

Charles L Cory
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14th April 2004

Re: CAN-SPAM Act Rulemaking, Project No. R411008

To the Commissioners,

Whilst I agree in principal with your efforts to curb the problem of unsolicited email, I am concerned that your laws are too sweeping and affect people going about their lawful business in an adverse way. I understand that there are more proposals in the offing that are likely to exacerbate the problem. My fear is that in your attempts to curtail the work of those who send email on all subjects to all and sundry, you will also crush genuine entrepreneurs.

The use of suppression lists is widespread in the legitimate online community. I use them myself to try and keep track of people who have requested that they no longer receive emails from me. This is right and proper, and an appropriate way of maintaining mailing lists of interested parties. The off line world has been doing the same for years.

However, my understanding of your new proposals means that there will be a huge overhead placed on those at the bottom end of the business scale, which could effectively put them out of business. Whilst the effective use of suppression lists is an essential part of online marketing, I feel that your recommendations are too draconian to do the job that you intend for them.

And the question remains of the people that send the truly offensive material via unsolicited email. How will these measures curb their activities?

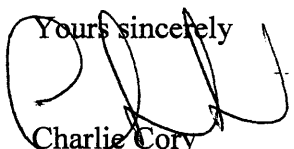
The answer is that they won't.

The people who send this type of email are well outside of the scope of the measures that you propose.

So, we are left with the other type of email (I distinguish between what I consider offensive and simple business email), which is a fact of everyday day life. I have been receiving unsolicited CD's from AOL for longer then I remember, and all that happens is the same as happens with unsolicited email – it gets trashed, end of story.

Now, it is possible for me to sign up for a central register in this country (the UK), which should in theory stop any unsolicited (postal) mail from reaching me. It should in theory be possible to adopt a similar approach for email.

My point is that you are using a hammer to crush a peanut when you should be using it on the Walnut. I hope my analogy makes sense.

Yours sincerely

Charlie Cory