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First CAN-SPAM Lawsuit Filed in California

Posted by [timothy](#) on Saturday March 06, @02:40PM

from the [this-old-big-house dept.](#)

[rocketjam](#) writes "*Foster City, California-based ISP Hypertouch, Inc. has filed the first lawsuit alleging violations of the new Federal CAN-SPAM Act of 2003. The lawsuit was filed against BobVila.com and the spammer they hired, Bluestream Media, for sending Hypertouch customers unwanted, unsolicited email advertisements for Vila's "Home Again Newsletter." The suit alleges the defendants sent spam email ads with fraudulent headers and no physical address. It also alleges the emails were sent to randomly generated and harvested addresses as well as addresses that had replied to opt-out links in other spams. Hypertouch's attorney, John L. Fallat, said the CAN-SPAM Act offers little protection to the public, but they would use the few protections it offers to punish spammers.*" Reader Clemence links to [Wired's coverage of the suit.](#)



Joe Wagner (547696)

Joe Wagner
joew-slashdot@hypertouch.com
 (email not shown publicly)
<http://www.hypertouch.com/>
 Karma: Excellent

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Fraud (Score:5, Insightful)

by [ScooterBill \(599835\)](#) * on Saturday March 06, @02:43PM (#8487511)

IANAL so I'll ask this question.

Faking an email header, return address, etc. is supposedly illegal under CAN-SPAM. If this is

fraud, then wasn't this illegal before CAN-SPAM?

M

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Re:Fraud (Score:5, Insightful)

by [Tango42 \(662363\)](#) on Saturday March 06, @03:17PM (#8487714)

To you and me (and the rest of /.), that might make sense, because we are used to thinking of the internet as just another part of life. For some (most) people, that isn't yet the case. They seem to think that something happening online is inherently different from the same thing happening IRL. That will probably change over the next decade, but until then laws will have to be tested twice, once for real life, and then again for the net.

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- o [Re:Fraud](#) by Xiamin (Score:2) Saturday March 06, @11:21PM

- [Re:Fraud](#) by OrangeTide (Score:2) Sunday March 07, @09:24AM

Yes.... (Score:4, Informative)

by [www.sorehands.com \(142825\)](#) on Saturday March 06, @03:24PM (#8487750)
(<http://www.barbieslapp.com/>)

In many states, there were laws that made using false headers a violation of that state's laws. In addition many states have advertising laws which require the advertiser to be identified.

[Make money from home on your computer -- sue a spammer.](#) [barbieslapp.com]

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- [Re:Fraud](#) by Anonymous Coward (Score:1) Saturday March 06, @03:13PM
- [Re:Fraud](#) by Anonymous Coward Saturday March 06, @03:22PM

Re:Fraud (Score:5, Insightful)

by [IANAAC \(692242\)](#) on Saturday March 06, @04:00PM (#8487962)

No it wasn't. To wit, if I ask a girl for her phone number, and she gives me a fake one, is that fraud under some law? No. However, pretend next year a law is passed that says girls giving out fake phone numbers at bars is now illegal because it is fraudulent. The point is, everything dishonest isn't fraud.

If you're trying to sell me something with false information, it's fraud. If all your doing is trying to get someone drunk and naked, well...

Your example is just garden-variety dishonesty (unless, of course, one of you expects a bill or two left on the nightstand).

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- [Re:Fraud](#) by iminplaya (Score:2) Saturday March 06, @04:33PM
 - [Funny?](#) by Anonymous Coward Saturday March 06, @08:16PM
 - o [Re:Fraud](#) by www.sorehands.com (Score:2) Saturday March 06, @03:28PM
 - [Re:Fraud](#) by Horny Smurf Saturday March 06, @03:40PM
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 - [Re:Fraud](#) by www.sorehands.com (Score:1) Saturday March 06, @10:14PM
 - o [Re:Fraud](#) by pyrrhonist (Score:2) Saturday March 06, @04:31PM
 - [why bother?](#) by themusicgod1 (Score:1) Saturday March 06, @06:01PM
 - [Re:why bother?](#) by pyrrhonist (Score:1) Saturday March 06, @06:57PM
 - o [Re:Fraud](#) by fermion (Score:1) Saturday March 06, @05:10PM

■ [Re:Fraud](#) by Maserati (Score:1) Saturday March 06, @08:26PM

Hmm (Score:5, Insightful)

by Anonymous Coward on Saturday March 06, @02:44PM ([#8487516](#))

At first I was kind of worried that the first target gone after was someone "respectable"-- bob vila-- and not like the people selling penis pumps or something.

But then I thought about it. How much of the problem is caused by ignorant businesses who just happen to hire the wrong marketing firm, and just say "we want you to increase our exposure on the internet" and don't realize this means millions of spam mails sent illegally through hijacked SMTP?

