

# **COMMENTS ON PUBLIC CONSULTATION PAPER ISSUED BY iDA – SPAM CONTROL BILL**

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# **1. INTRODUCTION**

The Association of Telecommunications Industry of Singapore (ATiS), welcomes the opportunity offered by the Government on commenting on the proposed Spam Control Bill, and would like to offer some comments and suggestions to the InfoCommunications Authority (iDA) of Singapore, for their kind consideration.

Unsolicited Commercial Email (UCE) or ‘spam’ as it is commonly referred to, is an international scourge and nuisance, which is both annoying to users and also a drain on resources.

More importantly in our opinion, spam is a threat and presents risks to user’s security, systems and provides a medium for a range of threats spanning malicious code i.e viruses, worms, spyware, phishing, brand spoofing or carding, bots, pharming etc.

Legislation in itself is a very important step and the Singapore Government should be lauded for taking that step.

However, spam is a much bigger issue which requires, international co-operation, education of users, public awareness, use of appropriate technologies and a proper enforcement regime.

## **2. COMMENTS**

Generally ATiS is supportive of the SPAM Control Bill and we therefore only have the following comments and observations:

### **2.1 INSTANT MESSAGING**

We observe from the paper, that Instant Messaging (IM) is not covered under the proposed Bill and note iDAs comments.

ATiS would respectfully recommend that iDA reconsider including IM in this legislation.

Spam over Instant Messaging (IM) or spim, sometimes also referred to as instant spam or the less intrusive sounding IM Marketing, is perpetuated by Bots that harvest IM screen names off of the Internet and simulate a human user by sending spam to the screen names via an instant message.

The spim typically contains a link to a Web site that the spimmer is trying to market.

Spim is a growing and real threat and we would urge iDA to include this in the legislation.

## **2.2 UNSUBSCRIBE FACILITY**

ATiS would recommend to iDA, that despite the split opinion in the previous Consultation Paper, the Government does not adopt an 'opt-out' regime, as this poses a real risk in our view.

The act of opting-out, confirms e-mail addresses, which is actually more valuable to spammers and on-selling to others as the e-mail address has been verified.

ATiS would recommend that the Government encourage the Internet Service Providers (ISPs) to block spam using technology.

This in itself could cause conflict, if non-spam messages are blocked by mistake, however we feel that this is better for the users and ways of reducing this can be refined.

## **2.3 INTRODUCTION OF CODE OF PRACTICE**

We support the introduction of a Code of Practice.

## **2.4 EXEMPTION FOR SOLICITATION FOR CHARITY**

We understand this legislation only covers commercial spam, however we feel that there is a potential loophole if this exemption is allowed, which could result in abuse.

## **2.5 DEFINITION OF BULK TRANSMISSION**

ATiS observes that the definition of bulk transmission is tighter than the corresponding item in the US SPAM legislation.

## **2.6 LIMITED CIVIL DAMAGES**

ATiS supports the concept of ‘Statutory Damages’, however, when one considers the cost of legal actions and proceedings, we feel that the impact of civil action could be limited, particularly as punitive damages are explicitly excluded.

Also with territorial jurisdiction limitations, we wonder how this will be effectively enforced by iDA.

Signed:

Date:

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Vice President, ATiS