

Response to Consultative Paper on anti-spam law

CASE would like to supplement its response to the one sent to your Ministry earlier.

We reiterate that CASE is still in favour of an opt-in system in the long run.

However in the interim we understand the need to balance the interests of businesses and consumers in the introduction of the anti-spam law. CASE proposes that businesses that send unsolicited emails to consumers be charged a fee. The fees would be collected by the ISPs. The ISPs would then use the fees collected to set up anti spam programmes for the purpose of filtering out spam emails. The ISP is also obliged to provide free anti-spam software to their subscribers. Those businesses that paid the fees would be allowed to send their advertisements through to consumers.

However businesses which adopt the opt-in method in advertising their product could be exempted from paying this fee. The businesses would have to verify with the ISP that they have gotten consent from the consumers to advertise before exemption on fee payment is allowed.

The rationale of imposing a fee on those businesses that pay is to ensure that advertisements are not sent indiscriminately to consumers. This essentially balances the need of businesses to promote their products and the protection of consumers from unnecessary junk mails. At the same time we want to encourage businesses to adopt the opt-in method as far as possible.

We hope this balance approach for the time being will find favour to your Ministry.

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