



**Spam: History, Perceptions,
Solutions**

Report written by Geneviève Reed
and submitted to

Industry Canada, Office of Consumer Affairs

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OPTION CONSOMMATEURS

MISSION

Option consommateurs is a nonprofit association whose mission is to defend and promote consumers' rights by assisting them both individually and collectively, by providing them with information, and by advocating on their behalf to decision-makers.

HISTORY

The association has existed since 1983. In 1999, it merged with the Association des consommateurs du Québec (ACQ), an organization with a 50-year history and a mission similar to that of Option consommateurs.

PRINCIPAL ACTIVITIES

Option consommateurs's staff of 20 are grouped into four departments: the Budgeting Department, the Legal Affairs Department, the Media Relations Department, and the Research and Representation Department. Over the years, Option consommateurs has developed expertise in the areas of financial services, health, agri-food, energy, travel, access to justice, trade practices, indebtedness, and protection of privacy. Each year, we reach 7,000–10,000 consumers directly and many more through our extensive media coverage. We participate in working groups and sit on boards of directors, carry out large-scale projects with important partners, and produce research reports, policy papers, buyer's guides, and a consumer information and action magazine called *Consommation*.

MEMBERSHIP

Option consommateurs pursues a variety of activities aimed at making change, including research, class-action lawsuits, and lobbying of public- and private-sector bodies. You can help us do more for you by becoming a member of Option consommateurs at www.option-consommateurs.org.

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EXECUTIVE SUMMARY

Now that the majority of Canadian consumers have adopted electronic mail, or e-mail, as a medium of communication, a new and recurrent malady of the information age has arisen, putting consumer confidence in this medium in jeopardy. The malady in question is “spam,” or unsolicited commercial e-mail. In this research report we describe and analyze the issues raised by spam and the outlook of consumers on these issues.

We defined our task as that of characterizing the problem of spam, tracing its history, and identifying the consequences of its proliferation. First, although there is no single authoritative definition of spam, the sources we consulted led us to define it as an unsolicited bulk electronic mailing for commercial purposes. Spam generally contains offensive, fraudulent, or misleading messages. Spammers (persons who send spam) have developed many techniques for collecting e-mail addresses without a person’s consent. Typically, they mask their true identity and that of the servers they use. Where once strictly promotional and commercial in nature, spam now involves new techniques that are threatening privacy and computer security by imitating the sites of known companies and by spreading computer viruses. The quantities of spam circulating today inconvenience consumers, Internet service providers (ISP), legitimate direct marketing companies, and network managers by clogging mailboxes, over-taxing servers and other computer hardware, and increasing the expenditures of public and private organizations on network and client protection. In a survey by Pew Internet and American Life Project, 52% of the respondents stated that spam has impaired their confidence in e-mail.¹

Second, we investigated consumers’ perceptions of spam, their experiences with it, and their opinions on the best ways to control it. The results of two focus groups and a Canada-wide survey show that Canadian consumers find spam annoying and a waste of time. A small percentage of respondents (6%) admitted that they respond to offers

contained in spam, a practice that unfortunately encourages spammers to send more e-mail. ISPs were identified as the key parties responsible for protecting their users against spam. The respondents were divided between optimism (48%) and pessimism (50%) as to the capacity of the various stakeholders (ISPs, direct marketing companies, governments, users) to control spam; their opinions were also divided on the best way to do this. Solutions seen as valid were improved filtering technologies, enactment of anti-spam legislation, and adoption of a direct marketing industry code of conduct. Finally, Canadian consumers are generally favourable to a system that requires their prior consent before receiving any form of commercial e-mail (an “opt-in” system).

Third, we conducted a comparative study of relevant legislation in Europe, France, the United States, and Canada. Some governments have opted to regulate spam under existing laws, while others have developed new spam-specific laws. Two typical patterns among the laws we studied are the “opt-in” type, which requires a consumer’s prior consent before sending commercial solicitations, and the “opt-out” type, in which mail can be sent until such time as the recipient indicates his refusal to receive it. All the laws we studied protect e-mail addresses as private information and make misleading or fraudulent e-mails illegal.

Anti-spam laws also prohibit senders from disguising or hiding their identity. They must include a valid postal address to which consumers can write to exercise their right of objection. Generally, anti-spam laws prohibit automatic collection of e-mail addresses on the Internet and require identification of e-mails containing explicit sexual or strictly commercial content. Finally, they prescribe civil remedies for individuals and ISPs as well as criminal penalties (fines and prison terms) for spammers.

In light of our research results, Option consommateurs concludes that the problem of spam is multi-faceted and complex, including legal, technical, economic, informational,

¹ Pew Internet and American Life Project. October 2003. *Spam: How It Is Hurting Email and Degrading Life on the Internet*. http://www.pewinternet.org/pdfs/PIP_Spam_Report.pdf.

emotional, and transnational aspects. Combating such a phenomenon will be more effectively achieved with cooperation among all Internet stakeholders, including consumers, ISPs, the direct marketing industry, governments, and NGOs.

Consequently, Option consommateurs puts forward the following recommendations:

Legislation

The following recommendations are indispensable to the protection of Canadian consumers against spam. Some may already be contemplated in the existing laws and properly enforced; others may necessitate the passage of new spam-specific laws. Self-regulation must be regarded as complementary to a basic legislative régime.

Recommendation 1

Option consommateurs recommends that Canada formally adopt an “opt-in” system — a system based on prior consent — for commercial electronic communication.

Recommendation 2

Option consommateurs recommends a requirement that the sender of commercial e-mail be clearly identified (header and domain name) and provide accurate contact information, including a valid postal address, so that consumers can easily opt out of subsequent mailings.

Recommendation 3

Option consommateurs recommends that commercial e-mail and sexually explicit e-mail be labeled as such (with the prefixes “ADV” and “ADLT”, for example).

Recommendation 4

Option consommateurs recommends maintaining the ban on fraudulent and misleading e-mail.

Recommendation 5

Option consommateurs recommends that private action for consumers who are victims of spam be preserved.

Recommendation 6

Option consommateurs recommends that the Canadian system provide for remedies in the event of harm, for individuals in particular, as well as penalties for violators.

Recommendation 7

Option consommateurs recommends that the Canadian system offer a simple and effective consumer complaint mechanism.

Recommendation 8

Option consommateurs recommends that the competent law enforcement agencies be given the powers, resources, and tools necessary to accomplish their work.

Recommendation 9

Option consommateurs recommends that the direct marketing industry adopt a specific code of conduct on commercial solicitation via electronic channels and that the enforcement of this code be audited by a third party.

Awareness and Education

In the focus groups and the Canada-wide survey, respondents were aware that users have a degree of responsibility to control spam. As well, numerous states and international organizations (including the European Union and the OECD) hold the view that user education should be part of the global anti-spam strategy.

Recommendation 10

Option consommateurs recommends that Internet service providers offer free information on the best ways for their subscribers to protect themselves against spam (e.g., pamphlet provided upon subscription or with invoice, inclusion of filtering software in the basic user kit).

Recommendation 11

Option consommateurs recommends that a mass education campaign on spam be carried out without delay so as to improve public awareness of the phenomenon and the simplest and most effective ways to control it.

Technology

Recommendation 12

Option consommateurs recommends that access to filtering, antivirus, and firewall software be improved for the most vulnerable consumers.

International cooperation

Recommendation 13

Option consommateurs recommends that the Canadian government pursue its collaboration with the international community in identifying and arresting the most egregious violators of spam provisions.

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INTRODUCTION

In 2003, 64% of Canadian households had at least one member who regularly used Internet.² E-mail is the most common activity in which Canadian Internet users engage.³ It is a useful tool for staying in touch with family members living outside the country, exchanging information with colleagues or fellow students, and communicating with children living outside the home.

However, a threat to the use of e-mail in Canada and around the world is looming: the rapid proliferation of “spam,” or bulk unsolicited commercial e-mail. According to a study by the Pew Internet & American Life Project, a US nonprofit organization that studies the impact of Internet on American society, spam is now undermining the integrity of e-mail and degrading the quality of online activity.⁴

THE PROBLEM

Bulk e-mailing is the most recent form of direct marketing, which has hitherto taken the form of postal mail, telemarketing, and fax marketing. It is an economical and effective means of reaching hundreds of thousands of consumers with a single mailing. E-mail enables legitimate direct marketing companies to remain in contact with their clients and to rapidly respond to their inquiries. However, the proliferation of spam is undermining consumer confidence in this type of marketing communication.

Several estimates of the volume of spam received daily have been floated. According to the summary of a workshop on spam held by the Organization for Economic

² Statistics Canada, CANSIM, Table 358–0002. *Households with at least one regular Internet user, by location of access, provinces.*

³ Statistics Canada, CANSIM, Table 358–0006. *Households using the Internet from home, by purpose of use.*

⁴ Op. cit., p. 2

Cooperation and Development (OECD) in February 2004,⁵ anti-spam software companies estimate that spam constituted 50–55% of total e-mail volume in 2003. According to discussions with experts, this figure appears very conservative. AOL, for example, blocks 2.4 billion spam e-mails per day, for a total of 500 billion in 2003!⁶ The phenomenon does not appear to be on the wane despite the collaborative work of Internet service providers (ISP), anti-spam software developers, Internet user awareness campaigns, recent legislation, and international cooperation.

Contrary to postal advertising, bulk commercial e-mailing is enticing to advertisers because the costs are borne by the recipients (ISP, companies, consumers) instead of the sender. Moreover, even though the spam reply rate is relatively low, spammers do get responses and make profits.

GOALS OF THE STUDY

The main purpose of our study is to analyze the issues raised by spam and the corresponding consumer perceptions. We therefore adopted the following goals:

1. To conduct documentary research on the phenomenon in Canada and around the world.
2. To review the applicable European, US, and Canadian law.
3. To conduct a survey and hold two focus groups with Canadian consumers to learn about their experience and concerns regarding this issue as well as their expectations about what should be done to deal with it.

⁵ OECD, *Background Paper for the OECD Workshop on Spam*, DSTI/ICCP(2003)10/FINAL, 9 February 2004.

⁶ See <http://www.anti-spam.aol.fr/accueil.php>.

4. To ascertain the viewpoint and concerns of the principal stakeholders in this field.

Our analysis of this data will enable us to put forward recommendations, continue to develop expertise on the impact of new technologies on consumers' lives, and help publicize the issues raised by new technologies so as to make them more comprehensible to consumers. This will involve, in particular, the dissemination of the study results to consumers, government bodies, ISPs, and other consumer associations interested in this issue.

METHODOLOGY

With a view to discerning the issues raised by spam and characterizing the corresponding perceptions of Canadian consumers, we opted to use three separate techniques: documentary research, a survey, and focus groups.

