airtel

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Dated: 09th November, 2017.

To,
Shri. Asit Kadayan,
Advisor (QoS),
Telecom Regulatory Authority of India (TRAI),
Mahanagar Door Sanchar Bhawan,
J.L. Nehru Marg, (Old Minto Road)
New Delhi - 110002, India.

Subject: Response to Consultation Paper on "Unsolicited Commercial Communication".

Reference: TRAI Consultation paper dated 14th September, 2017.

Dear Sir,

This is with reference to your above mentioned consultation paper. In this regard, please find enclosed our response for your kind consideration

Thanking you,

Yours Sincerely,
For **Bharti Airtel Limited.**

Ravi P. Gandhi
Chief Regulatory Officer

Enclosed: As mentioned above

Response to TRAI's Consultation Paper on 'Unsolicited Commercial Communication'

At the outset, we thank the Hon'ble Authority for providing us with an opportunity to submit our views on this Consultation Paper.

Since 2004, the Hon'ble Authority has issued several regulations[1] to address the issue of Unsolicited Commercial Communication (UCC). The Authority has created the National Customer Preference Register (NCPR) where the customer can register his/her preference for several categories of commercial communication. While the problems related to UCC have been addressed to a great extent, there are further opportunities to improve the existing process and to plug various loopholes. For example, the Unregistered Tele-marketers (UTMs) are currently misusing the telecommunication resources for generating UCC. This can be avoided by implementing an end-to-end automated process, starting from the stage where the customer registers his DND preference up till the point when resolution is provided to the customer. An automated process would help in bridging the gaps and loopholes in the present UCC registration process and aid in faster resolution to the customer issues.

In addition to the above, appropriate corrective actions may be taken to plug the fundamental flaw in the prevailing aggregator based reselling model in tele-marketing space. Such model is in contravention to the present licensing regime, which prohibit reselling of voice/SMS services (without holding a VNO Licence). However, at present, in aggregator based model, the reselling of telecommunication services is being carried out by entities like RTMs, TMSEs, Principal Entities, or any other intermediaries etc. This requires timely intervention of the Hon'ble Authority to prevent such practices.

As per the above context, we hereby put forth our views on the questions raised by the Authority in this Consultation Paper.

Q1: To what extent, time required for registration and enforcement can be reduced? For achieving reduced time lines, what changes in processes or in different entities e.g. PCPR, NCPR, CPDB may be required? Will provide scrubbing as a service for RTM reduces time? Please give your suggestions with reasons.

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[1] http://www.trai.gov.in/telecom/consumer-initiatives/unsolicited-commercial-communication

Airtel's Response:

We believe that the time required for UCC preference registration and enforcement can be reduced **by giving direct access to customers on NCPR database, via dedicated short code hitting TRAI server**. In this regard, we respectfully submit the following proposals:

A. **Proposal - 1 (Instant connectivity between PCPR and NCPR database through API integration at operator level) – need to maintain PCPR database along with NCPR database.**

In line with MNP process, TSPs will access the updated PCPR database through an API for updating their PCPR database. The schematic flow of the proposal is as under:
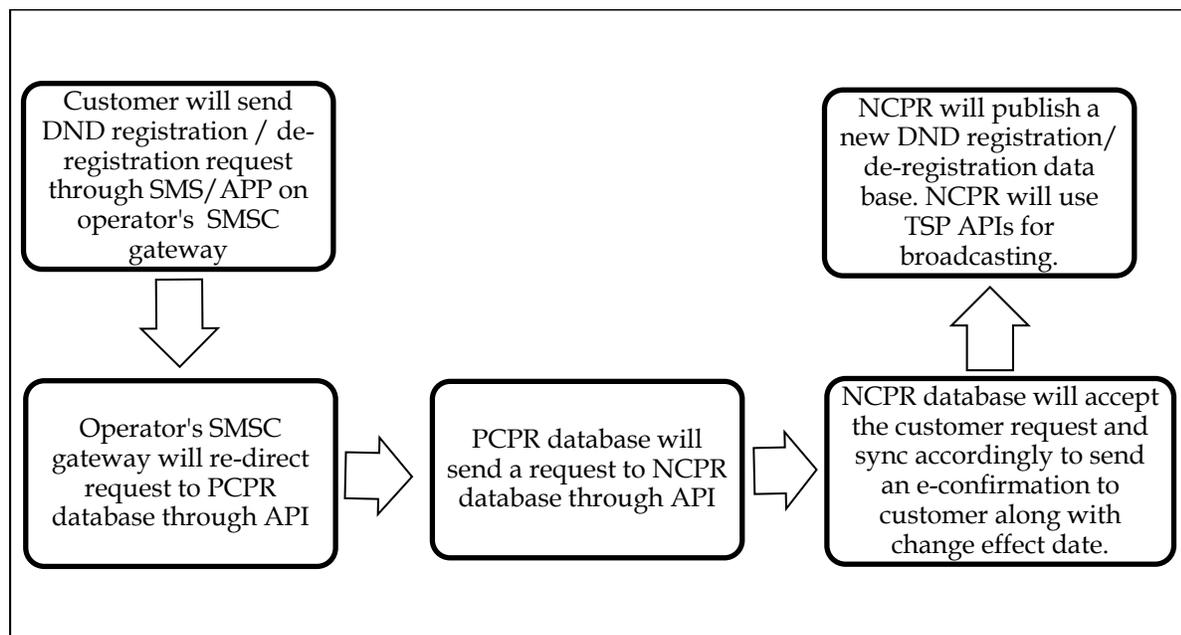
B. **Proposal-2 (Instant connectivity between operator SMSC gateway and NCPR database through API integration at NIC end) - no need to maintain PCPR database.**

