

**SEOUL-MELBOURNE**  
**MULTILATERAL MEMORANDUM OF UNDERSTANDING**  
ON  
**COOPERATION IN COUNTERING SPAM**

The Signatories to this Memorandum of Understanding,

CONSIDERING that the protection of the information economy is a major factor for social, economic and environmental development and for the realisation of productivity and service delivery improvements in the government, business and community sectors of each country/region; and

CONSIDERING ALSO that spam can impair the infrastructure and viability of the information economy;

RECOGNISING the necessity for mutual cooperation for the minimisation of spam originating in and being sent to, or by way of, each country/region;

RECOGNISING ALSO that other organisations may in the future wish to be part of this Memorandum and to jointly combat the spam problem;

HOPING to work together to develop cooperative mechanisms to combat the spam problem, including technical, educational and policy solutions; and

DESIRING to enhance cooperative relations,

HAVE REACHED the following understandings:

**Focus of Cooperation**

1. Acting within the framework of their powers, interests and responsibilities, the Signatories will collaborate on countering spam (unsolicited commercial electronic messages).
2. The purpose of this Memorandum is to encourage closer cooperation among the Signatories in minimising spam originating in each country/region, passing through each country/region and being sent to end-users in each country/region. The Signatories will also encourage the exchange of information on technical, educational and policy solutions to the spam problem in accordance with the relevant laws and regulations of each country/region and on the basis of equality, reciprocity and mutual benefit.

**Scope of Cooperation**

3. The Signatories will promote cooperation in all spheres of activity defined by this Memorandum in order to derive maximum benefits for each and all Signatories.
4. Recognising that bilateral and multilateral cooperation can complement areas of mutual interest in reducing the spam problem, the Signatories have identified areas of common interest for cooperation including, but not limited to, the encouragement of:
  - a. the exchange of information about policies and strategies for establishing and enforcing anti-spam regulatory frameworks;
  - b. the exchange of information relating to technical and educational solutions to the spam problem;

- c. the exchange of information and strategies about the effective use of regulation policies and in support of enforcement;
- d. the exchange of intelligence, relating to the other countries/regions, gathered as a result of enforcement; and
- e. industry collaboration.

### **Forms of Cooperation**

5. Cooperation among Signatories in the field of countering spam may take the following forms:
  - a. establishment of channels for exchange of exchange of information on spam, anti-spam measures and emerging issues;
  - b. exchange of delegations and visits as appropriate;
  - c. encouragement of liaison between industry and Government organisations to promote areas of interest and cooperation; and
  - d. other forms of cooperation arranged bilaterally or multilaterally by the Signatories.

### **Designated Representative**

6. In order to coordinate cooperative activities, each Signatory will appoint a representative who will act as a contact point, and who will be responsible for determining the particular directions of cooperation and for ensuring the effectiveness of all cooperative activities.
7. The representatives of the Signatories will consult with each other through the channel specified by the Signatories, to define activities and other related matters.

### **Activities subject to the Laws of the Signatories**

8. All activities implemented pursuant to this Memorandum will be subject to the respective international obligations and domestic laws and regulations of the Signatories cooperating on any issue.

### **Changes in Anti-Spam Legislation and Signing of Other Agreements**

9. In the event of a significant modification to a Signatory's anti-spam legislation, that Signatory will use their best efforts to consult with the other Signatories promptly, either directly or through the Secretary of Signatories as to whether these modifications may have implications for the operation of this Memorandum, and whether the Memorandum should be amended.
10. In the event of a Signatory considering becoming a party to another Agreement that may have implications for the operation of this Memorandum, the Signatory will use their best efforts to consult with the other Signatories promptly, either directly or through the Secretary of Signatories.

### **Funding and Resources**

11. The cooperative activities carried out under this Memorandum will be subject to the availability of funds and resources of the Signatories. For those activities carried out under this Memorandum, unless otherwise jointly decided, each Signatory will provide resources adequate to carry out its own commitments in relation to those activities.

### **Treatment of "In Confidence" Material**

12. No Signatory will disclose or distribute any information that is supplied and marked, or stated to be 'in-Confidence' by the originating Signatory, except as, and to the extent authorised, by the originating Signatory, or as required by law.

### **Settlement of Disputes**

13. Any disputes between any Signatories arising from the interpretation or implementation of this Memorandum will be settled amicably through consultations between the affected Signatories. Should the dispute be of a kind that might warrant a revision of this Memorandum, the parties should advise the Secretary of Signatories so that the matter may be circulated to all Signatories for comment and consideration.

### **Secretary of Signatories**

14. The Secretary of Signatories will be an officer of one of the Signatories and will be rotated subject to the agreement of the Signatories. The role of the Secretary will be to act as a contact point for joining this Memorandum and to inform the other Signatories when a new Signatory joins. When a new Signatory joins, the Secretary will include the name of the new Signatory on the List of Signatories at Annex B and advise the contact points of all other Signatories. Contact details for the current Secretary of Signatories and a description of the role are at Annex A.

### **Joining of New Signatories**

15. Participation in this Memorandum is voluntary and is open to the relevant Government and industry organisation/s of any country/region. All Signatories have equal status.

16. New Signatories will become party to this Memorandum upon acceptance of their credentials by a majority of current signatories, and will signify their intention to participate by completing the details of the Signatory schedule and sending the schedule by facsimile or similar unalterable form to the Secretary of Signatories. Current signatories to this Memorandum are listed at Annex B.

17. Where more than one Government regulator or industry organisation within one particular country/region is a Signatory to this Memorandum, those regulators and industry organisations will each nominate a single contact point for the purpose of correspondence with the Secretary of Signatories (i.e. where there are two or more government organisations in the same region, they will nominate a single government contact point; where there are two or more industry organisations within the same region they will nominate a single industry contact point).

