

## Mobile Minded's response to PhonepayPlus consultation on digital marketing.

Mobile minded BV

Mobile Minded is a global leader in the exploitation of mobile entertainment.

Mobile Minded creates, distributes and exploits easy accessible mobile content such as ringtones, apps, and (SMS) games.

### Q1

We agree with most of the points of assessment on of Digital marketing but there are a few points that we would like to put into perspective.

Complaints are something that is related and common to all consumer products in general. With a payment method as easy accessible as PSMS this fact is even aggregated and end user complaints are inevitable. Even if all affiliate marketing is banned and advertisers would directly buy all traffic there would still be a small percentage of users complaining. We strongly disapprove all misleading forms of advertising and police it thoroughly, but strongly doubt this is the reason for complaints in general.

Mobile Minded as well as several other players in the market has been active with online marketing for years. Our current strict procedures, dedicated monitoring and penalizing the offenders of our policy have greatly reduced excesses in affiliate marketing and greatly minimized consumer harm.

We have the feeling that if currently one incompliant banner or other form of marketing material in the route of entry to the totally compliant landing page, that all complaints are directly related by PP+ to the specific banner. Even though the traffic generated through that banner was only a small part of the total. Our complete process is geared towards preventing this from happening and in combination with our lenient refund policy this minimizes consumer harm. Never the less if an incompliant banner slips through the maze for a short period of time all complaints are related to that banner with a possible severe fine as a result. We therefore would like to know how PP+ estimates that a certain % of the complaints are related to misleading marketing material.

### Q11

Affiliate networks do everything to mask and protect the identity of their publishers in order not to be disinter mediated. This fundament part of the business makes it difficult (and in some cases even impossible) to implement some of the suggestions. As stated before the professional content providers have strict compliancy processes in place including external compliancy companies to mitigate any risk. But it's not 100% possible to mitigate all risk.

Further comments to specific suggestions:

*Place clear expectations on the affiliate network.* This is certainly possible and already in place with some of the CP's. However these contracts do not always prevent an affiliate from changing the journey after approval of CP.

Clearly monitor the traffic or force CP's to use external auditing teams to monitor affiliates and traffic sources in our opinion an effective method in order to mitigate the risk. Totally removing the risk will not be possible.

Sharing best knowledge:

We believe in the fact that working together with the PP+ in order to clean the market will be much more effective when they inform us earlier if any breaches by affiliates have occurred on specific services. We have a feeling that in the current environment the PP+ mistrust the content providers. It is not in the benefit of the CP to run incompliant marketing material. In most case the profit will not exceed any possible fines.