This is an alternate solution wherein API link may be provided to TSPs for ensuring instant updation in NCPR database. The DND requests received by TSPs are instantly passed on to TRAI/ NIC server for updation. TSPs/ TMSEs can access the updated NCPR database in a real-time through API. Therefore, there is no need to

maintain the PCPR database by TSPs. The schematic flow of the proposal is given below:

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┌─────────────────────────────────────────────────────────────────────────────┐
│                                                                             │
│   ┌──────────────────────┐              ┌──────────────────────┐            │
│   │  Customer will send   │              │                      │            │
│   │  DND registration / de-│             │  NCPR will expose DND │            │
│   │  registration request at│             │      check API.      │            │
│   │   operator's SMSC     │              │                      │            │
│   │      gateway          │              └──────────────────────┘            │
│   └──────────────────────┘                                                  │
│              │                                      ↑                        │
│              ↓                                      │                        │
│   ┌──────────────────────┐         ┌──────────────────────────┐            │
│   │   Operator's SMSC     │         │  NCPR database will accept │            │
│   │  gateway will re-direct│   →    │  the customer request and  │            │
│   │  customer request on  │         │  sync accordingly to send  │            │
│   │  NCPR database through │         │  a e-confirmation to       │            │
│   │        API            │         │  customer along with       │            │
│   │                       │         │  change effect date.       │            │
│   └──────────────────────┘         └──────────────────────────┘            │
│                                                                             │
└─────────────────────────────────────────────────────────────────────────────┘
```
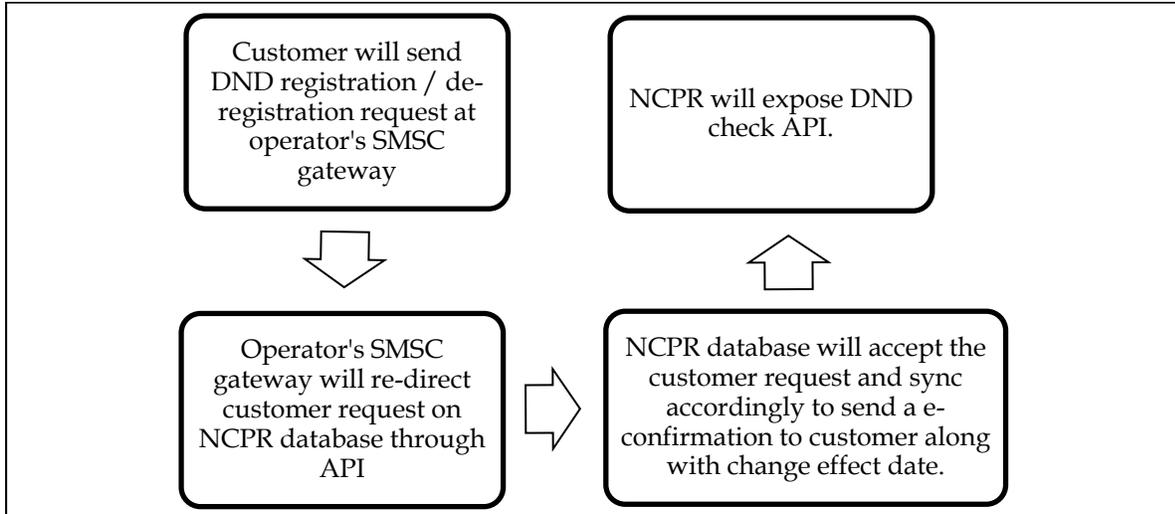
Q2:   How to ensure availability of Mobile Apps for registering preferences and complaints and for de-registration for all types of devices, operating systems and platforms? Whether white label TRAI Mobile App may be bundled along with other Apps or pre-installed with mobile devices for increasing penetration of app? For popularizing this app, what other initiatives can be taken? Please give your suggestions with reasons.

Airtel's Response:

1. We recommend that TRAI should issue suitable directions/instructions to device manufacturers for having a pre-burned DND mobile App installed on the customer devices. This is to ensure the availability of mobile Apps for registering preferences/complaints and for de-registration for all types of devices, operating systems etc.,

2. As far as white labeling is concerned, TRAI may evaluate such proposal under the scope of its Regulation titled 'the Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016', failing which it could distort the level playing field in Internet space. After ensuring the compliance of this regulation, the Authority may issue necessary instructions over this issue.

Q3: In case of Mobile Number Portability (MNP), what process may be defined for retaining the status of customer for preference registration? Please give your suggestions with reasons.

Airtel's Response:

1. In case of porting request from the customer, we agree for retaining the customer's DND preference in NCPR database i.e. MNP process would not affect the customer's DND preference. However, after the implementation of proposal made in our response to Q1, there is no requirement of additional rules for MNP customer.

2. In case TRAI wants to explore further solutions, we suggest that DND preference of porting customers might be retained as per below mentioned process:
   a. No need to delete DND preference from NCPR database by Donor Operator; and
   b. Recipient Operator will map port-in customer base with NCPR database and update its PCPR database accordingly.

Q4: How bulk registration may be allowed and what may be the process and documents to register in bulk on behalf of an organization or family? Please give your suggestions with reasons.

Airtel's Response:

In order to avoid complaints or disputes, we are of the view that bulk registration should not be allowed and registration should be initiated by the customer only. However, bulk registration of DND service may be considered, if customer or the family member authorizes the primary user to provide consent on their behalf.

Q5: Is there a need to have more granularity in the choices to actually capture customers interest and additional dimensions of preferences like type of day, media type(s)? What will be impact of additional choices of preferences on various entities like CPRF, PCPR, NCPR, CPDB etc.? Please give your suggestions with reasons.

