



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

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WIRELESS CARRIERS HELP COMMISSION TO PROTECT WIRELESS SUBSCRIBERS FROM SPAM *Marketers Alerted to Wireless Domain Names*

Washington, DC – On February 7, with the cooperation of wireless carriers, the Commission published on its Web site a list of mail domain names used to send messages to wireless service. This list is to protect cellular and wireless consumers from unwanted commercial electronic mail messages by alerting marketers to which Internet domain names are used in the electronic addresses of wireless service subscribers.

The list is at: <http://www.fcc.gov/cgb/policy/DomainNameDownload.html>

For example, if a wireless subscriber's e-mail address was JohnDoe@mobile.fcceq.gov, the carrier could have registered "mobile.fcceq.gov." Alternatively, the carrier could have registered "fcceq.gov," as long as all such subscriber addresses including that domain name would be for commercial mobile service. Hence, the prohibition applies for all subscriber addresses that include any listed subdomain or domain name. For example, a listing of "fcceq.gov" would cover all subscribers with "fcceq.gov" in their electronic addresses, including JohnDoe@fcceq.gov, JohnDoe@mobile.fcceq.gov and JohnDoe@sms.fcceq.gov.

In thirty days, it will be illegal to send commercial messages to individuals at addresses that include any of those domain names—unless the subscriber has given prior express authorization for such messages from specific companies.

The prohibition applies only to "commercial" messages as they are defined in FCC rules, but not to what are considered "transactional or relationship" messages, such as those sent to customers about product safety or security information, those to facilitate an existing commercial transaction, and notification about changes in terms, features, or the customer's account status.

Although it does not provide any individual e-mail addresses, the list provides domain names and subdomain names – all or a portion of the name that appears to the right of the "@" symbol in what would look like an e-mail address (but might be used for e-mail to wireless devices or text messaging).

In August 2004, the Commission adopted rules to protect consumers from receiving unsolicited commercial messages on their wireless phones and pagers. The action was part of implementing the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act or Act).

The Commission adopted a general prohibition on sending commercial messages to any address referencing an Internet domain associated with wireless subscriber messaging services. To assist the senders of such messages in identifying those subscribers, the Commission required that commercial mobile radio service (CMRS) providers submit those domain names to the Commission for inclusion in a list to be made publicly available. No individual subscriber addresses were collected or included on this list.

All CMRS providers were required to supply the Commission with names of all the Internet domains on which they offer mobile service messaging service. The rule prohibits sending any commercial messages to addresses that contain domain names that have been listed on the official list for at least 30 days or at any time prior to 30 days if the sender otherwise knows that the message is addressed to a wireless device.

In its rulemaking last year, the Commission found that the establishment of a list of domain names appeared to be the most effective method to allow subscribers to avoid unwanted mobile service commercial messages. The new rules impose minimal burdens on CMRS providers, and provide a variety of ways to obtain authorizations from those mobile subscribers who want to receive messages from specific senders.

The Commission also encouraged industry to develop more mechanisms to protect wireless subscribers from unwanted commercial mail themselves.

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