DOCUMENTARY RESEARCH

Documentary research will enable us to circumscribe the phenomenon of spam and identify its main characteristics. We will also survey the consequences of spam proliferation, for consumers in particular.

This method will also allow us to explore various approaches to controlling spam, including using existing legislation or enacting new laws, improving the practices of legitimate direct marketing firms, improving filtering technologies used by networks and individuals, and creating consumer awareness and education materials.

FOCUS GROUPS

With the help of Environics Research Group, we held two focus groups in Montreal, one in French and the other in English. Although these focus groups are not clearly representative of the overall feeling among Canadian Internet users, they helped us

explore consumer perceptions about spam and prepare the questions to be asked in a Canada-wide survey on the issue.

SURVEY

We commissioned Environics Research Group to ask Canadians seven questions as part of an omnibus survey in December 2003. We wanted to ascertain their experience with spam and their opinions on the best way to control it.

1. SPAM IN CANADA AND THE WORLD

1.1 DEFINITION AND CHARACTERISTICS

To date, there is no unanimous international definition of spam. However, one of the most standard definitions is that of France's Commission Nationale de l'Informatique et des Libertés (CNIL), in which spam is "bulk, at times repeated mailing of unsolicited electronic mail to people with whom the sender has never had contact and whose e-mail address was collected in an irregular manner." The OECD mentions a set of secondary characteristics: use of addresses collected without prior consent, uncontrollable, anonymous or disguised, or having offensive, misleading, fraudulent, or illegal content.⁷ According to Spamhaus, a world authority on spam, no definition is complete without two essential characteristics: spam is always unsolicited and mailed in bulk.⁸

As part of the "Boîte à spam" (Can the Spam) operation conducted by CNIL between 10 July and 24 October 2002, French Internet users were asked to send spam they received to a special e-mail address (spam@cnil.fr). Some 325,000 spams were collected, making it possible to analyze and document the phenomenon in France. Nearly 85% of the spams received were written in English; 85% appeared to target individuals. As for the content, some 13% concerned health (Viagra, diet products, nutritional supplements, etc.), 40% advertised financial products (credit, debt repayment, loans, various investments, etc.) and 42% were pornographic or offered dating services.⁹ The Belgian privacy commission repeated the French experience in October 2002. Of the 50,000 spams received in 2½ months, 86% were in English. Spams were classified into four

⁷ Op. cit., p. 9

⁸ For more information, see www.spamhaus.org.

⁹ Commission Nationale de l'Informatique et des Libertés, "Opération 'Boîte à spams': Les enseignements et les actions de la CNIL en matière de communications électroniques non sollicitées," report submitted by Ms. Cécile Alvergnat and adopted 24 October 2002.

categories: financial offers (reduced rate loans, credit cards, etc.), health products (plant-based remedies, Viagra, diet products, etc.), erotic or pornographic messages, and a miscellaneous category often involving electronics (mobile phones, ink cartridges, printers, cameras, etc.). Spam from the United States was most likely to offer pornography (27.7%) and health products (8.6%). Approximately 60% of spam contained a variety of promotional offers.¹⁰

According to data collected by the OECD from Brightmail, an anti-spam software developer, the content of spam in 2004 was much more diversified. In descending order of frequency, it contained miscellaneous products and services, financial products, adult content, health-related content, scams, leisure content, and Internet-related content.¹¹ Regarding scams in particular, the US Federal Trade Commission (FTC) has identified a dozen scams frequently found in spam, including business opportunities, solicitation to buy address lists, chain letters, work at home, health and diet scams, income generating activities, free goods, investment opportunities, cable TV unscramblers, guaranteed or low-interest loans or credit, credit rehabilitation, or vacation promotions.¹²

Spammers (persons who send spam) use various methods to collect e-mail addresses. The two most common methods are to purchase existing lists from unscrupulous people or to use Web “spiders” to automatically search websites and newsgroups and compile addresses found on them. Another technique, called a “directory harvest attack,” involves bombarding a server by sending a message to all alphanumeric combinations likely to appear as a user name (e.g., yourname1@domainname.com, yourname2@domainname.com), then compiling valid e-mail addresses associated with

¹⁰ Commission de la protection de la vie privée, “Le spam en Belgique: état des lieux en juillet 2003.” For more details see http://www.privacy.fgov.be/publications/spam_4-7-03_fr.pdf.

¹¹ Op. cit., p. 9.

¹² Federal Trade Commission. *False Claims in Spam: a Report by the FTC’s Division of Marketing Practices*, 30 April 2003; for more details see <http://www.ftc.gov/reports/spam/030429spamreport.pdf>.

the server into a spam database.¹³ A study conducted by the Center for Democracy in 2003 confirmed that practically all (97%) of spam received in their study had been sent to addresses spelled exactly as they appeared on the Internet.¹⁴

Spammers mask the origin of their messages by doctoring the reply address and header of their e-mails. For this they use independent relay systems, routing their mail through a chain of servers, particularly targeting those that have not taken the relevant security precautions.

1.2 HISTORY

The first documented bulk commercial e-mailing may date back to 1978 when the Internet (then known as ARPANET) was used only by academic researchers and the military!¹⁵

Spams were initially distributed over newsgroups. Although the very first incident is disputed, two events are said to mark the beginning of unsolicited bulk mailings. The first took place in January 1994 when a young employee at a Michigan Adventist college sent a message to nearly 5000 newsgroups announcing the coming of Christ.¹⁶ The second followed on its heels when two lawyers, Laurence Canter and Martha Seigal, sent a message to some 7000 groups offering help obtaining a green card. The offer involved

¹³ For the complete definition see http://searchsecurity.techtarget.com/sDefinition/0,,sid14_gci970104,00.html.

¹⁴ For more information on this study see <http://www.cdt.org/speech/spam/030319spamreport.shtml>.

¹⁵ See <http://www.templetons.com/brad/spamreact.html#msg>.

¹⁶ The original message was: “*The earthquake in Los Angeles, California, the flood in Europe, the seemingly unstoppable war in the former Yugoslavia, the devastating fires in Australia, the flood in the Midwest of the United States of America, the devastating fires near Los Angeles, California, the rapid and appalling increase in violence in cities, towns, villages all over the world, the famines, the diseases, the rapid decline of the family unit, and the destructive earthquake in India (in 1993) are signs that this world's history is coming to a climax. The human race has trampled on God's Constitution, as given in Exodus 20:1-17 (King James Version Bible), and Jesus is coming to set things right. These rapidly accelerating signs are an indication that Jesus is coming soon (Matthew 24).*”

the completion and mailing of forms available to anyone free of charge from the US government.

According to the Commission of the European Communities, spam accounted for only 7% of total e-mail traffic in 2001 while it was projected to reach 51% in 2003.¹⁷

To overcome new obstacles put in their way, spammers have begun to join forces with virus writers and computer hackers. Their tactics appear to have undergone some refinement. They are past masters at the art of disguise, avoiding blacklists and hijacking servers with dexterity. While the first generation of spam was strictly designed for profit maximization, the current generation compromises business and consumer systems by spreading computer viruses. Another technique recently perfected is that of “phishing,” or sending e-mail that imitates the web sites of known companies in an attempt to gather unsuspecting consumers’ private information (e.g., credit card numbers, user names and passwords, social insurance number). As a by-product of this phenomenon, the targeted companies’ reputations become tarnished. Recent data suggests that 5% of recipients respond to this type of e-mail. This phenomenon is growing rapidly, with the most affected companies being US banks, eBay and Paypal.¹⁸

According to the Register of Known Spam Operations (ROKSO) kept by Spamhaus, 200 spam operations are responsible for 90% of spam traffic in North America and Europe. These operations are the work of 500–600 spammers grouped into gangs. They appear in the register because they have had their service terminated by at least three successive ISPs. A ROSKO version intended for the law enforcement authorities contains clear evidence of the misdeeds of these spam gangs.

¹⁷ Commission of the European Communities, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Unsolicited Commercial Communications or ‘Spam,’” COM (2004) 0028 of 22 January 2004; for more details see http://europa.eu.int/eur-lex/en/com/cnc/en_cnc_month_2004_01.html.

¹⁸ For more information on the phenomenon of phishing see <http://www.antiphishing.org/>.

1.3 CONSEQUENCES

Spam has negative impacts on the economy (consumers and private enterprise), the protection of privacy, and consumer confidence in electronic communications and commerce. A big part of spam's success is due to the manner in which it transfers costs from the sender to the recipient.

Much of the cost is borne by the ISP and passed on to the users. Abuse of e-mail forces the ISP to constantly expand its bandwidth, computer memory, and customer complaint staff, and apply new technologies for filtering and managing the growing volume of e-mail. Furthermore, spam increases the costs of downloading messages, especially for residents of remote areas who use long-distance connections. Spam clogs e-mail boxes, slows connection speeds, and saturates networks. It causes further indirect costs in that certain legitimate commercial or professional messages are wrongly filtered out by filtering software ("false positives") or overlooked by the recipient because of their resemblance to spam.¹⁹

The proliferation of spam is also dealing heavy blows to economic productivity. A series of interviews conducted by Nucleus Research with employees of large US companies revealed that these employees received an average of 7500 spams in 2004, more than a 100% increase over the previous year. The loss of productivity was estimated at 3.1% per employee, or double the previous year's impact. Spam threatens organizational information technology infrastructure by increasing the frequency, severity, and costs of virus attacks. It can affect the reputation of companies that unintentionally spread spam and viruses.²⁰

¹⁹ Op. cit., p. 8

²⁰ Sophos, *The Spam Economy: the Convergent Spam and Virus Threats*, 2004; for more details see <http://www.sophos.com/spaminfo/whitepapers>.

In many countries, e-mail addresses are legally protected private information. The fraudulent use of e-mail addresses impairs the trust necessary to the survival of e-business. Spam infringes two types of privacy protection provisions: those relating to data collection and use and those relating to a person's right to opt out of such collection and use.

Moreover, a growing feeling of alienation is affecting users of electronic media. According to a US survey by the Pew Internet and American Life Project, 70% of Internet users feel that spam has made their online activity more irritating and less enjoyable.²¹

²¹ Op. cit., p. 2.

2. PERCEPTIONS OF INTERNET USERS

2.1 FOCUS GROUPS

Option consommateurs commissioned the Environics firm to conduct a Canada-wide survey and two focus groups, one in French and one in English. The focus groups were held in Montreal on 29 October 2003. The focus group participants all had Internet access at home or work, read their e-mail at least a certain number of times per week, and received unsolicited e-mail several times a week. The discussion guide is presented in Appendix 1.

2.1.1 CONSUMERS' EXPERIENCE WITH E-MAIL AND SPAM

The consumers we met with use e-mail as a medium of communication at work, for exchange of information with fellow students, to stay in contact with children and family members living outside the country, and to conduct personal transactions.