Perhaps to some degree education is the answer. If other legitimate businesses see bob vila getting smacked for spam mail, maybe they'll panic and make absolutely certain the people they're hiring aren't sending fraudulently-sent spam.

[[Reply to This](#)]

Re:Hmm (Score:5, Informative)

by [Joe Wagner \(547696\)](#) on Saturday March 06, @02:55PM ([#8487581](#))

(<http://www.hypertouch.com/>)

Well, we were in contact with them for a bit before we filled the suit. Even after we told them a number of their spam were sent to addresses that were submitted to the opt-out links of other spam, they still refused to promise to never use BlueStream Media again. Shortly before we filed the suit, one of our users recieved another BobVila UCE, this time from a spammer in Florida.

One of the most compelling aspects in deciding to file this case was that among the various emails messages in their spam run they managed violate nearly every ISP-actionable part of CAN-SPAM. Specifically various email of the spam run had one or more of the following violations:

- 1) No street address
- 2) False headers, including
 - a) SMTP HELO's with names whose IP addresses don't match the originating IP
 - b) Domain names used in the headers that were registered with false names...
- 3) Addresses that had been submitted to the opt-out mechanisms of other spam
- 4) Random and harvested addresses, include domain registration contact addresses.

[[Reply to This](#) | [Parent](#)]

Re:Hmm (Score:5, Funny)

by [pongo000 \(97357\)](#) on Saturday March 06, @03:09PM ([#8487669](#))

SMTP HELO's with names whose IP addresses don't match the originating IP

And all this time I thought HELO DUDE was a perfectly legit way of identifying oneself to an SMTP server...

Who died and made ICANN boss? Support [OpenNIC](#) [unrated.net].

[[Reply to This](#) | [Parent](#)]

Re:Hmm (Score:5, Funny)

by [toast0 \(63707\)](#) <slashdotinducedspam@enslaves.us> on Saturday March

06, @03:58PM (#8487945)
[\(http://www.goingincircles.net/\)](http://www.goingincircles.net/)

I personally prefer HELO there. You never know, you could be talking to a non-dude SMTP server... wouldn't want to get them mad at you when you haven't even sent any data yet. :)

Are you [Going in Circles](#) [goingincircles.net]?, Anime Like Burning.

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■ **1 reply** beneath your current threshold.

Re:Hmm (Score:5, Insightful)

by [ticklemeozmo \(595926\)](#) <justin,j,novack&acm.org> on Saturday March 06, @03:54PM (#8487916)

[\(http://www.slightlyinsane.com/\)](http://www.slightlyinsane.com/)

a) SMTP HELO's with names whose IP addresses don't match the originating IP

That's interesting.. when you send a mail from a windows machine, it uses its NetBIOS name as it's HELO.

Surely, that's name doesn't match the original IP address when you try to resolve it from the recipients computer.

Is it me, or is this one of those overly broad clauses they only apply when they need to?

Please note the time of posts when moderating one "Redundant". Chances are, the one deeply threaded is the later one.

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HELO behavior and greylisting (Score:4, Interesting)

by [Frater 219 \(1455\)](#) on Saturday March 06, @07:36PM (#8488975)

(Last Journal: [Monday February 23, @07:35AM](#))

a) SMTP HELO's with names whose IP addresses don't match the originating IP

That's interesting.. when you send a mail from a windows machine, it uses its NetBIOS name as it's HELO.

... Well, my mail server does not need to be receiving mail from remote Windows client systems. Windows mail servers, yes, but presumably *those* can follow the protocol and HELO with their real name, not their Microsoft made-up toy name.

Indeed, I might be willing to discriminatorily [greylist](#) [puremagic.com] all mail from any remote Windows system. (*Greylisting*: Sending a 4xx temporary failure the *first* time a host tries to send mail to a particular recipient. This causes a normal MTA to retry in a few minutes, but fire-and-forget spamware and worms generally abort.)

How to apply this to Windows only? OpenBSD's passive OS fingerprinting would be a start. It allows one to selectively redirect traffic based on the detected OS, and thus to offer different quality of service based on the quality of the client system. Since there is a much greater likelihood that a given Windows host's

connection to my MTA is delivering spam and worms than that a given Solaris or Red Hat host is delivering spam and worms, there is a good reason to deteriorate service (as by greylisting) for Windows hosts -- as long as it can be done in a way which retains (eventual) delivery of real mail.

If Unix mail server admins all chose to greylist remote Windows hosts -- including Windows MTAs as well as client hosts -- then Windows servers would eat the cost of keeping messages in queue during the greylisting period. This would, effectively, be the *cost of proving you're a real Windows MTA, not a worm or spamware*. This lays part of the burden of the Windows system's susceptibility to malware back upon those responsible for it (deployers of Windows) whereas currently they are able to offload it upon the rest of us in the form of junk mail from worms.

(Incidentally, yes, the majority of mail exchangers run some form of Unix. Less than half, however, run Sendmail.)

