

for the attention of:

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**THE ASIA DIGITAL MARKETING ASSOCIATION'S COMMENTS ON
OFTA'S: "CODE OF PRACTICE UNDER THE UNSOLICITED
ELECTRONIC MESSAGES REGULATION (CAP 593)"**

Summary of ADMA's Position:

The ADMA believes that legislation is an important part of the overall solution to the problem of SPAM; however it is not the only solution. Legislation with industry adherence to strong best practices, drafted through industry associations, and supported by a technological framework is the best solution for limiting the tide of unsolicited email, faxes and automated sales calls.

The ADMA would support legislation that, amongst other things, promoted an Opt-out mechanism, as opposed to an Opt-in mechanism, and helped the consumer to better differentiate legitimate commercial communications from SPAM.

As legitimate marketers the members of the ADMA are already adhering to the following best practices:

Notice: A marketer will state clearly what information they collect and what they intend to do with this information, including for marketing purposes.

Choice: The consumer should have the right, at all times, to chose what they receive and when, and have the ability to unsubscribe from any or all communications.

Transparency: The marketer should be a clearly visible entity and should: "Say what they do, and do what they say".

The ADMA will support legislation that promotes, supports, and regulates activities based on these three principles.

SUMMARY OF COMMENTS ON PROPOSED CODE OF PRACTICE

The ADMA is supportive of the first draft of the Code of Practice except for the following areas that need further refinement and or clarification:

SECTION 6

6.1 & 6.2 with reference to the visibility of sender information we feel that it is necessary to define what is "...reasonably visible in terms of the font size, position and contrast / colour. "

SECTION 8

8.1 & 8.2 & 8.5 with reference to the visibility of the unsubscribe information we feel that it is necessary to define what is "...reasonably visible in terms of the font size, position and contrast / colour. "

8.3 with regards to the unsubscribe facility for a voice or video call we feel it is necessary for the unsubscribe information to be at the beginning of the message, given the linear nature of the medium, unlike fax and email where a consumer can look at any part of the message at any time.

ABOUT THE ASIA DIGITAL MARKETING ASSOCIATION

The Asia Digital Marketing Association (ADMA) is the voice of, and advocate for, the digital marketing industry in Asia (excluding Japan). The ADMA is an umbrella organisation, guided by senior executives in the industry, and charged with gaining consensus and formulating a powerful point of view on all key industry issues. The ADMA actively promotes the benefits of using mobile and the internet as a channel to communicate with consumers and was established to provide leadership and guidance on issues, criticisms and misconceptions about digital marketing as well as lobbying and public relations assistance for member companies.

ADMA members are responsible marketers who are building ways to make consumers experiences with online marketers relevant, personal and trustworthy. Members include eBay, Microsoft Digital Advertising Solutions, Yahoo! Asia, DoubleClick and Cathay Pacific, plus a whole range of content, technology and marketing communications companies.

The ADMA has also been a vigorous participant in the Hong Kong Anti-spam Coalition, formed during the summer of 2003. The coalition brought together a group of concerned industry participants such as the Hong Kong Internet Service Providers Association (HKISPA), the Asia Digital Marketing Association (ADMA) and business leaders from a variety of organisations including Microsoft and Time Warner. The Coalition aims to make a real difference to consumers, businesses and government by bringing together powerful local market knowledge and contacts to foster effective industry self-regulation, legislative solutions, information sharing, and other global best anti-spam practices.

CONTACT

For further information or clarification please contact