

**Study group on examining issues around ICT services from the user perspective
Recommendations pertaining to strategies for dealing with e-mail spam (Overview)**

■ **Background to investigation**
On the occasion of the three-year review as stipulated in the 2008 amendments to the Act on Regulation of Transmission of Specified Electronic Mail (Law No. 26, 2002; hereafter the Specified E-mail Act), the study group is examining necessary measures to combat e-mail spam in the future in light of the implementation of the Specified E-mail Act.

■ **Results of investigation (Overview)**
The investigation covers (1) the necessity of an evaluation and review of the current legal framework; (2) voluntary initiatives by telecommunications carriers and other parties; (3) technical solutions; and (4) promotional and awareness campaigns directed at end users.

– After investigating the current implementation of the Specified E-Mail Act, the study group found that **while there is no need for amendments to the legislation at this point in time, stricter enforcement is required.**

– **The Guidelines on Transmission of Specified Electronic E-mail should be amended to include** reference to basic opt-out procedures.

– **It is recommended that comprehensive initiatives be developed through a flexible and organic framework that brings together** telecommunications operators, advertising companies, consumer groups and other interested parties.

| Item | Summary of recommendations |
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| 1. Stipulations under the Specified E-mail Act | <ul style="list-style-type: none"> ■ At the present point in time there are no areas requiring amendment. Stricter enforcement of the existing system by the Ministry of Internal Affairs and Communications and the Consumer Affairs Agency is required, subject to ongoing monitoring to ensure that the response is appropriate to changing circumstances. ■ The Ministry of Internal Affairs and Communications and the Consumer Affairs Agency should <u>consider revising the Guidelines to ensure that the recipient’s intentions with respect to the “default on” option are clearly indicated as a means of preventing (as far as practicable) recipients from unintentionally providing their consent, and also to furnish examples of basic “opt-out” options.</u> |
| 2. Voluntary initiatives by telecommunications carriers | <ul style="list-style-type: none"> ■ Usage bans and information exchange between telecommunications carriers <ul style="list-style-type: none"> • Measures such as usage bans and termination of contracts have proven highly effective against transmitters of e-mail spam and should be continued. • The exchange of information between mobile telecommunications carriers regarding subscribers who have been subjected to bans or other measures for transmitting e-mail spam or equivalent should be continued. <u>More recently, the exchange of information pertaining to subscribers who have been subjected to SMS bans has started up, and this too should be continued.</u> ■ <u>Measures for smartphone e-mail spam</u> <ul style="list-style-type: none"> • Smartphones using e-mail services provided by mobile phone carriers are able to access virtually the same e-mail spam blocking features available to conventional mobile phones. When smartphones use e-mail services provided by other carriers, it is important that <u>users are informed in an appropriate and clearly worded manner</u> that they are using the e-mail spam blocking features of the particular service. |
| 3. <u>Voluntary initiatives by advertising companies*</u> | <ul style="list-style-type: none"> ■ Advertising companies and e-mail distributors already use a range of initiatives to combat e-mail spam, including internal guidelines, employee training and education, and monitoring of e-mail distribution services during operation. It is hoped that these initiatives will continue. ■ A recent development over the last few years is the generation of e-mail spam via affiliators. <u>Affiliate groups have been introducing initiatives such as screening of affiliators and sharing details of affiliators that have been forcibly expelled, and it is hoped that these initiatives will continue.</u> |
| 4. Technical solutions | <ul style="list-style-type: none"> ■ Promoting further uptake of OP25B <ul style="list-style-type: none"> • In order to further curtail the transmission of e-mail spam originating within Japan, small and medium-sized telecommunications operators who have not yet introduced OP25B should introduce OP25B, taking into consideration the cost-effectiveness perspective. ■ Promoting technology for authenticating originator domains <ul style="list-style-type: none"> • Government bodies at both national and regional level as well as private-sector bodies such as financial institutions and shopping malls can be seriously impacted by misrepresentation of domain names. It is important to promote the use of technology that actively authenticates the originator domain of emails transmitted by such bodies. |