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- [HELO HOMECOMPUTER](#) by csk_1975 (Score:2) Saturday March 06, @09:13PM
- [Re:Hmm](#) by pod (Score:2) Sunday March 07, @12:32AM
- [Re:Hmm](#) by Zeinfeld (Score:1) Saturday March 06, @05:48PM
 - [Re:Hmm](#) by Anonymous Coward Sunday March 07, @12:35AM
- [Re:Hmm](#) by Anonymous Coward Saturday March 06, @03:11PM
 - [Re:Hmm](#) by Anonymous Coward Saturday March 06, @03:33PM
 - [Re:Hmm](#) by Anonymous Coward Saturday March 06, @03:59PM

Re:Hmm (Score:4, Interesting)

by [Masem \(1171\)](#) on Saturday March 06, @02:59PM ([#8487611](#))
(<http://pinky.wtower.com/mneylon>)

I've gotten spam from the BlueStream Media group, that appears more legit than other spam (that is, they don't hide the fact they're advertizing something and yet the ad is readable, not mangled text, and so forth; eg it's nearly good enough to get past a number of spam filters because it looks like a legitamite written email), and representing other clients outside of BobVila. I personally think that's the way the fight has to go, is to make sure that the company that is being advertized in the spam, and not just the spam provider, is targetted in the suits, as once these companies realize that even if they don't send spam directly, usign spam to advertize is a bad idea.

Unfortunately, more than half of the spam I'm getting lately is now from the fake viagra ones, that, while using viagra, have nothing to do with pfiser, and the actual company isn't mentioned at all, so all you can do is go after the spammer, and not their source of funding.

"Pinky, you've left the lens cap of your mind on again." - P&TB

"I can see my house from here!" - ST:E

[[Reply to This](#) | [Parent](#)]

Re:Hmm (Score:4, Insightful)

by [rixstep \(611236\)](#) on Saturday March 06, @03:40PM ([#8487826](#))
(<http://rixstep.com/>)

I don't know good ol' Bob Vila. For all I know, he's just another Nathan Arizona. But it's his business; he's ultimately responsible, as are Blue Stream. I say 'good' if it helps reduce spam.

Bob Vila might not have known, true, but that's highly unlikely. Blue Stream are in it up to their skinny necks. In either case, they're all responsible under the law, and be glad for that. Otherwise the classic defence will be 'we didn't know, and the employee who did that terrible thing for us is long gone, and we don't have a forwarding address'.

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Re:Hmm (Score:4, Funny)

by [iminplaya \(723125\)](#) on Saturday March 06, @04:37PM (#8488180)

If they ever find him guilty of anything, they can make him do community service, like, for instance, he can build "This old Half-way House" for Martha Stewart.

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- [Re:Hmm](#) by Fallen_Knight (Score:1) Sunday March 07, @07:39AM
 - [Re:Hmm](#) by jadavis (Score:3) Saturday March 06, @06:20PM
- [Re:Hmm](#) by Smidge204 (Score:3) Saturday March 06, @03:02PM
 - [Re:Hmm](#) by tftp (Score:2) Saturday March 06, @09:34PM
 - [Re:Hmm](#) by Dark\$ide (Score:1) Sunday March 07, @01:17AM
 - [Re:Hmm](#) by tftp (Score:2) Sunday March 07, @03:53AM
 - [Re:Hmm](#) by Dark\$ide (Score:1) Sunday March 07, @04:57AM
 - [Re:Hmm](#) by cloudmaster (Score:2) Sunday March 07, @07:14AM
- [ignorant businesses](#) by DavidDeLux (Score:3) Saturday March 06, @04:19PM
- [Hmm Huh Om](#) by coyotedata (Score:1) Saturday March 06, @09:38PM
- [Respectability in a relative sense](#) by Flexagon (Score:1) Saturday March 06, @10:03PM
- [Re:Hmm](#) by Anonymous Coward Saturday March 06, @03:10PM
- [Re:Hmm](#) by Anonymous Coward Saturday March 06, @03:19PM
 - [Re:Hmm](#) by A Naughty Moose (Score:1) Saturday March 06, @04:33PM

Show how useless it is (Score:5, Insightful)

by [Lord_Dweomer \(648696\)](#) on Saturday March 06, @02:45PM (#8487522)

"Hypertouch's attorney, John L. Fallat, said the CAN-SPAM Act offers little protection to the public, but they would use the few protections it offers to punish spammers."

If this case gets a lot of press coverage, it might help show people how utterly useless the CAN-SPAM act really is.

If a lawyer says its near useless, you know it must be bad. Hopefully the NY Times covers this in depth.

At least for once they are suing the company who uses the spammer and not just the spammer.

The instructions SPECIFICALLY SAID....."DO NOT TAUNT HAPPY FUN BALL"!!!!!!!

