

Dear Sir/Mdm,

I read your Proposed Legislative Framework for the Control of E-mail Spam with interest.

As a personal home user, I feel that an Opt-Out regime is ineffective, as compared to an Opt-In system.

In fact, the US experience has shown that 97% of Opt-Out systems are merely a front to verify that the email address is active.

The first and foremost rule is: Do not reply to spam!! In fact, the very website you refer to in the Framework, <http://www.antispam.org.sg/faq.html#A09> states:

8. Should I complain or reply to the spammer in order to avoid receiving further spam messages?

You should do that if you are confident that the sender is responsible and trustworthy and will take your request seriously, On the other hand, it would be inadvisable to reply to spam with an obviously false return e-mail address, a misleading subject title, or which advertises illicit material such as pornography or unapproved drugs. This is because an unscrupulous spammer may use it as a confirmation that your e-mail address is valid. When in doubt, simply delete spam.

My response is: What sort of "responsible, trustworthy" sender will be sending out spam?

I would therefore strongly urge you to consider an Opt-In system, rather than an Opt-Out one. I feel that Mr Charles Lim's statement that "There was no point in pushing for the more stringent opt-in scheme to fight spam, unless the United States, source of the most spam, does likewise, he said in reply to a question from a member of the public at the Anti-Spam Forum in Suntec yesterday" is rather weak. Is he suggesting that

- 1) Singapore's legislative system has suddenly gone from an independent parliament to one that blindly implements laws of the USA?
- 2) If the USA, source of the most military power in the world, decides to apply it's military in a certain way, there is no point in resisting and we should do likewise?
- 3) We should defer from implement any type of Anti-Spam legislation until the rest of the world (such as South Africa, Russia and Czechoslovakia and China) implement theirs, since there is "more spam" in the rest of the world?

I feel that the "interests of legitimate businesses advertising via e-mails" will in no way be compromised by an Opt-In system.

Lastly, I feel that the DMAS guidelines are too weak. They are merely a voluntary code of compliance with "members" "encouraged to use the Seal of Integrity". I feel that any anti-spam legislation should have "teeth" i.e. criminal (and not just civil) punishment for non-compliance to the guidelines. The punishment does not have to be substantial - indeed, a token fine of \$1 per

non-compliant email will send the message that the IDA is serious in curbing spam.

Furthermore, the legislation should apply to any organisation doing business in Singapore, irregardless of where the spam originates, as long as it can be shown that the spam originated from that parent organisation.

For such a legislation with wide-ranging implications, I would suggest soliciting more views, or at least a "yes" or "no" opinion vote, from the general public at large, rather than limiting your inputs to the key partners as you listed in the annex, whom are mostly businesses and/or marketing services.

For your consideration please, thank you.

Gerald Tan