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MEMORANDUM

September 15, 2004

To Our Clients and Friends

Re: FTC E-mail Authentication Summit

In order to address the growing problem of spam, the Federal Trade Commission (“FTC”) and the National Institute of Standards and Technology will host an E-mail Authentication Summit to consider the development of a domain-level authentication system as an alternative to establishing a do-not-e-mail registry. The Summit will be held on November 9-10, 2004, and is open to the public. According to the FTC, a domain-level authentication system would allow Internet Service Providers (“ISPs”) and other domain holders to better filter spam and would give law enforcement a useful tool to locate and identify spammers. The FTC is requesting comment on the scope of the Summit and the proposed authentication standards. Written comments are due by September 30, 2004.

In June 2004 the FTC submitted a National Do Not E-mail Registry Report to Congress explaining the security, enforcement, practical and technical challenges that would make a do-not-e-mail registry ineffective.¹ However, the report included an alternate means to combat spam in the form of a domain-level authentication system. The Summit will facilitate discussion regarding the technical challenges of proposed domain-level authentication systems, the costs associated with the proposed systems, the international implications, the ability of small ISPs and domain holders to participate in the proposed systems and other issues that may affect the implementation of such systems.

A copy of the FTC’s notice can be found on our web site at http://www.schwartzandballen.com/whats_new.html. If you have any questions, please call Gilbert Schwartz, Robert Ballen or Tom Fox at (202) 776-0700.

¹ The Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (the “CAN-SPAM Act”) required the FTC to submit a report to Congress regarding the implementation of a national do-not-e-mail registry. Memoranda concerning the CAN-SPAM Act and the do-not-email registry can be found on our website at http://www.schwartzandballen.com/2003_memoranda.html.