

**IAMAI response to  
TRAI Consultation Paper No. 13 /2012  
on  
Review of  
Telecom Commercial Communications Customer Preference Regulations, 2010**

**ISSUES FOR CONSULTATION**

- 1. What are your views on the proposal of blocking the delivery of SMS from the source or number or entity sending more than a specified number of promotional SMS per hour with similar signatures as proposed in the above para?**

There should be no limits on SMS sent through resources allocated to registered telemarketers. We also believe there should be a clear demarcation between SIM -based senders, and genuine A2P messaging using numeric 10 digit sender ids as per the Authority's Directions. Once an entity has been registered with the Authority, allocated resources and abides by the Authority's Directions, setting a limit would not be correct in our view.

- 2. What should be the limit on the number of SMS per hour to be specified in this regard? Please give your views along with reasons thereof (para 2.1.1 to 2.1.4).**

As mentioned above, there should be no limit set on A2P messages duly stamped and sent according to the norms set by the Authority. We believe such limitation would be artificial and against the grain or current regulatory principles. It is an issue best left to TSPs and registered telemarketers. However, in case of smses send against regulations, such as promotional messages through sim based systems, there should be a total ban.

- 3. Please give your comments on the proposal to mandate the telecom service providers to obtain an undertaking/agreement from registered telemarketers and other transactional entities that in case they want to outsource promotional activities to a third party, they will engage only a registered telemarketer for such promotional activities. What are the other options available to control such activities? Please give your views along with reasons thereof (para 2.2.1 to 2.2.3)?**

We strongly suggest that all brands and enterprises should be mandated to use registered marketers only to use promotional messages. We also suggest that transactional messages if sent directly through such brands and enterprises should necessitate them to be registered as telemarketers.

- 4. Please give your comments along with reasons thereof on the proposal to disconnect telecom resources after ten violations, of entities for whom the promotion is being carried out? Also indicate whether ten violations proposed is acceptable or needs a change. Justify the same. (para 2.3.1 to 2.3.3)?**

It is our suggestion that after 10 violations the telemarketer [registered], the TSP and the Brand/enterprise should be “named and shamed” publicly. In the subsequent 5 violations, the brand and the telemarketers should be penalised severely.

It may be noted that either of the steps should be taken only after establishing as per the existing law the guilty party based on complaints from direct customers and not from competitors. The entities in the value chain {viz: the telemarketers, TSPs and brands} should be given due hearing.

**5. What additional framework may be adopted to restrict such subscribers or entities from sending UCC, other than the one proposed above (para 2.3.1 to 2.3.3)?**

Unscrupulous telemarketer use modem-based solutions to counter TRAI’s directive as well as take the benefit of the extra margins thrown in by the 5p charge. Registered and compliant telemarketers suffer due to these errant players. (loss of business). ) TRAI should be involved directly in creating an environment whereby the enterprises & entities use only registered telemarketers as part of their communication to their consumers. Penalise the brands or enterprises which are using unregistered TM platform. IAMA suggests removal of the 5p surcharge for promotional messaging, thereby taking away the basic cause for any such violations.

The Association also suggests that promotional messaging be done only through registered telemarketers and any violation may result in the Telemarketer be deregistered as per the process mentioned above.

**6. What are your views on the time frame for implementation of the facility for lodging UCC related complaints on the website of service providers? Please give your comments with justification (para 2.4.1 to 2.4.3).**

This is an issue that needs to be addressed by TSPs and the Authority since registered telemarketers are not directly concerned with this.

**7. Do you propose any other framework for registering UCC complaint for easy and effective lodging of complaints (para 2.4.1 to 2.4.3)?**

Present framework is good. Though, it is important for immediate action to be taken against those complaints. With immediate intimation to the user saying that an action has been taken

**Further notes:**

1. 10 digit sim-based promotional messages are a menace and threaten the businesses of registered telemarketers, unless this is legalised, there should be zero tolerance towards it. This is also risky from the security perspective.
2. The second biggest problem at present is that there is random connivance between TSPs and some telemarketers on sending promotional messages through transactional pipes. This will not stop till the violation becomes economically non-viable. It is therefore our suggestion that either 5p promotional charge be removed; or reduced or price parity be brought about for all messages (Transactional and Promotional).
3. The third important point is that ultimately it is the brands and enterprises that benefit the most from promotional messages. In commensurate with the benefits that they derive, there should be a penalty for violation.
4. Finally, we also propose that the current 3,600 odd registered telemarketers need to meet some annual audit requirements by submitting volume {not value} of business transacted. Those that have not conducted any significant business in the last two years may be de-registered. The standards for such should be set in consultation with the industry and there should be a process of re-registering them should they prove their credentials.