

Microsoft's Lawsuits Help but Won't Eliminate Spam

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Microsoft has launched a "Global Campaign Against Spam" with 15 lawsuits against spammers. Enterprises and consumers may witness a reduction of spam, but it won't result from legislative actions.

NEWS ANALYSIS

Event

On 17 June 2003, Microsoft announced that it had filed 15 lawsuits in the United Kingdom and United States against spammers who targeted Microsoft customers with unwanted e-mail.

Analysis

The filings by Microsoft are the legal response to a multipronged effort to deal with the spam problem. Microsoft has already begun an initiative to deal with spam. In April 2003, Microsoft, AOL Time Warner, Yahoo and Earthlink formed a working committee through which they agreed to focus on best practices and technical standards for reducing spam and to pool information about known spammers, which resulted in the blacklisting of major spammers.

Microsoft gains widespread credibility as an anti-spam champion, which contributes directly to promoting its Trustworthy Computing initiative. Separately, Microsoft and other technology companies advocate self-regulation for most Internet-related issues. They fear that without proactive measures, the spam problem may result in restrictive laws around the use of e-mail for marketing and customer service.

The Microsoft actions somewhat parallel the Organisation for Economic Co-operation and Development and the Federal Trade Commission's recent guidelines for international enforcement of laws against consumer fraud — often spam plays a role in fraudulent marketing. However, national and state regulation merely causes spammers to relay spam through offshore Internet service providers. Any lawsuits against spammers, especially those overseas, must face the complexities of establishing jurisdiction and the foreign recognition of judgments.

Gartner believes that consortia undertaking technology and research initiatives hold the most promise for slowing down spam, but it will take until at least 2006 before enterprises see the benefit. In the meantime, enterprises should:

- Carefully negotiate licensing deals. The market for enterprise anti-spam products and services is already consolidating and prices will fall significantly through 2004.
- Evaluate multiple anti-spam approaches, such as outsourcing, appliances and open-source software in addition to commercial licensed software.
- Select enterprise anti-spam products that support multiple detection methods (such as signature-based methods, heuristics and Bayesian filtering), user management (such as "whitelists," blacklists and quarantines) and granular policies.
- Educate users in spam avoidance techniques.
- Account for business practices before deploying anti-spam technologies.

Analytical Sources: Maurene Grey and Arabella Hallawell, Gartner Research

Recommended Reading and Related Research

- "E-Mail Marketers Must Work Harder to Show They're Legitimate" — 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. **By Maurene Grey and Adam Sarner**

- "Management Update: Steps to Take to Reduce Spam in the Enterprise" — With a large crop of new anti-spam products on the market, it's important to know what questions to ask vendors. **By Joyce Graff**

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