

CAN-SPAM Act Summary

This Quick Start Guide is a summary or highlight of the application of the CAN-SPAM Act by Paragon.

Opt Out	Opt In	What is CAN-SPAM?
<h3 data-bbox="282 520 847 556">CAN-SPAM Act of Congress 2003</h3> <p data-bbox="282 575 1367 743">In response to the increase in the amount of unsolicited commercial email or "spam", Congress enacted the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, better known as the "CAN-SPAM Act". The CAN-SPAM Act became effective on January 1, 2004 and applies broadly to all commercial email messages, not just the unsolicited advertising that most people think of as spam. The CAN-SPAM Act does not ban spam but instead sets forth requirements for the transmission of any commercial email, including newsletters and wireless messaging.</p> <p data-bbox="282 758 1325 814">Following are the requirements for commercial emails with descriptions of how enhancements to the MLS system fulfill these requirements.</p> <h4 data-bbox="289 842 521 869">Table of Contents</h4> <ul data-bbox="337 919 992 1150" style="list-style-type: none"> Accurate Header and Sender Information Notice that the Email is an Advertisement Accurate Subject Line Valid Postal Address Notice of Right to Opt-Out of Future Emails Opt-Out Mechanism Honor the Opt-Out Request Limit Your Message to the Fidelity Business You Represent <p data-bbox="1312 1163 1367 1190" style="text-align: right;">^ Top</p> <h4 data-bbox="289 1192 813 1220">Accurate Header and Sender Information</h4> <p data-bbox="321 1255 1351 1367">The "To" and "From" and routing information, including the originating domain name and email address, must be accurate and you must accurately identify the person who initiated the email. You do not have to identify the sender by name but instead can accurately reflect the sender's title or department.</p> <h4 data-bbox="293 1402 440 1430">MLS Solution</h4> <p data-bbox="321 1472 1295 1499">The following information has been added to the X-header of outgoing emails from the system:</p> <ul data-bbox="337 1514 716 1682" style="list-style-type: none"> • Name of MLS System • The name of the originating server • Multiple Listing Service (MLS) ID • User Name • User ID • Email ID <p data-bbox="321 1703 1351 1900">In addition, agent email addresses will be verified to ensure that the "From" address is correct. This will occur the first time an agent sends an email. An email will be triggered to the "From" address (the agent's email address). The email will contain verbiage for the agent to confirm their email address by clicking on a link inside the body of the email. The agent will have 30 days to complete this process. Once the verification is complete, their address will be added to a "whitelist" of approved email addresses. If the email is not confirmed, the address will be placed on a "blacklist" on the 31st day and the agent will no longer be able to send emails.</p>		

Notice that the Email is an Advertisement ^ Top

The message must contain a clear and conspicuous notice that it is an advertisement or solicitation. You are no longer required by law to put the notice in the subject line but should put the notice in the beginning of the email if it is not in the subject line.

MLS Solution

The following tag has been prepended to the subject line: [ADV]. This tag meets the federal requirement.

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Accurate Subject Line

The subject line cannot mislead the recipient about the contents or subject matter of the message.

MLS Solution

While we cannot control what an agent types into the subject line, the [ADV] tag will resolve most issues. In addition, we have changed the text in the automatic prospecting emails from "Automatic E-mail Notification For _____" to read "[ADV] Real Estate Listing Notification For _____" to add clarity to the subject line of these emails.

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Valid Postal Address

The message must include the sender's valid physical business address to which the U.S. Postal Service delivers the sender's mail.

MLS Solution

The agent's office physical address has been added to the X-header of all outgoing emails. It is imperative that the mailing addresses for offices are not empty the system. If this occurs, the agent and MLS will receive an automated email informing them that the outgoing email could not be sent since the office address for the agent is blank. Once the address has been added to the system, the agent will be able to send emails.

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Notice of Right to Opt-Out of Future Emails

The message must inform the recipient of the right to opt out of receiving more commercial email from the sender's company.

MLS Solution

We have added the following tag to the bottom of every outgoing email: "If you prefer not to receive real estate listing information and updates via e-mail, click here." Clicking on the link will take the recipient to a web page where they can opt out of receiving emails from the specific agent or any emails from the system.

Opt-Out Mechanism

The message must provide a return email address or another Internet-based response mechanism that allows a recipient to ask the sender not to send future email messages to that email address. The opt-out mechanism must be able to process opt-out requests for at least 30 days after the date that the email was sent. You may create a "menu" of choices to allow a recipient to opt-out of certain types of messages, but you must also include the option to end all commercial messages from the sender. You cannot require the recipient to provide any information other than the relevant email address and opt-out preference, or take any steps other than sending a reply email message or visiting a single Internet web page.

MLS Solution

A website for opting out of emails from the agent or from the entire system. After clicking on an opt-out link in the email, a new browser window launches with the options to select from. After making their selection, a confirmation email is sent to the recipient to ensure that they are requestor. The recipient clicks a link in the email and a new browser is launched containing a "Thank you, your preferences have been updated" message.

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Honor the Opt-Out Request

After receipt of an opt-out request, the law currently gives the sender 10 business days to stop sending commercial email to the requestor's email address. However, the Federal Trade Commission is currently considering shortening the requirement to 3 business days.

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The opt-out request is immediate upon the final email confirmation by the recipient.

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Limit Your Message to the Business You Represent

Your email should limit its message to the particular Fidelity company and business line that you represent and not speak for the parent corporation or any other divisions, affiliates or lines of business.

MLS Solution

This requirement does not apply to the system since we do not generate any emails that include reciprocal information about our parent company.

For more information about the CAN-SPAM act, visit the following section on the Federal Trade Commission's website: [The CAN-SPAM Act: Requirements for Commercial Emailers](#). Click [here](#) for the pdf version.