When we asked them to define spam, the participants came up with both rational and emotional definitions. In both groups, the majority stressed that these are unsolicited, generally commercial e-mails from an unknown sender, frequently containing offensive content (pornography, explicit sexual references, etc.). The respondents stated that spam represents a waste of time, money, and space on their message server. Some also stressed that it is a violation of their privacy. Participants in both groups acknowledged that Internet users must bear some responsibility for divulging their addresses too readily.

As regards the volume of spam they receive daily, the participants mentioned startling figures (upwards of 60%), reflecting the growing magnitude of the problem.

2.1.2 ATTITUDES TOWARDS SPAM

Spam evokes a variety of emotions in consumers, ranging from indifference to frustration. Our participants' main concern was that spam represents a waste of time; several consumers, however, pointed out the risk of losing legitimate e-mail, particularly when filters are used. One person was considering canceling his service.

Generally, consumers "recognize the enemy" by examining the sender and subject of the message. Most erase messages with suspicious titles from unknown senders. Many employ the filters packaged with their e-mail software or download special filters from the Internet. Some also use firewalls.

2.1.3 SPAM CONTROL METHODS

When we asked them who should be responsible for controlling spam, the majority of the participants responded that the ISP is primarily responsible. In particular, ISPs must prevent indiscriminate bulk mailings, do research on spam control technologies, refrain from selling their customer lists, develop strict privacy protection policies, provide filters, and inform their customers of the best ways to protect themselves. All participants concurred that ISPs must clearly inform their customers of the potential consequences of bulk e-mailings (denial of service, prosecution, etc.).

The participants also stressed that consumers and governments have a role to play in spam control. Consumers must not disclose their e-mail address indiscriminately and should never purchase items offered in a spam message. However, consumers alone cannot solve the problem, since they do not have the tools necessary to separate the good e-mails from the bad ones. The participants felt that governments should, among other things, appoint an Internet security ombudsman and require ISPs to have an address at which complaints may be filed. The participants in both focus groups were aware that governments have other priorities and that the problem of spam extends beyond national borders.

Concerning commercial e-mail solicitation, the participants felt that legitimate direct marketing companies should be registered, draft a code of ethics for e-mail advertising, and be required to provide the sender's complete contact information.

A majority of the participants were against an outright ban on commercial e-mail solicitation; instead, they would like to see an inclusion (opt-in) list. Finally, they expressed the hope that users would be given the right to sue spammers.

In conclusion, the focus group participants stressed the importance of complaining to one's ISP so as to create a movement against spam.

2.2 CANADA-WIDE SURVEY

Following the focus groups, which provided clarification on some of the relevant issues, we sought to verify some of the key considerations put forward. To do so, we commissioned Environics to conduct a Canada-wide survey. The survey results are based on 2002 telephone interviews held 11–29 December 2003. The respondents were located in all regions of Canada, including 247 in the Atlantic provinces, 500 in Québec, 563 in Ontario, and 692 in the West. The margin of error for a sample of this size is plus or minus 2.2%, 19 times out of 20. The complete survey data is presented in Appendix 2.

2.2.1 INTERNET ACCESS

In response to our question about Internet access, 70% Canadians stated that they have access, 34% of them at home and at work, 29% only at home, 6% only at work, and 1% elsewhere, such as at an Internet cafe or library. It is important to note that 42% of Québec respondents stated they had no Internet access while only 19% of British Columbia respondents were in the same situation. Moreover, 43% of francophones stated they had no Internet access, compared with 25% of anglophones and 27% of allophones (persons whose mother tongue is neither French nor English). Among native people, 46% had no access.

The majority of respondents with annual family incomes under \$20,000 had no Internet access (54%). Internet access also increased with education, and younger age groups were more likely to have access than older groups. For the purposes of the survey, the remaining questions were asked only to those who had Internet access.

Table 1. Percentage of Canadians having Internet access at home, work, or elsewhere

PLACE OF ACCESS	REGION			NATIVE PEOPLE	LANGUAGE SPOKEN AT HOME		
	Canada	Quebec	BC		English	French	Other
Home	29	30	30	22	28	29	31
Work	6	7	5	10	6	7	3
Both	34	21	45	22	38	21	37
Elsewhere (cafes, etc.)	1	*	1	-	2	*	2
DK/NA	*	*	-	-	*	*	-
No access	29	42	19	46	25	43	27

2.2.2 SPAM FREQUENCY

The survey respondents estimated that an average of 36.4% of e-mails they receive are spam, with the highest average in Alberta (42.6%). Native people stated, on average, that 43.3% of their e-mails are spam. Particularly high levels were also found among youth 30 and under and respondents with annual family incomes under \$20,000 (44.9% and 40.5%, respectively). Surprisingly, people aged 60 and over had an average of only 27.7% spam.

Table 2. Estimated spam as a percentage of total e-mail

ESTIMATE (%)	REGION		NATIVE PEOPLE	FAMILY INCOME UNDER \$20,000	AGE BRACKET	
	Canada	Alberta			18-29	60+
None	12	8	20	15	6	20
1-10%	29	25	16	25	22	33
11-25%	9	9	5	8	12	8
26-49%	7	9	8	2	7	4
50%	9	7	11	9	10	7
51-74%	8	9	10	8	10	6
75-99%	22	29	27	27	30	15
100%	*	1	3	1	*	-
DK/NA	4	4	1	5	2	8
Average	36.4	42.6	43.3	40.5	44.9	27.7

2.2.3 MAGNITUDE OF THE PROBLEM

The majority of Canadians surveyed (54%) felt that spam is, all things considered, a minor problem. Quebecers were the most likely to state that it is not a problem (29%) while 30% of native people said that it is a major problem. It is interesting to note that people working at home were more likely to consider spam relatively unimportant.

Table 3. Respondents' assessment of spam as a problem

	REGION		NATIVE PEOPLE	PEOPLE AT HOME	ANNUAL FAMILY INCOME UNDER \$20,000	PEOPLE WITHOUT HIGH SCHOOL DIPLOMAS
	Canada	Quebec				
Major problem	21	20	30	17	30	36
Minor problem	54	51	42	46	39	39
Not at all a problem	25	29	28	38	32	25
DK/NA	-	-	-	-	-	-

People whose annual family income is under \$20,000 as well as those without high school diplomas were much more divided on this question.

2.2.4 MANAGING SPAM

On the question of what they do when they receive spam, 87% of respondents said they ignore it; 55% said they use filtering software. Only 6% nationwide stated that they respond to spam, but this figure was 11% for residents of the Atlantic provinces, 14% for native people, and 15% for unemployed people.

British Columbians were most likely to use filtering software (62%) while Quebecers were least likely (49%).

Respondents over age 60, those with annual family incomes under \$20,000, and those without high school diplomas were less frequent users of filtering software. Young people under 30 were the most likely to use such software (61%).

Table 4. Spam management

		Ignore	Use filters	Complain to ISP	Respond to spam	Other	DK/NA
REGION	Canada	87	55	12	6	32	*
	Atlantic provinces	80	58	14	11	22	-
	Quebec	90	49	7	5	13	-
	British-Columbia	86	62	12	3	39	-
NATIVE PEOPLE		80	56	28	14	28	-
JOB STATUS	Unemployed	87	53	2	15	38	-
	Retired	85	42	17	5	25	-
ANNUAL FAMILY INCOME (-\$20,000)		84	47	8	11	33	-
EDUCATION	No high school diploma	84	46	13	7	22	-
AGE BRACKET	18 - 29	88	61	6	9	28	-
	60 +	89	43	17	2	27	*

Unemployed respondents and Quebecers were less likely to complain to their ISP (2% and 7%, respectively) while native people were more likely to file a complaint (28%).

2.2.5 RESPONSIBILITY

The next question concerned the party considered responsible for anti-spam measures. Half the respondents stated that ISPs have this primary responsibility. People with annual

family incomes under \$20,000 were least likely to give this answer (43%) while those with annual family incomes over \$80,000 were most likely (58%).

Table 5. Organizations or persons with primary responsibility for anti-spam measures

	REGION		RETIRES	ANNUAL FAMILY INCOME		Francophones	Native people
	Canada	Quebec		-\$20000	+\$80000		
SERVICE PROVIDERS	50	48	57	43	58	45	4
MARKETING COMPANIES	29	24	23	26	25	24	2
INDIVIDUALS	10	17	8	11	8	20	1
GOVERNMENT	9	8	10	14	9	8	1
OTHER	2	1	-	3	1	1	2
DK/NA	1	1	1	2	-	2	-

Native people and low-income people (under \$20,000/year) were greater believers in governments' role (17% and 14%, respectively). Only 21% of native people and 23% of retirees stated that marketing companies who send spam have primary responsibility.

Quebecers and Francophones were most likely to believe that individuals are chiefly responsible for protecting themselves against spam (17% and 20%, respectively).

2.2.6 BELIEF THAT PROBLEM CAN BE SOLVED

Respondents were sharply divided on the issue of whether the spam problem can be solved: 50% were somewhat or very pessimistic while 48% were somewhat or very optimistic. Quebecers were the most optimistic (62%) and British Columbians the most pessimistic (59%). Native people were also quite optimistic about the possibility of controlling spam (59%).

Table 6. Beliefs about possibility of spam control

	REGION			NATIVE PEOPLE
	Canada	Quebec	BC	
Very optimistic	19	25	15	31
Somewhat optimistic	29	37	26	28
Somewhat pessimistic	26	23	29	23
Very pessimistic	24	13	30	17
DK/NA	1	1	-	-

2.2.7 BEST WAY TO CONTROL SPAM

According to the respondents, spam control depends most importantly on the improvement of filtering technologies (36%), passage of a law (24%), adoption of a direct marketing industry code of conduct (24%), and international cooperation (12%).

Table 7. Best ways to control spam

	REGION		NATIVE PEOPLE	RETIRES	ANNUAL FAMILY INCOME (< \$20,000)
	Canada	Atlantic provinces			
Improvement of filtering technologies	36	41	32	45	32
Anti-spam legislation	24	17	40	18	17
Direct marketing code of conduct	24	25	7	16	21
More international cooperation	12	9	19	14	25
Other	3	6	2	5	4
DK/NA	1	2	-	1	-

Geographically, the Atlantic provinces differed from the rest of the country in their opinions on improvement of filtering technologies (41%) and the role of the government (17%).

Native people, as compared with the rest of the country, put a stronger emphasis on the role of the government (40%) and international cooperation (19%).

This latter method was mentioned in highest proportions by persons with annual family income under \$20,000 (25%), who put less emphasis on government action (17%).

Retirees stood out in naming improvements in filtering technology as the most important strategy (45%).

