Clamping Down on Spammers: Towards a Global Opt-Out Function

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Many of us have more than one e-mail account, and according to a statistic quoted in a summary from PowerPro Direct (<http://powerprodirect.com/index.php?option=com_content&view=article&id=132:email-statistics&catid=63:blog&Itemid=50>), “Nearly 70% of respondents said they had multiple email accounts. - AOL/Beta Research Corporation (June 2008)”

It’s reasonable to segregate one’s private e-mail from one’s work-related e-mail; for example, I have a Norwich University .edu account which I try to reserve for student and colleague messages relating to academic business but I use a GMAIL account for everything else. Some people go further and define a marketing-e-mail account reserved just for potential junk e-mail. When they sign up for newsletters and the like, they use the special e-mail address: “Overall just 12 percent of US consumers report to have a dedicated e-mail account for marketing messages as compared to 20 percent of UK consumers. e-Dialog ‘Manifesto for E-mail Marketers: Consumer Demand Relevance’ (2010)” quoted in EmailStatCenter’s summary of e-mail usage and penetration.<http://emailstatcenter.com/Usage.html>

Recently I received a well designed, perfectly acceptable advertisement for online meeting services provided by Cisco webex and offering a white paper entitled “Ramp up revenue and jump start growth with online meetings: Four tips from grooving businesses with an eye on the bottom line.” Unfortunately, the message was sent to my .edu address, so I clicked on the “unsubscribe here” link, which brought me to a Web page created by Marketfish.com (<http://www.marketfish.com>). The opt-out button immediately cut me out of all future messages from Cisco, or at least, the advertising platform for Cisco which sent me that particular message. Wanting to ensure that no one send any further messages from any of their clients to my .edu address, I looked around their Web site. Ideally, I would have found a form to fill out for a change of e-mail address or for a global do-not-send list for all of their clients.

No such form. Where was the global opt-out button?

In helpful correspondence with Marketfish executives when I sent them the first draft of this article, I learned that they have no global do-not-send list because they do not own any distribution lists. They serve exclusively as facilitators for e-mail campaigns using e-mail lists supplied to them by their clients. The service recommends that recipients of e-mail sent by Marketfish contact each client separately to be removed from all further communications from that particular client because “This assures that he will never get another unsolicited email despite whom a list owner works with to send 3rd party offers in the future.”

After corresponding with the Marketfish experts(<http://www.marketfish.com/press.html>), it is clear that there is no mechanism at present for these operators to provide global opt-out services for recipients of their efforts.

• For example, there is no easy way for such a company to check the status of all the e-mail
addresses described as opted-in by all the suppliers of distribution lists. Checking on the actual opt-in status of even some e-mail addresses by demanding documentary evidence of the opt-in would takes effort, time and money. Marketfish executives are emphatic in their sense of responsibility about the lists that they contract to use temporarily for specific clients: “It’s our policy to check the opt-in status of every list supplier. We state this clearly on our Website. We also don’t allow non-permissioned lists onto our platform. List owners also legally warrant that they’ve received permission. We have the right to audit this status at any time, and if a list owner misrepresents this [status], we will not work with them again.”

- There is no practical way at present for providing global do-not-send instructions that would allow recipients to stop all further e-mail from an individual e-mail marketing firm such as Marketfish to specific recipients. As long as they can comply with the terms of the CAN-SPAM Act<http://www.networkworld.com/newsletters/sec/2004/0202sec1.html> by providing one-at-a-time opt-out facilities, they are following the law. However, without their knowledge, some other e-mail distribution company can include our e-mail addresses for the next spam campaign without even knowing that we wanted to opt out. Our opting out of 100 unwanted mailings has no likelihood of stopping the 101st.

- As Marketfish executives responded reasonably, “A single company cannot enact a global opt out list. To make this happen, Mr. Kabay needs the help of the entire industry. He needs to focus on the list owner not that transmission bureaus such as Marketfish, Constant Contact, or Exact Target. Without focusing on list owners, he will never be able to stop the 101st email from happening.”

In my next column, I propose a strategy for a implementing global opt-out list that legitimate e-mail distribution firms could use but which criminal scumbag spammers won’t be able to abuse.

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