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*Government Intervention on the Internet: Should the Federal Trade Commission
Regulate Unsolicited E-Mail Advertising?*

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Abstract by Jennifer M. Kappel

This Comment discusses proposed federal legislation regarding the regulation of a new annoyance on the Internet - unsolicited e-mail advertising, or "spam." The proposed legislation would place enforcement authority on the Federal Trade Commission's (FTC) Bureau of Consumer Protection.

Because regulating the Internet industry is a new concept, the Comment discusses the authority, if any, of the FTC to regulate the industry. The Comment then analyzes past regulatory actions by the FTC of methods similar to the Internet - e.g., junk faxes, pyramid schemes, and chain letters. The Comment also discusses the regulation of junk mail by the United States Postal Service.

The Comment then examines other regulatory actions as alternatives to federal involvement in the Internet industry. First, it examines state regulation and discusses the differing regulatory schemes and sanctions provisions in place in California, Washington, Nevada, and Virginia. Second, it considers the treatment of individual lawsuits in the court system in order to determine the impact such lawsuits are having on spam. Third, a section on self-regulation by the Internet community examines what trends are developing within the industry, and how businesses are attempting to control the industry from the inside, without the oversight of the federal government.

The Comment concludes that the federal government must act carefully before regulating a new industry such as the Internet. Future legislation must balance the need for both economic growth in cyberspace as well as the public's desire to control what is received through private e-mail. The FTC must look to past regulation and current trends and to determine if such legislation would help or harm the flourishing Internet industry.