Anti-Spam Law Enforcement in Korea

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I. Understanding Spam

Definition of Spam

Under the Korean legislation
“any commercial information sent via e-mail, telephone, facsimile, etc. against a recipient’s expressed rejection”
I. Understanding Spam

### Spam in Korea

#### Number of Spam received per day

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>'03. MAR</th>
<th>'03. NOV</th>
<th>'04. MAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Spam</td>
<td>4.7</td>
<td>34.9</td>
<td>50.0</td>
<td>29.1</td>
<td>26.7</td>
</tr>
<tr>
<td>Illegal contents (%)</td>
<td>0.9 (19%)</td>
<td>21.3 (61%)</td>
<td>31.5 (63%)</td>
<td>8.4 (29%)</td>
<td>8.7 (33%)</td>
</tr>
</tbody>
</table>

[source: KISA]

#### Cumulative economic damage by Spam

- KRW1,400 billion a year (Approx. $1.2 billion) [source: KISA, 2003]
  - cf. $20 billion in the U.S. [source: Ferris Research, 2003]
## II. Anti-Spam Legislation

The Act on Promotion of Information & Communication Network Utilization and Information Protection

<table>
<thead>
<tr>
<th>Enactment/Amendment</th>
<th>Main Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 1999</td>
<td>Opt-out</td>
</tr>
<tr>
<td>January 2001</td>
<td>Opt-out + Labeling</td>
</tr>
<tr>
<td>December 2002</td>
<td>Opt-out + Labeling</td>
</tr>
<tr>
<td></td>
<td>Expansion of media type to control spam</td>
</tr>
<tr>
<td></td>
<td>Strengthening protection of juveniles</td>
</tr>
<tr>
<td></td>
<td>Prohibition of technical manipulation</td>
</tr>
<tr>
<td></td>
<td>Prohibition of automatic generating and harvesting contacts</td>
</tr>
<tr>
<td></td>
<td>Strengthening ISPs and ESPs’ rights against spammers</td>
</tr>
<tr>
<td>December 2003</td>
<td>Stiffening penalties (raising fine for negligence)</td>
</tr>
<tr>
<td>January 2005</td>
<td>Opt-in (except e-mail)</td>
</tr>
</tbody>
</table>
III. Law Enforcement

- Policies & Strategies
- Legislation

ISPs & ESPs
- Best Practice
- Monitoring
- Handling Spam Complaints
- Awareness & Education
- Anti-Spam S/W

KISA

Consumers

Spammers

International Organizations
- Bilateral & Multilateral MOU
- Law Enforcement Cooperation

Foreign Anti-Spam Authorities

Broadband IT Korea
III. Law Enforcement

Regulating illegal Spam

- Counseling on Spam and handling complaints reported from the public
- Investigating whether legal violation or not (based on the act)
- Requesting MIC or Public Prosecutors Office of legal punishment
III. Law Enforcement

Regulating illegal Spam

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>1~5. 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints</td>
<td>254</td>
<td>29,105</td>
<td>78,983</td>
<td>69,896</td>
</tr>
<tr>
<td>Counseling</td>
<td>2,669</td>
<td>15,290</td>
<td>19,556</td>
<td>8,656</td>
</tr>
<tr>
<td>Total</td>
<td>2,923</td>
<td>44,395</td>
<td>98,539</td>
<td>78,552</td>
</tr>
</tbody>
</table>

Source: KISA

- Ministrative Order: 2,789
- Prosecution: 1,309
- Fine for negligence: 350
- Guidance: 14,600

Also KISA receives cross-border complaints through the English website.
III. Law Enforcement

Technological Support
- Trace Spammer
- Forecast and analyze new types of spamming
- Frame the roadmap of Anti-Spam technology
- Develop basic and practical anti-spam technology

Partnerships with Industry
Establishment of a Coalition Body and Hot Lines
- Consists of MIC, KISA, major ISPs and ESPs
- Enhance the cooperation for blocking spam and tracing spammers
III. Law Enforcement

International Cooperation

MOU between Australia and Korea

• Korea Information Security Agency (KISA)
• Australian Communication Authority (ACA)
• National Office for Information Economy (NOIE)

★ Begin to plan joint anti-spam operations in-line with local legislative provisions
IV. Conclusion

Clean e-Marketing Environment

Law Enforcement

- Government’s Regulation
- Industry’s Self-Regulation
- Technical Support
- International Cooperation

Strong Anti-Spam Legislation
IV. Conclusion

Improving Cross-Border Law Enforcement

- ★ Bilateral & Multilateral MOU
- ★ Joint Study of National Laws and Authorities
- ★ Development of Guidelines
- ★ International Seminar/Workshop
- ★ Improving Cooperation among Global ISPs & ESPs
Thank You Very Much !