

## Antispam Ruling Will Benefit E-Mail Advertisers and Recipients

Joyce W. Graff

A California court has upheld a law letting consumers opt out of e-mail ads. Although advertisers fought this law, the tagging technology used to implement it will also allow them to target messages more effectively.

## NEWS ANALYSIS

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### Event

On 2 January 2002, a state appeals court upheld a 1998 California law that requires e-mail advertisers to identify their messages as such and to provide ways for consumers to remove themselves from the advertisers' e-mail address lists.

### Analysis

The upheld California law seeks to deter unsolicited commercial e-mail (UCE), which constitutes one form of "spam" (see *Research Note* TU-15-0487 "Keeping Spam Out of Your E-Mail"). UCE does not include the scams and malicious spam but comes from real, honest businesses sending information, and UCE senders argue that such laws hamper their ability to advertise. However, the recipient pays to receive the message in the bandwidth, disk space and work hours expended in dealing with UCE — and with wireless e-mail, in time-and-byte charges.

Spam increased at least fivefold during 2001. UCE accounts for about 20 percent of spam but is probably the most difficult to deal with. Consumers and enterprises can simply delete the "pure trash" spam used in fraudulent schemes. But a certain domain name does not necessarily mark UCE as an advertisement — it could be an invoice, a sales inquiry, an order confirmation or simply a note from a friend. Thus, blocking messages that come from a specific domain name will delete too much. Tags in the message header would allow the enterprise or the recipient to make more sensible decisions.

If legitimate businesses follow consistent conventions such as those outlined in the California law, automated agents can help recipients get what they want and screen out unwanted flyers. They can also more easily distinguish an invoice from an advertising flyer from the same company. Thus, UCE messages that do get through will more likely receive a positive response. As vendors further automate their customer relationship management, better targeted mailings will help to extend a customer relationship into new business. For example, vendors could send notices to your mobile phone when its GPS chip indicates you are within a certain distance of the store. This might be valuable to you on a day when you are shopping but disruptive when you are with a client. A system that limits the receipt of such notices to certain days or times might make them more, not less welcome.

Finally, if these benefits do not convince UCE senders, they may have to live with laws such as California's anyway. Eighteen states have similar laws, and the U.S. Congress and legislatures in other nations have started to consider them as well.

**Analytical Source:** Joyce Graff, *Intranets & Electronic Workplace*

### Need to Know: Reference Material and Recommended Reading

- "Enterprises Must Prevent Disruptions From Spam" (FT-15-1768) A fine line distinguishes privacy from corporate responsibility, marketing from spam, and free speech from spam. **By Joyce Graff**
- "European Institutions Clash on E-Mail Spam and Surveillance" (FT-14-1210) Enterprises operating in Europe should not expect uniform legislation covering data

protection and personal privacy in the domain of electronic communications until at least 2004 (0.7 probability). **By Andrea Di Maio**

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