

MEDIA RELEASE

EMAIL SPAMMER FINED \$12,000

13 January 2015

Internal Affairs has welcomed the announcement today of the \$12,000 penalty plus costs imposed on an Auckland man for sending spam emails in breach of the Unsolicited Electronic Messages Act 2007.

The case which was heard in July 2014 was the first defended anti-spam case in New Zealand, and the first civil pecuniary penalty application to be heard through to completion in the District Court at Manukau.

The Department took action against Mr Zeljko Aksentijevic after receiving complaints about the spam emails from members of the public in July 2012.

Mr Aksentijevic was found to have sent 2,230 commercial electronic messages that included links to his free Android app *Crazy Tilt Arcade Challenge*, largely to members of an Internet gaming forum, following an online argument. The emails were mainly abusive in nature but also contained links to a webpage promoting the app.

Mr Aksentijevic had also sent the emails from a number of different email addresses in an attempt to keep his identity anonymous as the sender of the messages.

The messages breached the Act in three ways:

- They were unsolicited;
- The messages did not include accurate sender information; and
- The messages did not include a functional unsubscribe facility.

Mr Aksentijevic continued to send emails after being put on notice by the Department that he was breaching the Act.

In his decision Judge C S Blackie noted that the main purpose of the penalty was to serve as a deterrent for Mr Aksentijevic and others against engaging in such conduct. Judge Blackie also noted the abusive nature of the emails was an aggravating factor – “breaching the provisions of the Act in relation to commercial electronic messaging is one thing, but adding a veneer of abuse is another”.

Peter Merrigan, a Senior Investigator for the Electronic Messaging Compliance Unit at the Department of Internal Affairs, welcomed the decision and warned that the Department will continue to prosecute spammers.

“The Department takes the matter of spam seriously and the decision by Judge Blackie sends a strong message that all those sending spam, even without financial motivation, can expect to be held accountable,” Mr Merrigan said.

ENDS



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