Anti-Spam Law Enforcement in Korea

July 8, 2004

Kim, Ki-Kwon

Director
Information Utilization Protective Division
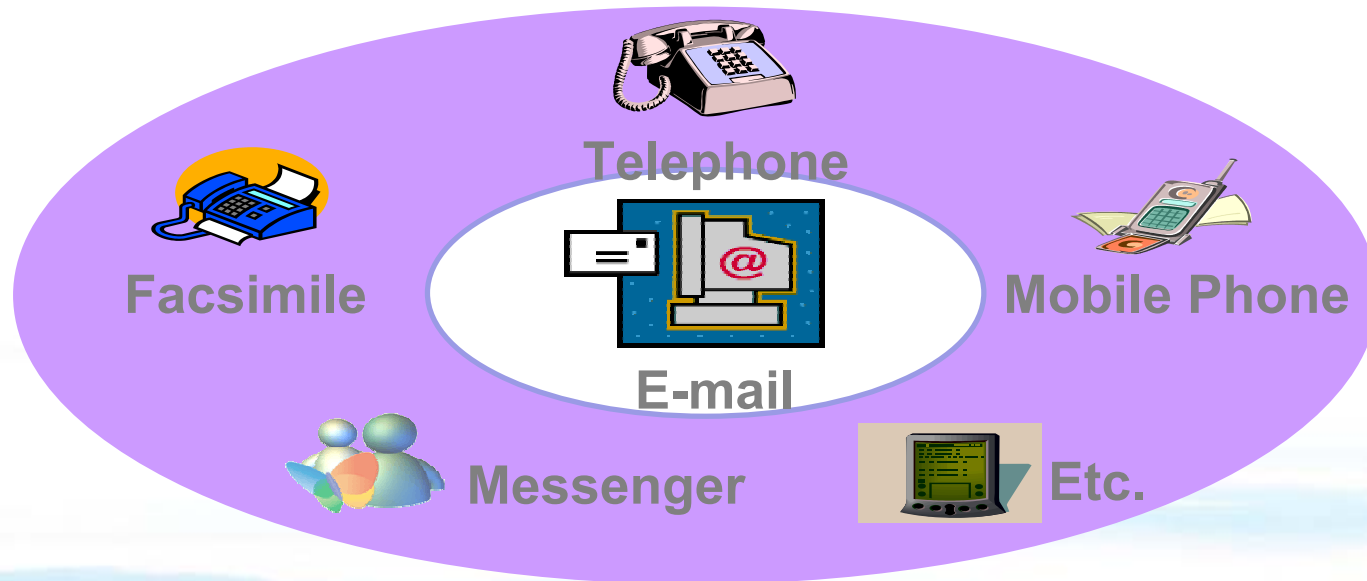
Contents

I   **Understanding Spam**

II   **Anti-Spam Legislation**

III   **Law Enforcement**

IV   **Conclusion**

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"

Telephone

Facsimile

E-mail

Mobile Phone

Messenger

Etc.

I. Understanding Spam

🔵 Spam in Korea

★ **Number of Spam received per day**

	2001	2002	'03. MAR	'03. NOV	'04. MAY
Total Spam	4.7	34.9	50.0	29.1	26.7
Illegal contents (%)	0.9 (19%)	21.3 (61%)	31.5 (63%)	8.4 (29%)	8.7 (33%)

[source: KISA]