[[Reply to This](#)]

Re:Show how useless it is (Score:5, Funny)

by [gravyfaucet \(759255\)](#) <mfu11NO@SPAMyahoo.com> on Saturday March 06, @02:50PM (#8487558)

useless. couldnt they have picked a more suitable target? Its not like Bob Villa employs cloned machines and offers to sell you a "legal" building permit, or promises "add three to five stories to your house - naturally and without a contractor". sheesh

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- [Re:Show how useless it is](#) by rixstep (Score:3) Saturday March 06, @03:44PM
- [Re:Show how useless it is](#) by iminplaya (Score:2) Saturday March 06, @03:22PM
 - [Re:Show how useless it is](#) by Lord_Dweomer (Score:2) Saturday March 06, @04:03PM

California's tougher law still has some effect (Score:5, Informative)

by [anonymous cowfart \(576665\)](#) on Saturday March 06, @02:49PM ([#8487549](#))

(Last Journal: [Monday April 29, @09:05AM](#))

California's tough spam law is mostly preempted by the new Federal law. But not entirely. The preemption clause reads

*This Act supersedes any statute, regulation, or rule of a State or political subdivision of a State that expressly regulates the use of electronic mail to send commercial messages, **except to the extent that any such statute, regulation, or rule prohibits falsity or deception in any portion of a commercial electronic mail message or information attached thereto.***

So for any spam that has a forged header or a misleading subject, California's new law, with the \$1000 per spam penalty, will still apply. California allows private suits in small claims court by any party. So you can haul the bozos into court. Maybe even across state lines.

A year or two from now, we'll be rid of the chickenboners, but we'll be getting even more spam from "legitimate businesses".

So I'm a pervert. Welcome to the Internet.

[[Reply to This](#)]

Re:California's tougher law still has some effect (Score:4, Informative)

by [triclipse \(702209\)](#) on Saturday March 06, @03:13PM ([#8487701](#))

You can also get attorney's fees under the California law:

"(a)(1) In addition to any other remedies provided by this article or by any other provisions of law, a recipient of an unsolicited commercial e-mail advertisement transmitted in violation of this article, an electronic mail service provider, or the Attorney General may bring an action against an entity that violates any provision of this article to recover either or both of the following:

(A) Actual damages.

(B) Liquidated damages of one thousand dollars (\$1,000) for each unsolicited commercial e-mail advertisement transmitted in violation of Section 17529.2, up to one million dollars (\$1,000,000) per incident.

(2) The recipient, an electronic mail service provider, or the Attorney General, if the prevailing plaintiff, may also recover reasonable attorney's fees and costs.

California Business & Professions Code sec 17529.8

Suggested new moderation point: "Good question"

[[Reply to This](#) | [Parent](#)]

- [Re:California's tougher law still has some effect](#) by shadowbearer (Score:2) Saturday March 06, @04:34PM

Opportunism (Score:5, Interesting)

by [StuWho \(748218\)](#) on Saturday March 06, @02:50PM ([#8487556](#))

(Last Journal: [Friday February 20, @01:11PM](#))

"Even if Hypertouch succeeds in its case, the message to spammers and the companies that hire them might not be loud enough to make a difference. The ISP is asking for \$100 in damages -- the

maximum allowed by the Can-Spam Act -- for each of the approximately 100 messages that it claims were sent by BlueStream Media."

Sounds like there could be money in setting up as an ISP, and suing any spammers who use you for \$100 per message. Given the millions of messages an individual spammer can send, even one victory against them would result in a cash windfall for the ISP concerned.

"If you think nobody cares if you're alive, try missing a couple of car payments." Earl Wilson

[[Reply to This](#)]

- [Re:Opportunism](#) by Anonymous Coward Saturday March 06, @06:55PM

Hah! (Score:5, Funny)

by [niko9 \(315647\)](#) * on Saturday March 06, @03:08PM ([#8487662](#))

(Last Journal: [Monday December 29, @12:37PM](#))

I can see the Warden welcoming Bob Villa to the big house: "Welcome to this old Penitentiary" *I've got a fever, and the only prescription is more cowbell.*

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- [Re:Hah!](#) by iminplaya (Score:2) Saturday March 06, @05:04PM
- [Re:Hah!](#) by Anonymous Coward Saturday March 06, @03:30PM

you can be sure... (Score:5, Funny)

by [Roger Keith Barrett \(712843\)](#) on Saturday March 06, @03:09PM ([#8487671](#))

...than Bob Vila isn't personally involved. Ever watch "This Old House"? The guy never does ANY projects himself. He always passes it off to that other guy! "Hi, I am Bob Vila for Sears Bulk Mail Services. For just \$19.95...."

