

COLD EMAIL

Is Cold Email Legal?

Country by Country

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Is Cold Email Legal? Country-by-Country Guide (US, UK, EU, Germany, UAE, Canada, India)

Short answer: B2B cold email is legal in many countries, but the conditions depend on where the recipient is. The US allows it with an opt-out and a postal address (CAN-SPAM). The UK allows it to company employees, not sole traders, without consent. The EU varies by country, Germany generally requires prior consent, Canada requires consent or a narrow implied consent, and the UAE and India lean toward consent.

Key takeaways

- The rules of the **recipient's country** apply. A US sender emailing a Canadian or German buyer must follow Canadian or German rules.
- The US and UK are the most permissive for B2B: **no prior consent** for company employees, but you must identify yourself and offer an opt-out.
- Canada (CASL) and Germany (UWG) are the strictest: you generally need **consent**, express or (in Canada) narrowly implied.
- Everywhere: honest sender details, a working opt-out honored fast, a suppression list, and a record of where each contact came from.

Comparison table: cold email rules by country

Market	Main rules	B2B cold email without prior consent?	Every email must have	Maximum penalty (headline)
United States	CAN-SPAM Act (FTC)	Yes. No consent needed, and no B2B exception from the rules	Accurate sender and headers, honest subject, physical postal address, clear opt-out	Up to \$53,088 per email
United Kingdom	PECR + UK GDPR (ICO)	Yes to corporate subscribers (limited companies, LLPs). No to sole traders and some partnerships	Your identity, a valid opt-out address	PECR fines raised to UK GDPR levels: £17.5m or 4% of worldwide turnover
European Union	ePrivacy Directive (national laws) + GDPR	Depends on the country. Some allow it if relevant to the role, others require consent	Identity, opt-out, GDPR transparency information	GDPR: €20m or 4% of worldwide turnover; national laws vary
Germany	UWG section 7 + GDPR	Generally no. Prior express consent is required, B2B included	Consent you can prove, identity, opt-out	Claims from competitors and associations; GDPR fines
Canada	CASL (CRTC, ISSED)	No, unless implied consent applies (narrow)	Sender identification, contact details, unsubscribe honored within 10 business days	Up to \$10m CAD per violation for organizations
UAE	PDPL (Federal Decree-Law 45 of 2021), TDRA spam rules; DIFC and ADGM have their own laws	Unclear for B2B; the framework is consent-led. Treat as high risk	Identity, opt-out; consent where required	Set by executive regulations; check current status
India	DPDP Act 2023 + DPDP Rules 2025 (phased); IT Act 2000	No email-specific ban; DPDP is consent-led once in force	Clear identity and an easy opt-out (best practice); notice and consent under DPDP	Up to ₹250 crore per breach under the DPDP Act

Compliant cold email footer (multi-country B2B) (template: copy and adapt)

[Your full name]
 [Job title], [Company legal name]
 [Street address, City, Postcode, Country]

You're receiving this because you're listed as [role] at [Company] and this relates to your work. We found your details at [source, e.g. "your company website"].
 Don't want to hear from us? Reply "unsubscribe" or click here: [unsubscribe link]. We'll remove you right away.
 Privacy notice: [link to your privacy notice]

Pre-campaign compliance checklist (template: copy and adapt)

For each country on the list:

- ☐ Recipient country identified for every contact
- ☐ Rule for that country checked on the regulator's site (date: ____)
- ☐ Company vs individual / sole trader checked (UK)
- ☐ Consent route documented (Canada, Germany, and others that require it)
- ☐ Legitimate interests assessment written (UK / EU)
- ☐ Source of each contact recorded
- ☐ Message relevant to the recipient's role
- ☐ Footer: name, company, postal address, opt-out, privacy link
- ☐ Subject line honest
- ☐ Suppression list loaded into every sending tool and inbox
- ☐ Opt-outs processed within 10 business days or faster (aim: same day)
- ☐ Agency contract states who is responsible for compliance

Records to keep, wherever you send

Record	Why it matters	Where it lives
Source of each contact and date collected	GDPR Article 14, CASL proof of implied consent, UK accountability	A column in your list and CRM
Suppression list (all opt-outs)	Opt-outs must be honored across every inbox and tool	Sending tool plus CRM, synced
Legitimate interests assessment	Your lawful basis under GDPR and UK GDPR	A short document per campaign type
Consent records	Required proof in Canada, Germany and other consent markets	CRM, with date, wording and source
Copy of each email version sent	Shows subject lines and footers were compliant	Sending tool history

Quick answers

Is cold emailing illegal?

Not in general. B2B cold email is legal in the US, the UK (to company employees) and several EU countries if you follow the rules: identify yourself honestly, keep the message relevant to the recipient's job, and offer an easy opt-out. It is restricted in countries that require prior consent, such as Germany and, with narrow exceptions, Canada.

Do I need consent to send B2B cold email in the US?

No. CAN-SPAM does not require prior consent, but it covers business-to-business email with no exception. Every commercial email needs accurate header and sender information, an honest subject line, a valid physical postal address and a clear way to opt out. Opt-outs must be honored within 10 business days.

Is cold email legal in the UK?

Yes, to corporate subscribers such as limited companies and LLPs, without prior consent, as long as you identify yourself and offer an opt-out. Sole traders and some partnerships are treated like individuals, so you need their consent. UK GDPR still applies to named business email addresses, so you need a lawful basis such as legitimate interests.

Does GDPR ban cold email?

No. GDPR does not ban cold email, but it applies whenever you process a named person's data, including a work address. Many senders rely on legitimate interests, which GDPR recognizes can include direct marketing. Separately, each EU country's e-marketing law decides whether B2B email needs prior consent, so the answer differs between, for example, France and Germany.

Which law applies if I email someone in another country?

Usually the law of the recipient's country. CASL applies to messages sent to or accessed from computers in Canada, GDPR applies to people in the EU whatever your location, and the UAE spam rules cover messages with a UAE link. In practice, segment your list by country and apply each market's rules.

Is cold email legal in Canada?

Only with consent. CASL requires express or implied consent before sending a commercial electronic message. One implied-consent route is narrow: the person published their own address, did not say they refuse unsolicited messages, and your email is relevant to their business role. Every message must identify you and include a working unsubscribe mechanism.

Is cold email legal in India?

India has no dedicated anti-spam law for email. The Digital Personal Data Protection Act 2023 applies to personal data, with most duties phased in through 2026 and 2027 under the DPDP Rules 2025. The Act is consent-led, though it excludes data the person made publicly available themselves. Treat consent and an easy opt-out as the safe default.

What should every cold email include to stay compliant?

Your real name and company, an honest subject line, a physical postal address, a message relevant to the recipient's job, and a simple way to opt out that you honor quickly. Behind the scenes, keep a suppression list and a record of where you got each contact, and document why you believe contacting them is lawful.

Book a free strategy call

<https://bookshawn.b2bxclusive.com/>

Full guide with sources: <https://b2bxclusive.com/blog/is-cold-email-legal/> · By Subhendu J Shawn, founder of B2BXclusive.