

### **The Legal Challenges Of Caller ID Spoofing**

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The phone rings. The caller ID displays a phone number that appears to be legitimate but is not --the real identity of the caller and number where the call originated are being deliberately masked. The phenomenon is called "Caller ID Spoofing" and, because regulation of caller ID information varies from state to state, can be difficult to prevent. The Federal Communications Commission (FCC) has rules prohibiting telemarketers from blocking caller ID information and requiring that the information provided is accurate. The FCC rules extend only to interstate calls, or calls placed between states and do not reach calls placed completely within a state.

A more comprehensive solution, the Truth in Caller ID Act of 2010 (HR 1258), was passed by the U.S. House earlier this year. If passed, it would be unlawful "to cause any caller ID service to transmit misleading or inaccurate caller ID information, with the intent to defraud or deceive." This proposed legislation would not prevent callers from blocking their caller ID information. Last year, the U.S. Senate passed its own version of a similar bill (SB 30). Neither bill has yet been passed by both houses or signed into law. Until a more complete legislation solution emerges, complaints about caller ID spoofing can be filed with the FCC. More information is available at: <http://www.fcc.gov/cib/consumerfacts/callerid.html>.

For more information about legislation or litigation involving technology, intellectual property protection of information technology assets or any other Information Technology law issue, contact your Miller Canfield attorney or Kathy Ossian, Leader of our Information Technology Team, or call her direct at 313.496.7644.