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- [Re:you can be sure...](#) by LostCluster (Score:2) Saturday March 06, @03:26PM
 - [Re:you can be sure...](#) by Roger Keith Barrett (Score:1) Saturday March 06, @03:29PM
 - [Re:you can be sure...](#) by Roger Keith Barrett (Score:1) Saturday March 06, @03:32PM

I wonder whose cell would be nicer... (Score:5, Funny)

by [Toxygen \(738180\)](#) on Saturday March 06, @03:18PM ([#8487716](#))

...Bob Vila's or Martha Stewart?

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Re:I wonder whose cell would be nicer... (Score:4, Funny)

by [shadowbearer \(554144\)](#) on Saturday March 06, @04:36PM ([#8488176](#))

(<http://slashdot.org/> | Last Journal: [Saturday February 28, @04:36PM](#))

Well, one would have nice toilet doilies, and the other would have a working toilet. Which one would *you* rather be in? :)

sorry, I hadda do it

SB

On the other side of the screen, it all looks so easy.

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- [Re:I wonder whose cell would be nicer...](#) by annielaurie (Score:2) Sunday March 07, @07:07AM
 - [Re:I wonder whose cell would be nicer...](#) by shadowbearer (Score:2) Sunday March 07, @07:41AM

- [Re:I wonder whose cell would be nicer...](#) by Felinoid (Score:1) Sunday March 07, @12:50AM
- [Re:I wonder whose cell would be nicer...](#) by Anonymous Coward Saturday March 06, @04:02PM
 - [Re:I wonder whose cell would be nicer...](#) by Anonymous Coward Saturday March 06, @04:27PM

FYI: lawsuit homepage... (Score:5, Informative)

by [Joe Wagner \(547696\)](#) on Saturday March 06, @03:20PM ([#8487735](#))
(<http://www.hypertouch.com/>)

Hi All, Just FYI, We will be posting updates to the case as they happen at <http://legal.hypertouch.com> [hypertouch.com]. We think the CAN-SPAM Act is an open license to spam with very little protection for the public, but we are attempting to use what few protections are available to punish some unrepentant spammers.

One of the biggest problems with CAN-SPAM Act that we are hoping to educate the press so they can inform the public is that the Act says end users must contact each spammer and opt-out. This is of course exactly the opposite of what ISPs have been tell their customers to do. "Opting out" merely gives the spammer have a live address. Some of the email addresses defendants sent spam to were unique addresses submitted to a "virus software 90 % off" spam. In no uncertain terms, "opting out" of spam signs you up for more spam.

We were surprised when even after we told BobVila.com about the quality of the lists their hired spammer was using, they still refused even just to promise they'd never use BlueStream Media again... Right before we filed the action, one of our users received a new BobVila spam, this time sent through a Florida based spammer.

[[Reply to This](#)]

- [BobVila.com has posted a reply...](#) by Joe Wagner (Score:3) Saturday March 06, @09:03PM
- [Re:FYI: lawsuit homepage...](#) by trclipse (Score:1) Saturday March 06, @04:09PM

Bob Vila is more or less fictional... (Score:5, Informative)

by [LostCluster \(625375\)](#) * on Saturday March 06, @03:21PM ([#8487737](#))
(<http://www.studioqb.com/>)

Yeah, he does exist and that is his real name. However, his association with home improvement is purely a creation of television.

He was a nobody until a PBS series called This Old House came along in 1979. He was hired as the *host* of that show. His job duties there were to read the opening and closing sequence lines, and to interview the experts who really did know what they were doing. He was not one of those experts, he was just asked questions to the experts.

In 1989, when he left This Old House, he created his own TV production company, and used his association with home improvement to get endorsement deals. His primary sponsor is Sears, and his Home Again series can more or less be seen as a Sears infomercial at times. (Sears has always been a title sponsor, and controls a large chunk of the ad space within the program. The content portion of the show might not hit you over the head as an ad, but notice the clear bias when it comes time to select which company's products to work with.)

His primary line of work these days isn't as a home improvement expert, it's in being the pitch man for Craftsman tools and other Sears brands. He'll endorse other products too, but that's really the only skill people pay him for. You never see him doing any of the work on his TV shows, and that's for good reason...

[Play Frustration: The Trivia Game](#) [studioqb.com]

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- [Re:Bob Vila is more or less fictional...](#) by AndroidCat (Score:2) Saturday March 06, @03:57PM
- [Re:Bob Vila is more or less fictional...](#) by annielaurie (Score:2) Sunday March 07, @06:59AM
- [OMG!](#) by schon (Score:1) Saturday March 06, @06:34PM
 - [Re:OMG!](#) by Anonymous Coward Saturday March 06, @07:19PM
- [Re:Bob Vila is more or less fictional...](#) by Anonymous Coward Saturday March 06, @03:43PM

Will it help any? (Score:5, Interesting)

by [Bagheera \(71311\)](#) on Saturday March 06, @03:31PM ([#8487783](#))
(<http://www.stormcenter.net/> | Last Journal: [Friday January 16, @08:14PM](#))

It's nice to see someone at least trying to get something from this Law, since it did such a good job of crippling the stricter state level laws. While I agree that a single national level law is a good idea, they took it in the shorts with this one. CAN-SPAM was a waste of paper.