2.2.8 ROLE OF GOVERNMENT

Finally, when asked what governments can do to control spam, 42% of respondents agreed that spam should only be allowed if consumers clearly consent to receive it (opt-in approach), 26% said that all unsolicited e-mail should be required to be marked “spam,” and 24% said that a mechanism must be instituted to allow consumers to opt out of spam mailings. Native respondents were most clearly in favour of the opt-in approach (56%) and were not very favourable to a spam labeling requirement (9%).

Table 8. Opinions on governments role in controlling spam

	CANADA	NATIVE PEOPLE	RETIRES	AGE BRACKET			
				18-29	30-44	45-59	60 +
Consumer consent required (opt-in approach)	42	56	33	47	46	39	28
Requirement to mark unsolicited mail as “spam”	26	9	34	28	25	23	36
Consumer access to exclusion list (opt-out approach)	24	27	28	20	24	28	28
Other	2	6	3	1	1	3	4
Nothing	3	1	2	3	3	4	2
DK/NA	2	-	1	1	1	3	2

The opt-in approach is more popular with young people, while the “opt-out” concept gains popularity with respondents’ age. Likewise, retirees were among those respondents least favourable to the opt-in approach (33%) and most favourable to spam labeling (34%).

2.2.9 CONCLUSION

Our survey and focus group results show that spam accounts for nearly 40% of total e-mail volume. People under 30 stated that they receive more spam than other Internet users, suggesting that the manner in which they use their e-mail addresses may be of concern.

Although not a major problem for the time being, spam is nonetheless an annoyance for a sizable part of the population. Overall, few Canadians apparently respond to spam; however, certain segments of the population should probably be sensitized to the importance of the phenomenon. For every person with good online habits, there are enough users who respond to spam to guarantee spammers a viable and lucrative future.

We also feel that some education of francophones, elderly people, and low-income people on filtering software is necessary. Since young people are the most frequent users of filters and retirees are generally favourable to their use, intergenerational exchanges are an interesting possibility to consider.

For most Canadian consumers, the ISP is the primary contact, and we hope ISPs will be involved in any decision concerning spam control and consumer protection in this area.

3. LEGISLATION

In terms of spam legislation and regulation, governments have generally opted either to apply existing laws on privacy protection, contractual liability, competition, and misleading advertising or to amend these laws or develop new regulations specifically designed to combat spam.

An arsenal of regulatory provisions is available to combat spam. Two major systems go head to head: “opt-in” and “opt-out.” An opt-in system or inclusion list requires the consumer’s prior consent before any e-mail solicitation can legally occur.²² The “opt-out” system or exclusion list authorizes commercial e-mailings unless and until the Internet user explicitly refuses them. Generally, consumers and their representatives favour the opt-in system, while direct marketing companies prefer the opt-out system. The techniques used to collect personal data as well as the requirements of managing a national or even global centralized registry of consumers opposed to commercial e-mail solicitation militate against opt-out.

Some of the regulatory provisions used by governments to combat spam require fair and accurate disclosure of sender’s name and header in e-mails, identification of commercial e-mails (ADV) or e-mails with explicit sexual content (ADLT) in the subject line, bans on using Web spider software to collect e-mail addresses on the Internet and in newsgroups, bans on the sale of personal information without explicit consent, and specific obligations imposed on ISPs.

²² The term “soft opt-in” is sometimes used to refer to cases where a business relationship already exists between business and consumer.

3.1 EUROPE

3.1.1 EUROPEAN DIRECTIVE 95/46/EC OF 1995

This directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data takes as a principle that e-mail addresses are personal data. “Personal data” is defined as any information relating to an identified or identifiable natural person (“data subject”); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

The primary objective of the 1995 directive is to ensure that member states protect the fundamental rights and freedoms of individuals, especially their privacy, with respect to processing of personal data, while allowing for the free movement of this data among members of the community.

Article 6 provides that personal data must be collected for specified, explicit and legitimate purposes, processed fairly and lawfully, and not further processed in a way incompatible with those purposes. The directive forbids data processing unless the person concerned gives his free and informed consent. The directive establishes the rights of individuals as regards the processing of personal data concerning them. The person has, *inter alia*, the right to information, access, and correction as well as a right to object.

Concerning this last right, Article 14 provides that individuals have the right to be informed before their personal data are disclosed to third parties or used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object to such disclosures or uses. In short, Article 14 enshrines the opt-out principle.

3.1.2 EUROPEAN DIRECTIVE 2002/58/EC OF 2002

In July 2002, the European Union adopted Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector. This directive regulates and sanctions electronic direct marketing practices. It was to be implemented and transposed into domestic legislation before 31 October 2003. Article 13 of this directive enshrines the opt-in system for the entire European Union. As a result, all communication for purposes of direct marketing is only authorized where the Internet user gives his prior consent. An exception is that, subject to the 1995 directive, direct marketing is authorized without prior consent where data is gathered under a contractual relationship and the direct marketing covers similar products or services. Nevertheless, Internet users must be given the opportunity to object to such a use of their data when they are gathered and/or when each message is sent if they did not refuse such use initially (Article 13, par. 2 of the Directive).

The European system comprises three basic rules: mandatory prior consent to e-mail direct marketing, a ban on disguising or masking the sender's identity, and the requirement of indicating a valid postal address for Internet users who want to unsubscribe from the mailing list.

Member states must also provide penalties as well as individual and other remedies in case of infringement. Individuals have the right to compensation in the event of harm as well as penalties in the event of infringement.

Automatic collection of personal data on public Internet sites is illegal under Directive 95/46/EC, whether or not such collection is done automatically with the help of software.

Fraudulent and misleading spam is illegal under the existing European Union rules on false and misleading advertising and unfair trade practices.²³

Concerning the application of the Directive, the Commission recommends the effective implementation of the prior consent principle and asks member states to devote sufficient resources to this effort. According to the Commission, the following factors makes for better application of anti-spam policy: availability of fines or other effective sanctions as law enforcement tools, nature of complaint mechanisms and available remedies, coordination among national authorities, Internet users' awareness of their rights and how to assert them, and resources available to track down spammers.

In terms of sanctions, the European Union recommends giving victims the right to sue for damages, using an administrative (rather than judicial) authority for effective low-cost application of the prior consent principle, applying meaningful penalties, and ensuring that the competent authorities have the necessary investigative and enforcement powers.

Concerning complaint handling, the member countries are asked to consider setting up e-mail addresses as France and Belgium have done.

Conscious of the limits of regulation, the Commission expresses the hope that member states will cooperate among themselves and with non-member states of the European Union. It suggests a balanced array of actions including a legal component, an implementation monitoring mechanism, industry self-regulation, technical solutions, and public education efforts.

²³ European Union, *Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising.*

3.2 FRANCE

The Confidence in the Digital Economy Act (Loi sur la confiance dans l'économie numérique) was passed in June 2004. While we were conducting our research, the bill was in second reading before Parliament. The bill makes prior consent of Internet users (opt-in approach) the rule. E-mail solicitation of consumers is only allowed if they give their explicit prior consent. Direct marketing companies may solicit businesses without prior consent provided that they offer the option of unsubscribing from mailing lists (opt-out approach).

With this bill, France has belatedly incorporated the European directive of July 2002 into its domestic law. Prior to the passage of the Confidence in the Digital Economy Act, European law was applicable in France.

Since spamming presupposes data collection and processing, what makes the activities of spammers illegal is the way they accomplish these goals. Spammers collect and use e-mail addresses indiscriminately, a method of processing prohibited by the law.

Prior to June 2004, the French laws and European directives under which spam was illegal in France were the Information Technology, Files, and Freedoms Act (Law 78-17 of 6 January 1978), the Criminal Code, sections 1135 (equity in contractual relationships) and 1184 (termination of contracts) of the Civil Code, European Directive 95/46/EC of 1995, and European Directive 2002/58/EC of 12 July 2002. Several sections of these laws are cited in the Confidence in the Digital Economy Act.

3.2.1 THE LAW OF 1978

The purpose of this law is to guarantee the protection of privacy and individual and public freedoms while making possible developments in information technology.

Section 6 provides for the creation of the Information Technology and Freedoms Commission (CNIL) as the administrative authority responsible for enforcing the law. Under the law, the creation of any file on an individual engenders rights for that individual and imposes obligations on the file's creator. E-mail addresses constitute personal data (section 4). Section 16 provides that computer processing of personal data requires a prior filing with the CNIL. This declaration must contain an undertaking to the effect that the processing will be done in accordance with the law. Section 25 prohibits unfair, fraudulent, or illicit collection of personal data. The opt-out principle is established in section 26, which establishes the right of anyone to object to the processing of information concerning them.

To summarize, persons or companies wishing to create files containing personal data must declare their intentions to the CNIL, including the purpose of the database, the information it is to contain, and the period of time during which it will be maintained. The declaration must be given according to law and must guarantee the right of the persons concerned to access and correct information concerning them.

The CNIL receives complaints and has the power to issue warnings and notify the law enforcement authorities of violations of which it has knowledge (section 21). Criminal offenses under this law are covered, with their corresponding penalties, under sections 226-16 to 226-24 of the Criminal Code (section 41). Prison terms and heavy fines are provided.

Thus, the law does not prohibit bulk mailings as such if they are done based on fair collection of e-mail addresses and processed in accordance with the applicable regulatory framework. Spam becomes illegal when it contravenes the law by involving, for instance, unfair or fraudulent collection of e-mail addresses or denial of the right to object. With spam, moreover, the right to access and correct personal data usually cannot be exercised because the person is not even informed of the collection and spammers do not declare their e-mail address databases to the CNIL.

Since 1999, the CNIL has taken an interest in the e-mail practices of direct marketing firms and adopted a set of recommendations. In July 2002, the CNIL created a special mailbox designed to receive forwards of undesired e-mail from Internet users. The success of the “Boîte à spam” (Can the Spam) campaign outstripped expectations, with some 300,000 e-mails received in three months, and the CNIL decided to close the box and take action against spammers.

One of these actions was to notify the law enforcement authorities of five large corporations that were in violation of the Law of 1978 on the collection and use of e-mail addresses for direct marketing purposes. Two of these prosecutions had to be dropped since it was impossible to identify the spammers. In June 2003, one company was convicted for failing to file a declaration with the CNIL. All things considered, this legal action constitutes a real and welcome change of course for the CNIL, which had used this power only eight times between 1978 and 2001.

The CNIL’s action is hampered by the fact that it cannot prosecute spammers outside of France, and most spam, of course, comes from the United States. With the entry into force of the Confidence in the Digital Economy Act, the CNIL’s powers are augmented with punitive options.

3.2.2 THE CRIMINAL CODE

Violations of the Information Technology and Freedoms Act of 1978 are sanctioned by sections 226-16 to 226-24 of the Criminal Code. Also applicable is the chapter on interference with automated data processing systems (sections 323-1 to 323-7).

