

Chapell & Associates

Who's Best to Oversee the Spam Problem?

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Last week, the British anti-Spam group Spamhaus became the latest organization to announce a new plan designed to rid the world of Spam. We've all seen similar press releases from industry heavyweights like Yahoo, AOL, Earthlink, and what seems like an endless line of Spam filtering and deliverability companies, research groups, political activists, Maryknoll sisters, and one directly from god himself, Bill Gates. Frankly, I'm over it. Such statements hardly even make headlines anymore. But for some reason, this press release seemed different. Perhaps it was the plan's simplicity. It was nice to read about a Spam fighting program that didn't require unprecedented industry cooperation and a mass adoption to a new technology. Or one that won't be available (if ever) for another 7-9 months. No, this plan was different. Spamhaus' plan involves the creation of a new Internet domain called "dot-mail." Under Spamhaus' dot-mail plan, responsible marketers will have direct access to their customer's email inboxes. In other words, they'll be able to enter consumer inboxes without first having to pass through Spam filters or other barriers.

At first glance, this appears to be a brilliant idea. It is simple, fairly easy to implement, and most importantly, effective. The main issue I have with dot-mail is that Spamhaus will run it. And I have a feeling that I'm not alone. I'm hardly a xenophobe, but I'm concerned that Spamhaus, a British organization, would be in charge of a large slice of U.S. commercial email. I know that the analogy isn't perfect, but imagine a foreign company being put in charge of delivering U.S. first class mail. It just doesn't seem right, does it?

Perhaps the larger issue, though, has more to do with who Spamhaus is, rather than where Spamhaus is from. There's a perception in the marketplace that Spamhaus is a bit of a radical organization. And if they were given the power to decide who gets to use dot-mail, and who doesn't, the perception is that Spamhaus would be arbitrary in its decisions. I realize that I'm making a strong accusation here. However, I've worked with a number of email service providers (ESPs) over the years, and each has had a client or two who has ended up on Spamhaus' list of SPAMMERS when they probably didn't deserve it. One of them was a well-known non-profit organization that sends out a monthly newsletter to an extremely small list. I find it hard to believe that they were doing anything that would merit the SPAMMER label.

Along those lines, I recently read a Washington Post article that discussed how some of the major ISP's would be reluctant to cede control to Spamhaus. I would add most of the major ESPs (Digital Impact, Cheetahmail, Yesmail, Bigfoot) as well as the major email advertisers to that list of companies who'd be uncomfortable with Spamhaus deciding

who's naughty and who's nice. No offense, Spamhaus, but sometimes perception is everything. So with Spamhaus in charge, dot-mail appears to face an uphill battle, to say the least.

But this begs the question: what if dot-mail were run by another organization? If spearheaded by a group that is perceived as being both objective and fair, dot-mail would make a lot sense. Just for the record, I'm making a huge assumption here. I'm assuming that Spamhaus would rather see another organization run with their dot-mail idea than watch it fall down entirely. I'm not at all qualified to make that assumption, but let me just say this. I do know that Spamhaus wants to rid the world of Spam. If dot-mail could go a long way towards achieving that goal, I can't imagine that they'd stand in the way. After all, my experience is that the British are a very reasonable bunch. (:

So, just for laughs, I put together a short list of groups who could potentially run dot-mail, and provided a brief sketch on each group's effectiveness.

1. The FTC – Some industry experts have a natural aversion to supplying any part of the Government with additional regulatory power on issues pertaining to consumer privacy. But I think this may make sense. The FTC is already charged with investigating Spam complaints, so they're in a great position to know who's spamming and who is not. If it were up to me, I'd take whatever funds are going into evaluating and/or implementing conceptually flawed do-not-email list and plow them into setting up a dot-mail domain.
2. The DMA – The DMA certainly has credibility amongst a large percentage of the industry. Both the best and the worst part of this solution is that it would require the DMA to enforce privacy standards, and weed out marketers who aren't doing the right thing. To date, it sure doesn't seem like the DMA has been comfortable playing the role of enforcer, particularly with their paying members. On the other hand, this would provide the DMA with a fantastic opportunity to build credibility with those of us who think they've dropped the ball on issues of consumer privacy. I REALLY like this one.
3. A joint venture created and managed by the ISPs – Most of the major ISP's are coming together to tackle the Spam problem already, so this may not be such a stretch. And generally speaking, the ISP's are objective, even agnostic on issues of Spam. The only potential issue here is that some marketers may object to ceding additional power to the ISP's. As it is, many marketers feel that they have to jump through all kinds of hoops just to ensure that their messages get through the larger ISP's. This is particularly true of the ISP's that are located in Virginia.

In any event, dot-mail is definitely an interesting program. One that I believe merits further discussion. In the spirit of creating an open dialog, I'd like to hear from each of you. Send your comments to dotmail@ChapellAssociates.com. Tell me which of the three groups you'd prefer to see administering dot-mail. Tell me if you think there are organizations that'd do a better job of it than the ones I've listed here. Or tell me if you

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believe that dot-mail won't work and why. I'll post your responses in next month's column.

Until the next time....

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