| Item | Summary of recommendations |
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| 5. <u>Providing an appropriate e-mail environment*</u> | <ul style="list-style-type: none"> ■ <u>Avoiding high-volume simultaneous transmissions every hour on the hour</u> <ul style="list-style-type: none"> · Where advertising and promotional e-mails are transmitted in large volumes every hour on the hour, advertising companies <u>are expected to modify transmission methods, for instance, so that e-mails are distributed as uniformly as possible over a period of one hour or several hours.</u> ■ <u>Improved list management</u> <ul style="list-style-type: none"> · Poor management of recipient e-mail address lists can result in large volumes of e-mail errors that increase equipment loads. Accordingly, <u>advertising companies and other generators of e-mail are expected to practise good e-mail address list management,</u> particularly with regard to removal of recipient addresses that are returned as e-mail errors. ■ <u>Improved mail forwarding</u> <ul style="list-style-type: none"> · If e-mail forwarding settings are not updated when a recipient's e-mail address changes, mail will continue to be sent to a non-existent address, generating unnecessary equipment loads. <u>Users of forwarding services must ensure that forwarding settings are updated promptly as recipient e-mail addresses change.</u> ■ <u>Providing an appropriate opt-out implementation environment</u> <ul style="list-style-type: none"> · <u>Telecommunications operators and advertising companies should work together to develop initiatives that enable telecommunications operators to inform trusted advertising companies when a recipient wishes to opt out.</u> |
| 6. Education and awareness programs | <ul style="list-style-type: none"> ■ <u>Education and awareness methodologies</u> <ul style="list-style-type: none"> · Anti-spam organizations conduct education and awareness programs designed to encourage end users to take measures to combat e-mail spam, in formats such as pamphlets and information on websites, and these should be continued in future. At the same time, <u>there has been little analysis of why some users do not implement measures to combat e-mail spam, so the Ministry of Internal Affairs and Communications should conduct in-depth research and analysis in this area and use the findings to develop more appropriate education and awareness programs.</u> ■ <u>Education and awareness content</u> <ul style="list-style-type: none"> · <u>Education and awareness programs conducted by anti-spam organizations should more actively address the following areas: ① how to avoid receiving e-mail spam (e.g., do not give out your e-mail address publicly, check carefully before providing consent), ② what to do when e-mail spam arrives (e.g., do not open suspicious-looking e-mails, do not click on links) and ③ how to stop advertising mail previously agreed to (e.g., opting out of e-mail notifications when no longer required).</u> |
| 7. Coordinated international efforts | <ul style="list-style-type: none"> ■ <u>Presenting successful strategies from Japan</u> <ul style="list-style-type: none"> · Japan has been successful in curtailing the amount of e-mail spam originating from within its borders. For this reason, Japan should inform other countries of successful domestic strategies for the benefit of anti-spam related parties, and also promote the use of such strategies. In particular, <u>Japan should prepare and promote English-language materials describing the implementation of the highly successful solution OP25B.</u> ■ <u>Bilateral and multilateral initiatives</u> <ul style="list-style-type: none"> · The Ministry of Internal Affairs and Communications should call for prioritized enforcement to combat e-mail spam that crosses national borders, in line with multilateral frameworks such as the London Action Plan. Furthermore, <u>information exchange as per Article 30 of the Specified E-mail Act should be actively pursued with authorities in other countries as a means of promoting measures to prevent e-mail spam originating from other countries.</u> |
| 8. Comprehensive approach to addressing e-mail spam | <p>A flexible and organically coordinated approach combining the following areas is required: ① effective enforcement of legislation by governments; ② voluntary initiatives by telecommunications operators; ③ voluntary initiatives by advertising companies; ④ technical solutions; ⑤ providing an appropriate e-mail environment; ⑤ education and awareness programs directed at end users; and ⑥ international coordination.</p> |

Note: Asterisk (*) indicates new items not covered in the final report of the Study Group on Addressing E-mail Spam (August 2008) .