

E-Mail Marketers Must Work Harder to Show They're Legitimate

The deluge of spam has led U.S. legislators to propose a number of anti-spam laws. Such laws will end up regulating only the legitimate e-mail marketing industry. They will not stop spam.

Event: Recently, U.S. legislators introduced several bills to combat spam:

- Representative Zoe Lofgren's bill (the REDUCE Act) would require e-mail marketers to identify their messages in the subject line as advertisements.
- Senator Charles Schumer's bill would create a national list of consumers who do not want to receive spam.
- Senators Conrad Burns and Ron Wyden's bill (the CAN-SPAM bill) would require marketers to provide legitimate return addresses and remove recipients from mailing lists if they request it.

First Take: These bills will not stop spam. Spammers make money by disguising spam as legitimate messages. They send spam to as many valid addresses as possible, knowing that one-quarter of one percent of recipients will make a purchase. Spammers will not do anything to jeopardize their profit margin, such as removing recipients from mailing lists merely because they asked to be removed — as stipulated by the CAN-SPAM bill. Despite anti-spam laws in 29 U.S. states and numerous countries, spammers that feel at legal risk can avoid the law by sending their messages through off-shore Internet service providers (ISPs). Shutting down spammers will require international cooperation through a combination of public and commercial initiatives, some of which have gotten under way:

- International bodies are starting to study the issue — in March 2003, the Internet Research Task Force formed a new anti-spam research group (www.irtf.org/charters/asrg.html).
- CAUCE (www.cauce.org), a U.S. volunteer organization, advocates legislative solutions to spam. It has sister organizations in Australia, Canada, the European Union and India.
- ISPs have realized they must cooperate to fight spam. AOL Time Warner, MSN and Yahoo announced initial steps in such an effort on 27 April 2003.
- Vendors, such as Habeas and IronPort, focus on protecting legitimate outbound e-mail, in part, by building relationships with ISPs.

National legislation would scarcely benefit e-marketers. Although new anti-spam laws aim to help those engaged in permission-based marketing to distinguish their messages from spam, spammers will exploit the law's provisions to their gain.

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Recommendations

E-marketers should ensure their e-mail campaigns do not violate domestic laws and laws in countries to which they send e-mail. Marketers and enterprises sending bulk mailings must work aggressively to separate themselves from spammers — for example, by weeding out low-value marketing messages. They should also understand the various filter techniques so as not to get caught in the spam traps.

Analytical Sources: Maurene Grey and Adam Sarner, Gartner Research

Recommended Reading and Related Research

- “Gartner’s E-Mail Marketing Best Practices” — E-mail for marketing purposes must become more customer-centric and be carefully managed before consumers respond to it. **By Adam Sarner**
- “Five ‘Privacy Protecting’ Ways to Encourage Opt-In” — To prevent losing e-mail as a valuable communication channel, enterprises should follow these guidelines to encourage their customers to opt back into e-mail marketing campaigns. **By Adam Sarner**

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