



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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THE COMMISSION'S ORDER ESTABLISHING RULES IMPLEMENTING THE CAN-SPAM ACT OF 2003 PUBLISHED IN THE FEDERAL REGISTER

Washington, DC – On August 11, 2004, the Commission released an Order in CG Docket Numbers 04-53 and 02-278 establishing rules to protect consumers from receiving unsolicited commercial messages on their wireless devices. With some exceptions, the new rules prohibit the sending of commercial electronic mail messages, including e-mail and certain text messages, to wireless devices, such as cell phones, that offer commercial mobile radio service.

The rules apply only to messages that meet the definition of “commercial” used in the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act) — and to those messages in which the main purpose of the message is a commercial advertisement or promotion of a commercial product or service. Noncommercial messages, such as messages about candidates for public office or messages to update an existing customer about her account, are not subject to the rules.

On September 16, 2004, the Order was published in the Federal Register (Rules and Regulations Implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket Nos. 04-53 and 02-278, 69 FR 55765). The rules are effective October 18, 2004, except for sections 64.3100(a)(4), (d), (e) and (f), which contain information collection requirements under the Paperwork Reduction Act that are not effective until approved by the Office of Management and Budget (OMB).

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