



**Federal Trade Commission**  
Office of the Secretary  
600 Pennsylvania Avenue NW  
Suite CC-5610 (Annex B)  
Washington, DC 20024

**L-Soft Sweden AB**  
Rosenlundsgatan 52, 2 tr  
SE-118 63 Stockholm,  
Sweden  
[www.lsoft.com](http://www.lsoft.com)

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**RE:** CAN-SPAM Rule, 16 CFR Part 316, Project No. R711010

To Whom It May Concern,

Thank you for the invitation to comment, and thank you for reviewing the CAN-SPAM Rule. It is necessary to update the Rule because despite its intent, it has failed to measurably reduce spam on the Internet. Spam has a negative impact on society. It wastes Internet resources and the time and money of many people for the benefit of a few. The senders of spam shift the costs of handling these unsolicited messages onto the recipients and their organizations. All the while, these senders continue to spam millions of people, as it is both inexpensive and legal in the United States for them to do so. This renders the CAN-SPAM Rule, as it stands today, ineffective.

As an executive of L-Soft, I would like to highlight the benefits of permission in email marketing. L-Soft's Founder and CEO Eric Thomas not only invented LISTSERV, the original automated opt-in email list management software, but he also pioneered the gold standard of permission-based email marketing through his introduction of the "double opt-in" subscription confirmation process. The double opt-in method requires that the owner of an email address confirms his or her intention to receive email communications from a sender. This safeguard ensures that an email address is not simply purchased or rented and subsequently added to innumerable mailing lists. Instead, double opt-in provides control to the owner of the email address, enabling people to receive only the email messages that they want. Including the double opt-in method in the CAN-SPAM Rule will provide freedom of choice and protection for recipients.

Prior consent, in the form of explicit permission from the email recipient, respects the recipient's own choices and interests. Permission also helps the sender to improve the quality and performance of the communication by tailoring messages to recipients' interests, as defined by the recipients themselves. This opt-in method is already implemented in Canada (Canada's Anti-Spam Legislation, CASL) and the European Union (The EU General Data Protection Regulation, GDPR).

Introducing the requirement of explicit prior consent is the most important single change that is necessary to the CAN-SPAM Rule. Together with the requirement for clear sender identification and a functional unsubscribe mechanism, double opt-in is fundamental to keeping email a productive and sustainable communication channel long into the future. Prior, explicit permission is easy to collect and maintain with today's digital communication technology and tools, yet it goes a long way in enabling consumers to subscribe to the commercial email messages, promotions and offers that they find valuable.

Prior consent via double opt-in must be considered a necessary "driver's license" of sorts, which is required for anyone to send mass email. The rules of the road are necessary to maintain order and prevent injuries. Basic rules on the Internet are just as important to enable a solid and well-functioning infrastructure for communication. Therefore, by including the double opt-in subscription requirement, the revised CAN-SPAM Rule can contribute to the reduction of spam, which is its named intention, and help to create relationships of trust and respect between legitimate businesses and their customers. This would benefit everyone.

Sincerely,

Outi Tuomaala  
Executive Vice President  
L-Soft