

GravityFree CAN-SPAM Compliance Requirements

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The CAN-SPAM Act of 2003 (Controlling the Assault of Non-Solicited Pornography and Marketing Act) establishes requirements for those who send commercial e-mail, spells out penalties for spammers and companies whose products are advertised in spam if they violate the law, and gives consumers the right to ask e-mailers to stop spamming them.

The law, which became effective January 1, 2004, covers e-mail whose primary purpose is advertising or promoting a commercial product or service, including content on a web site. A “transactional or relationship message” — e-mail that facilitates an agreed-upon transaction or updates a customer in an existing business relationship — may not contain false or misleading routing information, but otherwise is exempt from most provisions of the CAN-SPAM Act.

GravityFree requires, as part of its **Universal E-Mail Policy**, that all e-mail that falls under the scope of the CAN-SPAM Act must comply with the rules as set forth by the CAN-SPAM Act. We advise all e-mail users to become familiar with the CAN-SPAM Act and its requirements. We have provided a basic list of the requirements below. The list below may not be complete or may be superseded by updates to the law and is for informational purposes only. This is not intended as legal advice.

Here’s a rundown of the law’s main provisions:

1. **It bans false or misleading header information.** Your e-mail’s “From,” “To,” and routing information – including the originating domain name and e-mail address – must be accurate and identify the person who initiated the e-mail.
2. **It prohibits deceptive subject lines.** The subject line cannot mislead the recipient about the contents or subject matter of the message.
3. **It requires that your e-mail give recipients an opt-out method.** You must provide a return e-mail address or another Internet-based response mechanism (such as an unsubscribe link) that allows a recipient to ask you not to send future e-mail messages to that e-mail address, and you must honor the requests. You may create a “menu” of choices to allow a recipient to opt out of certain types of messages, but you must include the option to end any commercial messages from the sender.

Any opt-out mechanism you offer must be able to process opt-out requests for at least 30 days after you send your commercial e-mail. When you receive an opt-out request, the law gives you 10 business days to stop sending e-mail to the requestor’s e-mail address. You cannot help another entity send e-mail to that address, or have another entity send e-mail on your behalf to that address.

Finally, it’s illegal for you to sell or transfer the e-mail addresses of people who choose not to receive your e-mail, even in the form of a mailing list, unless you transfer the

addresses so another entity can comply with the law.

It requires that commercial e-mail be identified as an advertisement and include the sender's valid physical postal address. Your message must contain clear and conspicuous notice that the message is an advertisement or solicitation and that the recipient can opt out of receiving more commercial e-mail from you. It also must include your valid physical postal address.

More information on the CAN-SPAM Act of 2003 can be obtained through the Federal Trade Commission's web site at the address below:

<http://www.ftc.gov/bcp/online/edcams/spam/business.htm>