

**IN EMAIL MARKETING...
BREAK THE RULES IN
CREATIVITY**

**BUT FOLLOW
LEGAL REGULATIONS**

**Email Regulations and The Unsubscribe Process
LOCAL AND
INTERNATIONAL LAWS**



Email Regulations and The Unsubscribe Process - Local and International Laws

In email marketing, you need to have a quick and easy opt-out option for your unsubscribe process. As marketing campaigns are sent worldwide, it is important to consider international laws and regulation prevalent in specific countries.

Here is ready reckoner you can use to find some of the email regulations and the unsubscribe process applicable in the U.S. and specific guidelines in countries such as UK, the European Union, Canada, Australia, New Zealand and Japan. Please note that you have to consult your company's legal department to be aware of specific regulations applicable in countries you plan to send your email campaign.

5 General Guidelines to be Compliant Worldwide

In order to be compliant in countries such as United States, Canada, UK, the European Union and Australia, the general guidelines include:

1. You need to have a functional unsubscribe link or "reply-to" option along with an email message explaining the process a subscriber can use to unsubscribe.
2. You must place the unsubscribe link in place that is easy to find. It should be clear and not hidden at the end of your message, or in a font size and color that makes it illegible.
3. Your unsubscribe link should typically be active for 30 to 60 days, after the email is sent.
4. You need to remove unsubscribers from your list as soon as possible. While the U.S. gives a grace period of 10 days, Australia and New Zealand of 5 days, countries like Japan and others give no grace period for removal of addresses once subscribers have opted-out.
5. You need to provide the same channel subscribers used to opt-in.

Email Regulations and the Unsubscribe Process Applicable Worldwide

COUNTRY	REGULATION	DETAILS
UNITED STATES	CAN-SPAM - Controlling the Assault of Non-Solicited Pornography	Opt-out email Your email should explain how your subscriber can optout in plain language.

UNITED STATES		<p>Unsubscribe link Your email should include a functioning unsubscribe link and it must remain active for up to 30 days after the email is sent.</p>
		<p>Window period for removal</p> <p>You must comply with unsubscribing requests within 10 business days.</p> <p>Immediate suppression is typically the best practice.</p> <p>Sending an email within this 10 day period could make you vulnerable to a spam complaint.</p>
		<p>Restrictions not allowed</p> <p>In the unsubscribe process, you cannot ask your subscriber to take a survey, pay a fee or enter a password.</p> <p>However, you can link your unsubscribe page to another page with options to opt-out of only specific lists or to change the frequency.</p>
		<p>Privacy</p> <p>You cannot use the email address of the unsubscriber for other purposes, or add it in any other list, or share it with third-party companies or within your company.</p>
		<p>Penalty</p> <p>Each email contested as a violation is subject to a penalty of up to \$16,000 per email. After a subscriber opts-out, the sender can also be fined \$250 for every email.</p> <p>If the complainant can prove that the sender willfully has ignored their opt-out request, the sender could be fined up to \$750 per email.</p>
UNITED STATES	What CANSPAM does not cover	The regulation does not specifically state the unsubscribe structure and where the link needs to be placed in your email.
		It exempts emails generated by subscribers or through member actions such as account alerts, updates or confirmations.

		The unsubscribe email can include content that is promotional or cross-selling nature. However the main body copy and subject line must reflect the unsubscribe option.
UNITED KINGDOM	Privacy and Electronic Communications (EC Directive) Regulations 2003	Valid postal address You should include a valid postal address in your email according to the PECR.
		Window period for removal There is no specific timeline stated by the PECR or the DPA for removal of an address after a subscriber has opted-out. However, there is a law as per the guidelines from the Information Commissioner's Office which states that senders are expected remove unsubscribers within 28 days. Penalty
CANADA	Personal Information Protection and Electronic Documents Act 2000 (PIPEDA)	Applicability This regulation is applicable to any email message intended for a user in Canada. It includes any marketer who sends emails through or to Canada, irrespective of where the message originates from.
		Unsubscribe link Your email should include a functioning unsubscribe link and it must remain active for up to 60 days after the email is sent.
		Penalty For companies, each email sent in violation of this regulation is fined up to \$10 million. From 2017, individuals can directly sue companies.
EUROPEAN UNION	Directive on privacy and electronic communications	Valid email This regulation does not allow any marketing message sent through a disguised email address or an address with a concealed identity. It does not specify if the email link has to be functional.
AUSTRALIA	Spam Act 2003	Valid email This regulation stipulates that the sender's email not should be accurate and clear.
		Window period for removal You must comply with unsubscribing requests within 5 business days to avoid penalty.