3.2.3 CIVIL CODE SECTIONS 1135 AND 1184

In contractual relations, the parties (e.g., ISP and business client) are bound by the obligations contained in their contract but also by everything ensuing from it in the spirit of equity, custom, or the law, depending on the nature of the obligation.

The Civil Code also provides that parties may terminate a contract if either party defaults on its obligations. However, the contract is not terminated as of right; the injured party may compel enforcement of the contract where possible or demand termination with compensation before the courts.

The majority of contracts between ISPs and subscribers specifically prohibit spam and stipulate that the service may be interrupted if the subscriber acts as a spammer. Some contracts, however, are silent on this matter. In practice, where the contract explicitly prohibits spam, the ISP may avail itself of the termination clause provided under Civil Code section 1184 to terminate the subscriber's contract definitively and claim damages for the subscriber's default on its obligations. Normally the ISP has to go to court to terminate a contract, but in one recent case (*Paul v. Liberty Surf*), the court recognized that the provider had been fully justified in terminating a contract in view of the subscriber's bad faith. The latter had used the service for purposes of spam and had continued to do so despite numerous warnings from the ISP.

Where the subscriber's contract is silent on the issue of spam, the ISP can still terminate a contract by invoking "netiquette." A decision of the district court of Rochefort sur Mer of 28 February 2001 reaffirmed this principle, condemned spam, and upheld the termination of a contract by an ISP. Netiquette is a set of rules of courtesy that must be obeyed by Internet users; "an evolving, unwritten code based on the principles of neighbourliness that is necessary for the orderly development of the information highway."

3.3 UNITED STATES

The federal *Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003* (*CAN-SPAM Act of 2003*) entered into force on 1 January 2004, replacing 36 state laws.

The law rules out any further suits by individuals, this responsibility now being vested in the Attorney General and the Federal Trade Commission (FTC). The law establishes the opt-out principle. It prohibits fraud, deceit, and false information in e-mails (sections 4–5). The sender’s address must remain valid for 30 days following the mailing. Any opt-out request must be honoured within 10 days following receipt thereof unless a technical problem can be adduced. Commercial e-mail must be clearly identified as such, the possibility of opting out of must be clearly offered, and the sender must provide a valid physical mailing address (section 5).

Commercial e-mails containing material with a sexual connotation must be clearly identified as such (section 5). Under section 6, legal liability is expanded from the senders to include the company for which the advertising is done (principle of liability for third-party action).

Section 9 provides for the creation of a “do-not-e-mail” registry that will probably be administered by the FTC.

Heavy sanctions (fines and prison terms) apply to offenders.

Prior to the entry into force of this law, about 36 US states had enacted anti-spam laws. The majority had opt-out laws, but some states in the vanguard, such as California, had an opt-in system. These laws did not prove effective, however. There were a few convictions, but these were incommensurate to the number of e-mails originating from the United States. Although individuals were allowed to sue, few did so given the high costs involved. The small compensation yielded by successful suits was an additional discouraging factor.

According to experts in the field, a federal anti-spam law was needed to replace the more than sixty applicable laws in force at that time. The resulting legal maze was difficult for legitimate direct marketing firms to navigate.

3.4 CANADA

There is no specific anti-spam law, but several consumer advocacy associations and other organizations have weighed in on this issue alongside the many Internet users clamouring for change. Among those proposing an opt-in or prior-consent approach are the Public Interest Advocacy Centre and the Coalition Against Unsolicited Commercial Email (CAUCE Canada).

The applicable laws in Canada are the *Criminal Code* (indictable offence under section 342.1), the *Civil Code of Québec* (sections 1457 and 1434 on civil and contractual liability), the *Personal Information Protection and Electronic Documents Act* and the *Competition Act*.

In Canada, the voluntary approach has been preferred so far. The Canadian Marketing Association has adopted the *Code of Ethics and Standards of Practice* for Internet distribution of promotional material. “Under this code, consumers who are solicited must be given the opportunity of ‘opting-out’ of any further communication from the marketer. A marketer who fails to live up to the CMA code is expelled from the Association.”²⁴ The Canadian Association of Internet Providers (CAIF) has also adopted a code of ethics that allows providers to contractually establish the rules governing the use of the service and the termination of a contract in the event of non-compliance.

In September 2003, Senator Oliver tabled bill S-23, First Reading, titled *An Act to prevent unsolicited messages on the Internet*. This bill calls for the creation of an anti-spam list and prohibits the sending of spam to persons appearing on the list or persons who object to receiving such e-mail. Therefore, it is an opt-out approach (section 11 of first reading).

²⁴ Industry Canada, *Internet and Bulk Unsolicited Electronic Mail*, July 1997, online at <http://e-com.ic.gc.ca/epic/internet/inecic-ceac.nsf/en/gv00188e.html>.

The principle of netiquette was invoked and accepted by the court in at least one decision, that of *1267632 Ontario Inc. v. Nexx Online Inc.*, Superior Court of Ontario, 9 July 1999. An ISP, Nexx Online, was sued for terminating the contract of a subscriber, 1267632 Ontario Inc., the manager of the Beaverhome.com site. Between 31 March 1999 and the end of the contract, Beaverhome.com sent more than 200,000 spams per day. Justice Wilson threw out the suit, concluding that the defendant had been justified in terminating the contract under the rules of netiquette. The contract stipulated that the client would observe netiquette and consent to the addition of new clauses during the contract. The ISP had informed its client several months previously that spamming would not be tolerated. Based on a series of documents on the subject, the court concluded that bulk unsolicited e-mailings contravene the unwritten rules of netiquette, except where specifically authorized in a contract between the parties.

At the time of our research, this was to our knowledge the only Canadian decision on the subject.

CONCLUSION

Although there is no consensus on the definition of spam, its negative impact is decried throughout the world and by all stakeholders in cyberspace, whether they be consumers, ISPs, direct marketing companies, or network managers. Spam is unsolicited, invasive, and designed to shift the cost of advertising to the recipient.

Spam is spreading at a ferocious rate and is posing serious problems in terms of financial and human resource management, computer security, invasion of privacy, network reliability, fraud and deceit, and confidence in e-mail as a tool for communication and consumerism.

Canadian consumers are annoyed or offended by spam, but they do not find it to constitute a major problem, mainly just a considerable waste of time. Although the majority of respondents to our survey stated that they delete spam, those who respond are speeding the development of the phenomenon. Our respondents felt that ISPs must play a predominant role in solving the problem of spam and that individuals and governments have a lesser role to play. Nevertheless, our focus group participants stressed the importance of individuals' taking some responsibility for protecting their e-mail address and refraining from replying to spam. Finally, both the focus group participants and the Canada-wide survey respondents favoured an opt-in approach requiring their prior consent.

An increasing number of countries around the world are enacting anti-spam legislation but, as the OECD notes,²⁵ factors such as the difficulty of identifying spammers, the difficulty of building an airtight case against them, and the diversity of laws and regulations among states limit the scope of such measures. What can be done to enhance the efficacy of anti-spam laws?

²⁵ Op. cit., p. 26.

In the light of our research results, we believe that the multi-faceted nature of spam necessitates a multi-faceted response. Legislation, self-regulation by legitimate direct marketing companies, availability of technical solutions, consumer awareness and education, and international cooperation appear to be key to fighting spam.

APPENDIX 1

October 22, 2003

Discussion Guide
Environics PN 5413
Internet Spam

INTRODUCTION TO PROCEDURES (10 MINUTES)

Welcome to the group. We want to hear your opinions. Not what you think other people think - but what you think !

Feel free to agree or disagree. Even if you are just one person among ten that takes a certain point of view, you could represent hundreds of thousands of people in the country who feel the same as you do.

You don't have to direct all your comments to me; you can exchange ideas and arguments with each other too.

You are being taped and observed to help me write my report.

I may take some notes during the group to remind myself of things also.

The hostess will pay you your incentives at the end of the session.

Let's go around the table so that each of you can tell us your name and a little bit about yourself, such as what you do for a living, who lives in your house and what you like to do for fun.

CONSUMER EXPERIENCE WITH E-MAIL AND SPAM (15 MINUTES)

As you have guessed from the questions we asked to recruit you here, we are going to be discussing some issues relating to the Internet and e-mail. I'd like each of you to tell me about what role the Internet and e-mail play in your life.

How often do you get e-mail ? Is it mostly personal or business ? How important is it to you ?

Now I want to talk about "spam". What is spam? How would you define it?

Is ALL unsolicited e0mail automatically spam? What about when you get e-mail about sales and promotions from companies that you may shop at, etc.... Is that Spam?

How often do you get it? What proportion of your e-mail is "spam"?

What are some examples of stuff you get that you would consider spam? Who does it come from?

Have you ever received a message that might be considered spam but that you actually found useful? Have any of you ever responded to a spam message?

How long ago did you start to notice it? Is it getting worse?

COPING WITH SPAM (15 MINUTES)

What is your attitude towards spam? Is it something we just have to accept? Is it something that concerns you? Does it make you angry? Why?

Do people talk about spam a lot? Is it a common complaint these days?

Have you or anyone you know considered canceling your entire Internet service just to avoid it?

How do you deal with spam? PROBE Just ignore it? Read some of it? Use some technological tool to avoid it?

If you have used technological tool to prevent spam, what was it? Is this working? If no, why not?

Have you heard of anything being done about spam? What?

WAYS OF CONTROLLING SPAM (45 MINUTES)

I want to move on to talking about different ways we could possibly deal with spam.

First of all, who do you think has take the most responsibility for dealing with the spam problem? Government? Internet Service Providers? Individuals? Employers? Etc...?

Do you think that Internet Service Providers (ISPs) and other e-mail providers have a responsibility or a role in the management of their customers'e-mail preferences? In other words should they have to find a way to accommodate your desire as a subscriber not to get certain types of e-mails?

For example, could an ISP require that a potential customer register his preferences about spam, etc....before activating an account?

How much does each you pay for an ISP (if anything)?

Should e-mail filtering be considered as a part of basic electronic mail service or as an added value service that costs a bit more ? What about the argument that it is costly for an ISP to block out spam so it should be considered a more deluxe service?

How much more per month would you be willing to pay to not get any more spam?

Do you think it would be possible to screen out spam without also screening out legitimate e-mails that you may not want to miss?

Where do you think most spam originated? Is it from accounts here in Canada or in the US? Or is it mostly offshore?

Should Internet users be advised of the possible consequences of e-mail abuse, such as a denial of service by other providers? In other words if you are discovered to be the source of spam you could be denied any access to the Internet?

Is this practical?

Will people just find an offshore ISP?

Should ISPs work with legitimate marketing companies to do research into finding technological tools to combat spam? What would you like to see them do?

What about things that can be done on the regulatory side? What would you think of having laws in place that there has to be complete public contact information for all marketing companies doing business in Canada and that the public should be able to report fraudulent and other illegal emails, such as spam, etc.

