

Presentation to ITU WSIS Countering Spam

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All Party Internet Group July 2003

- Inquiry into Spam
- First by politicians as opposed to Governments
- USA had several in 2003:
 - Harvard January 2003 & Washington DC
 - May 2003 FTC Washington DC

Evidence from:

- - [Stephen Timms](#), E-Commerce Minister, Keynote Speech
- - [Jim Halpert](#), Piper Rudnick LLP, The Status & Substance of Spam Legislation in the United States
- - [Philippe Gerard](#), DG Information Society, SPAM and the EU

Findings

- **#18 We recommend that when the DTI changes the rules on business-to-business “cold calling” they should take the opportunity to explicitly ban the sending of spam to business addresses.**
- **#44 We recommend that the Information Commissioner set out clear guidance as to how business-to-business communications are to be distinguished from messages intended for individual subscribers.**
- **#53 We recommend that the DTI urgently review the ability of the Information Commissioner to police the new Regulations on the sending of spam and provide appropriate powers to deal with what will inevitably be rapidly changing situations.**
- **#54 We recommend that the DTI urgently make sufficient budget available as soon as the new law is in place so that effective action can immediately be taken against a sufficiently large number of transgressors that this will serve to discourage any others who might be tempted to emulate them.**
- **#55 We recommend that the DTI bring in a mechanism for “super complaints” whereby organisations acting on behalf of email users would be able to ensure that spammers could be brought to account before the courts.**

Findings

- **#56** We recommend that the ISP industry develop mechanisms for the release of statistical information that would be useful in the context of assessing the level of damage that is being done by particular spammers.
- **#57** Since a great deal of spam is inherently illegal in what it advertises, we further recommend that other bodies such as Trading Standards and the police should give greater priority and a bigger share of their budget to pursuing any spammers that are within their reach. We also recommend that the authorities tasked with dealing with Internet crime set up formal liaison arrangements to ensure that they pass on reports of criminal activity to the appropriate authority.
- **#71** We recommend that the ISP industry develop Best Practice procedures for proactive monitoring of the security of their customers' machines.

Findings

- **72** We recommend that the ISP industry take urgent steps to provide clear information to customers on how to secure their machines. Self-tests should also be provided so customers can confirm that their machines are secure. There should be prominent links leading to this information from ISP websites and portals.
- **#83** We recommend that the ISP industry should take the lead in documenting Best Practice procedures for publishing blocklists and for using such lists to filter email. We recommend ensuring that ISPs and their customers will be able to determine whether blocklists meet the Best Practice criteria, perhaps by means of an accreditation scheme. Because blocklists can be so powerful, we recommend that careful attention be paid to mechanisms that will permit the rapid resolution of disputes.

Findings

- **#97 We recommend that the DTI accept that it has a special role to play in user education and it should be providing authoritative advice on opt-out provisions. We also recommend that ISPA and the ISP industry as a whole should review their existing advice to ensure that the legitimacy of some opt-out provisions is properly recognised.**
- **#116 We recommend to the US Congress that they adopt an anti-spam law that is modelled as closely as possible along the lines of the European Directive on Privacy and Electronic Communications (2002/58/EC).**
- **#122 As with the US Congress, we recommend that the Australian Parliament carefully consider the advantages – in this ever more closely connected world – of an entirely consistent anti-spam regime in every country. We recommend that they adopt rules that run as closely as possible along the lines of the European Directive on Privacy and Electronic Communications (2002/58/EC).**

Findings

- **#127 We recommend that the UK Government, acting through the DTI and the Foreign Office, take urgent steps to make British and European concerns about spam known to the US Government, US legislators and other Governments world-wide.**
- **#128 Given the OECD's excellent start on one part, albeit an important part, of the spam problem, we recommend that the Government press for further work within this forum with the aim of creating consistent anti-spam legislation on a world-wide basis.**

MPs visit Washington DC

October 2003

- Derek Wyatt MP & Brian White MP from APIG with Andrew Pinder, e-envoy
- Just at the time Senate was looking at the Can Spam Act – “opting out”
- Met FCC officials, FBI and industry players including Unspam from Chicago
- Disappointed with knowledge base across our meetings.

The Washington delegation met with:

- Senator Ron Wyden (D-Oregon)
- Senator Conrad Burns (R-Montana)
- Senator Gordon Smith (R-Oregon)
- Congresswoman Zoe Lofgren (D- California 16)
- Congresswoman Heather Wilson (R- New Mexico 1)
- Howard Beales, Director of Bureau of Consumer Protection, Federal Trade Commission (FTC)
- Members of the Cyber Crimes Unit, Federal Bureau of Investigation (FBI)
- Members of the Computer Crime and Intellectual Property Team, Department of Justice

MP attends OECD Inquiry into Spam Brussels 2-3 Feb 2004.

- UK followed EU regulations on B2B spam but not P2P or B2P spam
- EU regulations are an “opt in”
- “Opt in” is the only solution for the consumer
- How do we move our political leaders to adopt similar legislation?
- OECD was a re-run of what we had done in July 2003 so no further progress to report as yet though another Summit planned Korea

Re-visiting Spam again on 12th July 2004

- On Monday next APIG will host a lunch for a number of Industry players at the House of Commons including the Unspam team
- We want to move the issue on faster; it's clear that the industry has moved slower than its Governments on this single issue
- What should we do as politicians?

MPs return to Washington DC

January 2005

- First bi-lateral conference by politicians
- (We note the recent UK-Au-USA agreed MOU which is a step in the right direction but America is out-of-kilter with the rest of the world (save Japan))
- Need a base to put our similarities and differences into a formal “chamber” agreement

October 2005 First European-USA conference by politicians

- Not just Spam though
- Computer Misuse Act; rogue dialling; extradition treaties; offence levels; INTERPOL; ISP “ten commitments”; legal interpretations; cultural differences
- Whatever.....we need a place to talkG8?

Solutions

- ISPs to sign a Charter of Commitment on Spam world wide – is this practical?
- School and public computers to have compulsory Spam filter software included in sale
- Licensing ISPs as we do broadcasters?

Finally

We need to think about what would be an appropriate way for IT issues to be raised with politicians & the industry in a global environment that is not dominated by traditional groups e.g. UNO/WTO/IMF/WB

And truly, madly, deeply and finally,
finally.....

- Babbage Institute, London
- English dominates the net
- Sir Tim Berners-Lee gave us www.