Airtel's Response:

1. We believe that more granularity can be brought in choices to capture customer interests in the form of

(a) introducing additional categories with an assignment of two digit codes to each category;

(b) specifying media type preference like SMS/ voice call etc.,

(c) type of day.

2. These additional granularity are to be recorded first in NCPR database. This database can be used for updating other databases such as CPRF, PCPR, and CPDB etc.

Q6:   Should the scope of UCC regulation be enhanced to include unwanted calls like silent, obnoxious, threatening calls etc. and unauthorized communications? What role government or constitutional organizations may play in curbing such activities? Please give your suggestions with reasons. And

Q7:   What steps may be taken to address the issues arising from robocalls and silent calls? What are the technical solutions available to deal with the issue? How international co-operation and collaboration may be helpful to address the issue? Please give your suggestions with reasons.

Airtel's Response:

TSPs uses analytical tools based on post call CDR analysis to curb UCC menace. However, it is technically not feasible to record missed calls such as silent calls and to proactively segregate A2P & P2P calls into robocalls, VoIP calls, obnoxious, threatening calls, etc. It is not possible to design a solution to identify the originating call type or its nature. Therefore, it is not judicious to enhance the scope of UCC regulation to include unwanted calls such as silent, obnoxious, VoIP, threatening calls etc. In any case, threatening or obnoxious calls should not be put in the ambit of UCC regulations and should be dealt with proper legal procedures.

Q8:   For robust verification and authentication of telemarketer getting registered, what changes in the process of registration, may be introduced? Please give your suggestions with reasons.

Airtel's Response:

Onboarding of Telemarketer is currently governed under a valid agreement between TSP and RTM along with others documents like POA, POI, declaration from authorized signatory etc. as per TCCCP regulations which are sufficient measures. Therefore, there is no need to bring in additional document requirements in this regard.

Q9: Should registration of other entities such as content providers, TMSEs, Principal Entities, or any other intermediaries be initiated to bring more effectiveness? Whether standard agreements can be specified for different entities to be entered into for playing any role in the chain? Please give your suggestions with reasons.

Airtel's Response:

1. At the outset, it is important to note that prevailing aggregator model in tele-marketing space is a breach of present licensing regime. Under the present licensing regime, no reselling of voice/SMS services is permitted (without a VNO Licence). However, the prevailing aggregator model in tele-marketing space is a straight case of reselling of services by unlicensed entities like TMSEs, Principal Entities, or any other intermediaries etc. The relevant clause from Unified License is given below;

   "6.1 The Licensee shall not, without the prior written consent of the Licensor as described below, either directly or indirectly, assign or transfer this License in any manner whatsoever to a third party or enter into any agreement for sub-License and/or partnership relating to any subject matter of the License to any third party either in whole or in part i.e. no sub-leasing/partnership/third party interest shall be created. For provision of the service by the Licensee, the Licensee may appoint or employ franchisee, agents, distributors and employees".

2. In case, such aggregators who intend to provide voice/SMS based tele-marketing services, should acquire the relevant service authorization under the UL (VNO) license. All licensed services should be provided by licensees only, holding relevant service authorizations under the Unified License.

Q10: Whether new systems are required be established for the purpose of header registration, execution and management of contract agreements among entities, recording of consent taken by TMSEs, registration of content template and verification of content? Should these systems be established, operated and maintained by an independent agency or TRAI? Whether agency should operate on exclusive basis? What specific functions these systems should perform and if any charges for services then what will be the charges and from whom these will be charged? How the client database of TMSEs may be protected? Please give your suggestions with reasons. And

Q11:   Whether implementation of new system should full edged since beginning or it should be implemented in a phased manner? Whether an option can be given to participate on voluntary basis? Please give your suggestions with reasons.

