

## IT UPDATE

### eMarketing: is your company ready for the Hong Kong AntiSPAM law?

It is no exaggeration to describe eMarketing as a revolution for the marketing industry. For the first time, it gives businesses of any size the ability to publish to the mass market, making it easy to get the word out and drum up new business, whilst getting your brand in thousands of mailboxes. You can even track to see how successful the e-mail was with statistics to tell you who opened the e-mail and which links they clicked on, you can even see if they forwarded it to a friend. All this gives valuable feedback in order to understand which services, products or articles are best received by your clients... But is it legal?

Hong Kong has promised plans to enact an anti-spam law later in the year, to crack down on companies that send unsolicited e-mails. Consensus is that Hong Kong will follow most of the policies laid down by the Australian Spam Act 2003, which came into force on April 10, 2004. Many documents on these policies can be downloaded from [www.acma.gov.au](http://www.acma.gov.au) under the internet section.

The Australian act also carries with it severe penalties for anyone who breaches it, of up to AU \$1.1 million for each day that the breach continues. Here are some basic recommendations to make sure your eMarketing system would not, potentially, land you with a hefty fine:

- You must clearly identify the person or organisation that sent or authorised the sending of the message
- You must clearly identify the person or organisation that you are sending the message to (no undisclosed recipients).
- You must include a functional unsubscribe facility (not type your e-mail or reply with REMOVE as your subject)
- You must not acquire, use or borrow e-mail harvesting software
- You must have one of two forms of consent, express or inferred
- You must be able to substantiate receipt of consent

Even if you use an outsource company for these mass emailing services, the fine will be against the one who benefits from these e-mails. So ensure your service provider has all the above in place!

Most companies do not realise that they could also become an "Accidental Spammer" – this is where a hacker can take over your mail server and use your IP address to send out millions of e-mails for their benefits.

Here are recommendations on how not to be caught into by this:

- Use anti-virus software, and ensure it is updated regularly
- Use personal firewall software
- Download and install the latest security patches for your computer system
- Attachments to e-mail messages can be dangerous. If you are not sure don't open it. If you do need to open an attachment, run it through up-to-date anti-virus software first; and
- Use long and random passwords

It is not clear as to how severe the fines will be if your server is hijacked but it does show you need systems, procedures and software in place sooner rather than later.

One company who offers world class secure hosting for e-mail and web database applications, and have developed one of Hong Kong's leading eMarketing software (nominated for the 2005 IT and Innovations awards) is Compelite ([www.compelite.net](http://www.compelite.net)).

With many clients in the Asia region such as leading law firms, property companies, hotels, leading retail chains as well as many SME's, chambers, schools and associations, Compelite

manage millions of trusted e-mail addresses each month.

Ideal eMarketing items for law companies include eNewsletters, new appointments, case studies, new offices, mergers, briefs and other updates. What makes Compelite's system unique, is the registration manager. Allowing you to send invites for seminars, training courses and social events and simply manage the attendance list. Your guests can register for events directly from the e-mail without the need to fill in forms, as their details are already in the email database. This then allows you to have full statistics of each person in the database. The system includes a survey system for creating on-line questions and answers and can give you real time statistics of the results. Making it true end-to-end eMarketing solution.



Garry Smith

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