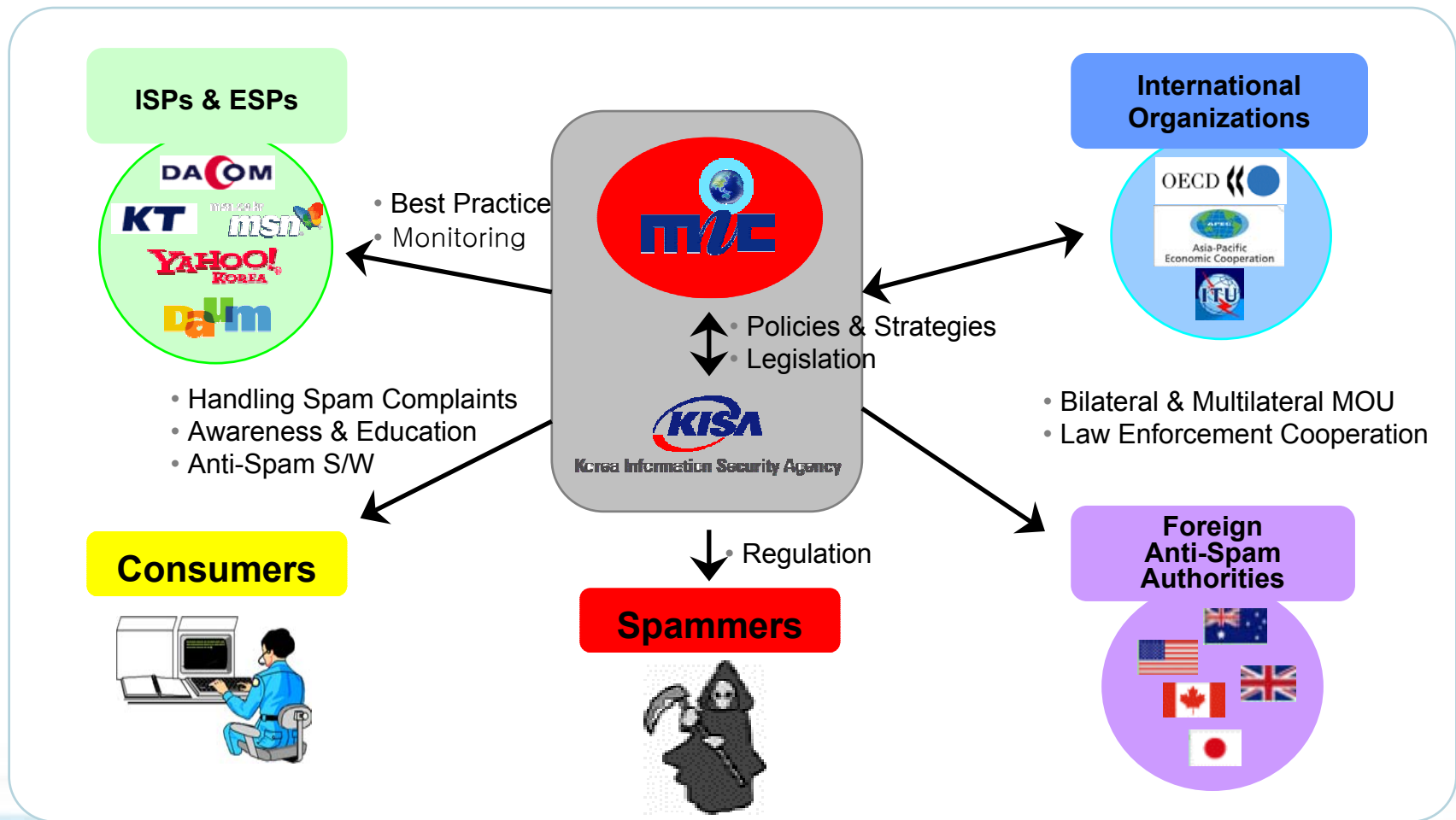★ **Cumulative economic damage by Spam**

- 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

Enactment/Amendment	Main Regulation
February 1999	Opt-out
January 2001	Opt-out + Labeling
December 2002	Opt-out + Labeling
	Expansion of media type to control spam
	Strengthening protection of juveniles
	Prohibition of technical manipulation
	Prohibition of automatic generating and harvesting contacts
	Strengthening ISPs and ESPs' rights against spammers
December 2003	Stiffening penalties (raising fine for negligence)
January 2005	Opt-in (except e-mail)

III. Law Enforcement

ISPs & ESPs

- Best Practice
- Monitoring

- Handling Spam Complaints
- Awareness & Education
- Anti-Spam S/W

Consumers

MIC

KISA
Korea Information Security Agency

- Policies & Strategies
- Legislation

- Regulation

Spammers

International Organizations

OECD
Asia-Pacific Economic Cooperation
ITU

- Bilateral & Multilateral MOU
- Law Enforcement Cooperation

Foreign Anti-Spam Authorities

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

Regulating illegal Spam

	2001	2002	2003	1~5. 2004
Complaints	254	29,105	78,983	69,896
Counseling	2,669	15,290	19,556	8,656
Total	2,923	44,395	98,539	78,552

[source: KISA]

● Ministrative Order: 2,789   ● Fine for negligence: 350
● Prosecution: 1,309   ● 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

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 !