

International Law Enforcement Cooperation



Case Studies on Cross-Border Enforcement Cooperation Against Spam

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Overview

- FTC's enforcement role
- Investigating spammers
- Suing spammers
- International enforcement cooperation

The FTC's Role

- Leading U.S. national agency on consumer protection (civil authority)
- Jurisdiction to take action against unfair and deceptive commercial practices
- FTC also has role implementing new U.S. “Can Spam” Act

FTC Enforcement Against Spammers

- FTC has filed over 55 spam-related cases.
- Our spam-related cases have targeted:
 - **“Spoofing”**– forging the sender’s identity
 - **“Phishing”**– spam used to engage in identity theft
 - Failure to honor a **“remove me”** claim
 - **“Subject” lines and “From” lines** that deceive recipients into opening a message they would have deleted
 - **False claims** offering anti-spam services and spam-related business opportunities.
- We have also worked with federal, state, and foreign law enforcement partners.

Investigating spam

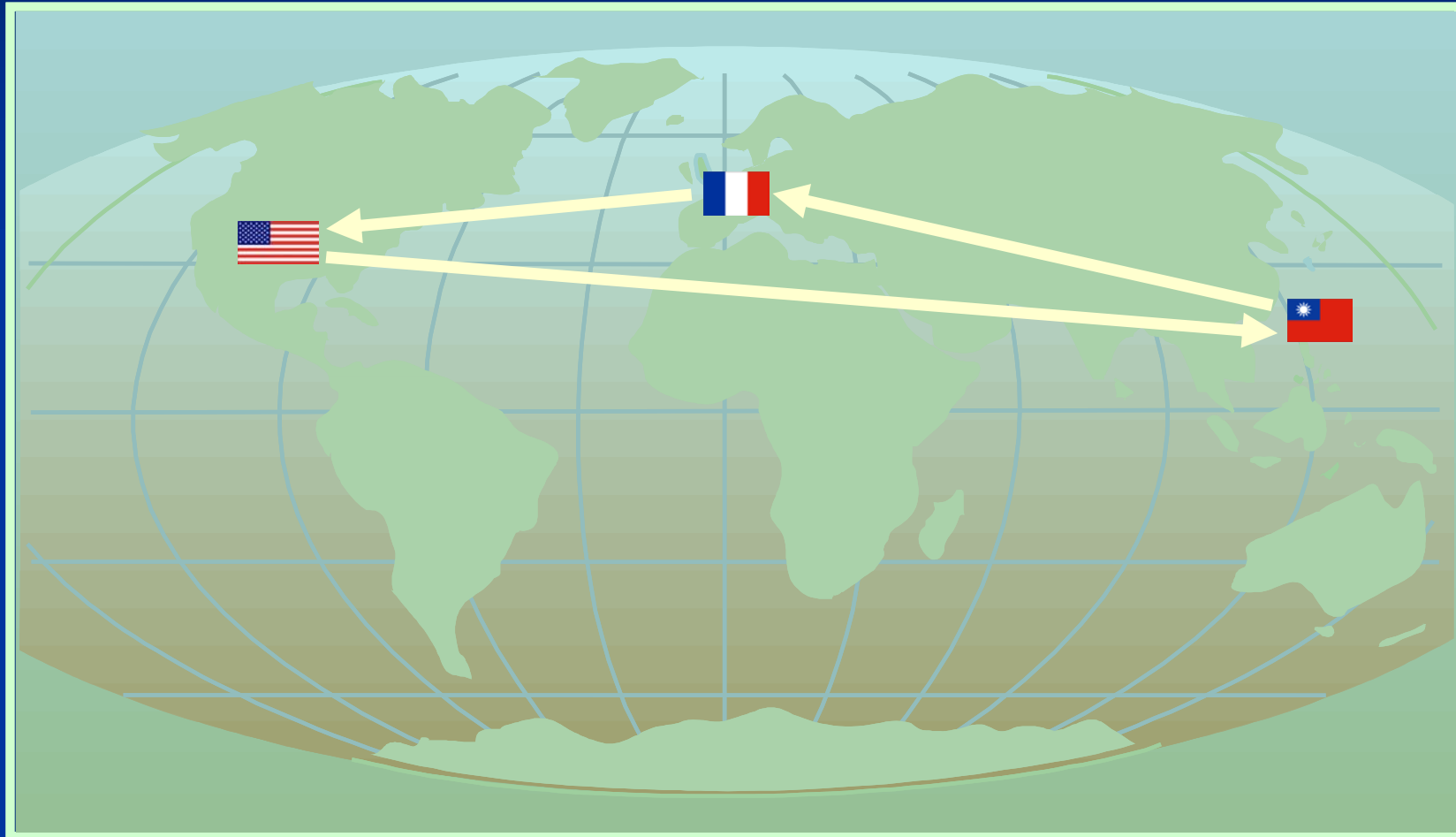
1. Backwards

- Tracing e-mails

2. Forwards

- Investigating web sites
- Investigating addresses and phone numbers
- Following the money
 - How did the spammer pay for domain name registrations?
 - How did consumers pay for the product?

Multinational Path



Forwards – Web site investigation

- Whois online databases will tell you the “owner” of second-level domain names
- What information does the domain name registry have?
 - Name, address, telephone, fax number, e-mail addresses for the following:
 - Registrant
 - Technical contact
 - Administrative contact
- The above information can be falsified.

2. Investigating a Web site - Whois

Better-Whois.com
...SEARCH ALL DOMAIN REGISTRARS

What's wrong with WHOIS?

