

Compliant VS Complaints: Starting On The Right Foot

by Missy Bergen of Swiftpage

For today's Web-savvy consumers, email marketing is an easy, cost-effective way to stay top-of-mind. With the click of a button, you can send e-brochures or special promotions to your prospects. You can announce upcoming events to customers or keep them up to speed on your products with a company newsletter. All without the old costs of printing, assembly and postage. Sounds simple enough.

However, before you get started, it's important to take note of some often-overlooked barriers to email marketing success. You must be well versed in what it takes to be [CAN-SPAM compliant](#), be able to effectively manage subscriber lists by tracking opt-in and opt-out requests, and ensure that your servers are compatible with recipient ISPs. By covering all your bases before you start, you can avoid fines, lower your chances of being blacklisted and be positioned for success.

Confused? Don't worry. We'll try to make it easy.

Before we go further, remember that you should only send email to those who have indicated a willingness to accept your message. It's a courtesy everyone will appreciate and it's the right thing to do.

What you should know before you start

We all know that the Internet boom and the personal computer on every desk did much to make business more efficient. It put millions of resources right at our fingertips, and gave us the quick and easy form of communication known as email.

But progress is never without its challenges. The ease and low cost of email also spurred an onslaught of unsolicited commercial messages from bulk advertisers, which I'm sure you well know as the junk mail that shows up in your email box every day. According to Answers.com, hundreds of millions of unwanted messages are transmitted daily to nearly anyone who has an email account. So, in order to regulate this junk mail and restore email as a functional communication tool, the government passed the CAN-SPAM Act of 2003 (Controlling the Assault of Non-Solicited Pornography and Marketing). This rule subjects the senders of any unsolicited email to fines of up to \$6 million.

However, marketers need not despair. Recognizing the difference between spam and targeted email marketing, the Federal Communications Commission (FCC) inserted some exemptions to allow legitimate messages to live within CAN-SPAM's protection. The Act does not apply to emails that include an opt-out mechanism, a valid subject line and header, and a legitimate physical address for the mailer. Companies must be compliant with these CAN-SPAM regulations to avoid hefty fines.

Another aspect of email marketing that you should consider before beginning is how to avoid being "blacklisted." An email "blacklist" acts as a filter to block any email from a particular server. If a recipient of one of your email campaigns reports the message as spam, the recipient company's Internet Service Provider (ISP) may block any future correspondence from your entire domain. This can be very costly, as it impacts not only marketing, but also sales, accounting and customer service -- every piece of email communication. If the recipient was an existing customer, his or her company may not receive important information about meetings, billing, etc.

While your marketing department may be nervous about the blacklist, they're not the only ones clamoring for compliance. ISPs such as MSN, Covad and EarthLink can also be held responsible for spamming that happens on their systems. Rather than risk the blacklist, which would disrupt

service to all their customers, ISPs will often cut off individual customers suspected of spamming. As a preventative measure, many ISPs now place limits on the number of emails that can be sent from a single domain (or even a single computer). This may be regulated by restricting the number of emails allowed per hour, per day and/or per month. Many ISPs also put a cap on the number of recipients allowed for a single email (often between 25-100).

How do these precautions affect your business? It depends on your company's systems. If your company uses Outlook for mass communication to your clients, prospects and leads, be prepared for a large wrench in your marketing timeline. Sending sizable campaigns through Outlook can be risky, cumbersome and even ineffective.

The ISP-imposed email limits create repetitive work for your marketing department, requiring them to send out the same email over and over again, each to a subsequent small chunk of your list. Consider that companies typically reach out to thousands of prospects with a single email campaign. Now divide that by an ISP limit of 25 names per email. Even with a relatively small campaign, you could be hitting the "send" button more than 200 times. A limit of 25 could even effect your ability to forward those annoying yet addicting e-surveys, silly pictures, jokes, and inspiring thoughts to your friends and family.

How to sidestep the issues

Despite all of the roadblocks, email marketing is a necessity for any 21st century business. With ninety percent of consumers checking email several times a day, companies have to go where the consumers are. Fortunately, enlisting the help of an outside service with a separate, email-knowledgeable ISP can help make email marketing a smooth, pleasant and profitable experience.

