



## TELECOM EXPRESS

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### Response to Guidance note consultation from Telecom Express

'Q1 – Will the language used in the Guidance be clear to the majority of those involved in PRS provision? If not, why not? Please include any specific suggestions you have for clearer drafting.

Q2 – Is the level of information provided in the Guidance sufficient? If not, why not? Please include any specific suggestions you have.

Q3 – In your opinion, will any of the expectations set out in the Guidance be likely to cause difficulty to the majority of providers, or cause confusion? If so, please give any reasons or evidence you have. In particular are there technical barriers to following Guidance we have not already acknowledged?

Q4 – Do you have any other specific comments on the content of the Guidance notes? '

**Telecom Express believe the language in the guidance notes is mainly comprehensive and sufficient, however there are some parts which could be improved to avoid important points meaning missed. Specific examples; There is technical functionality which is detailed in the Exit notes but not in the Subscription notes. In the subscription guidance the first bullet points you have omitted that reminders need to be sent out for every £20 OR EACH MONTH WHICH EVER COMES FIRST.**

**We do have some major concerns with some of the expectations which we believe**



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are technically hard to achieve, will require manual monitoring and man hours, and we believe for unnecessary consumer over protection.

**Why do you have to be over 18 to use a live service? We understand that bill payers permission is required, however in the age where all generations have mobile phones we do not agree with this age restriction.**

**Guidance notes should make recommendations of wording for promotional material using phases with terminology which is already familiar with consumers. ‘Network charge’s should be used rather than ‘network extra’s’**

**Guidance notes should recognise the different target audiences, media and constraints in the PRS industry and reflect this in it guidance.**

### Exiting Guidance

4.3. While there is a good understanding that texting ‘STOP’ to a service will result in the service stopping, there will be occasions where a consumer may not be aware of the ‘STOP’ command. Under such circumstances, consumers may text ‘please stop’, ‘stop texting me’ or other variations containing ‘stop’. Where it is clear that a consumer wishes to stop the service, they must be removed from the service’

**Subscription services are already required to send out numerous reminders on how to exit a service. These are free to the consumer and at the expense of the client. To also be required to develop this level of intelligence puts too much onerous on PRS industry and once again removed any responsibility from the consumer. It is already widely known that sending STOP should be enough to unsubscribe. If there is evidence to suggest this is not widely known to consumers PP+ should consider target mobile network operators to do a consumer marketing campaign on how to Exit a service.**

**Technically intelligent programming would also require manual checking which would be time consuming and not practical to effectively manage on a daily bases. In instances of shared short codes with keywords used to identify a service we see particular cause for concern. We foresee this would be creating a unnecessary risk that messages would be wrongly submitted or omitted to a service or exiting a service. We believe this would do the SMS industry more harm than good.**

4.2. With regard to how the ‘STOP’ command should work in practice, consumers should be able to text ‘STOP’ to the shortcode the service was initially requested from, or from which it is receiving (chargeable) messages, in order to stop the service. For example, if a consumer enters a service on 89XXX, they should not be required to text ‘STOP’ to 79XXX (a different shortcode), as this is likely to confuse consumers.

**We do not agree that it is confusing for consumers to be requested to text STOP to a different shortcode, and in certain circumstances it might not be possible to do so. Therefore we think that this point should be removed from guidance notes .**



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### Competition guidance notes

3.2 last bullet point. The date and time of when the competition closes, except in instances where there are only instant prize winners. (Please note that if no time is provided, the service is presumed to close at midnight on the day of the promotion). ‘

**Telecom Express does not agree that the above assumption should be included in the guidance notes. We believe this will encourage promoters to exclude close dates which we believe is key consumer information which should be present on all PRS promotions to providing consumers with confidence in responding to PR service.**

‘Competition guidance notes 6.4 No competition service may offer specific prizes that are also offered by other competitions (also known as prize pools).’

**Please define all service types with in the guidance notes. What is the definition of a prize pool? Providing it is clearly promoted, then we do not foresee any harm in competitions sharing prizes**

### Fund raising and other charitable promotions

3.1 Providers should ensure that all promotional material used for fund raising clearly states the following:

Either the total sum per premium rate donation which will be paid to the beneficiary. Where the amount varies between Network operators, we recommend that the minimum likely amount is used. To avoid variance, we would recommend the use of a charity shortcode’

**In circumstances where charity shortcodes can not be sourced, providers should not not be penalised for not using such a number. The guidance notes should be amended to reflect this point.**

### Promotions and promotional material (including pricing information)

**Guidance notes should give promoters the flexibility to show prices with or with out VAT providing it is clearly stated.**

‘Q5 – In your view, would the current requirement for risk assessment and monitoring of Level 2 clients, contained within draft Guidance on ‘Due diligence and risk assessment and control’, be disproportionate to the level of risk involved? Please provide evidence of current practice in relation to identifying and controlling risk with direct clients.’

**Yes we believe it is disproportionate to the level of risk. We have numerous clients varying from large corporate companies to individuals with each client having any number of premium rate services. To be able to monitor them all would be completely impracticable. We can inform clients of the requirement for them to**



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**register to PPP, and advise them of the code and highlight amendments which could affect them, but any further monitoring is unrealistic and disproportionate to the level of risk.**

**We would like to recommend that the registration scheme could be designed to alert providers when they are required to re-register. If someone does not re-register, then their partners associated with the PRNs should be alerted.**

**'Q6 – At present, the 'Due diligence' Guidance does not contain any requirement or recommendation to check passports of directors of prospective clients. Is it appropriate to recommend this in some form? If so, please provide any view you have as to what form' Due Diligence will be time consuming enough without the additional requirement of checking passports. If registration and due diligence are effective, we would hope that the scoundrels that have haunted the industry will be outed and will not be involved with the industry.**

**'Q7 – Should the section around free trial periods, contained within Guidance on 'Promotions and promotional material' be revised so that, if the consumer is clearly informed at the beginning of a trial period, then it is acceptable to charge without further opt-in as long as charging commences as soon as the free trial is over? Please provide any evidence you have.'**

**Yes, it should be revised to allow billing period to commence without further opt-in, however a notification message that the billing period has started would be best practise.**

**'Q8 – At present, Guidance does not recommend that providers take steps to be able to recognise a consumer's intent to exit, even when they have not sent 'STOP' or another correct keyword. Should this be the case and, if yes, how might this be achieved'**

**Consumer should take responsibility to remove themselves from the service correctly. It has already been simplified by only having to reply STOP. This is a request on the industry and is leading us down a ridiculous road to over protection of consumers. Telecom Express uses shared short codes with keywords and believe if this was to be imposed as industry best practise or regulation it would have negative impact on the industry our clients and services.**

**'Q9 – Should Guidance on 'Subscription services' contain a recommendation to send an initiation message containing stipulated information, as per Paragraph 7.12.4 of the 11<sup>th</sup> Code? If not, why not?'**

**We are happy to see this point from the 11<sup>th</sup> code be removed. Consumers should be aware prior to subscribing to this information. They are informed monthly or every £20 spent and the STOP command is widely known should they wish to**



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**unsubscribe.**

'Q10 – Should Guidance on 'Subscription services' be in line with requirements around text and font size contained in providers' contractual obligations with Mobile Network Operators?'

**No comment**