislation currently in the process

Eugene Altovsky
Coordinator for AntiSpam Project,
expert of the UNESCO IFAP National Committee of Russia

There is no explicit regulation on unsolicited e-mail in the Russian Federation. According to Civil Code of Russian Federation (Article 309: '*Obligations shall be discharged in the proper way in conformity with the terms of the obligation and with the requirements of the law and of the other legal acts, and in the absence of such terms and requirements - in conformity with the customs of the business turnover or with the other habitually presented demands*'), a solution in form of contracts between ISP and user as well as developing of 'good practice' codes for ISP's offer some possibilities to address spam.

Such a 'good practice' exists e.g. in the form of OFISP-008 - document developed by Open Forum of ISP - nongovernmental organization of Russian ISP's. This document e.g. contains sentence: '*It's inadmissible ... to distribute high volume of messages by e-mail or other means of personal communication services (including SMS, IRC etc.) without initiative of recipients*'.

In addition to that Federal Law 'On Communications' states that '*user of communication networks may send, receive and reject receiving message*' (Article 62).

So ISP's have the right to terminate spam distribution and cancel relations with spammers - e.g. terminate service contracts.

There doesn't exist specific legal penalty for spammers. The recipient of spam may require the compensation of expenses for receiving spam from spammers. Russian legislation doesn't concern spam as a crime so special services haven't formal right to investigate such cases.

There is a project AntiSpam running in Russia which is aimed at dealing with spam by legal, ethical and technical means. This project started in May 2003, was initiated by UNESCO IFAP (Information for All Programme) National Committee of Russia. Most of the top Russian specialists in IT and law, representatives of relevant state institutes and special services (Ministry of Internal Affairs of Russia and Special Communication Federal Service of Russia), Russian Parliament (Duma), civil society and mass-media are participating in AntiSpam project.

They offered the initial fruit of their efforts to the 5th International conference 'Law and Internet' (Moscow, Russia, November 25-26, 2003) and the 6th national conference 'Russian Information Security in Global Information Society' (Moscow, Russia, January 27-28, 2004).

In December 2003, the ad hoc team made an application to Russia's Ministry for Anti-Monopoly Policies and Promotion of Private Enterprise, which is responsible for government control of advertising. Team members were active in drafting a number of press contributions and television and radio broadcasts on the spam issue. They met media people for ample explanatory work. As the result, the spam problem rose to a higher level of public discussion.

Main task is now to draft anti-spam legislation which is supposed to be based on opt-in approach.

Related links:

- AntiSpam Project - www.ifap.ru/as/
- Open Forum of ISP - www.ofisp.org
- 5th International conference 'Law and Internet' - www.ifap.ru/pi/05/
- 6th National conference 'Russian Information Security in Global Information Society' - www.infoforum.ru
- OECD Report on non-OECD Countries' Spam Legislation - www.oecd.org/dataoecd/26/47/31861202.pdf

UNESCO Information for All (IFAP) National Committee of Russia

Postal: Office 724, Building 7, Kitaygorodsky proezd, Moscow, 109074, Russia
Phone: +7 (095) 925-0763
Fax: +7 (095) 921-4566
E-mail: contact@ifap.ru
Web: www.ifap.ru