Countermeasures against Mobile spam

~ Legislation and Self-regulation ~

Toshihiko SHIBUYA, Deputy Director
Telecommunications Consumer Policy Division,
Telecommunications Bureau,
Ministry of Public Management, Home Affairs, Posts and Telecommunications (MPHPT), Japan
Mobile internet everywhere! 📲
Mobile internet everywhere! ②
Mobile internet in the train
Mobile internet by an elderly man
### Characteristics of spam in Japan

#### 1. Media

<table>
<thead>
<tr>
<th>Sent “to mobiles”</th>
<th>Sent “to PCs”</th>
</tr>
</thead>
<tbody>
<tr>
<td>90%</td>
<td>10%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sent “from mobiles”</th>
<th>Sent “from PCs”</th>
</tr>
</thead>
<tbody>
<tr>
<td>50%</td>
<td>50% (※)</td>
</tr>
</tbody>
</table>

※ Due to disguised sender's name, the real rate is suspected to be higher.

#### 2. Content of spam

<table>
<thead>
<tr>
<th>Advertisements of matchmaking (dating) sites</th>
<th>Others (※)</th>
</tr>
</thead>
<tbody>
<tr>
<td>90%</td>
<td>10%</td>
</tr>
</tbody>
</table>

※ porno, drugs, software, etc.

Source: Survey by Japan Computer Communications Association, 2003 fiscal year
History of spam in Japan

2001  spam “to mobiles” remarkably increased
  → Self-regulation by mobile operators
  Administrative guidance by government to implement new measures

2002  Two Laws were enacted
  → Legislation of Anti-spam Law & Amendment of Commercial Transactions Act
    (For PC spam as well as Mobile spam)

2003  Spread of Domain-Designation Service
      (to Block PC spam)
      spam sent “from mobiles” increased
  → Self-regulation by mobile operators
    (and decreased)
Promotion of self-regulation in 2001

April 2001

“Administrative guidance” to all mobile operators to implement new countermeasures against mobile spam by Ministry of Public Management, Home Affairs, Posts and Telecommunications (MPHPT)

To spam sent “to Mobiles”

(1) Domain designation service (e.g. Block e-mail sent from PCs)
(2) Free mail address-changing service
(3) Discount rate for receiving e-mails
   (400 packets free of charge per month by DoCoMo)
Legislation by Government in 2002

<Enacted in July 2002>

- The Law on Regulation of Transmission of Specified Electronic Mail
  For users and networks

- Specified Commercial Transactions Law
  For consumers and transactions

For users and networks:
- Indication as “advertising mail”
- Sender’s name
- Sender’s address and phone number
- E-mail address
- E-mail address to opt-out

For consumers and transactions:
- Indication of “sender”
Outline of “The Law on Regulation of Transmission of Specified Electronic Mail”

**Opt-out**
Transmission of specified electronic mail to a person who has indicated he/she does not want to receive such mail is prohibited.

**Labeling**
Obligations of labeling for senders of specified electronic mail
① Identification as Specified electronic mail (Label “未承諾広告※”)
② Sender’s Name/address  ③ Sender’s E-mail Address  ④ Opt-out E-mail Address

**Penalty**
- Administrative Orders by Minister to uphold the law
- Fines up to 500,000 yen ($5,000) assessed on failure to observe Administrative Orders

**Others**
- Prohibition of mail transmission utilizing any program that generates random fictitious e-mail addresses
- Telecommunications carriers are authorized not to provide volume e-mail transmission services if the e-mails include random fictitious addresses.
Administrative order based on the anti-spam law

1. The process of executing an administrative order

Information offered to Research and Consulting Center for Spam from recipients of unlawful mail

Checking for illegality

MPHPT transmits alert mail to illegal sender

Asks for a report

On-the-spot inspection

Execution of administrative order

2. The past order list

25 December, 2002  A sender in Nakano-ku, Tokyo (Failure to display obligations)

11 November, 2003  A sender in Nakano-ku, Tokyo (Failure to display obligations)
   ※ accompanied by a report

15 April, 2004  A sender in Shinjuku-ku, Tokyo (Failure to display obligations)
   ※ accompanied by a report
Trends in complaints/Inquires received by cellular and PHS carriers (Including inquiries about new spam measures)
November 2003

Establishment of “Working Group against spam” composed of all mobile operators in Japan (6 groups) and MPHPT

Request all mobile operators to adopt similar countermeasures to shut out spammers (sent “from Mobiles”)

(1) Suspension of service for spammers
(2) Limitation on the number of e-mails from mobiles

※ Awareness to mobile users in collaboration with WG members
Suspension of service for “spammers”

What is “spammer” (for mobile operators)?

Illegal sender
(e.g. Violation of labeling obligation)

Legislation of anti-spam law facilitated
Mobile operators’ self-regulation.
Data on countermeasures by mobile operators

**Number of suspended lines**

<table>
<thead>
<tr>
<th>Operator</th>
<th>Suspended Lines</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>NTT DoCoMo</td>
<td>3,026</td>
<td>23 May</td>
</tr>
<tr>
<td>KDDI (au)</td>
<td>26,700</td>
<td>31 May</td>
</tr>
<tr>
<td>Vodafone</td>
<td>13,916</td>
<td>26 May</td>
</tr>
<tr>
<td>TUKA</td>
<td>325</td>
<td>31 March</td>
</tr>
<tr>
<td>DDI Pocket</td>
<td>1,959</td>
<td>31 March</td>
</tr>
</tbody>
</table>

**Limitation on the number of e-mails sent from mobiles**

<table>
<thead>
<tr>
<th>Operator</th>
<th>Limitation Details</th>
</tr>
</thead>
</table>
| NTT DoCoMo        | The number of e-mails that can be sent per line in a day is limited to less than 1,000. (20 October, 2003)  
                  | → Limited to less than 200 (8 January, 2004)                                       |
| KDDI (au)         | Suspension of services for senders (lines) who send more than 1,000 mails a day (18 September, 2003) |
| Vodafone          | The number of e-mails that can be sent per three hours is limited to less than 120. (22 December, 2003) |
| DDI Pocket        | Suspension of services for senders (lines) who send more than 100 mails per 30 minutes (10 June, 2002) |
Trends in the number of spam sent “from mobiles”

Source: Survey by Japan Computer Communications Association, 2003
(Sample-based survey using two monitoring terminals)
Trends in number of reports to Research and Consulting Center for Spam

※ Research and Consulting Center for Spam was established by the Japan Computer Communications Association on 10 July 2002.
Other Anti-spam measures

~by ISPs~

1. Suspension of service usage for spammers
2. Providing mail filtering services
3. Cooperation
   - Microsoft & Yahoo -
   - IIJ & IIJ America & U.S. ISPs -

~by E-mail marketing groups~

Making a guideline for e-mail advertisements
Present Issues against spam in Japan

1. **Enforcement of Anti-spam Law**

※ We have to consider whether the existing anti-spam law should be amended or not and, if needed, to amend it by June 2005.

※ The current problem to be solved is “how to detect spammers”. (Is authentication a really effective solution?)

2. **Promotion of self-regulatory and technical actions by mobile operators and ISPs**

※ The number of ISPs is much larger than mobile operators. How and to what extent can the Government promote self-regulation by ISPs?
3. **Awareness actions**

4. **International cooperation**

   ※ Exchange of information (Best Practice by Government or private sector, Effectiveness of opt-in/opt-out approach, How to track down spammers, etc.) is important!!

*Could Japan’s experience and activities against “mobile spam” be informative or helpful for other countries?*