

Explanatory Note to the MoU

In discussions in Beijing between senior representatives of the IIA and ISC, coinciding with the ISC's Anti Spam Summit 2004, it became apparent that more could be done to facilitate assistance between the associations and their respective memberships in relation to spam management and prevention.

Internet users in both China and Australia are suffering from spam. Therefore it is very important for the two countries to strengthen co-operative efforts to promote the service quality of email and to fight spam.

In particular, concerns have been expressed about the inappropriate blacklisting of ISPs and the attendant effects on internet users' ability to send and receive emails. Increasingly, blacklisting is becoming problematic as spammers, using spoofing techniques and/or remote access trojans, result in entire IP address ranges and/or domains being blocked, to the detriment of the free and open flow of internet communications.

It is within the charter of each organization to facilitate constructive relationships with like minded organizations for the benefit of the growth and development of the internet as an open communications system.

This MoU therefore seeks to establish a cooperative agreement between the ISC and IIA to facilitate the removal of ISPs and ESPs from incorrect or out-of-date blacklisting. Since both organisations represent members potentially involved in this issue and are in a position to facilitate communications between respective ISPs and ESPs for the purposes of reinstating network communication flows, the intent of this MoU is to use those relationships to avoid or ameliorate the effects of blacklisting. This MoU is consistent with an MoU between ISC and Yahoo!, eBay, Microsoft and AOL signed in Beijing on 2 September directed towards the same objective.

In addition, this MoU contemplates the sharing of information, research, experience and ideas to facilitate:

- improved training of network administrators in the management of spam
- the development and implementation of end user empowerment strategies, industry codes of practice and workable legislation; and
- research and development into advanced anti-spam technologies and responses.

It is expected that each association will assist the other in a better understanding of the challenges presented by the phenomenon of spam as it evolves, and the means by which it can be effectively addressed.

MEMORANDUM OF UNDERSTANDING

Co-operation on Anti-Spam Efforts between Internet Society of China and Internet Industry Association (Australia)

WHEREAS

The Parties:

- i) who are respectively the national industry associations for the internet in China and in Australia; and
- ii) whose members include ISPs and Email Service Providers (ESPs) servicing the majority of their respective internet using populations, and
- iii) who are each committed to the eradication of spam specifically, and the building of prosperity and trust on the internet generally,

HEREBY AGREE AS FOLLOWS:

1. To assist members in facilitating the smooth flow of non spam email communications between ISP and ESP networks in China and Australia
2. To exchange information to assist in the better management of spam on networks in China and Australia
3. To assist with the development of workable self regulation and, where necessary, advice on legislation to deter spamming in their regions
4. To share information and advice to assist the empowerment of end users in avoiding spam
5. To share statistical information regarding changes in the nature and incidence of spam in their respective regions
6. To co-operate in research and development of technologies aimed at preventing spam; and
7. Subject to the approval of their respective Boards, to co-operate in any other way in the pursuit of the objectives of this Agreement

PROVIDED THAT

- i. This Agreement does not give rise to binding legal obligations, but will be implemented in the spirit of shared commitment to protect and aid in the development of the internet for the benefit of internet users in China and Australia; and
- ii. Any changes to this Agreement shall be agreed by the Parties in writing.

Signed for and on behalf of
the Internet Society of China

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Date

Signed for and on behalf of
the Internet Industry Association

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Date