UDD490

Re: CAN-SPAM Act Rulemaking, Project No. R411008

Saturday, April 17, 2004

To the Commissioners,

I congratulate you for your work towards curbing the problem of unsolicited bulk email, commonly referred to as Spam; however, I am concerned about the proposed requirement for merchants to maintain said suppression lists.

There are numerous problems and costs associated with this idea so I must urge you to consider this matter most carefully.

The trend of software developers over the past few years has been to incorporate advertising into their 'free' versions of software, and to have advertising-free software available at cost. Many consumers have become accustomed to such advertising, even though it's not their preferred choice. This is done for the benefit of having free software.

It is now common for internet search engines to incorporate small, context-sensitive advertisements that appear on the periphery of the results window to assist consumers in finding products/information that they might be looking for. Consumers have also become accustomed to this, which is a non-intrusive form of advertising and shouldn't be restricted.

Restrictions as outlined in this CAN-SPAM legislation would financially harm companies advertising in this fashion, whether it be through Affiliate Programs or by direct advertising. The removal of these ads would seriously detract from internet search engines functionality and usefulness to consumers who rely on these engines for locating companies, products, etc.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

There's also the potential for significant harm to consumers, because of the problem of properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I was quite surprised at the potential problems this ruling could involve, and urge you in the strongest possible terms to reconsider its implementation in light of these problems.

Respectfully,

Daniel White
[redacted]
Longmont, Colorado / USA