

ALERT

Fraud and Scam Prevention Series: Report Identifies Broad Problems and Offers Complex Recommendations

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Welcome to Wiley's new series on fraud and scam prevention. Bad actors increasingly exploit America's communications, banking, and digital systems to achieve astounding levels of fraud. With American households estimated to lose more than \$1 billion *each week* to such scams, this proliferation of fraud endangers the American economy and national security.^[1] Whether it is imposter fraud, cybersquatting, domain name theft, SMS phishing, or another method of attack, consumers report unprecedented levels of financial loss, fear of operating online, and limited trust in traditional methods of communication. A broad range of U.S. companies are also victims when scammers misappropriate their brand names to harm consumers.

To kick the series off, we are covering a recent report from the Aspen Institute, "United We Stand: National Strategy to Prevent Scams," which advocates for a multi-sector strategy across government agencies, private industry, nonprofit organizations, and the public. The Aspen Institute is a nonprofit focused in part on addressing financial challenges for American households, and a range of different companies, associations, and government agencies contributed to the Aspen Institute Report.

This article is the first in a series of blog posts that will be published by Wiley in the coming weeks to discuss unique aspects of the growing fraud environment, along with creative solutions for stakeholders to consider. Specifically, we plan to take deeper dives into privacy and information sharing, technological tools to detect and prevent fraud, imposter fraud and brand protection, and robocall

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Practice Areas

FTC and Consumer Protection
Privacy, Cyber & Data Governance
Telecom, Media & Technology

and Know-Your-Customer regulations.

Overview of the Aspen Institute Report

The Aspen Institute Report is organized in two broad sections: (1) acting against scams and minimizing their harm; and (2) empowering scam prevention efforts. The former section focuses on the suppression of and responses to scam activity, while the latter section addresses industry and government policy initiatives (e.g., establishing scam prevention as a national priority), as well as changes to existing legal frameworks. The recommendations in the Aspen Institute Report are extensive, and include:

- Modernizing legal frameworks to clarify the duties for companies to prevent scams and encouraging scam prevention activities via “good Samaritan” liability protections for companies acting reasonably and in good faith;
- Enhancing collaboration between law enforcement and financial institutions, including increasing statutory authority for asset seizure and recovery and for punishing illicit transnational financial activity;
- Improving technological systems to detect, prevent, and report scams, such as creating a single portal (e.g., stopscams.gov) for companies to report scam intelligence;
- Establishing scam prevention as a national priority through budget allocations and updating government’s data analysis capabilities for combating scams; and
- Increasing public awareness through education campaigns.

These recommendations have wide-ranging impacts and leave several open questions for companies exploring and expanding fraud prevention frameworks. Wiley’s multidisciplinary team has extensive experience supporting a diverse range of companies and associations that are tackling complex fraud and scam threats, including through:

- Leveraging privacy and information sharing frameworks, while taking into account that the government has let key cyber information sharing protections lapse by failing to reauthorize the Cybersecurity Information Sharing Act of 2015;
- Formulating call authentication, Know Your Customer, and other FCC compliance frameworks related to illegal robocalling, including Robocall Mitigation Database certifications, and crafting of Robocall Mitigation Plans;
- Developing and implementing brand protection solutions, including via call authentication and branded calling frameworks;
- Pursuing innovative litigation strategies to address imposter fraud when bad actors misappropriate well-known and valuable brand names and the variety of related and derivative scams;
- Engaging in a broad range of fraud-centric regulatory rulemaking proceedings at both the Federal Communications Commission and the Federal Trade Commission;
- Interfacing with federal and state law enforcement agencies to identify and pursue bad actors engaged in fraudulent activity; and

- Assisting clients with tailored investigative, analytic, legal, and technology solutions to prevent fraud and pursue thieves and imposter.

We have a deep and experienced multidisciplinary team, and our experts handle a broad range of complex legal and policy issues in the fraud environment. From creative litigation strategies that take down scammers, to effective regulatory advocacy across multiple federal agencies, Wiley attorneys have extensive and unparalleled experience in today's fraud environment. For more information or assistance, please contact one of the authors listed on this alert.

[1] See Aspen Institute, United We Stand: National Strategy to Prevent Scams, at 6 (Sept. 29, 2025), <https://fraudtaskforce.aspeninstitute.org/nationalstrategy>.