



RJIL/TRAI/2018-19/256
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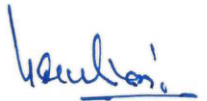
To,
Sh. Asit Kadayan
Advisor (QoS),
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg, New Delhi 110002

Subject: Comments on Draft Telecom Commercial Communication Customer Preference Regulations, 2018 dated 29.05.2018.

Dear Sir,

Please find enclosed herewith comments of Reliance Jio Infocomm Ltd. on Draft Telecom Commercial Communication Customer Preference Regulations, 2018 dated 29.05.2018, for your kind consideration.

Thanking You,
For **Reliance Jio Infocomm Limited,**


Kapoor Singh Guliani
Authorised Signatory



Enclosure: As above.

**RELIANCE JIO INFOCOMM LTD'S COMMENTS ON DRAFT
TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER PREFERENCE REGULATIONS,
2018**

1. At the outset, we submit that Reliance Jio Infocomm Limited ("RJIL") is supportive of leveraging latest technology in all spheres of telecom sector basis the appropriateness and right fit of the technology deployed.
2. We understand that the primary objective of the draft UCC regulation is to eliminate the menace of unregistered telemarketing activity and misuse of the transactional headers to push promotional messages and all endeavours should be directed to achieve this goal only.
3. However, we submit that the draft regulation and the Authority's views at the meetings in Delhi and Bangalore, indicate that the all the deterrent to curb unsolicited commercial communication (UCC) is directed towards the Origination Access Provider (OAP) by means of the enhanced financial disincentives, penalties and imposition of requirement of new systems and processes and the telemarketers and transactional message sending entities have been left free. We submit that one of the consensus view during the consultation process on UCC consultation paper dated 14th September 2017 was that some of the accountability should be shifted to these entities as well. We request the Authority to reconsider this issue and remove the provision of penalties and financial disincentives on OAPs.
4. Further, we submit that as the telemarketer and other related entities are registered by the Authority and are bound by Authority prescribed agreement formats. Therefore Authority is better placed to enforce the penal provisions on them rather than penalising OAPs. We request the Authority to build further stringent legal provisions in the agreements prescribed by it to ensure full compliance with the Regulations by the telemarketers. The Authority is requested to consider stringent and prohibitive penal action on the violating registered and unregistered telemarketers instead of OAPs.
5. As the Authority is aware, RJIL has always been supportive of new technology driven and consumer convenience centric approach. We support the proposal in the draft Regulations to leverage Distributed Ledger technology (DLT) based process to curb UCC. However, we submit that entire process is not clearly defined in the draft Regulation.



6. From the Authority's public pronouncements and media reports¹, it appears that the Authority's emphasis is on the non-repudiatory nature of the data on the Blockchain. Given the nature of the system, it appears that the Authority is envisaging a permissioned private blockchain-based DLT for the UCC regulation. However, there is no mention in the draft regulation of the need for the DLT to be a permissioned private blockchain-based platform. We request the Authority to clarify the same, well before issuing the in final Regulation. For now, we have hypothesized our submissions on the premise that the above is the desired concept.
7. From the draft regulations, we understand that the Authority is encouraging each access provider to pursue its own partnerships with telemarketers, or UCC-related service providers (such as a scrubbing service provider, transactional message sending entity etc.) to be hosted on its own DLT-based platform. We appreciate the freedom provided to the service providers to develop such ecosystem, however, we submit that some degree of coordination across access providers would be necessary and that the same can be done only under the able guidance and leadership of the Authority.
8. For instance, the draft regulation is proposing certain registrars, and associated registers to be utilized, such as for the Consent Template, Content Template, Header, Preference and Complaint registrars and their associated registers. We submit that as the telemarketer will be hosted on OAP DLT platform and the subscriber will be hosted in terminating access provider (TAP) DLT platform, it would be imperative that both the OAP and TAP adhere to a common agreed template for complaint related issues. So that whenever there is a grievance from a mobile subscriber in a TAP's network, with respect to a message coming from a telemarketer via an OAP's network, such shared and agreed-upon templates may be used to address the issue.
9. We submit that such desired shared template can work across all operators only when these are maintained in a central repository, under an express mandate from the Authority. We submit that this central repository of template codes of practices ("COP") need not be on a DLT and can be a neutral portal like NCCP portal maintained under the current UCC regulations. This will also obviate the need for all access providers to develop such COPs, and an access provider can simply download the agreed templates, store them in its DLT system, and perform checks related to the messages.
10. Further we submit that the access provider-specific systems, as envisioned in the draft regulation, will lead to a network of DLTs, where each DLT is hosted by an access

