

# ITU activities on countering spam

2004 Global Symposium for Regulators  
Break Out Session on Spam

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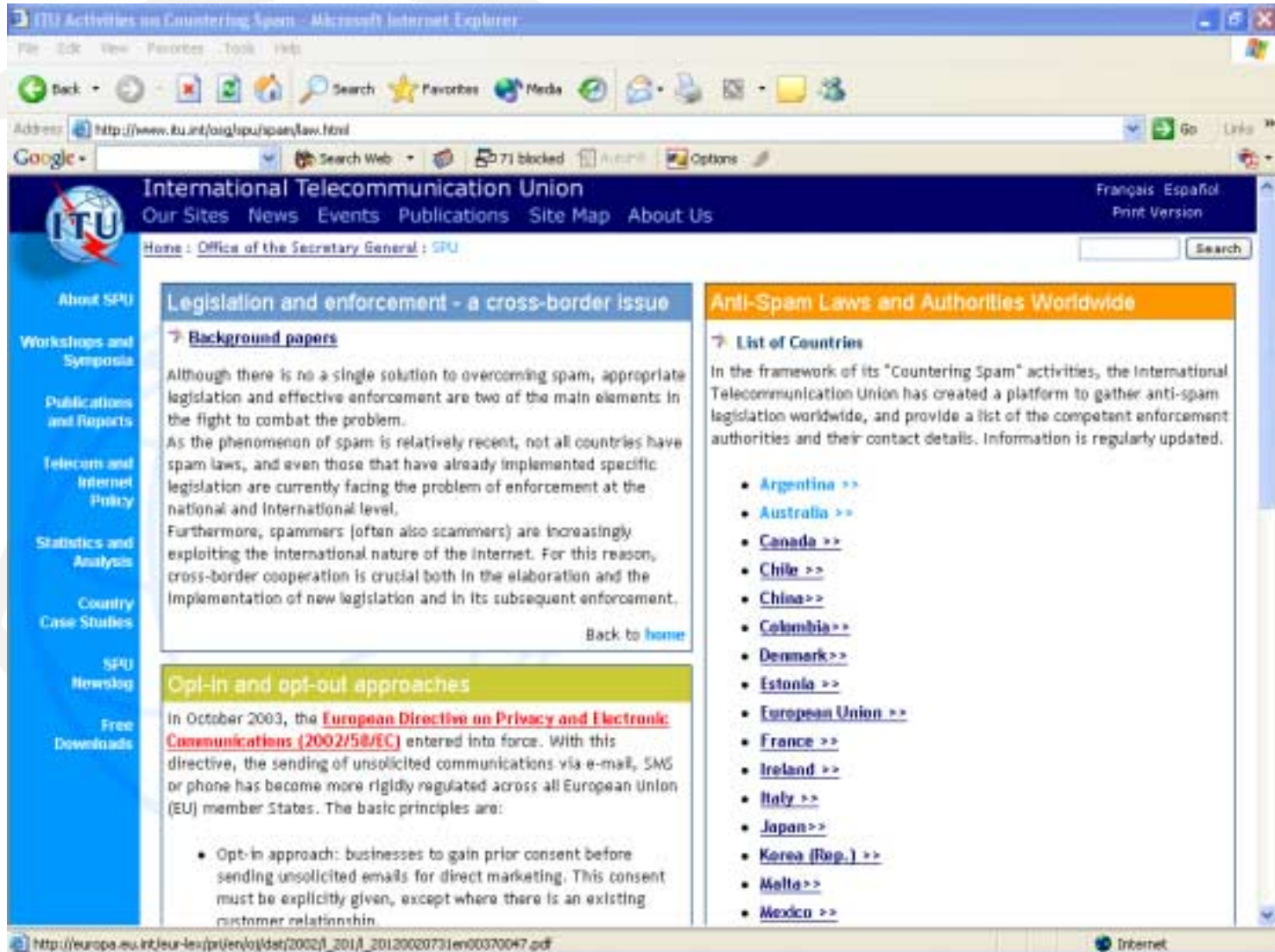
# ITU Activities on Countering Spam

- ITU WSIS thematic meeting on countering spam (July '04)
- Anti-Spam Laws and Authorities website (regularly updated information is available at <http://www.itu.int/osg/spu/spam/law.html>)
- Virtual conferences on anti-spam regulatory development
- Workshop on Cybersecurity in conjunction with the WTSA.

# ITU WSIS thematic meeting on countering spam (July '04)

- **Spam is an cross-sectoral problem**, therefore different stakeholders need to be involved in different countries. A network of authorities dealing with spam still does not exist.
- **There is no unique solution** to spam. A multi-layered approach is necessary
- **International cooperation**, on both technical (standardization) and policy (legislation and enforcement) sides has been recognized as a key element to solving the problem.
- **Developing countries** are also dealing with the problem of spam, which has even more dramatic consequences on Internet access than in developed economies.

# Anti-spam laws and authorities



The screenshot shows a Microsoft Internet Explorer browser window displaying the ITU website. The address bar shows the URL <http://www.itu.int/osg/spu/spam/law.html>. The page content is organized into three main sections:

- Legislation and enforcement - a cross-border issue**
  - Background papers**

Although there is no a single solution to overcoming spam, appropriate legislation and effective enforcement are two of the main elements in the fight to combat the problem. As the phenomenon of spam is relatively recent, not all countries have spam laws, and even those that have already implemented specific legislation are currently facing the problem of enforcement at the national and International level. Furthermore, spammers (often also scammers) are increasingly exploiting the international nature of the internet. For this reason, cross-border cooperation is crucial both in the elaboration and the implementation of new legislation and in its subsequent enforcement.