The domain business has been deregulated... For the first time, many different domain registrars are granting domain names.

But there is a problem, the standard WHOIS domain search used on thousands of web sites is no longer accurate. Why? Because each domain registrar now keeps their own WHOIS database which doesn't include domains registered by competing registrars.

Searches shared database registry and queries appropriate registrar.

How to get accurate results? In this changing system of increased competition and new registrars, the only way to get an absolutely accurate domain report is to:

- lookup the domain in the shared domain registry
- locate which registrar has reserved the name
- visit and query that registrar's database for the correct information

BetterWhois.com does this for you instantly.

Receive FREE updates on breaking domain related news

Name: E-mail:

Featured Registrar

Register a domain name with [Register.com](#) for only \$20. Includes:

- Free 3-page web site
- Free web forwarding
- Advanced control panel

[Click here for discounted rate.](#)

Domain Registrars

- [PSI-Japan, Inc.](#)
- [PSI-USA, Inc.](#)
- [Register.com, Inc.](#)
- [Register.it SPA](#)
- [Registration Tech., Inc.](#)
- [Renames.com](#)
- [SafeNames Ltd.](#)
- [Schlund+Partner AG](#)
- [Secura GmbH](#)
- [SiteName LLC](#)
- [Spot Domain LLC](#)
- [SRSplus](#)
- [Stargate Comm., Inc.](#)
- [Today and Tomorrow](#)
- [Total Registrations](#)
- [Transpac](#)
- [TUCOWS, Inc.](#)

CID (subpoena) Response: Registration Information for Free Web Page

Mickey Mouse **FAKE**

123 Disney Center **FAKE**

Orlando, FL 12345 **FAKE**

Scammer@realaccount.com **REAL**

Registered 4 AUG 2003 04:34:25 GMT **REAL**

Set up IP 12.123.12.1 **REAL**



Federal Trade Commission

SUBPOENA #1

Web host

IP Address

SUBPOENA #2

ISP

Subscriber info

SUBPOENA #3

Phone Co.

