

Subject: **Fwd: Comments on draft Telecom Commercial Communications Customer Preference Regulations 2018**

To: pkg20672@gmail.com, trishna.dot@gmail.com, rajender@traf.gov.in, asit.kadyan@gmail.com

Date: 06/11/18 09:48 AM

From: "Asit Kadyan, Advisor" <advqos@traf.gov.in>

----- Original Message -----

From: **Gaurav Verma** <gaurav.verma@timesinternet.in>

Date: Jun 10, 2018 2:18:55 PM

Subject: Comments on draft Telecom Commercial Communications Customer Preference Regulations 2018

To: advqos@traf.gov.in

Cc: 'Rajnish Agarwal' <rajnish.agarwal@timesinternet.in>

Shri Asit Kadyan
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Telecom Regulatory Authority of India
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New Delhi – 110002

Subject: Times Internet Limited's comments and observations on the draft Telecom Commercial Communications Customer Preference Regulations 2018'

Dear Sir,

This is with reference to the draft Telecom Commercial Communications Customer Preference Regulations 2018, that were notified on 29 May 2018.

In this regard, please find our comments and observations below for your kind consideration and support:

1. In the Regulations, entire control and responsibility of this ecosystem has been envisaged to be with the Service Providers. This used to be with TRAI earlier. We request that there should be a CONSULTATIVE PROCESS involving TRAI, SPs and RTMs like us to MUTUALLY agree and arrive at KEY DECISIONS including:
 - a. Registering Telemarketers process
 - b. Deciding on registration fees, security deposits, financial disincentives
 - c. Creating the infra for Consent, Preference and Complaint management
 - d. Migrating existing registered entities and records to the new system
 - e. Finalizing Penalties amounts

2. Preferences and Consent have been made multi-layered and complicated by including:
 - a. Categories (this was there earlier also)
 - b. Mode of communication
 - c. Day of communication
 - d. Time of communication

Providing so many options to users may look beneficial, however it has been seen that if too many options are provided, users are hesitant to exercise any option whatsoever. As a result, these options may become counter-

productive.

3. **Are Promotional SMS / Calls allowed or not:** We are not clear if this regulation allows promotional communication to be sent to all the non-DND customers without their consent... in short, will it continue to be as is without any change as per the current procedure / guidelines?

We are also not clear on how this will be implemented if there is a new procedure.

Eg. if a new company XYZ Ltd. wants to promote their product/service, do users have to first give consent to this company's header and content template before this company can promote its services? This would be impossible for XYZ Ltd. to achieve.

4. Header length increase to 11 characters is a good move. However, the following needs clarity:
 - a. Would there still be Operator/Circle prefix to the header? Or would there be something else (eg. prefix depicting Trans/Promo/Service message)
 - b. How would Header Root and Header Branch function
 - c. Hopefully the SMS Headers will be allocated to more than one tech partner for a brand and not to only one tech partner. This is important for the brand to de-risk its business
5. **The TCCCPR states that consent of the recipient can be acquired through a robust verifiable consent acquisition process.** Does this imply that:
 - a. various entities would be able to have their own LEGACY consent acquisition processes which could be robust, verifiable and where purpose of consent is clear and unambiguous. This could include entities' Web forms, Mobile Apps, other forms etc.
 - b. how would these consents acquired by various entities be passed on to the 'DL for Consents'

Content Templates: Will there be specific content templates which shall be standardized for all categories of SMS communication (transactional, service, promotional) or will they be different for each category of SMS.

7. **Scrubbing** – We are not clear on whether RTMs like us will have to scrub files as per the current processes or will there be a new scrubbing process. Also how would this take place owing to the fact that data privacy issues have been raised in the TCCCPR.
8. There are two types of Telemarketers:
 - a. Telemarketers with Scrubbing function
 - b. Telemarketers with Delivery function

Please let us know if same telemarketer would be able to assume both the above roles.

9. **Complaint redressal system:** suppose a person who is a genuine CONSENTED customer, complains to an SP about receipt of a commercial communication and suppose that consent was taken as part of legacy at the

brand's end, then who decides the veracity of this complaint because the SP may not like to believe the consent taken to be rightly done, etc. whereas the brand in question is able to furnish proof of the consent obtained through the previous process.

In this context we suggest that all the consented customers at a brand's end as per the current procedure be allowed to be treated as CONSENTED CUSTOMERS for the purpose of this new recommendation because it does not make sense to take CONSENT AFRESH for the same CONSENTED customer and also the costs associated of taking fresh CONSENT are prohibitively high.

10. **The Penalty amounts mentioned are too steep** - We suggest a mutual agreement on this before anything gets implemented in the interest of all stakeholders and justification of the penalties which will help a smooth implementation.

Also, it appears as if people who are doing the business through the authorized procedure of registration with SPs are at a disadvantage as compared to the ones who are not registered with SPs because they will not be liable for any penalties but can still send UCC through a SIM / modem and other alternative means bypassing the system.

This must be tackled in parallel and we are keen to know as to what steps are being taken to give a level playing field for all concerned so that the likes of those who do not follow or are not covered under this regulation are not able to take advantage of bypassing the procedure rendering the new recommendations ineffective.

11. **There should be a working philosophy of having a Consensus approach amongst all stakeholders** (SPs, Clients, Tech partners, Government, Regulator) in case of difference of opinion - similar to that of a GST council, for a better and smooth roll out of the new proposed regulations so that it's a WIN-WIN for all.

Warm Regards,

Gaurav Verma
AVP, Times Mobile,
Times Internet Limited