Airtel's Response:

1. We believe that the present system for registration of telemarketers is appropriate and therefore, there is no need for further revision including for other entities such as content providers, TMSEs, Principal Entities, or any other intermediaries.

2. We recommend new portal based header registration should be implemented in full-fledged manner in view of having common approach across all TSPs. We suggest following steps to make the system robust for the purpose of header registration, execution and management of contract agreements among entities:

    a. Header should be managed through TRAI or jointly by industry for ensuring uniqueness.
    b. Header owner will authorize RTM to make use of sender ID in centralized portal.
    c. The complete ownership of allocated header is with the owner of header and thereby, accountable for giving rights to RTM.
    d. TSP will ensure traffic from requested header only after validation through central database (portal) wherein desired header is authorized to particular RTM.
    e. TRAI may authorize the header usage period to owner (3 to 5 years) and also, may decide the timeline for each leg of activities for header management.

Q12:   Whether scrubbing as a service model may be helpful for protection of NCPR data? Whether OTP based authentication for queries made by individuals on NCPR portal may be helpful to protect NCPR data? What other mechanisms may be adopted to protect the data? Please give your suggestions with reasons.

Airtel's Response:

We suggest that TRAI can assign data security responsibility to authorized agency for the scrubbing as a service model which may help in protection of NCPR database. An OTP based access to NCPR database will ensure authorized access to the portal but it will not guarantee complete protection of NCPR data.

Q13:   What interface and functionality of NTR system may be made available to Principal entities for managing header assignments of their DSAs and authorized

agents? How it may be helpful in providing better control and management of header life cycles assigned to DSAs and authorized entities? Please give your suggestions with reasons.

Airtel's Response:

1. We recommend that TRAI should replicate the process of 'Domain Name Registration', which is a well-established process in Internet space, for the purpose of 'Header assignment'. In such process, TRAI should create a web-based interface in public domain to be accessed by individual or entities. TRAI should design this web-based system with an objective of not allowing the reselling of headers. Otherwise, the sole objective of using unique header i.e. easy identification by customer, by principal organization will be lost and it may give opportunity for misuse of the details by other competing organizations.

2. A header registrant is the organization who has the header authorization from TRAI or TRAI appointed header registrar. The header registrant will apply online to TRAI or TRAI appointed header registrar. The header registrant is bound by the terms and conditions of header registrar with which it registers its header. In parallel to domain name registrants, TRAI may incorporate certain responsibilities in these terms and conditions like adequate payment of fee for header usage, submission of timely update of accurate data etc. However, in view of business necessity, the present header users like ICICIBK or HDFCBK should be given the first right of refusal for such headers which are already in use.

Q14: What changes do you suggest in header format and its structure that may be done to deal with new requirements of preferences, entities, purpose? How principal entities may be assigned blocks of headers and what charges may be applied? What guidelines may be issued and mechanism adopted for avoiding proximity match of headers with well- known entities? Please give your suggestions with reasons.

Airtel's Response:

1. We believe that the first two digits of header should clearly convey the nature of communication like 'PR' for promotional communication and 'TR' for transactional communication followed by organization's header. In this manner, customer will get an advantage of having a transactional SMS from particular entity with a unique header.

2. In present scenario, it is difficult to view banking transactions in a single screen on account of the fact that RTMs might be using services of different TSPs for sending SMS or making voice calls. For example, ICICI bank's customer has made four cash withdrawal from ATM in a single day, then there is a strong possibility that customer may get four SMSs with different headers, on account of TSPs been assigned unique first two digits of headers.

3. We suggest an increase in the length of header up to 11 digits for covering maximum entities with unique headers. Long header will give more clarity to customers about the principal origination.

