



---

**Legal Advisory  
on  
Sending and Receiving Unsolicited Email**

**Posting Date: October 3, 2006**

I. Summary of Federal CAN-SPAM Law

Federal law regulates the manner in which businesses and other organizations send unsolicited email. Any spam email—email which has a primary purpose of advertising or promoting a commercial product or service—requires certain notices to comply with federal law. This does not include email sent or received in response to an agreed-upon transaction. If your office **sends or receives unsolicited commercial email on your computer or wireless device**, the law may affect you.

II. Receiving Spam

University staff have a variety of options for preventing and reporting spam.

*Prevention*

- Prevent spammers from “harvesting” your email address from your personal or department webpage by spelling it out rather than providing a link. For example, instead of “[colonial@gwu.edu](mailto:colonial@gwu.edu),” write out “colonial at gwu dot edu.” Spam harvesters regularly scan thousands of webpages for the “@” symbol.
- Activate GW’s spam filter, available at <http://helpdesk.gwu.edu/mailfilter/antispam.html>.
- Put your wireless telephone number on the national Do-Not-Call Registry at <http://www.donotcall.gov>.
- Be careful when you choose to opt out of receiving messages from a particular sender. Some spammers view your opt-out request as evidence of a valid email address, thereby producing more spam.

*Reporting*

- Forward a copy of the email to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov).
- If an unsolicited email is received on a wireless device without authorization, a complaint can be filed at <http://www.fcc.gov/cgb/complaints.html>.

- If you have your Colonial Mail spam filter activated and receive an email in your **inbox** that should have been marked as spam, or if you receive an email in your spam folder that should **not** have been marked as spam, report it to ISS at <http://helpdesk.gwu.edu/spam/>.

**IMPORTANT NOTE:** When forwarding any unsolicited email to the FTC, the FCC, or ISS, you must include **full** headers. Colonial Mail defaults to hide message headers and shows only sender, recipient, date, and subject. Instructions on viewing full headers can be found at <http://helpdesk.gwu.edu/spam/>.

### III. Sending Unsolicited Commercial Email

In the event that your department sends unsolicited commercial email, you must comply with the following guidelines:

- 1) You may not send unsolicited commercial email to any wireless device without **express prior authorization**.
- 2) Any unsolicited emails sent for a commercial purpose, not in the course of an established business relationship, must be **clearly and conspicuously** identified as an advertisement.
- 3) You must include a valid physical postal address.
- 4) The message must also contain an opt-out notice with a return email address or other internet-based response mechanism that is valid for at least 30 days after the message is sent.
- 5) While you may provide the choice to opt out of only certain types of messages, you must also include an option to opt out of all future email correspondence.
- 6) You must comply with an opt-out request within 10 days of receipt.

### IV. Penalties for Violating the Law

The penalty for an infraction under this law is up to \$11,000 per violation. Additional fines may be imposed to senders who act fraudulently or perpetrate other related computer and internet crimes.

### V. Conclusion

Various state laws may also deal with unsolicited email, so if you are planning any large distributions with recipients outside of DC, we encourage you to check with our office on local law first.

If you have any questions regarding this memo, please contact Susan Kaplan, Senior Counsel for Labor Relations and Compliance, at [sbk@gwu.edu](mailto:sbk@gwu.edu) or 202-994-6503. For additional information, see the FTC Fact Sheets on spam at <http://www.ftc.gov/bcp/online/edcams/spam/index.html>, or visit GW's ISS spam information website at <http://helpdesk.gwu.edu/mailfilter/spam.html>.