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  - Opt-in and opt-out approaches**

In October 2003, the [European Directive on Privacy and Electronic Communications \(2002/58/EC\)](#) entered into force. With this directive, the sending of unsolicited communications via e-mail, SMS or phone has become more rigidly regulated across all European Union (EU) member States. The basic principles are:

    - Opt-in approach: businesses to gain prior consent before sending unsolicited emails for direct marketing. This consent must be explicitly given, except where there is an existing customer relationship.
- Anti-Spam Laws and Authorities Worldwide**
  - List of Countries**

In the framework of its "Countering Spam" activities, the International Telecommunication Union has created a platform to gather anti-spam legislation worldwide, and provide a list of the competent enforcement authorities and their contact details. Information is regularly updated.

    - [Argentina >>](#)
    - [Australia >>](#)
    - [Canada >>](#)
    - [Chile >>](#)
    - [China >>](#)
    - [Colombia >>](#)
    - [Denmark >>](#)
    - [Estonia >>](#)
    - [European Union >>](#)
    - [France >>](#)
    - [Ireland >>](#)
    - [Italy >>](#)
    - [Japan >>](#)
    - [Korea \(Rep.\) >>](#)
    - [Malta >>](#)
    - [Mexico >>](#)

<http://www.itu.int/osg/spu/spam/law.html>

Peru - Ministry of Transport and Communications, Viceministerio de Comunicaciones

Peru does not have a specific law dealing with spam emails. The fraudulent aspects of unsolicited messages are currently covered by specific provisions of the Criminal Code dealing with *Delitos informáticos* (cyber crimes), which include manipulation of personal banking data, utilization of false identity for sending emails, and others. To better face the new challenges posed by the cyber crimes, in 2002 a Multisectorial Commission has been created to implement the UNGA Resolution 55/63 on "Combating the Criminal Misuse of Information Technologies".

In 2004 a project of law to regulate spam was submitted to the Peruvian Congress. Under the proposed text sending unsolicited messages for commercial purposes without the authorization of the recipient will be illegal, and any violation criminally sanctioned.

<b>Spam Authority</b>	Policy maker: <b>Viceministerio de Comunicaciones (MTC)</b> Enforcement: to be determined
<b>Contact points</b>	<b>Peruvian Multisectorial Commission to Implement Resolution 55/63 on "Combating the Criminal Misuse of Information Technologies"</b> Contacts: Carlos A. Romero, Chairman, Peruvian Commission, Tel +511 433-7956; Fax +511 433-7957
<b>Relevant legislation in place</b>	There are not specific provisions forbidding spam, however the Criminal Code sanctions misleading behaviors linked to spam and its content. - For manipulation of personal banking data, misreading of Automatic Teller Machines: <b>Criminal Code Article 427</b> - For Email false identity: <b>Criminal Code Article 427</b> - Data manipulation and/or falsification: <b>Criminal Code Article 427</b> - Unauthorized access to telematic and computer services: <b>Criminal Code Article 207 - A</b>
<b>News and information</b>	Peru: <a href="#">Los Delitos Informáticos</a> (spanish only) <a href="#">Spam situation in Peru</a> - Presentation at the 2nd Workshop on Spam - Busan, Korea - 8-9 September 2004

Relevant legislation in place - international cooperation agreements

France - Direction du Développement des Médias et Commission Nationale de l'Informatique et des Libertés (CNIL)

The *Direction du Développement des Médias* (DDM) - under the authority of the Office of the French Prime Minister - is in charge of regulatory reforms in the field of communications and online services. The DDM provides several [counselling and information regarding anti-spam legislation and activities](#), and in July 2003 established a [Contact Group](#) to fight spam.

The competent enforcement agency is the *Commission Nationale de l'Informatique et des Libertés* (CNIL), an independent administrative agency which enforces the Data Protection Act enacted in 1978 and other related laws. In July 2002 the Commission created a [Spam Mailbox](#), a reporting mechanism for spam emails, to help combat this scourge.

Another body involved in the fight against spam is the *Département de la Consommation, de la Coopération et de la Répression des Fraudes* (DOCCOF), which deals with fraud and scams perpetrated through spam messages. However, thus far, the DOCCOF has not taken any concrete action in this area.

<b>Enforcement Authority</b>	<b>Commission Nationale de l'Informatique et des Libertés (CNIL)</b> Région: Opt-In
<b>Contact persons</b>	<ul style="list-style-type: none"> <li>Mme Sophie Herbasse, Division des affaires économiques CML 21 - 21 Guillaume 75007 PARIS Ph : +33(0)1 53 73 22 70</li> </ul>
<b>Relevant legislation in place</b>	<ul style="list-style-type: none"> <li>Loi 78-17 du 6 Janvier 1978 relative à l'Informatique, aux fichiers et aux libertés.</li> <li>Loi pour la confiance dans l'économie numérique, Décret n° 2004-496 J.O. du 10 Juin 2004</li> <li>Convention 108</li> <li>Directive européenne 2002/58/CE du 12 juillet 2002</li> </ul>

Contact points

# Links

- ITU Activities on countering spam:  
[www.itu.int/spam](http://www.itu.int/spam)
- Anti-spam laws and authorities worldwide (ongoing):  
<http://www.itu.int/osg/spu/spam/law.html>
- Telecom regulators network:  
<http://www.itu.int/ITU-D/treg/>
- World Summit on the Information Society:  
[www.itu.int/wsis](http://www.itu.int/wsis)



# Thank you

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