

# Regulation For Reduction of SPAM

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## **I. Introduction:**

The SPAM phenomenon has substantially affected and is still affecting means of electronic communications, being a source of disturbances for users of ICT applications in general and internet users in particular. SPAM messages can be fraud and used to spread viruses. They can cause material damages and losses for ICT users, ISPs, mobile service providers and other related parties.

In order for ICT services and application to contribute to economic and social development, they must be effective and reliable, and since these are threatened with SPAM messages, such threats must be controlled to avoid their impact and maintain the confidence of the users of ICT applications and services.

The conveyance of SPAM messages through electronic means, such as email, short messaging services (SMS) or multimedia services (MMS) is a multi-faceted issue. The Communications and Information Technology Commission (CITC) has adopted a multipurpose approach, combining the application of laws and regulations, international cooperation, promoting ICT usage, raising public awareness and establishing relevant control regulations.

## **II. Anti-SPAM Controls**

### **1) Provisions of the Telecommunications Act and Bylaws**

- 1-1) In accordance with Para (11) of Article Thirty-seven of the Telecommunications Act (“the Act”), “any of the following actions by any operator, individual or a juridical person constitutes a violation: misuse of telecommunications services, such as causing damage to the public telecommunications networks or intentionally place a message of an indecent or menacing nature or which causes panic or disturbance”.
- 1-2) Article Eighteen of the Act provides as follows : “anyone who fulfills the conditions and has the interest to provide Telecommunications service, should submit his application to the Commission in order to obtain the license. The Commission shall issue the license according to the provisions of the Act and the Bylaws. The operators shall adhere to the conditions stated in the license issued to them”.
- 1-3) article (58) of the Telecommunications Bylaw includes the obligations of the service providers towards the protection of user information.

## 2) Definitions

The terms and expressions used herein shall have the same meanings as set out in the Telecommunications Act and Bylaws. In addition, the following words and expressions set out in this document shall have the meanings assigned below, unless the context requires otherwise:

Address harvesting	Means computer software used for searching the Internet for gathering email addresses.
SPAM	Means any electronic message transmitted without the prior consent of the recipient through various communication modes including, but not limited to, e-mails, SMS, MMS, fax and Bluetooth.
Electronic message	Means any message transmitted through a telecommunication network, whether via email, a phone number or any other similar means of communication. A fax message shall be considered a type of electronic message. This definition shall not include voice calls.
Unsubscribe request	Means an electronic message requesting the sender to stop sending any other electronic messages to his electronic address .
Electronic Address	Means an email address or a telephone number or any other means through which an electronic communication can be established.
Sender	The person who sends an electronic message.
SPAM Filter	Means any software or device that helps minimize SPAM.
Recipient	Means the person to whom the electronic message is sent.

Internet Service

Provider (or ISP) Means a licensed Internet Service Provider.

Consent Means the explicit permission of the recipient to receive an electronic message before it is sent.

Dictionary attack Means sending messages to electronic addresses obtained by automatic systems that use methods of combining names, letters, numbers, punctuation marks or symbols.

### 3) Electronic Message Transmission Controls

3-1) No person shall send or cause to send electronic messages except in the following cases:

- a. After obtaining the recipient's prior consent to receive such messages, provided that the records of the consent and any unsubscription request are maintained for six (6) months after the receipt of such unsubscription request; and
- b. Without any contradiction with paragraph (3-1-a) above, there exists a prior relationship between the sender and the recipient, including but not limited to the following:
  - A commercial relationship, such as the recipient's purchasing a product or obtaining a service from the sender.
  - A business relationship between the sender and the recipient.

3-2) The electronic message sent shall contain the electronic address and name of the sender and the subject of the message, which enables the recipient to send a request to the person who has sent or caused to send the message, to cancel the subscription, free of charge and in an easy manner. The said information must be usable at all times for at least thirty (30) days from the date the message was sent.

3-3) The person who sends or causes to send an electronic message shall cease to send any other messages within a period not exceeding forty eight (48) hours after receiving the unsubscription request and such person shall send a confirmation thereof to the subscriber.