		<p>Penalty For two or more emails sent after subscribers have opted-out, a penalty up to \$180 every email is levied.</p>
NEW ZEALAND	Unsolicited Electronic Messages Act 2007	<p>Unsubscribe link Your email should include a functioning unsubscribe link.</p>
		<p>Window period for removal You must comply with unsubscribing requests within 5 working days to avoid penalty.</p>
JAPAN	Law Concerning the Proper Transmission of Specified Electronic Mail	<p>Window period for removal There is no grace period for removal of addresses. Unsubscribe addresses must be removed immediately when the subscriber opts-out.</p>
		<p>Penalty For senders who violate regulations and send emails after subscribers have opted-out, risk a penalty up to 1 million yen.</p> <p>For senders whose agents violate the regulation or fail to comply, risk a penalty up to 30 million yen each agent.</p>

Country-Wise Email Spam Legislations

Country	Legislation	Section
 Argentina	Personal Data Protection Act (2000)	§27
 Australia	Spam Act 2003	Part 2
 Austria	Austrian Telecommunications Act 1997	§107
 Belgium	Loi du 11 mars 2003 ("Law of March 11 2003")	
 Brazil	None(loosely; Movimento Brasileiro de Combate ao Spam)	
 Canada	Personal Information Protection and Electronic Documents Act 2000 (PIPEDA)	
 Canada	Fighting Internet and Wireless Spam Act 2010	
 Canada		
 China	Regulations on Internet email Services	
 Cyprus	Regulation of Electronic Communications and Postal Services Law of 2004	§6
 Czech Republic	Act No. 480/2004 Coll., on Certain Information Society Services	§7
 Denmark	Danish marketing practices act	§6
 European Union	Directive on Privacy and Electronic Communications	Art.13

 Finland	Act on Data Protection in Electronic Communications (516/2004)	
 France	Loi du 21 juin 2004 pour la confiance dans l'économie numérique ("Law of June 21 2004 for confidence in the digital economy")	Art.22
 Germany		Art.7
 Hong Kong	Unsolicited Electronic Messaging Ordinance	
 Hungary	Act CVIII of 2001 on Electronic Commerce	Art.14
 India	None (<i>loosely; Information Technology Act, 2000 §67</i>)	
 Indonesia	<i>(Internet Law)</i>	
 Ireland	European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003	Section 13 (1) (b)
 Israel	Communications Law (Telecommunications and Broadcasting), 1982 (Amendment 2008)	Art .30
 Italy	Data Protection Code (Legislative Decree no. 196/2003)	§130
 Japan	The Law on Regulation of Transmission of Specified Electronic Mail	
 Malaysia	Communications and Multimedia Act 1998	
 Malta	Data Protection Act (CAP 440)	§10
 Mexico	None	
 Netherlands	Dutch Telecommunications Act	Art.11.7
 New Zealand	Unsolicited Electronic Messages Act 2007	All
 Pakistan	Prevention of Electronic Crimes Ordinance 2007	§14
 Russia	None (<i>loosely; Russian Civil Code: Art.309</i>)	
 Singapore	Spam Control Act 2007	
 South Africa	Electronic Communications and Transactions Act, 2002	§45
 South Africa	Consumer Protection Act, 2008	§11
 South Korea	Act on Promotion of Information and Communication and Communications Network Utilization and Information Protection of 2001	Art.50
 Spain	Act 34/2002 of 11 July on Information Society Services and Electronic Commerce	
 Sweden	Marknadsföringslagen (1995:450) "Swedish Marketing Act"	§13b
 Turkey	Elektronik Ticaretin Düzenlenmesi Hakkında Kanun "Act About Regulation of E- Commerce"	
 United Kingdom	Privacy and Electronic Communications (EC Directive) Regulations 2003	
 United States	Controlling the Assault of Non - Solicited Pornography and Marketing Act of 2003 (CAN - SPAM Act of 2003)	All

About Us

Lake B2B has been in business for over 13 years with the objective of providing accurate global B2B database to companies irrespective of their sizes and revenues. Since then, over 450 clients have used our leads to reach prospects, acquire customers, and run marketing campaigns.

Lake B2B is a leading provider of data management services, list solutions, and customer data insights. We provide data centric solutions to a wide range of business-to-business companies. Our focus over the years has been on improving the efficiency of marketing campaigns, driving more revenue, and increasing profitability of sales and marketing teams in organizations.



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