One of the first things email marketing services can do for you is take the guesswork out of CAN-SPAM compliance. Most services will automatically manage your opt-in/opt-out lists, and as required by the law, they will ensure that the proper identification and postal information is included in your messages. It's their job to know the ins and outs of email marketing laws, so if anything changes, your campaigns will remain safe in their care (and your recipients' rights protected).

An outside email marketing service will also allow your organization to send large amounts of email at one time. You can typically send up to 1,000 emails at a time, which is obviously more efficient than sending 25 messages 40 times. Most outside services have "white listed" ISPs, which means that servers recognize their email addresses and domains as trustworthy and choose to always allow their mail through. Effectively maintaining the white listed status requires identity validation, constant maintenance and a reputation of taking responsibility for spam. An email marketing service will take care of these details, allowing you to focus on what's really important: the marketing message.

From a relationship perspective, email marketing services enable you to connect with your customers as individuals even though you're sending to thousands of prospects at a time. Some systems allow each person within your company to use the program under a single account while still maintaining their own sending identities.

For example, Susan and Joe could both login as "Email Marketer 1," to access messages within a single campaign, but could manage accounts from susan@yourcompany.com and joe@yourcompany.com. This allows each person to send to their own customers and prospects for true one-to-one marketing.

Research shows this personal touch will help maximize open rates and increase campaign success. A study by DoubleClick revealed that the "from" line is the most compelling reason that

consumers open a permission-based email. And this recognition component will only become more important as consumers face ever-rising volumes of email.

Another nice feature of some email marketing services is the automatic list integration and management. Some solutions will sync to your customer information in databases like ACT! or SalesLogix or Outlook. Other systems allow you to upload your data into their online system. That gets you started, but the list management is the real luxury. If you've ever tried to do this manually, you know what a headache it can be. Large spreadsheets of data are daunting when you're regularly adding, deleting and rearranging names. It's not long before you're not sure what's new, old, right or wrong. Three Tylenol later, you load your names and send the email, crossing your fingers that the data was accurate.

With automatic opt-out management, opt-out recipients are added to a filter. This keeps them from receiving any future mailings, even if you accidentally re-load their contact information. And, according to CAN-SPAM rules, if a recipient opts out, it is not only the individual sender that must stop email to that person, but also the sender's entire domain. This can get tricky when your company is communicating from different departments or with multiple newsletters and promotions. Many email marketing services will link your company accounts, so a single filter can be set to automatically manage your entire company's opt-outs. This keeps you in compliance by preventing any account from emailing those people again.

List management can also add opt-in names automatically, so none of the people who've specifically requested information from you, your leads, fall through the cracks. Some companies offer a complete lead generation system, tracking open rates and click-throughs in order to identify those with the greatest potential for the sales team. Reporting by campaign will help you determine analyze success across multiple users and multiple templates, revealing which message style, content, send time, etc, works best. This can guide future marketing decisions.

Some email marketing companies offer add-ons like surveys and polling, mail-merging, and message templates. Depending on the company, these features may be included in a monthly fee, or you may be charged a flat fee per feature or per email.

The companies that offer email templates do it in several different ways. Some allow you to upload HTML created in other programs such as Microsoft FrontPage and Macromedia Dreamweaver. But for those of us who are not graphic designers, or are just too busy to dive into new software, many services offer a user-friendly friendly template creation tool. They typically feature a WYSIWYG (what-you-see-is-what-you-get) screen where you can create content using familiar editing commands. It often takes less than an hour to master, and you can produce professional-looking e-brochures without the extended cost and effort. In most services, templates can be shared across user accounts for a consistent look company-wide.

The next step

With 90 percent of your customers using email several times a day, email marketing campaigns are essential to remain competitive. There are many reputable email marketing services on the market, and they offer a varying degree of services. Before choosing a vendor, decide which features are important for your business.

Remember to ask about a provider's compliance strategies for email marketing laws, their opt-out list management and their server compatibility with recipient ISPs. If you can, test the usability and capabilities of the company's editing tools before purchasing. By comparing pricing and service levels before you start, you can ensure that you have the best partner to help you build a strong email marketing presence



Kristi Smith Consulting

(847) 520-0860



Sage E-marketing for ACT!