

Note: Long email - please print out for easier reading

Dear Sir/Madam

1 May I proposed the following to be considered before the finalisation of this Legislative Framework:

a) The current definition defines spam as unsolicited commercial email messages. Given the increasingly sophisticated use of internet and telecommunication technologies, email messages are no longer sent & received via the internet; mobile phones and other portal devices can already send & receive electronic messages. IDA may want to consider mentioning the inclusion of the possible electronic medium in which such unsolicited commercial electronic (note the use of electronic instead of email) messages can be sent. While it is not possible to exhaustive, the definition will hope to address the proliferation of unsolicited electronic spams via various electronic-based medium

b) Still on the issue of definition, I noted that the exclusions include appeal for donation by charitable and religious organisations. Would it be more appropriate to define the exclusions to "appeal for charitable purposes" without highlighting the nature/type of organisation. There are 2 reasons for this suggestion: Firstly, there are occasions such as during the initial days of the Courage Funds when it is still not a charitable organisation and it is during such trying times of SARS that the appeals for donation is critical and timely. Secondly, to address the issue of religious sensitivity. I'm sure we don't want to see a situation whereby a overly enthusiastic religious organisation sending out electronic appeals for donation to the entire internet users in Singapore resulting in another or more religious faith/groups doing likewise. A slight modification to your proposed definition address such specificity and thus remain silent for interpretation.

c) Your proposal for an "Opt-out" arrangement has yielded numerous feedback from the general public as I read in today's newspapers. While I understand the importance of not stifling e-commerce (I'm a strong proponent in the use of internet and telecommunication technologies), there are numerous merits for IDA and other authorities to examine these feedback very carefully before your finalisation. While I cannot quote you specific names and the number of such organisations; you will find that many organisations especially many international & established websites are pursuing the "Opt-In" approach. In Singapore, we have many "Opt-Out" scheme such as HOTA etc which are required because these affects the human lives but they cannot be placed on the same category for unsolicited electronic messages. While your framework highlight that the company cannot passed on information of "live" recipients (thru the act of requesting for opt-out) to other partners or business partners; the unnecessary amount of efforts/resources spent by each of these electronic message users to opt-out and the machinery/national efforts and monies spent to enforce this requirement can be enormous. Sure waste of public funds and private resources.

2 On the last point, e-commerce companies that distinguish themselves in this aspect will be well-regarded. There are many ways in which companies can still reach out to users who are genuinely interested in their products. Not too long ago, we have Microsoft giving away its Security Patches CD for free and during the online registration process, it ask the customers to opt-in if they want to receive regular updates through their security e-newsletters. Those who indicated "no" still get to receive their free CD. Many freeware

companies and e-newsletter/magazines do likewise for their registration process. If your concern is for start-up e-commerce companies that have not established names for themselves; there are many ways to use technologies to "advertise" themselves online so that meta-crawlers and electronic spiders will feature them when popular search engines are used. Moreover, studies have shown that most successful ecommerce sites also rely on off-line (real-world) advertising; eg: Dell.

3 The consultative paper with its multi-prong approaches is definitely a firm step towards fighting spams and let us all work together on this challenge.

You guys have a great weekend!

Yours faithfully
Sherman Tan