What about national and international legal solutions? Should a new law about spam be enacted in Canada? If so, what kind of activities should be targeted?

Prohibiting ALL commercial solicitation?

“Opting-in” (email address is provided to a company for addition to a mailing list; owner of the address is notified of this action, and asked to confirm that he actually wishes to be subscriber to the said list)? Would this solve the problem at all?

How could the ISP industry and government improve public awareness and education?

What are your final thoughts on what can be done? Can anything be done or is spam something we just have to tolerate?

THANK YOU FOR YOUR PARTICIPATION

APPENDIX 2

THE FOCUS CANADA REPORT 2003-4
OPTION CONSOMMATEURS

78. Do you have access to the Internet or e-mail? PROBE: Would that be at work (including school), at home or both?

	TOTAL	REGION					SUB-REGION						COMMUNITY SIZE				ABORIG.	
		Atl.		Prai			Tor.	Mt.l.	Van.	Man.	Sask	Alb.	Can. Excl. Que.	100K 5K-		Less Than	Yes	
		Prov	Que.	Ont.	ries	B.C.								1 M+	- 1M	100K		5K
UNWEIGHTED SAMPLE	2002	247	500	563	464	228	182	200	105	135	124	205	1502	487	507	499	509	93
WEIGHTED SAMPLE	2002	155	483	763	339	262	344	210	120	75	65	199	1519	674	450	453	425	80
No access	29	38	42	24	28	19	24	36	16	27	34	26	25	26	23	32	39	46
At work/school	6	6	7	6	8	5	4	6	7	11	6	7	6	5	7	7	6	10
At home	29	32	30	29	25	30	27	33	27	22	27	26	28	29	30	28	29	22
Both	34	23	21	40	37	45	43	23	49	36	31	40	38	38	38	33	26	22
Have access elsewhere(i.e Internet cafe, library, etc.)	1	1	*	2	2	1	2	*	1	3	2	1	2	1	2	1	1	-
DK/NA	*	-	*	*	*	-	-	*	-	1	-	-	*	*	*	-	*	-

	TOTAL	EMPLOYMENT					HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
		Full Time	Part Time	Home mkr	Unem ploy	Reti red	Less \$20K	20K- \$40K	40K- \$80K	\$80K More	Less H.S.	Comm H.S.	Some Coll	Univ Univ	Univ Deg.	Eng.	Fre.	Othr
		UNWEIGHTED SAMPLE	2002	852	211	102	120	387	247	545	639	347	226	342	626	233	555	1423
WEIGHTED SAMPLE	2002	829	211	101	118	410	249	516	638	367	221	323	629	238	571	1432	446	100
No access	29	19	25	40	34	59	54	41	20	10	69	43	28	18	12	25	43	27
At work/school	6	11	7	1	5	*	4	6	9	6	1	6	6	6	9	6	7	3
At home	29	21	32	42	42	37	24	35	28	22	23	31	33	26	26	28	29	31
Both	34	49	35	17	12	2	14	17	42	62	6	18	31	49	51	38	21	37
Have access elsewhere(i.e Internet cafe, library, etc.)	1	*	2	-	6	2	5	1	1	-	1	2	1	2	1	2	*	2
DK/NA	*	-	-	-	-	*	*	-	-	-	-	1	-	-	-	*	*	-

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78. Do you have access to the Internet or e-mail? PROBE: Would that be at work (including school), at home or both?

	GENDER			AGE				RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE				
	TOTAL	Male	Fe- male	18- 29	30- 44	45- 59	60+	Cath	Prot	Ath/ Ag.	Eu- rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.
UNWEIGHTED SAMPLE	2002	995	1007	365	624	569	398	796	603	455	139	140	1373	600	845	419	266	151	217
WEIGHTED SAMPLE	2002	961	1041	392	607	509	448	778	593	464	160	175	1353	619	876	404	264	144	204
No access	29	26	32	18	19	26	56	35	32	18	29	25	26	36	28	27	26	31	45
At work/school	6	6	6	8	9	6	2	6	6	6	5	5	5	9	6	6	6	9	7
At home	29	28	30	28	29	27	33	29	29	28	35	29	30	27	27	34	27	33	20
Both	34	39	30	45	42	39	7	30	31	47	28	38	38	26	37	31	39	27	27
Have access elsewhere(i.e Internet cafe, library, etc.)	1	1	2	1	1	1	2	1	2	1	2	2	1	2	1	2	2	-	1
DK/NA	*	*	*	-	*	-	*	*	*	-	1	1	-	1	*	-	-	1	1

Spam: History, Perceptions and Solutions

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79.A I would like to ask you some questions regarding SPAM e-mails that you may receive. By SPAM, I mean unsolicited e-mails that may be sent to you along with thousands of other people. About what percentage of all the e-mails you get would you describe as being SPAM?

Subsample: Respondents who have Internet or e-mail access

	REGION						SUB-REGION						COMMUNITY SIZE				ABORIG.	
	TOTAL	Atl.		Prairies		B.C.	Tor.	Mtl.	Van.	Man.	Sask.	Alb.	Que.	100K-1M	5K-100K	Less Than		Yes
		Prov.	Que.	Ont.	B.C.											100K	5K	
UNWEIGHTED SAMPLE	1397	155	290	430	335	187	139	128	89	98	84	153	1107	356	397	339	305	51
WEIGHTED SAMPLE	1409	96	279	578	245	212	262	133	101	54	43	148	1131	496	346	308	260	43
None	12	11	16	12	11	9	7	16	8	14	17	8	11	10	11	13	15	20
1-10%	29	29	23	32	26	30	38	24	32	24	30	25	30	33	26	27	28	16
11-25%	9	9	10	9	9	9	9	9	7	13	5	9	9	9	10	10	7	5
26-49%	7	9	5	6	8	9	6	5	8	5	7	9	7	6	7	7	7	8
50%	9	11	11	8	9	8	9	10	10	15	8	7	8	9	10	9	7	11
51-74%	8	4	10	8	8	5	9	12	6	3	12	9	7	9	8	6	6	10
75-99%	22	22	19	20	25	27	19	17	28	20	19	29	23	20	23	24	21	27
100%	*	-	1	*	*	-	-	1	-	-	-	1	*	*	-	1	1	3
DK/NA	4	6	5	4	4	2	4	5	2	6	3	4	4	4	4	3	7	1
Average	36.4	35.6	36.5	34.7	39.4	38.0	34.5	35.5	40.2	34.8	34.2	42.6	36.4	36.0	37.7	37.2	34.7	43.3

	EMPLOYMENT						HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
	TOTAL	Full Time	Part Time	Home mkr	Unem	Reti	Less \$20K	20K-40K	40K-80K	80K More	Less H.S.	H.S.	Coll	Some Univ	Univ Deg.	Eng.	Fre.	Othr
		UNWEIGHTED SAMPLE	1397	687	154	60	78	161	111	326	508	310	72	189	448	192	486	1052
WEIGHTED SAMPLE	1409	675	159	61	78	168	115	306	511	329	68	182	451	196	501	1065	252	72
None	12	11	10	10	15	24	15	13	13	9	16	16	13	12	9	12	15	6
1-10%	29	30	27	35	27	29	25	25	30	33	17	24	25	32	34	30	26	29
11-25%	9	8	13	9	6	6	8	9	8	11	8	9	7	7	12	9	9	6
26-49%	7	8	5	6	9	4	2	9	6	8	5	5	8	7	7	7	6	6
50%	9	8	10	6	12	7	9	9	9	8	5	5	9	8	10	8	11	11
51-74%	8	8	10	3	7	5	8	8	7	8	11	6	8	10	7	7	10	6
75-99%	22	23	19	21	21	14	27	20	24	21	19	28	23	23	19	23	17	30
100%	*	1	1	-	-	-	1	*	*	*	-	*	*	1	1	*	1	1
DK/NA	4	3	3	9	4	11	5	7	3	2	18	7	5	1	1	4	6	6
Average	36.4	36.9	37.0	32.4	36.1	26.3	40.5	35.8	36.9	34.8	38.3	39.3	37.8	36.8	34.0	36.2	34.5	44.0

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79.A I would like to ask you some questions regarding SPAM e-mails that you may receive. By SPAM, I mean unsolicited e-mails that may be sent to you along with thousands of other people. About what percentage of all the e-mails you get would you describe as being SPAM?

Subsample: Respondents who have Internet or e-mail access

	TOTAL	GENDER		AGE				RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE				
		Male	Fe- male	18- 29	30- 44	45- 59	60+	Cath	Prot	Ath/ Ag.	Eu- rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.
UNWEIGHTED SAMPLE	1397	724	673	294	495	410	170	512	415	370	99	102	1000	379	603	296	196	103	122
WEIGHTED SAMPLE	1409	707	702	320	489	375	195	505	405	382	112	130	996	393	629	293	194	98	111
None	12	11	13	6	12	13	20	14	13	10	20	5	12	12	12	11	12	13	11
1-10%	29	26	32	22	28	34	33	30	33	24	35	30	32	23	29	33	27	24	26
11-25%	9	12	6	12	9	7	8	9	7	12	8	11	8	11	10	7	13	9	5
26-49%	7	7	7	7	8	7	4	6	8	7	6	7	6	8	7	7	8	6	7
50%	9	9	9	10	8	8	7	8	8	11	5	10	9	8	8	6	8	16	11
51-74%	8	8	8	10	7	8	6	9	5	8	3	8	7	9	9	6	3	8	13
75-99%	22	24	20	30	24	17	15	19	22	26	20	25	20	26	21	23	26	18	17
100%	*	1	*	*	1	1	-	1	*	-	-	1	*	1	*	1	-	1	1
DK/NA	4	4	4	2	4	5	8	5	5	3	4	3	4	3	3	5	4	6	10
Average	36.4	38.4	34.4	44.9	37.7	31.8	27.7	34.2	34.0	40.3	28.9	40.0	34.4	41.0	35.8	35.9	36.3	37.1	38.0

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80.A How much of a problem is getting SPAM e-mail for you personally in your life? Is it a major problem, a minor problem or not a problem at all?

