

Many writers have been concerned about how the new Canadian Anti-Spam Legislation affects their ability to promote their books. This document provides answers to some of the most common questions.

Please note: the information provided is of a general nature only, and the provision of it does not constitute legal advice, nor does it create a solicitor-client relationship. The reader should seek advice from a lawyer pertaining to any particular fact situation.

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1. *What does the new anti-spam legislation do?*

The new anti-spam legislation sets some parameters when sending a commercial electronic message to an electronic address. A commercial electronic message includes advertising, promoting and offering to sell a product or service. An electronic address includes an email account, telephone account, instant messaging account and any other similar account.

If you are promoting or advertising by sending a message to an electronic address then you would need to comply with the legislation. The legislation requires the sender to identify themselves, provide contact information, get consent from the person they are sending the message to and provide an “unsubscribe” option.

2. *Can I promote my book and share my deals by posting on social media such as Facebook and Twitter?*

The new anti-spam legislation is about sending commercial electronic message **to an electronic address**. The legislation defines an electronic address as an email account, telephone account, instant messaging account and any other similar account. Social media accounts may be considered a “similar account” depending on how it is being used. Generally, it is okay to promote your book by posting on your Facebook wall or Twitter feed. This is because you are using your own electronic forum, you are not pushing the communication out to someone else’s electronic address.

3. *Can I promote my book by using social media private messaging?*

Using social media messaging (*e.g.* Facebook messaging or LinkedIn messaging) to promote your book involves actively sending a commercial electronic message to someone else’s electronic address (*i.e.* someone else’s messaging in-box). These services are more like email and would be captured by the legislation. This doesn’t mean that you can’t promote your book by sending these kinds of messages. It just means that when you do you should make sure you comply with

the legislation by identifying yourself, providing contact information, obtaining consent and providing an “unsubscribe” option.

4. *Can I share other people’s Facebook or Twitter posts and promotions?*

Yes, you can share other people’s posts via your own Facebook page, Twitter feed or other similar social media platform. However, if you are using private messaging to promote their product on their behalf then you would need to comply with the new anti-spam legislation. This is only if you advertising on someone else’s behalf. It doesn’t mean that you can’t forward something of interest to your friends and family.

5. *Is it okay for someone else to share my book via social media?*

Yes, it is okay for someone else to share your book via social media by posting it to their own electronic forum (e.g. Facebook page, Twitter feed, personal blog). However, if that person is acting on your behalf and promotes your book by using social media messaging, then depending on the circumstances, that activity could be captured by the legislation. It is okay for them to forward items of interest to their friends and family. However, if they are promoting on your behalf then the communication would need to comply with the legislation (i.e. identifies you, provides contact information, obtains consent, includes an “unsubscribe” option).

6. *Can I post promotions on my blog? Do I need to get permission from the subscribers?*

You can post promotions on your blog without getting permission from the subscribers to your blog. Generally, promotions and advertisements posted on a website or blog post aren’t captured by the new anti-spam legislation. This is because posting on your own website or blog wouldn’t be considered sending a commercial electronic message to an electronic address.

7. *Where can I get more information about the new anti-spam legislation?*

Further information can be found on the following Government of Canada websites.

- The Government’s Fight Spam website – <http://fightspam.gc.ca/eic/site/030.nsf/eng/home>
- The CTRC’s FAQs – <http://www.crtc.gc.ca/eng/com500/faq500.htm>