¹ <https://telecom.economictimes.indiatimes.com/news/new-ucc-norms-to-allow-consumers-take-better-control-trais-sharma/64370156> ,



provider and each particular DLT platform will be created from an OAP perspective. These OAP-managed DLTs could then provide access to other access providers to register any mobile subscriber complaints. The Authority will have a transparent audit access to each of these DLTs. In such a scenario, Authority managed central repository would be very useful in providing access to various templates with versioning of the templates. This central repository can also store the Customer Preference Registration Facility (CRPF) as well and a DLT could record all access transaction events to such a shared repository for TRAI to audit in the future.

11. However, this concept of each OAP managing its own DLT to support the UCC regulation leading to a network of DLTs across access providers, logically leads one to the very basic question, as to who are the peers on such a OAP-managed DLT?
12. Clearly, a peer node representing the OAP can certainly be a first peer node. As the other access providers will merely have the ability to submit mobile subscriber grievances, the same can be managed at an application layer so the other access providers do not appear to be the peer nodes on the OAP's DLT. However, for convenience, a second peer node representing all other access providers can be created. The Authority can have a peer node audit access and act as the neutral third peer node.
13. As the mobile subscribers would merely be authenticated at an application layer to submit their requests or access their profile information, so that they do not appear as peer nodes on the OAP-managed DLT. However, a single peer node could be created to represent all mobile subscribers in the OAP, and this can be a fourth peer node. Further, as there are a multitude of telemarketers, it would be difficult to create a peer node for each telemarketer. However, one could consider a fifth peer node (or more, maybe one each for telemarketer, transactional message senders and others) that represents all the telemarketers.
14. We submit that from the draft regulations, this is the only type of DLT that seems deducible. It would be pertinent to mention that this would still be somewhat centralized system managed separately by each OAP, with only positive outcome of more transparency in the UCC processes.
15. We submit that such a system is doable, given sufficient timelines, upwards of 9 months, as there are three separate activities that need to be frozen. First the Authority will be required to freeze the exact model and architecture of desired DLT implementation, this will be followed by settling all COPs in accordance with Regulation and DLT framework and thereafter DLT implementation will take place for each and every activity related to DND viz. preference registration, complaint



management, telemarketer related activities and consent and so on. Thus clearly an extensive schedule needs to be agreed for implementation, in consultation with all stakeholders.

16. Irrespective of the above, we submit that this format of separate monolithic structures begs the question whether an OAP-managed DLT is truly needed, or if one merely needs an OAP-managed secure transaction processing system (with high availability and replication) that logs all events, and provides secure access to information to different entities (Authority, telemarketers, mobile subscribers and other operators) for the information that they need to know without necessarily using a permissioned private blockchain-based DLT.
17. We submit that in case the intent is DLT based system only, then the Authority can also consider the model of a single DLT hosted by a completely neutral entity across all access providers. In this scenario, all operators can be the peer nodes on this central DLT. However, implementing such a system might be time consuming. As it may take a long time to bring all access providers together on a single DLT, to have common shared COPs and so on. Further, this might also require a temporary standardization body to be created to enable such agreements across access providers.
18. Further, for this single DLT across all service providers to work, it is desirable for the Authority to create a completely neutral UCC service provider that hosts all operators, telemarketers, and mobile subscribers, in a manner agreeable to all access providers and other participants. If the Authority prefers such a UCC Service Provider hosted DLT, then RJIL would be happy to be a participant on such shared DLT system.
19. However, if for the perspective of timeliness or any other reason this does not seem suitable then it might be easier to have each OAP create their own DLTs and then have a network of DLTs that inter-operate with each other. For the coarse-level coordination for the network of DLT's to inter-operate, open APIs would have to be designed by each OAP to enable such inter-operability, so that other access providers that access an OAP's DLT can interact with that DLT.
20. Another alternative option can be to have OAP-managed non-DLT systems, and a network of these OAP-managed non-DLT systems, that would collaborate on a single DLT across access providers, that will be provided by a neutral UCC service provider. In this case the Authority would be required to mandate what all transactions need to be recorded on a shared distributed permissioned private blockchain-based ledger system, and what smart contracts need to be adhered to on this single DLT across access providers.