Phone records

Forwards – Following the money

- Credit card records
- Checks/Bank records
- Postal money orders

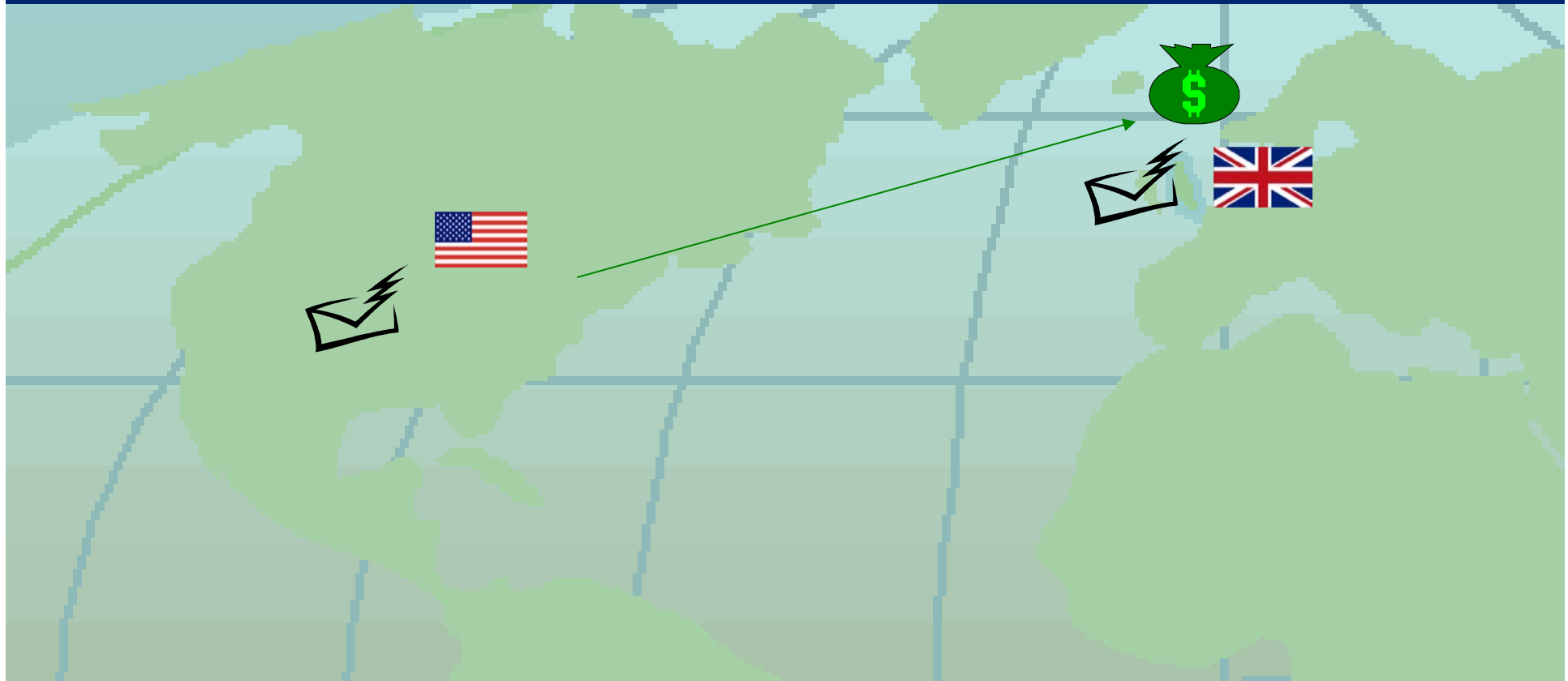
The Dominica Spam Case



The TLD Case

- We alleged TLD's spam advertised Internet domain names such as ".sex," ".brit," ".scot," or ".usa" that could not in fact be used
- Large number of complaints in Consumer Sentinel drew our attention
- We followed the money to the U.K
- We checked the merchant's information through the U.K. Company's House Corporation database

The TLD CASE



The TLD Case

- The OFT:
 - helped FTC with serving process
 - got an assurance of voluntary compliance from the defendants
- The FTC:
 - shut down the Web sites & froze assets
 - reached a settlement with injunctive relief