The sad thing is during a recent review of my spam trap account (*11800+ email in 3 months*) a grand total of 30 of them were from "legitimate" business. The rest were for your usual run of penis pills, bad mortgages, "Stop spam now" software, and herbal vi@gra.

Now, if I could collect on each and every one of them, I'd be a wealthy man. But the vast majority are coming in through open proxies or trojaned Windows boxes, and are annoyingly difficult to track back to their source - which is often off-shore and out of reach of the CAN-SPAM act in any case.

Going after a "legitimate" company like this is may put a slight damper on SPAM sent by "real" companies, but it does little or nothing to stem the flood tide of crap we get from the low lifes who are at the root of the problem.

Never attribute to malice what can as easily be the result of incompetence...

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- [Tracking Spammers](#) by Detritus (Score:3) Saturday March 06, @08:48PM

Say it ain't so! (Score:3, Funny)

by Anonymous Coward on Saturday March 06, @02:46PM ([#8487529](#))

Bob Vila sending spam?!?! Next you'll be telling me Norm Abrams wants me to have a longer penis.

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- **[1 reply beneath your current threshold.](#)**

This Old Dot-Com (Score:3, Informative)

by [AndroidCat \(229562\)](#) on Saturday March 06, @02:48PM ([#8487548](#))
(<http://slashdot.org/~AndroidCat> | Last Journal: [Friday May 02, @10:57AM](#))

[General article on Bob Vila's ebiz \[bizforward.com\]](#)

One line blog. LOTD: [Spam fights back in Hawaii \[ananova.com\]](#)

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- [Re:This Old Dot-Com](#) by rixstep (Score:2) Saturday March 06, @03:47PM

Who pays for the spam? (Score:3, Insightful)

by [d474 \(695126\)](#) on Saturday March 06, @02:52PM ([#8487568](#))

Until they start punishing the companies that benefit from the ads this is never going to stop. It should be handled like the drug war. If your company is benefitting from ads spammed to millions of people, you go down unless you reveal who you hired to do it.

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Re:Who pays for the spam? (Score:5, Insightful)

by [crackshoe \(751995\)](#) on Saturday March 06, @03:08PM (#8487663)

Wait... something should be handled *like* the drug war? that highly succesful siphoning off of american tax dollars that accomplishes next to nothing? If it was handled as such, i wouldn't be suprised if spammers starting simply directing minors to do the actual spamming, much like the crack dealers that recruited under-age dealers because they wouldn't get the same jailtime.

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o [Re:Who pays for the spam?](#) by d474 (Score:2) Saturday March 06, @03:11PM

■ [Re:Who pays for the spam?](#) by iminplaya (Score:2) Saturday March 06, @04:56PM

■ [Re:Who pays for the spam?](#) by Just Jim (Score:1) Sunday March 07, @01:24PM

CAN-SPAM, Politrix, and the unsuspecting victims (Score:3, Insightful)

by [segment \(695309\)](#) <.sil..at..politrix.org.> on Saturday March 06, @02:59PM (#8487612)

(<http://www.misunderestimated.net/> | Last Journal: [Sunday February 15, @10:07PM](#))

Firstly CAN-SPAM is nothing more than a political tool used by a tool this election year nothing more. For the US to claim to have made a law in places where laws mean nothing - e.g. about those pesky APNIC/LACNIC domains. Now, considering a huge portion of spam gets sent by users whose machines are infected with annoying ass viruses, what is the government going to do aside from possibly bringing in innocent victims - users whose machines were infected or rooted - to court and make them stand trial for something they didn't even know they did.

Secondly, with every Joe Blow dot com stepping on the scene, how many companies with misconfigured mail servers fall victim to going to court?

[Misunderestimated](#) [misunderestimated.net]

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• [Windows: the \(un\)suspecting victim](#) by mousse-man (Score:3) Saturday March 06, @03:33PM

o [1 reply beneath your current threshold.](#)

• [Re:CAN-SPAM, Politrix, and the unsuspecting victim](#) by Anonymous Coward (Score:1) Saturday March 06, @03:10PM

o [Re:CAN-SPAM, Politrix, and the unsuspecting victim](#) by segment (Score:3) Saturday March 06, @03:20PM

■ [Re:CAN-SPAM, Politrix, and the unsuspecting victim](#) by Anonymous Coward (Score:1) Saturday March 06, @03:34PM

o [Re:CAN-SPAM, Politrix, and the unsuspecting victim](#) by Anonymous Coward Saturday March 06, @04:23PM

• [Re:CAN-SPAM, Politrix, and the unsuspecting victim](#) by Anonymous Coward Saturday March 06, @03:04PM

great publicity (Score:3, Interesting)

by [KingJoshi \(615691\)](#) on Saturday March 06, @03:03PM (#8487638)

regardless of if they win or how much (little) money they get in return, this is great publicity and it also keeps in the public limelight somewhat the issue of spam and needing better legislation. I'd assume other ISPs would sue, but I wonder which ones are making money off of the spammers...