21. We submit that that the timelines to implement such a system would be of essence and would be different for both scenarios. One can assume from the draft Regulations that the Authority is expecting this system to be functional in the later part of the year, therefore it is imperative that the Authority should clarify and crystallize the exact desired structure i.e. whether it desires to have a single DLT hosted by a UCC service provider, or alternatively it desires for a solution that consists of a network of DLTs across access providers.
22. The Authority may further specify the peers on the DLT, and the entities across which the ledger would be distributed. The Authority is also requested to clarify whether it would like a hash-chain based storage of transactions in each copy of the ledger, or would it just merely want the data to be replicated.
23. RJIL appreciated the co-regulation approach of the Authority, however, we submit that Authority's active participation and continued leadership would be required to successfully implement this regulation, instead of merely leaving it to the ecosystem to figure out how its regulation would be realized, if it is truly desirous of the adoption of its proposed regulation across all access providers. We also appreciate the concept of flexibility, however considering the complications involved, we submit that the Authority may keep its mind open on for further refinement to curb the menace of UCC.
24. Further, the draft regulations also indicates that the COPs should be developed by each access provider, and all service providers should have test systems evaluated in a regulatory sandbox. We submit that as it is very much possible that the nature of the COPs may vary across access providers, and if so, one may need the network of DLTs, so that each OAP can work with TRAI to develop its COPs seeking TRAI's approval. Further, while Regulation 17 of the draft regulation mentions the timelines for a mandated change in COP, it ignores the case of fundamental conflict in COP versions. We submit that the service providers should be accorded sufficient time to approach the Authority and represent their position in such case.
25. With regards to the Regulation 34 on derecognizing the devices on not permitting the TRAI applications to function, we submit that service providers are neither equipped nor permitted to penetrate the application layers to understand whether any application is providing certain permissions or not. In case service providers were to endeavor ascertaining the same, this would be a violation of the privacy of the telecom subscribers and against the spirit of privacy provisions enshrined in the license. We further submit that anyhow, derecognizing a device will be a very harsh step as this may also apply to a few very low end devices alongwith the intended high end mobiles with high security features.



26. With regards the Regulation 25(6) (c) about disconnecting all telecom resources of unregistered telemarketer on 3rd violation and allowing him to retain only one number, we understand that such one number will be chosen by the OAP at its own discretion out of all numbers allocated by it to such unregistered telemarketer.

27. To summarize, we submit as follows:

- 1. The Authority should do away with the financial disincentives on the Access Service Providers. Instead a structure may be evolved to directly penalize the violating telemarketers or customers.**
- 2. The Authority should clarify the exact DLT based system process being proposed and the desired peers accordingly.**
- 3. The Authority should build a central repository containing shared and agreed templates for COPs pertaining to inter-operator transactions.**
- 4. Considering the complexity of first freezing the exact DLT model, then settling COPs and thereafter implementing DLT, the Authority should prescribe a time period of minimum 9 months to implement the Regulations.**
- 5. The service providers are neither equipped nor permitted to penetrate the application layers to understand whether an application is providing certain permissions or not, therefor Authority should remove Regulation 34 before issuing final Regulations.**
- 6. Telemarketers and Transactional Message Sending Entities should be made accountable for misuse of the telecom resources allocated to them.**

