

NewsFactor Enterprise I.T. Sites: Top Tech News | CIO | Wireless | Security | Data Storage | Windows | Linux/Open Source | BPM | Contact Center | CRM

ATTENTION **APACHE** ADMINS: **TIRED OF THE MAD DASH TO PATCH BEFORE GETTING HACKED?** **GET FREE INFORMATION ON THE PORTOLA™ AUTOMATED PATCH SERVICE FOR APACHE.** **Portola™** **CLICK FOR MORE DETAILS**

HOME NEWSLETTERS SIGN-IN



FIND:  Search

March 11, 2004 Updated Daily

### NewsFactor Enterprise I.T. Top Tech News

Microsoft Windows Server System - [Click Here](#)

- NewsFactor ▾
- Home/Top News
- Enterprise
- Databases
- Hardware
- Network Security
- Data Storage
- Wireless
- Mac
- Tech Jobs
- Innovation

## Tech Giants Take Spammers to Court



By Lisa Valentine  
CIO Today  
March 10, 2004 6:53PM

**"Today's action is just the beginning. We will continue to collaborate with other industry leaders in the fight against spam," says EarthLink vice president, chief privacy officer and assistant general counsel Les**

**Seagraves.**

[COMPLETE STORY](#)

#### Free Newsletters

- Top Tech News
- CRM Alert
- Wireless Industry Alert
- Top CIO News
- Enterprise Security Report
- Data Storage Report
- BPM Industry Alert
- Contact Center Industry Alert

[advertisement]

Now it's easier for companies to have and support mobile employees. With Outlook synchronized in real time, any work done on a handheld is replicated onto the desktop. And since it's a familiar interface, IT doesn't have to retrain everyone. [Good Technology](#). Good for business. Great for you.

[AOL](#), [Microsoft](#), EarthLink and [Yahoo](#) have joined in filing six lawsuits under the CAN-SPAM federal antispam law. Naming hundreds of defendants, the companies filed the legal complaints in California, Georgia, Virginia and Washington State.

The e-mail and Internet service providers formed an antispam alliance in April, 2003, with the objective of fighting spam and furthering technical Internet standards development -- especially concerning certification and authentication of e-mail.

The CAN-SPAM Act (Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003) signed into law by President Bush and effective January 1, 2004, has come under criticism from [privacy](#)

advertisement

Proof of Concept services from HP. **hp**  
invent

Get a 90-day trial of HP Client Management software.

» Try it now

HP Compaq d530 series

» Roll over for details

advocates and industry experts as failing to address the problem of spam at its source.

### Can Can Spam

Not so, says Microsoft senior attorney Tim Cranton. "CAN-SPAM is a critical new weapon in the arsenal to contain spam," he told NewsFactor.

"It provides a unified national standard for filing lawsuits against spammers, contains strong enforcement provisions for ISPs and state attorneys general, and criminalizes specific, deceptive techniques used to disguise the content and origin of e-mail," Cranton said. "The new federal law allows for strong civil remedies, including statutory damages for false and misleading transmission, up to (US)\$100 per violation, with no cap."

Allegations in the lawsuits include the sending of bulk e-mail messages to consumers with deceptive solicitations for everything from pornography to mortgage loans; using open proxies -- that is, third-party computers -- to disguise the spam-sender; using false "from" e-mail addresses, or spoofing; and not including an electronic unsubscribe option.

Going after "one spam kingpin at a time, if necessary," AOL, Microsoft, EarthLink and Yahoo hope to "preserve the integrity of the Internet and restore the value of e-mail that spammers have threatened to undermine."

### Microsoft Digs In

This may be just the first of many CAN-SPAM lawsuits.

"Microsoft will continue its antispam efforts until the problem is solved for its customers -- filing lawsuits against the world's top spammers, advocating for effective legislation, enhancing spam filters and other antispam technological innovations, and collaborating with industry and government partners," said Cranton.

Defendants named in the law suits include Davis Wolfgang Hawke, aka Dave Bridger, and Braden Bournival, who allegedly sent millions of spam e-mail messages to AOL members directing them to Web sites selling weight-loss supplements, "personal lie detectors," "the Banned CD" and other products.

In another suit, Microsoft alleges that John Does 1-50, aka Super Viagra Group, sent hundreds of millions of illegal e-mail messages to Hotmail subscribers advertising either "Super Viagra" or a weight-loss patch.