Subsample: Respondents who have Internet or e-mail access and who get some SPAM e-mail

	TOTAL	REGION					SUB-REGION							COMMUNITY SIZE				ABORIG.
		Atl.		Prairies			Tor.	Mtl.	Van.	Man.	Sask.	Alb.	Que.	1 M+	5K-100K	Less Than 5K	Yes	
		Prov	Que.	Ont.	B.C.	Can. Excl.												
UNWEIGHTED SAMPLE	1167	129	229	361	280	168	125	101	80	78	68	134	938	306	338	285	238	40
WEIGHTED SAMPLE	1189	79	221	491	208	191	235	105	91	44	35	130	968	431	297	260	201	34
A major problem	21	18	20	22	23	22	22	22	18	19	18	25	22	21	19	21	25	30
A minor problem	54	54	51	54	53	57	53	54	57	59	55	50	54	54	56	53	49	42
Not a problem at all	25	28	29	25	24	21	25	24	25	22	26	25	24	25	25	26	25	28
DK/NA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	TOTAL	EMPLOYMENT					HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
		Full Time	Part Time	Home maker	Unemp	Retired	Less \$20K	20K-40K	40K-80K	80K+	Less H.S.	Comm H.S.	Some Coll	Univ Deg.	Eng.	Fre.	Othr	
UNWEIGHTED SAMPLE	1167	593	132	48	62	106	87	261	427	277	51	146	362	166	435	890	212	51
WEIGHTED SAMPLE	1189	589	138	49	64	111	92	247	435	295	46	140	371	172	453	910	199	64
A major problem	21	21	17	17	28	21	30	25	20	19	36	23	21	19	20	22	19	16
A minor problem	54	54	56	46	49	54	39	52	54	56	39	52	52	49	58	54	51	58
Not a problem at all	25	26	27	38	23	24	32	23	26	25	25	25	27	31	22	24	30	26
DK/NA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	TOTAL	GENDER		AGE			RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE					
		Male	Female	18-29	30-44	45-60+	Cath	Prot	Ath/Ag.	Eu-rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.	
UNWEIGHTED SAMPLE	1167	612	555	268	419	333	124	418	340	324	72	93	834	319	507	251	166	85	95
WEIGHTED SAMPLE	1189	608	581	295	416	312	143	417	335	336	86	119	836	338	532	248	166	82	90
A major problem	21	21	21	15	24	20	25	20	22	25	19	26	20	25	21	21	20	17	26
A minor problem	54	54	53	58	50	57	46	52	52	52	57	53	55	48	58	48	60	48	46
Not a problem at all	25	24	26	26	26	23	28	28	26	23	24	21	25	27	22	31	20	35	27
DK/NA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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81.A How do you usually deal with SPAM e-mails? Do you...?

Subsample: Respondents who have Internet or e-mail access and who get som SPAM e-mail

	TOTAL	REGION					SUB-REGION							COMMUNITY SIZE				ABORIG.
		Atl.	Que.	Ont.	Prairies	B.C.	Tor.	MtL.	Van.	Man.	Sask	Alb.	Que.	Can. Excl.	1 M+ - 1M	5K- 100K	Less Than 5K	Yes
UNWEIGHTED SAMPLE	1167	129	229	361	280	168	125	101	80	78	68	134	938	306	338	285	238	40
WEIGHTED SAMPLE	1189	79	221	491	208	191	235	105	91	44	35	130	968	431	297	260	201	34
Just ingnored them	87	80	90	89	86	86	88	93	82	85	86	87	87	88	86	89	87	80
Use filtering software to prevent them	55	58	49	52	58	62	44	51	58	51	55	61	56	49	57	59	57	56
Complain about them to your Internet Service Provider	12	14	7	12	16	12	10	9	10	16	15	17	13	9	11	14	15	28
Reply to the SPAM	6	11	5	6	6	3	6	5	5	5	3	7	6	5	7	5	4	14
Other	32	22	13	37	37	39	37	10	36	48	35	34	36	30	34	30	34	28
DK/NA	*	-	-	-	*	-	-	-	-	-	2	-	*	-	-	-	*	-

	TOTAL	EMPLOYMENT					HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
		Full Time	Part Time	Home maker	Unem	Reti	Less \$20K	20K- \$40K	40K- \$80K	\$80K More	Less H.S.	Comm H.S.	Some Coll	Univ	Univ Deg.	Eng.	Fre.	Othr
UNWEIGHTED SAMPLE	1167	593	132	48	62	106	87	261	427	277	51	146	362	166	435	890	212	51
WEIGHTED SAMPLE	1189	589	138	49	64	111	92	247	435	295	46	140	371	172	453	910	199	64
Just ingnored them	87	88	89	82	87	85	84	87	89	87	84	85	88	88	88	87	89	84
Use filtering software to prevent them	55	54	59	52	53	42	47	57	55	57	46	53	54	63	54	56	49	50
Complain about them to your Internet Service Provider	12	14	14	6	2	17	8	10	10	15	13	11	10	9	14	13	7	10
Reply to the SPAM	6	5	4	3	15	5	11	6	4	6	7	9	5	8	4	6	3	10
Other	32	32	29	29	38	25	33	31	29	34	22	29	29	41	33	37	14	24
DK/NA	*	-	-	-	-	1	-	-	*	-	-	-	*	-	-	*	-	-

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81.A How do you usually deal with SPAM e-mails? Do you...?

Subsample: Respondents who have Internet or e-mail access and who get som SPAM e-mail

	TOTAL	GENDER		AGE				RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE				
		Male	Fe- male	18- 29	30- 44	45- 59	60+	Cath	Prot	Ath/ Ag.	Eu- rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.
UNWEIGHTED SAMPLE	1167	612	555	268	419	333	124	418	340	324	72	93	834	319	507	251	166	85	95
WEIGHTED SAMPLE	1189	608	581	295	416	312	143	417	335	336	86	119	836	338	532	248	166	82	90
Just ingnored them	87	90	85	88	86	88	89	85	89	88	90	87	88	87	86	92	88	88	88
Use filtering software to prevent them	55	55	54	61	54	55	43	51	56	60	52	45	54	56	54	56	58	49	61
Complain about them to your Internet Service Provider	12	11	13	6	13	14	17	12	12	12	8	6	13	9	13	10	11	8	17
Reply to the SPAM	6	6	6	9	5	5	2	6	6	6	-	10	5	6	6	4	5	3	13
Other	32	32	31	28	34	36	27	26	38	33	32	34	33	27	28	39	41	16	27
DK/NA	*	*	-	-	-	-	*	-	*	-	1	-	*	-	*	-	-	-	-

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82.A In your opinion, which ONE of the following should be most responsible for protecting you and other people from unsolicited SPAM e-mails? Should it be...?

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	REGION						SUB-REGION						COMMUNITY SIZE				ABORIG.	
	TOTAL	Atl. Prov	Que.	Prai Ont.	ries B.C.		Tor.	MtL.	Van.	Man.	Sask	Alb.	Que.	Can. Excl.	1 M+	5K- 1M	100K 5K	Less Than 5K
UNWEIGHTED SAMPLE	1167	129	229	361	280	168	125	101	80	78	68	134	938	306	338	285	238	40
WEIGHTED SAMPLE	1189	79	221	491	208	191	235	105	91	44	35	130	968	431	297	260	201	34
Internet Service Providers	50	46	48	52	49	50	53	46	48	45	47	51	51	50	48	48	55	47
Marketing companies that send out SPAM	29	31	24	30	33	28	30	27	27	36	34	31	30	29	32	27	28	21
Individual people	10	14	17	6	8	10	5	16	15	8	7	8	8	10	9	11	8	14
Government	9	7	8	11	7	8	10	8	9	6	5	8	9	9	8	11	6	17
Other	2	2	1	1	2	3	1	2	1	2	1	2	2	1	2	2	1	2
DK/NA	1	1	1	*	1	1	1	1	-	1	5	-	1	1	1	1	1	-

	EMPLOYMENT						HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
	TOTAL	Full Time	Part Time	Home makr	Unem plop	Reti red	Less \$20K	20K- \$40K	40K- \$80K	\$80K More	Less H.S.	Comm H.S.	Some Coll	Univ	Univ Deg.	Eng.	Fre.	Othr
UNWEIGHTED SAMPLE	1167	593	132	48	62	106	87	261	427	277	51	146	362	166	435	890	212	51
WEIGHTED SAMPLE	1189	589	138	49	64	111	92	247	435	295	46	140	371	172	453	910	199	64
Internet Service Providers	50	51	47	53	47	57	43	49	49	58	58	45	52	50	50	51	45	60
Marketing companies that send out SPAM	29	28	35	29	32	23	26	29	31	25	31	30	30	29	28	31	24	28
Individual people	10	11	8	9	6	8	11	12	10	8	9	14	9	8	9	7	20	6
Government	9	9	7	3	13	10	14	10	8	9	2	8	8	9	11	9	8	5
Other	2	1	2	2	1	-	3	1	1	1	-	1	1	3	1	1	1	1
DK/NA	1	1	1	3	-	1	2	-	1	-	-	1	1	*	1	1	2	-

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82.A In your opinion, which ONE of the following should be most responsible for protecting you and other people from unsolicited SPAM e-mails? Should it be...?

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	GENDER		AGE				RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE					
	TOTAL	Male	Fe- male	18- 29	30- 44	45- 59	60+	Cath	Prot	Ath/ Ag.	Eu- rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.
UNWEIGHTED SAMPLE	1167	612	555	268	419	333	124	418	340	324	72	93	834	319	507	251	166	85	95
WEIGHTED SAMPLE	1189	608	581	295	416	312	143	417	335	336	86	119	836	338	532	248	166	82	90
Internet Service Providers	50	48	52	48	53	49	51	53	52	46	54	57	53	44	52	51	36	48	56
Marketing companies that send out SPAM	29	29	29	31	30	29	24	25	31	31	30	32	28	30	28	30	36	20	28
Individual people	10	11	8	13	6	10	11	11	7	9	11	5	8	14	8	9	12	20	8
Government	9	10	8	7	9	9	10	8	9	11	4	6	9	10	9	9	13	9	7
Other	2	2	1	1	1	2	1	1	1	2	1	1	1	1	2	1	1	1	-
DK/NA	1	1	1	1	*	*	3	1	*	1	-	-	1	1	1	*	1	1	1

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83.A Are you optimistic or pessimistic that we will ever find a way to control SPAM e-mails? IF RESPONDENT SAY "OPTIMISTIC" OR PESSIMISTIC" ASK: Would that be very or somewhat optimistic/pessimistic?

