

New email marketing body champions opt-in regime for spam

Louis Jonker

in: *World eBusiness Law Report*, 14 April 2003

The Email Marketing Association of the Netherlands (EMMA-nl) has been launched, already publishing its draft code of conduct. The new association joins a whole host of other Dutch self-regulatory bodies dealing with unsolicited commercial email, but is the first to favor an opt-in regime for spam.

EMMA-nl's draft code of conduct is based primarily on existing self-regulatory initiatives, as well as the Personal Data Protection Act and the EU E-commerce Directive. However, unlike these existing rules and regulations, it would establish an opt-in regime for spam in anticipation of new regulations planned under the E-communications Directive.

The draft code also contains unique regulations with respect to 'viral marketing', which is when spam is sent to e-mail addresses obtained through an intermediary. According to the code, EMMA-nl members would only be allowed to send one e-mail to each such address, with the following obligatory information to be included:

- the intermediary's email address;
 - an invitation to subscribe to a specific marketing list; and
 - a clear statement that the email address and any related data will be deleted unless a subscription is received.
-

Oosterbaan & Van Eeghen

Koningslaan 35, 1075 AB Amsterdam, The Netherlands

tel: +31.20.671.6756 / fax: +31.20.671.8669 / e-mail: info@itlawyers.nl / url: www.itlawyers.nl