
PROPOSED SPAM CONTROL BILL

Submission by the StarHub Group to the Info-communications Development Authority and the Attorney-General's Chambers of Singapore

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Statement of Interest

- 1.1 StarHub Ltd is a Facilities Based Operator (“FBO”) in Singapore, having been awarded a licence to provide public basic telecommunication services (“PBTS”) by the Telecommunications Authority of Singapore (“TAS”) (the predecessor to IDA) on 5 May 1998.
- 1.2 StarHub Mobile Pte Ltd is a wholly-owned subsidiary of StarHub Ltd. StarHub Mobile Pte Ltd was issued a licence to provide public cellular mobile telephone services (“PCMTS”) by the TAS on 5 May 1998. StarHub launched its commercial PBTS and PCMTS services on 1 April 2000.
- 1.3 StarHub acquired CyberWay (now StarHub Internet Pte Ltd) for the provision of Public Internet Access Services in Singapore on 21 January 1999. In July 2002, StarHub completed a merger with Singapore Cable Vision to form StarHub Cable Vision Ltd (“SCV”). SCV holds a FBO licence and offers broadband and cable TV services.
- 1.4 StarHub Online Pte Ltd was incorporated as a company on 11 February 2005. StarHub Online holds a SBO licence and offers broadband services.
- 1.5 This submission represents the views of the StarHub Group of companies, namely, StarHub Ltd, StarHub Mobile Pte Ltd, StarHub Internet Pte Ltd, StarHub Online Pte Ltd and StarHub Cable Vision Ltd.

Comments

General

StarHub generally supports the IDA's / AGC's initiative to introduce a legislative framework to control e-mail and mobile spam. Although StarHub believes that mobile spam has not reached the level of seriousness nor have the same detrimental effect as e-mail spam, we agree that mobile spam is an issue that needs to be addressed appropriately.

StarHub strongly believes that there must be a balance between the need to eradicate spam and the use of e-mails and mobile messaging as a marketing tool so that both end users and marketers alike can benefit from the use of these relative "low-cost" and personalized means of marketing.

Public Education

StarHub also believes that it is important for public education to be carried out so that members of the public can protect their computer systems from spam, as well as be aware of the information that needs to be provided when reporting spam.

Further, individuals should also exercise caution when giving out their e-mail addresses and mobile phone numbers. While StarHub appreciates that the Proposed Spam Control Bill ("the Bill") states that email addresses and mobile numbers collected through such means cannot be interpreted as a consent to receive commercial messages, individuals should avoid giving out such information indiscriminately so as to avoid receiving unsolicited messages in the first place.

Review

StarHub would also propose that a regular review of the Bill be carried out to ensure that it remains appropriate and effective. This will ensure that the balance between commercial needs and the need to curb spam is maintained, in the face of rapidly changing technology.

StarHub is pleased to provide our specific comments to the Bill.

1. Labelling of Unsolicited Mobile Messages

Sections 9 and 10 of the Bill applies to both unsolicited e-mail and mobile messages. However, it must be noted that mobile messages are largely confined to 160 characters, inclusive of "spacing between words" (the maximum length of an SMS message).

StarHub is concerned that the need to include an <ADV> label, a subject heading and unsubscribe details, will leave very little capacity for the main marketing message. This may reduce the effectiveness of mobile messaging as a mode of marketing.

StarHub notes that IDA's/AGC's proposed legislation mirrors those adopted by many regimes including Australia and Japan but would urge IDA/AGC to consider the relevance of such requirements to mobile messaging.

2. Unsubscribe Facility

As drafted the Bill does not specify how the "unsubscribe" function should be implemented. While StarHub appreciates that the Bill should not be too prescriptive in its

requirements, StarHub believes that it should contain a certain amount of detail to ensure that loopholes are minimized.

For example, StarHub notes that in the Australian Spam Regulations 2004 (“the Regulations”), Part 3 specifies that the electronic address used for the unsubscribe facility “must not require the recipient of the commercial electronic message to use a premium service” and “must not cost more than the usual cost of using that kind of electronic address, using the same kind of technology that was used to receive the commercial electronic message”.

Further, StarHub is concerned that the proposed Bill actually allows the sender to impose onerous procedures for “unsubscription”, for example filling out an unsubscribe form, needing to go through multiple steps etc with the aim of discouraging recipients from unsubscribing.

StarHub believes that in order for the Bill to be effective, such issues should be addressed.

Conclusion

StarHub welcomes the introduction of the Proposed Spam Control Bill and appreciates the IDA's / AGC's efforts to control the problem of spam in Singapore. In our comments, StarHub has proposed areas which IDA and AGC can consider to further tighten the requirements for handling of unsolicited messages.

However, as recognized in the Bill, much of the spam that enters Singapore originates from overseas and there is therefore a critical need for co-operation amongst governmental agencies to eradicate this form of spam.

StarHub will continue to work with other ISPs and regulatory agencies in the fight against spam.