### **Duration of Participation**

18. Each Signatory's participation in this Memorandum will come into effect on the date of signature by that Signatory. It will remain in effect for a period of five (5) years thereafter unless terminated by the Signatory giving six (6) months prior notice in writing to the other Signatories.

19. Notwithstanding termination of participation in this Memorandum by any Signatory pursuant to paragraph 18, activities being undertaken pursuant to this Memorandum immediately before its termination will continue to be governed by this Memorandum until their completion, unless the Signatories that are party to the activity mutually determine otherwise.

### **Miscellaneous**

20. This Memorandum may be amended or extended at any time by written mutual determination of the Signatories. To this end, signatures to any amendment or extension to this Memorandum may be circulated by facsimile, and any facsimile signature shall have the same effect as an original.

21. This Memorandum in English and Korean, each version being equally authentic, was approved by the founding signatories listed below on:

| this \_\_\_\_\_ day of \_\_\_\_\_ 2005

## **ANNEX A – SECRETARY OF SIGNATORIES**

### **The current contact point for joining this Memorandum of Understanding is:**

Personal name: Meg  
Family name: Mundell  
Position in organisation: Policy Analyst, Anti-Spam team  
Signatory Organisation: Australian Communications Authority (ACA)  
Country: Australia  
Postal address: Level 44, Melbourne Central Tower,  
360 Elizabeth Street, Melbourne  
VIC 3000 Australia  
Tel: + 61 3 9963 6736  
Fax: + 61 3 9963 6957  
Email: meg.mundell@aca.gov.au

### **Role of the Secretary of Signatories:**

- Act as the contact point for new organisations that wish to join this Memorandum
- Provide prospective Signatories with information about the process of joining
- Act as the collection point for Signatory schedules of Signatories
- Assist to disseminate information regarding this Memorandum
- Coordinate sign-up process (primarily by email)
  - Send Signatory Schedule to be completed by prospective Signatory
  - Inform existing Signatories when a new organisation wishes to join, and distribute that organisation's completed Signatory schedule to existing participants (by email)
  - After sign-up, add details of new Signatory to List of Signatories
  - Send updated versions of Memorandum to all Signatories

### **Additional support to the Secretary of Signatories**

Organisation of teleconferences between Signatories will be assisted by:

Personal name: Aaron Won-Ki  
Family name: Chung  
Position in organisation: Researcher, Spam Response Team  
Signatory Organisation: Korea Information Security Agency (KISA)  
Country: Korea  
Postal address:  
Tel: +  
Fax: +  
Email: wkchung@kisa.or.kr

## **ANNEX B – THE FOUNDING SIGNATORIES**

AUSTRALIAN COMMUNICATIONS AUTHORITY (ACA)

KOREA INFORMATION SECURITY AGENCY (KISA)

INTERNET SOCIETY OF CHINA (ISC)

COMMERCE, INDUSTRY AND TECHNOLOGY BUREAU, HONG KONG (CITB)

NATIONAL COMPUTER CENTRE (NCC) OF THE PHILIPPINES

PHILIPPINES COMPUTER EMERGENCY RESPONSE TEAM (PH-CERT)

MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION (MCMC)

MINISTRY OF ECONOMY, TRADE AND INDUSTRY, JAPAN (METI)

MINISTRY OF INTERNAL AFFAIRS AND COMMUNICATIONS (MIC) JAPAN

MINISTRY OF INFORMATION AND COMMUNICATION TECHNOLOGY, KINGDOM OF THAILAND (MICT)

NEW ZEALAND MINISTRY OF ECONOMIC DEVELOPMENT (MED)

TWCERT/CC

**SIGNATORY SCHEDULE - PART 1****Sequence Number:****Credentials:**

1	Signatory organisation	NAME OF ORGANISATION	
2	Country or region		
3	Contact representative	Personal name: Family name: Position in organisation: Postal address: Tel: + _____ Fax: + _____ Email: _____	
4	Relevant anti-spam legislation	(a) (b)	
5	Which of these functions form part of your organisation's role?	<input type="checkbox"/> technical solutions <input type="checkbox"/> policy development <input type="checkbox"/> law enforcement <input type="checkbox"/> education <input type="checkbox"/> industry liaison      other: .....	
6	Other Signatories or anti-spam organisations in your country / region		
7	Is your organisation the single nominated government or industry contact point for your country / region?	Y ( ) N ( ) Government organisation ( ) Industry organisation ( )	
8	Signed by	Personal name:  Family name:  Position in organisation:	[Signature]  <hr/> [Date]

## **SIGNATORY SCHEDULE – PART 2**

### **Information about your organisation**

*This information is intended to assist future cooperative work between the Signatories:*

1. Role of your organisation in relation to spam:
  
2. Other responsibilities and functions of your organisation:
  
3. What tools, materials or skills does your organisation have that you are able to share with other signatories?
  
4. What other relevant organisations does your agency work in cooperation with? If so, please indicate whether these are government or industry organisations, and briefly summarise their role:
  
5. Do you have the ability to act on compromised servers? If so, please provide name and contact details for the person who can perform this function:
  
6. Does your organisation have access to technical capacity to identify other potential threats to the security of the network? If so, please provide details:
  
7. Does your organisation have a capability to perform forensic analysis of spam reported directly to you?
  
8. Do you have spam-related educational materials aimed at business and / or consumers, which could be made available to other Signatories? If so, where are these available?
  
9. Any other information that could assist in understanding your organisation and its role: