

Information note to the Press (Press Release No. 61 /2010)

For Immediate Release

Telecom Regulatory Authority Of India

TRAI issues “The Telecom Commercial Communications Customer Preference Regulations, 2010”

New Delhi, 1st December, 2010:

The Telecom Regulatory Authority of India (TRAI) today issued **“The Telecom Commercial Communications Customer Preference Regulations, 2010”**. This Regulation covers both Commercial calls as well as SMSs. It will be effective from 1st January, 2011.

2. It may be recalled that in June 2007, TRAI had notified the Telecom Unsolicited Commercial Communications Regulations, 2007. Despite various measures taken by the Authority for curbing Unsolicited Commercial Communications, dissatisfaction on this account among telecom consumers continues. Although the number of unsolicited commercial voice calls had decreased to some extent, the number of unsolicited SMS had increased significantly causing inconvenience to telecom customers.

3. In order to find a solution to this problem, TRAI initiated consultation process in May 2010. After extensive discussions with all stakeholders, TRAI has today issued “The Telecom Commercial Communications Customer Preference Regulations 2010”.

4. Unlike the previous Regulations which provided only for a Do Not Call Registry, the Regulations issued today provide a wide choice to the customer. He may choose to be under the ‘fully blocked’ category which

is akin to the Do Not Call Registry under the previous Regulations or he may choose the 'partially blocked' category, in which case he will receive SMSs in the category/categories chosen by him. There are seven categories from which the customer can choose – 1.Banking/Insurance/Financial products/credit cards; 2- Real Estate; 3.Education; 4.Health; 5.Consumer goods and automobiles; 6.Communication/Broadcasting/Entertainment/IT; 7-Tourism and Leisure. Wherever the customer is in the 'partially blocked' category, he shall not get any commercial calls. The 'partially blocked' category is like a Do Call Registry. Thus, the customer can either choose his categories (Do Call), or choose to be under the fully blocked category (Do not Call) or not to register at all.

5. Customer registration will be effective within seven days of registration unlike in the past when it used to be 45 days. The customer can register by ringing up 1909 or sending SMS to 1909. This service will be toll free and the customer will be given a Registration number. Customer currently on the NDNC register will continue to be registered under the 'fully blocked' category and need no re-registration.

6. The procedure for registration of telemarketers with TRAI has also been simplified. All telemarketers now have the facility of registering online. They can also make payment of the necessary fees either online or offline. The registration will be immediate on payment of registration fee. Telemarketers currently registered with DOT should reregister.

7. The scrubbing of numbers which used to be done by a centralised agency earlier, causing delays and other difficulties, has now been replaced by a system where telemarketers are required to scrub the data before sending the SMSs/making the calls through their service providers' network. In addition, it has also been made mandatory for the

service providers to filter the data. This two-stage screening is designed to stop any unsolicited calls/SMS.

8. The defaulting telemarketers will be liable to pay heavy penalties. The telemarketers are required to enter into an agreement with the service provider before they get telecom resources. As part of the agreement, the telemarketers are required to commit that the following amounts would be deducted from the security offered by them.

First offence Rs. 25,000/-; Second offence, 75,000/-; Third offence Rs. 80,000/-; Fourth offence Rs.1,20,000/-; Fifth offence Rs. 1,50,000/-; and Sixth offence Rs.2,50,000/-. The Service Providers are required to deduct these amounts and deposit the same with TRAI. In addition to being liable for deduction of security as indicated above, the telemarketer will be blacklisted on commission of the sixth offence. The telecom resources of the blacklisted telemarketer will be disconnected by all the service providers and will not be restored for a period of two years.

9. The Regulations also provide for an aggrieved customer to lodge complaint with his service provider who is required to take appropriate action and inform the customer of the action taken within seven days.

10. Concerns have been expressed about the telemarketing calls/SMSs from unregistered telemarketers, who can be any of the 700 million subscribers. With a simpler registration process, it is expected that all telemarketers will register themselves with TRAI. Nevertheless, in order to minimise such instances, the Regulations provide that no service provider shall provide packages containing more than 100 SMS per day. The Regulations also provide that in the event of such an Unsolicited Commercial Communication (from an unregistered ordinary subscriber) he will be warned on the first offence and his telephone disconnected on commission of the second offence.

11. TRAI also expects that all industry and services associations will impress upon their members not to utilise the services of unregistered telemarketers.

12. In order to facilitate communication between agencies having commercial transactions with their clients, the Regulation provide for transactional messages to be exempt. Transactional messages are typically from banks/insurance companies or telecom service providers giving information relating to their customers' accounts, or from airlines/railways to their passengers regarding flight/train schedules, or from educational institutions to the parents. Transactional messages will however be only in the form of SMSs and that too restricted to relevant information. Promotional content in transactional messages will not be permitted.

13. A separate numbering series 70XXXXXXXX will be allocated for telemarketers, so that all telemarketing calls can be easily identified. Any call that comes from any number beginning with 70 will be a commercial call and the customer has the choice of receiving or not receiving the call. Therefore, even a customer who chooses not to register at all, has a choice. Likewise, a unique SMS header has been mandated for easy identification of commercial SMSs.

14. The Regulations mandate that no commercial communication, even for unregistered customers, shall be sent between 9.00 PM to 9.00 AM, so as not to disturb the customers at night.

15. The complete version of “The Commercial Communication Customer Preference Regulations, 2010” is available on TRAI’s website (www.trai.gov.in).

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Authorised to issue

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