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Real Time Filters (Score:3, Interesting)

by [d474 \(695126\)](#) on Saturday March 06, @03:04PM (#8487642)

Couldn't huge email centers (yahoo, msn, etc.) in real time compare source IP's from all emails moving into their systems, identify SPAM as massive amounts of identical email coming from identical IP addresses, load that data into a filter and then block? Some would always get through, say 100,000 but the rest of the 1.4 million get blocked? Isn't anything like this possible?

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- [Re:Real Time Filters](#) by Anonymous Coward Saturday March 06, @04:25PM
- [Re:Real Time Filters](#) by Anonymous Coward Saturday March 06, @05:17PM

What else is new? (Score:3, Offtopic)

by [Guppy06 \(410832\)](#) <[diwancio AT earthlink DOT net](#)> on Saturday March 06, @03:24PM (#8487753)

(Last Journal: [Friday June 27, @06:37PM](#))

Fraud isn't something new to Bob Vila. He pretends to be a carpenter all the time.

Seriously, ever notice that he does nothing but talk to the people doing the work, and the few times he actually picks up a tool he even makes *me* seem coordinated?

A while ago some friends and I caught an old episode of This Old House when Vila was still on it, and in this particular episode he was talking to Norm Abram as he was putting on some wooden shingles. Bob decided to show show his ineptness by putting up a few himself. Comparing the two would have been sad if it hadn't been so damned funny...

/:/:

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- [Re:What else is new?](#) by LostCluster (Score:3) Saturday March 06, @03:33PM

Just imagine for a sec (Score:3, Funny)

by [st0rmshad0w \(412661\)](#) on Saturday March 06, @03:50PM (#8487885)

Imagine the sweet livin on the cell block with Bob and Martha!

Wow. The mind boggles.

Prolly never would have happened if Norm were still on board.

"My days of not taking you seriously are certainly coming to a middle" - Mal Reynolds

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- [Re:Just imagine for a sec](#) by Anonymous Coward Saturday March 06, @05:40PM

My seemingly obvious method of getting rid of spam (Score:3, Insightful)

by [Killswitch1968 \(735908\)](#) on Saturday March 06, @04:40PM (#8488193)

What I never understood is instead of going after the spammers, can't we go after the **companies** hiring the spammers? They would be far easier to track down. They must have websites to solicit their garbage, with credit card payments and lots of contact info.

I can see the potential for people to 'fake-spam' and get a company into trouble, but is this the only problem?

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- [Re:My seemingly obvious method of getting rid of s](#) by mabu (Score:2) Saturday March 06, @09:06PM
- [Re:My seemingly obvious method of getting rid of s](#) by Animats (Score:2) Saturday March 06, @09:57PM

Spammers "can" spam (Score:2, Interesting)

by [ElliotLee \(713376\)](#) on Saturday March 06, @02:53PM (#8487572)
 (<http://www.sizzly.com/slashdot/> | Last Journal: [Wednesday February 25, @04:54PM](#))

It's going to be very difficult to prove this. I could send spam and make it look like Slashdot sent it, routing it through some foreign country.

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- [Re:Spammers "can" spam](#) by d474 (Score:2) Saturday March 06, @02:55PM
- [Not really](#) by Anonymous Coward (Score:1) Saturday March 06, @03:27PM
 - [Trivial?](#) by Simple-Simmian (Score:1) Sunday March 07, @03:07AM

Act may be more useful than we think (Score:2)

by [whoever57 \(658626\)](#) on Saturday March 06, @02:55PM (#8487582)

There have been a lot of complaints that the CAN-SPAM act does not make filtering easy, but, I think that bayean filters may be quite effective if trained properly.

The physical address of a spammer is more difficult to change cheaply and, if trained properly, will find it's way into bayean databases.

I guess we will see over time.

Incidentally, my mailserver (and my company's mailservers) reject any emails with "bluestreammedia.com" in the body and have done so for some time.

Read "The Evaporating Allure of Free Snow" on [Simon's Comic Online Source](#) [scosource.com]

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- [Re:Act may be more useful than we think](#) by rixstep (Score:2) Saturday March 06, @03:51PM
- [Re:Act may be more useful than we think](#) by jfengel (Score:2) Sunday March 07, @10:22AM

Question (Score:2, Interesting)

by [Killjoy_NL \(719667\)](#) on Saturday March 06, @02:59PM (#8487615)

Ok, what if I send some US-based companies/people spam. Since I'm from the Netherlands they can't really do anything about it, right??