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	TOTAL	REGION					SUB-REGION							COMMUNITY SIZE				ABORIG.	
		Atl. Prov	Que.	Ont.	Prairies	B.C.	Tor.	Mtl.	Van.	Man.	Sask	Alb.	Que.	Can. Excl.	1 M+ - 1M	100K - 500K	50K - 100K	Less Than 50K	Yes
UNWEIGHTED SAMPLE	1167	129	229	361	280	168	125	101	80	78	68	134	938	306	338	285	238	40	
WEIGHTED SAMPLE	1189	79	221	491	208	191	235	105	91	44	35	130	968	431	297	260	201	34	
Very optimistic	19	26	25	18	17	15	19	27	17	17	25	15	18	20	20	20	14	31	
Somewhat optimistic	29	28	37	29	25	26	28	35	12	25	23	25	27	27	26	34	33	28	
Somewhat pessimistic	26	27	23	27	26	29	27	22	35	31	14	28	27	27	27	22	29	23	
Very pessimistic	24	18	13	25	31	30	23	15	36	26	37	32	27	24	26	24	24	17	
DK/NA	1	1	1	1	*	-	2	2	-	1	-	-	1	2	*	*	-	-	

	TOTAL	EMPLOYMENT					HOUSEHOLD INCOME				EDUCATION					LANG. AT HOME		
		Full Time	Part Time	Home mkr	Unemp	Reti	Less \$20K	20K-40K	40K-80K	\$80K More	Less H.S.	Comm H.S.	Some Coll	Univ	Univ Deg.	Eng.	Fre.	Othr
UNWEIGHTED SAMPLE	1167	593	132	48	62	106	87	261	427	277	51	146	362	166	435	890	212	51
WEIGHTED SAMPLE	1189	589	138	49	64	111	92	247	435	295	46	140	371	172	453	910	199	64
Very optimistic	19	20	16	25	12	22	19	19	20	17	30	17	18	24	19	18	23	20
Somewhat optimistic	29	29	31	23	43	32	31	31	30	27	25	29	34	31	25	28	36	32
Somewhat pessimistic	26	25	33	33	27	22	22	26	25	30	13	25	26	22	30	27	26	23
Very pessimistic	24	27	18	20	15	22	26	23	24	26	31	29	22	23	24	27	15	21
DK/NA	1	1	2	-	3	*	2	2	-	1	-	-	1	-	2	1	*	5

	TOTAL	GENDER		AGE			RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE					
		Male	Fe-male	18-29	30-44	45-59	60+	Cath	Prot	Ath/Ag.	Eu-rope	Othr	Own	Rent	Lib.	Con.	NDP	Que.	Und.
UNWEIGHTED SAMPLE	1167	612	555	268	419	333	124	418	340	324	72	93	834	319	507	251	166	85	95
WEIGHTED SAMPLE	1189	608	581	295	416	312	143	417	335	336	86	119	836	338	532	248	166	82	90
Very optimistic	19	20	18	17	18	22	19	22	21	16	12	31	19	21	19	20	18	22	19
Somewhat optimistic	29	30	28	33	28	27	34	34	27	24	24	27	29	29	30	29	24	33	31
Somewhat pessimistic	26	25	28	26	28	26	23	22	28	28	32	22	27	25	28	23	26	27	28
Very pessimistic	24	23	26	24	25	24	22	21	24	30	32	17	25	24	23	28	30	16	22
DK/NA	1	1	1	1	1	*	1	1	*	2	-	2	1	1	*	-	3	1	1

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OPTION CONSOMMATEURS

84.A In your opinion, what would be the best way of controlling SPAM e-mails? Would it be...? READ

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	TOTAL	REGION					SUB-REGION							COMMUNITY SIZE				ABORIG.	
		Atl.	Que.	Ont.	Prairies	B.C.	Tor.	Mtl.	Van.	Man.	Sask.	Alb.	Que.	Can. Excl.	1 M+	1M-5K	5K-10K	Less Than 5K	Yes
		-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
UNWEIGHTED SAMPLE	1167	129	229	361	280	168	125	101	80	78	68	134	938	306	338	285	238	40	
WEIGHTED SAMPLE	1189	79	221	491	208	191	235	105	91	44	35	130	968	431	297	260	201	34	
Improving filtering technology	36	41	34	35	35	39	35	35	36	30	37	36	36	35	35	38	37	32	
Government legislation against SPAM	24	17	23	25	23	25	25	25	26	20	23	25	24	25	23	24	23	40	
A marketing industry code of conduct	24	25	24	23	24	23	23	20	26	29	24	23	24	23	26	21	26	7	
More international cooperation against SPAM	12	9	14	12	13	8	13	16	5	14	9	14	11	12	11	13	11	19	
Other	3	6	2	3	3	4	4	2	6	5	4	2	3	4	4	3	1	2	
DK/NA	1	2	2	*	1	1	-	2	-	2	2	1	1	*	1	1	2	-	

	TOTAL	EMPLOYMENT					HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
		Full Time	Part Time	Home maker	Unem	Reti	Less \$20K	20K-40K	40K-80K	80K+	Less H.S.	Comm H.S.	Some Coll	Univ	Univ Deg.	Eng.	Fre.	Othr
		-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
UNWEIGHTED SAMPLE	1167	593	132	48	62	106	87	261	427	277	51	146	362	166	435	890	212	51
WEIGHTED SAMPLE	1189	589	138	49	64	111	92	247	435	295	46	140	371	172	453	910	199	64
Improving filtering technology	36	34	32	35	33	45	32	36	35	39	36	41	34	32	38	37	33	40
Government legislation against SPAM	24	27	23	21	20	18	17	24	25	24	19	26	25	21	24	24	22	24
A marketing industry code of conduct	24	24	29	31	22	16	21	22	25	23	25	15	26	28	23	24	26	17
More international cooperation against SPAM	12	12	11	13	20	14	25	12	11	12	17	14	12	15	10	11	14	14
Other	3	3	2	-	3	5	4	4	3	2	3	3	1	4	5	3	2	5
DK/NA	1	1	3	-	3	1	-	1	1	*	-	1	2	-	1	1	3	-

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84.A In your opinion, what would be the best way of controlling SPAM e-mails? Would it be...? READ

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	TOTAL	GENDER		AGE				RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE				
		Male	Fe- male	18- 29	30- 44	45- 59	60+	Cath	Prot	Ath/ Ag.	Eu- rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.
UNWEIGHTED SAMPLE	1167	612	555	268	419	333	124	418	340	324	72	93	834	319	507	251	166	85	95
WEIGHTED SAMPLE	1189	608	581	295	416	312	143	417	335	336	86	119	836	338	532	248	166	82	90
Improving filtering technology	36	35	38	40	34	35	40	37	36	37	42	32	37	35	41	32	37	34	26
Government legislation against SPAM	24	27	21	19	27	24	23	22	25	23	26	29	24	23	21	27	24	19	31
A marketing industry code of conduct	24	20	28	27	25	22	19	24	24	23	20	17	24	24	24	25	21	25	27
More international cooperation against SPAM	12	13	11	11	11	14	13	13	12	10	11	17	11	15	10	12	13	16	10
Other	3	5	1	3	3	3	5	2	2	6	1	4	3	3	3	3	4	2	3
DK/NA	1	1	1	1	*	2	*	1	1	1	-	-	1	1	1	1	1	3	4

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85.A What should governments do to control Internet SPAM? Should they...

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	REGION						SUB-REGION						COMMUNITY SIZE				ABORIG.	
	TOTAL	Atl. Prov	Que.	Ont.	Prai ries	B.C.	Tor.	Mtl.	Van.	Man.	Sask	Alb.	Que. Can. Excl	1 M+	- 1M	100K 5K-	Less Than 5K	Yes
UNWEIGHTED SAMPLE	1167	129	229	361	280	168	125	101	80	78	68	134	938	306	338	285	238	40
WEIGHTED SAMPLE	1189	79	221	491	208	191	235	105	91	44	35	130	968	431	297	260	201	34
Allow SPAM only when the consumer has actively consented to receiving it	42	41	43	42	44	42	41	46	40	50	42	42	42	42	44	41	43	56
Force all unsolicited e-mail to be labelled as SPAM	26	27	27	27	25	25	28	25	27	24	17	27	26	27	26	24	28	9
Have some mechanism where consumers can be on an opt-out "DO NOT SPAM" list	24	24	21	26	23	25	24	21	23	21	27	23	25	23	24	29	22	27
Other	2	1	1	2	3	2	3	1	2	4	4	2	2	2	2	1	3	6
Nothing	3	5	4	2	4	4	3	4	5	2	7	4	3	4	3	3	3	1
DK/NA	2	2	3	1	1	2	1	3	3	-	3	2	1	2	2	2	2	-

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85.A What should governments do to control Internet SPAM? Should they...

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	TOTAL	EMPLOYMENT					HOUSEHOLD INCOME				EDUCATION				LANG. AT HOME			
		Full Time	Part Time	Home mkr	Unem	Reti	Less \$20K	20K- \$40K	40K- \$80K	\$80K More	Less H.S.	Comm H.S.	Some Coll	Univ	Univ Deg.	Eng.	Fre.	Othr
UNWEIGHTED SAMPLE	1167	593	132	48	62	106	87	261	427	277	51	146	362	166	435	890	212	51
WEIGHTED SAMPLE	1189	589	138	49	64	111	92	247	435	295	46	140	371	172	453	910	199	64
Allow SPAM only when the consumer has actively consented to receiving it	42	44	37	41	48	33	42	40	47	38	42	49	45	43	37	42	41	49
Force all unsolicited e-mail to be labelled as SPAM	26	23	34	30	29	34	27	31	24	25	25	25	29	24	26	27	26	24
Have some mechanism where consumers can be on an opt-out "DO NOT SPAM" list	24	25	22	25	20	28	21	25	23	28	29	19	21	27	27	25	22	24
Other	2	1	4	-	1	3	6	2	1	2	-	1	2	3	2	2	2	2
Nothing	3	4	2	2	2	2	4	2	3	4	4	3	2	3	5	3	5	2
DK/NA	2	3	1	2	-	1	-	1	2	1	-	1	1	*	3	1	4	-

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85.A What should governments do to control Internet SPAM? Should they...

Subsample: Respondents who have Internet or e-mail access and who get SPAM e-mail

	TOTAL	GENDER		AGE				RELIGION			IMMIGRANT		TENURE		FEDERAL VOTE				
		Male	Female	18-29	30-44	45-59	60+	Cath	Prot	Ath/Ag.	Eu-rope	Othr	Own	Rent	Lib.	Con.	NDP	Bloc Que.	Und.
UNWEIGHTED SAMPLE	1167	612	555	268	419	333	124	418	340	324	72	93	834	319	507	251	166	85	95
WEIGHTED SAMPLE	1189	608	581	295	416	312	143	417	335	336	86	119	836	338	532	248	166	82	90
Allow SPAM only when the consumer has actively consented to receiving it	42	42	42	47	46	39	28	40	47	42	46	49	42	43	41	44	42	38	42
Force all unsolicited e-mail to be labelled as SPAM	26	26	26	28	25	23	36	26	24	29	30	29	26	27	27	22	28	31	25
Have some mechanism where consumers can be on an opt-out "DO NOT SPAM" list	24	23	25	20	24	28	28	24	24	24	22	20	25	22	26	26	24	22	16
Other	2	3	1	1	1	3	4	3	1	1	1	1	2	2	1	3	3	1	5
Nothing	3	4	3	3	3	4	2	4	3	3	-	2	3	4	3	4	2	4	6
DK/NA	2	2	2	1	1	3	2	3	1	1	1	-	2	1	2	1	1	3	6