

U.S. Mobile Spam Prevention Law Introduced

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Today two U.S. senators introduced legislation aimed at curbing unwanted text messages.

Called the m-SPAM Act of 2009, the potential law, introduced by Sen. Olympia Snowe (R-Maine) and Sen. Bill Nelson (D-FL), brings government intervention into the realm of mobile spam. Named similarly to the CAN-SPAM law that criminalizes email spammers, it's especially important because unlike email text messages cost money to receive, as part of a data plan or on a message-by-message basis. Mobile spam invades both a consumer's cell phone and monthly bill, Senator Snowe said.

While no one can object to the central idea of the proposed law to prohibit marketers from sending messages to a do not contact type of registry, I hope the Senate treads carefully.

Right now, the potential legislation suggests that every number on the Do Not Call registry also be off-limits to SMS senders.

This is not a good idea, because while nobody ever signs up to receive marketing phone calls, many consumers do sign up to receive SMS offers like coupons or sales announcements. By automatically making numbers on the Do Not Call List forbidden from marketers, consumers could be prevented from receiving the texts they actually want.

Hopefully, legitimate marketers and marketing organizations will work with legislators on options, such as (1) making it law to only have opt-in messaging campaigns, an industry-accepted best practice in which consumers sign up to receive SMS; and (2) creating a Do Not Text list separate from the Do Not Call Registry, so that consumers can keep telemarketers at bay while receiving the SMS messages that they truly want.

We're going to keep an eye on this. We also want to hear what all you legit mobile marketers have to say! Is there a similar law in countries where SMS has been in common use much longer than in the United States? Does anyone have a suggestion to the senators about what the law should and should not contain? Please speak out!