### EarthLink Vows To Fight On

EarthLink also can be expected to take additional legal action against spammers. "Today's action is just the beginning. We will continue to collaborate with other industry leaders in the fight against spam," says Les Seagraves, vice president, chief privacy officer and assistant general counsel, EarthLink.

advertisement

ATTENTION APACHE ADMINS:

TIRED OF THE MAD DASH TO PATCH BEFORE GETTING HACKED?

GET FREE INFORMATION ON THE PORTOLA™ AUTOMATED PATCH SERVICE FOR APACHE.

Portola™

MORE DETAILS

advertisement

ATTENTION APACHE ADMINS:


TIRED OF THE MAD DASH TO PATCH BEFORE GETTING HACKED?

GET FREE INFORMATION ON THE PORTOLA™ AUTOMATED PATCH SERVICE FOR APACHE.

Portola™

CLICK FOR MORE DETAILS

What do the plaintiffs hope to achieve with these lawsuits? "Today's actions are civil lawsuits," Seagraves told NewsFactor. "EarthLink is seeking to subpoena the identities of the defendants and obtain injunctive relief, which will prevent them from sending spam to anyone on the Internet, not just EarthLink users."

While this is the first major lawsuit filed under the auspices of CAN-SPAM, Hypertouch sued BobVila.com earlier this year, alleging that the owners of the site sent Hypertouch and its customers "unwanted and unsolicited" electronic mail advertisements for Bob Vila's Home Again Newsletter. 













#### Related Stories

-  [New Antispam Law Sparks Controversy](#)  
(16-Dec-03)
-  [U.S. House Passes Controversial Antispam Bill](#)  
(24-Nov-03)
-  [Anti-Spam Sites Hacked by Spammers](#)  
(26-Sep-03)
-  [California Passes Nation's Toughest Anti-Spam Law](#)  
(24-Sep-03)
-  [Court Ruling Could Help Fight Spam](#)  
(24-Mar-03)

#### Latest News & Special Reports

-  [FileMaker Pro Gets Overhaul](#)
-  [Survey: CIOs Still Reluctant To Spend](#)
-  [Microsoft Patches Non-Critical Flaws](#)
-  [Cisco Boosts Security Portfolio](#)
-  [AT&T CIO: Uncompromising Customer Care](#)
-  [Microsoft Moves Yukon Farther Away](#)
-  [Tech Giants Take Spammers to Court](#)

#### Sponsored Links

-  [Siebel-Microsoft: Achieve an integrated, customer-centric enterprise.](#)
-  [Sharpen your marketing vision with DoubleClick Ensemble™.](#)
-  [HP has interesting information on upgrading your PC.](#)
-  [Siebel White Paper - Maximizing the Adoption of Salesforce Automation.](#)
-  [With GoodLink on your handheld, anywhere can be your office.](#)
-  [See who's saving time with Microsoft Windows Server System.](#)
-  [Covad S-DSL. Great service level guarantees. Up to \\$500 rebate](#)
-  [Get FREE Microsoft® Security Management Tools.](#)
-  [Free NetSuite White Paper: Mid-Sized Firm Integration for CRM.](#)
-  [Siebel CRM OnDemand. \\$70 per person per month. View our CRM demo.](#)
-  [Register now for FREE Microsoft® Security Training.](#)
-  [NewsFactor's CIO Today Magazine: FREE of charge - subscribe now.](#)

[RSS / XML](#)

FIND:

## Navigation

### NewsFactor Enterprise I.T. Top Tech News

[Home/Top News](#) | [Enterprise](#) | [Databases](#) | [Hardware](#) | [Network Security](#) | [Data Storage](#) | [Wireless](#) | [Mac](#) | [Tech Jobs](#)  
[Innovation](#) |

### NewsFactor Network Enterprise I.T. Sites

[NewsFactor Top Tech News](#) | [Data Storage Today](#) | [Wireless NewsFactor](#) | [CIO Today](#)  
[Enterprise Linux I.T.](#) | [Enterprise Windows I.T.](#) | [Enterprise Security Today](#) | [TechExtreme](#)

### NewsFactor Network Business Process Management Sites

[BPM Today](#) | [CRM Daily](#) | [Contact Center Today](#)

### NewsFactor Services

[FreeNewsFeed](#) | [Free Newsletters](#)

[About NewsFactor Network](#) | [How To Contact Us](#) | [Article Reprints](#) | [Editorial Corrections](#) | [Careers @ NewsFactor](#) | [How To Advertise](#)

© Copyright 2000-2004 NewsFactor Network. All rights reserved.