This is the sig that says NI !

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- [The idea here](#) by Anonymous Coward (Score:2) Saturday March 06, @03:08PM
- [Re:Question](#) by Anonymous Coward Sunday March 07, @10:16AM

Spammers must die! (Score:1)

by [Dadoken \(759807\)](#) on Saturday March 06, @03:07PM (#8487657)

So how do I find a good anti-spammer lawyer to initiate some lawsuits and cash in on the 30 spamm I receive a day from forged address? I try to bounce as many as possible, but most are fake email. I even got a UCE from one of my OWN email address, so I know they are harvesting as fast as possible.

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- [Re:Spammers must die!](#) by Simple-Simmian (Score:1) Sunday March 07, @02:36AM

How long before a decent set of laws/legislation (Score:1)

by [Un0r1g1nal \(711750\)](#) on Saturday March 06, @03:18PM (#8487717)

At the end of the day, we can only continue to hope that as more and more of these cases are highlighted, that the people that are supposed to represent us in government decide to pull their fingers out and put in some proper laws with proper penalties. If all companies that used

spammers to advertise their company were fined and repeat offenders given jail sentences, how long before these unscrupulous companies stopped using spammers. And of course as mentioned above, very heavy penalties for hiding the actual identities of spammers
If at first you DON'T succeed, Skydiving is NOT for YOU!!

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ok (Score:1)

by [No. 24601 \(657888\)](#) on Saturday March 06, @05:51PM ([#8488533](#))

... CAN-SPAM Act offers little protection to the public.

Ya, pretty surprising! Who was the genius who decided to call it CAN-SPAM.

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How we need to use the law... (Score:1)

by [webweave \(94683\)](#) on Saturday March 06, @07:41PM ([#8488998](#))

Distributed legal actions could be carried out by masses of ISPs all with their own records against one spammer ALL AT THE SAME TIME. 10 bucks per spam does not sound like a bad penalty when divided over thousands of ISPs and court cases.

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foster city (Score:0)

by Anonymous Coward on Saturday March 06, @03:32PM ([#8487787](#))

about time Foster City (my hometown) made the news, even if it is just slashdot!

feel free to mod me into oblivion now

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Re:foster city (Score:4, Informative)

by [Joe Wagner \(547696\)](#) on Saturday March 06, @03:39PM ([#8487823](#))
(<http://www.hypertouch.com/>)

It appears that one of BlueStream Media's customers is also in Foster City, DrySkinOnly.com... Small world. The local DA is taking complaints about spam, though you have to get through a disinterested police force. If you have any pre-2004 spam that has no ADV label, that is punishable under the old CA law by up to one year in jail. If you have the time and energy, file a complaint and follow up on it...

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Re:fraudulent headers? (Score:4, Insightful)

by Anonymous Coward on Saturday March 06, @02:49PM ([#8487550](#))

"Fraudulent" refers not to the compliance of the headers with the e-mail protocol, but means that the headers contained information which was false.

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- **[Re:fraudulent headers?](#)** by Anonymous Coward Saturday March 06, @07:27PM

Re:The big question is ... (Score:0)

by Anonymous Coward on Saturday March 06, @05:05PM ([#8488343](#))

OVERRATED - clever moderator

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Re:fraudulent headers? (Score:2, Interesting)by [HrothgarReborn \(740385\)](#) on Saturday March 06, @05:41PM ([#8488497](#))

I hate spam as much as anyone but this is true. We are talking about somebody put some 1's and 0's where they shouldn't. Is this really a crime? I'm not even sure its a violation of an RFC.

No attempt was made to destroy or steal anything. Even the theft of bandwidth is comical. Compared to how most /.ers feel about how copyright violation doesn't really hurt the artist very much, aren't we being just a bit hypocritical when we say we should sue people who just bug us?

Let's jump off this litigation wagon for such trivial problems and start working on a way to make something like digital signatures work.

One caviat. People who send obscene unrequested emails are in a different catagory. With them you can actually show they are violating peoples rights as much as any flasher in the park.

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- [Let's put a spin on this slightly.](#) by Ayanami Rei (Score:2) Saturday March 06, @06:20PM
- [Re:fraudulent headers?](#) by JuggleGeek (Score:2) Sunday March 07, @02:43PM
 - [Re:fraudulent headers?](#) by HrothgarReborn (Score:1) Sunday March 07, @03:49PM
- [Re:fraudulent headers?](#) by Anonymous Coward Saturday March 06, @10:29PM

An offtopic troll from an AC without a reply is.. (Score:0)by Anonymous Coward on Sunday March 07, @06:30AM ([#8490489](#))

is like an offtopic troll from an AC without a reply.

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- [10 replies](#) beneath your current threshold.

index, n.: Alphabetical list of words of no possible interest where an alphabetical list of subjects with references ought to be.

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