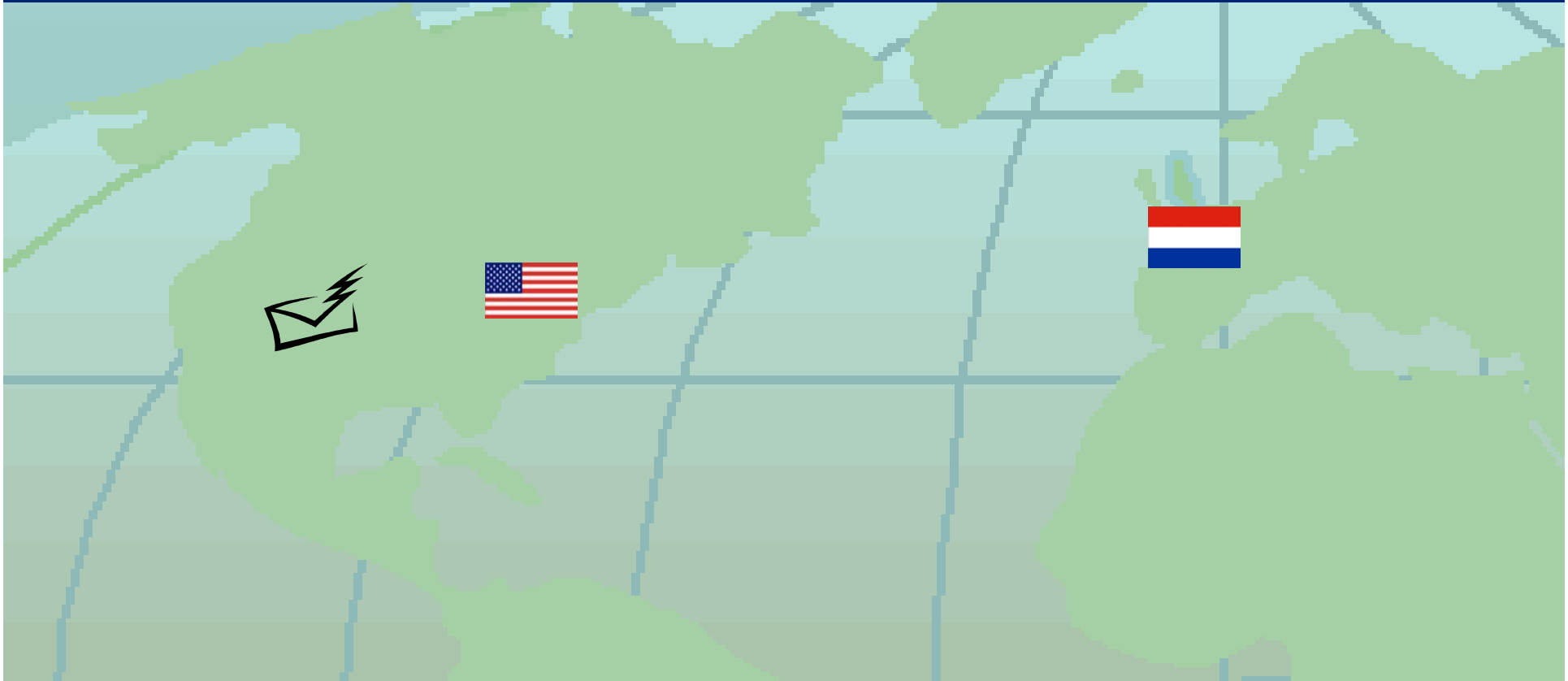
The TLD Case

- The challenge: recovering assets for consumer redress
- OFT: no jurisdiction for recovering assets
- Difficulties in recovering money held by third parties in foreign countries

The Westby Case

- Spam aimed at driving traffic to adult Web sites
- The FTC “spam refrigerator” showed the magnitude of the alleged scam
- The spam was deceptive:
 - Deceptive subject lines, e.g.
“Fwd your software”
 - Spoofing

The Westby Case



Amended complaint named Dutch individual
and two Dutch corporations

Improving Tools for International Cooperation

- **US: Proposed International Consumer Protection Act**
 - Investigative assistance
 - Information sharing (including FOIA provisions)
 - Clarification of jurisdiction and redress authority
 - Authority to negotiate international agreements

- **EU: Proposed Enforcement Cooperation Regulation**

Gathering Information:



Consumer Complaints,
Related Information

- Restricted-access law enforcement site
- National and international scope (U.S., Canada, Australia)
- **Consumer Planet Sentinel:** 17 countries can access *econsumer.gov* complaints
- Law enforcers can search for complaints and alert each other of ongoing issues



Spam
“refrigerator”

- Public sites
- Trend information
- Consumer education materials
- **More than 40 Million UCEs**

Challenges for Cross-border enforcement

- Obtaining Evidence
 - Confidentiality and privacy issues
 - Data Availability
 - Information never logged
 - Information logged, but deleted or not retrievable
 - Multiple layers of information
- Recovering Assets
- Stopping Misconduct
- Moving fast