3-4) It is prohibited to use dictionary attacks software, address harvesting software, or the electronic addresses gathered by them.

#### **4) ISPs' Duties and Responsibilities**

Internet Service Providers shall on a continuous basis, take effective measures to make their subscribers aware of these controls, the importance of the compliance therewith, and the consequences of the violation thereof. They also shall do the following:

- 4-1) include these controls in their terms of service;
- 4-2) provide a link, in a prominent place on their websites, containing information about the regulation for reduction of SPAM and how to comply with it;
- 4-3) establish clear conditions for the appropriate use of e-mail, including the possibility of service disconnection or suspension if these conditions are violated;
- 4-4) make participants aware of the privacy of their information, of the equipment and methods used to reduce the quantity of SPAMs received;
- 4-5) make participants aware of their rights to file complaints in accordance with CITC Statutes, provide them with relevant procedures under the Statutes, and publish these procedures on the ISP's website, providing a copy thereof to the CITC;
- 4-6) provide at any time to the CITC or any party designated by the CITC, with the SPAM related information and appoint persons to deal with SPAM issues, including, but not limited to, providing required information, conducting relevant investigations and making appropriate technical interventions. Those persons shall have the capability to take immediate action, as and when required;
- 4-7) take an appropriate action to prevent IP Spoofing, and
- 4-8) prevent the creation of any email account without human involvement in the account creation process .

#### **5) Mobile Service Providers' Duties and Responsibilities**

Mobile Service Providers shall on a continuous basis, take effective measures to make their subscribers aware of these controls, the importance of the compliance therewith, and the consequences of the violation thereof. They also shall do the following:

- 5-1) include these controls in their terms of service;
- 5-2) provide a link, in a prominent place on their websites, containing information about the regulation for reduction of SPAM and how to comply with it;
- 5-3) establish clear conditions for the appropriate use of SMS and MMS, including the possibility of service disconnection or suspension if these conditions are violated;
- 5-4) make participants aware of the privacy of their information, of the equipment and methods used to reduce the quantity of the SPAMs received;

- 5-5) make participants aware of their rights to file complaints in accordance with the CITC Statutes, providing them with relevant procedures under the statutes, and publishing these procedures on their service provider's website, providing a copy thereof to the CITC;
- 5-6) provide at any time to the CITC or any party designated by the CITC, with the SPAM related information and appoint persons to deal with SPAM issues, including, but not limited to, providing required information, conducting relevant investigations and making appropriate technical interventions. Those persons shall have the capability to take immediate action, as and when required;
- 5-7) take any necessary measure to prevent spoofing of electronic addresses of persons or entities other than the actual sender;
- 5-8) provide a free of charge, easy to use, service that enables the subscribers to reject received SMS or MMS messages sent from some or all electronic addresses;
- 5-9) In addition to the obligations stated in paragraph (3-1 – a) above, it shall be prohibited to send electronic messages from 10:00 pm to 7:00 am without the consent of the message recipient, to receive such messages during this period;
- 5-10) cooperate with other mobile service providers within or outside the Kingdom, and take any necessary actions to reduce SPAM transmitted through their networks while keeping the CITC informed of what is being accomplished; and
- 5-11) make sure that the necessary measures are taken to prevent the use of their networks in the transmission of SPAM, monitor their networks to reduce such messages and take any necessary preventive measures to eliminate them.

## **6) Application of Controls**

- 6-1) These controls shall be applied to electronic messages originates from the Kingdom.
- 6-2) If an electronic message originates outside the Kingdom, the provisions of international conventions shall apply.
- 6-3) Non-compliance with this Regulation shall be deemed a violation of CITC regulations and the necessary action shall be taken on such violation in accordance with these regulations.
- 6-4) Excluded from this Regulation shall be entities, as designated by the CITC, whose business requires the broadcasting of electronic messages in the public interest.
- 6-5) Any person who is exposed to SPAM may file a complaint in accordance with the Telecommunications Act and its Bylaws within thirty (30) days from the date of receipt of the SPAM.