4. As suggested in our response to Q14, TRAI may adopt the web-based interface like domain name registration for the header assignment. The Authority may decide the adequate fee for the usage of header with a defined timeline given for usage like for 3 to 5 years etc. In case, assigned headers are not used in the last 6 months, then such authorization of header usage may be treated as withdrawn. In this regard, TRAI can seek periodic compliance (say every 6 months) from all registered header users.

Q15: Whether voice calls should be permitted to TMSEs and how these can be identified by the customers? How intelligent network (IN) or IP Multi-media subsystem (IMS) based solutions may be useful for this purpose and what flexibility it may provide to TMSEs in operating it and having control on its authorized entities? Please give your suggestions with reasons.

Airtel's Response:

We understand that TRAI can allot separate series for voice calls to manage alarming situations such as high transaction value, effective disaster management etc. We believe this would give control to authorized entities and would also facilitate an easy identification by customers.

Q16: What steps need to be initiated to restore the sanctity of transactional SMS? What framework need to be prescribed for those transactional SMS which are not critical in nature? Please give your suggestions with reasons?

Airtel's Response:

1. We believe that when communication is solicited then there is a dedicated channel which is opened for establishing communication. In case of transactional SMS, when a customer is expecting a communication from principal organization and if, in same communication, additional information is provided to the customer then it should not be treated as a promotional SMS. To clarify, if a customer gets an SMS from a bank with respect to balance deduction and in the same SMS the customer is informed about reduced home loan rate then there is no inconvenience to the customer.

2. In fact, TRAI has mandated to provide additional information to customer over their monthly bills like details of nodal officer, toll-free complaint number etc. Therefore, we recommend that any additional information related to product or service in authorized transaction communication should not be treated as UCC.

3. The unsolicited communication happens when customer is not expecting or authorized the organization for any kind of communication. We suggest that routing of transactional SMS (A2P) on anti-spam filtration (signature filtration) to check the authorization for such communication will help in controlling UCC spam. In fact, we have initiated the implementation of such technical solution at our level.

Q17: To what extent, present gap between time when UCC complaint was made and time when this was resolved can be reduced? What changes do you suggest to automate the process? Please give your suggestions with reasons. And

Q 18: How the medium of Customer Complaint Resource Functionality (CCRF) with pre-validation of data e.g. Mobile App, Web Portal etc. may be helpful to achieve better success rate in complaint resolution process? Please give your suggestions with reasons.

Airtel's Response:

1. We recommend that 07 days are required to investigate UCC complaints and to take appropriate action as per the regulation. In addition, we can promote complaint logging through self-service mode like SMS, web, mobile App. Further, we can automate the initial level of validation like DND registration status, length of UCC content, length of header, key word filtration of content etc.

2. We have an automated module to cover all above initial checks for complaint logged through self-service mode. Our 60% UCC complaints are logged through self-service mode and provide complaint reference number instantly after initial validation of UCC. Also, we are instantly providing the rejection reasons for invalid UCC.

Q19: Whether access providers may be asked to entertain complaints from customers who have not registered with NCPR in certain cases like UCC from UTM, promotional commercial communication beyond specified timings, fraudulent type of messages or calls etc.? What mechanism may be adopted to avoid promotional commercial communication during roaming or call forwarding cases? Please give your suggestions with reasons.

Airtel's Response:

We believe that we should not allow UCC complaint for non-DND customers, as this will create a major junk in the complaint database which will delay the resolution of complaints made by DND customers. As suggested above, fraudulent types of messages or calls are out of ambit of UCC regulations and such cases should be dealt as per legal proceedings.

Q20: How the mobile App may be developed or enhanced for submitting Complaints in an intelligent and intuitive manner? How to ensure that the required permissions from device operating systems or platforms are available to the mobile app to properly function? Please give your suggestions with reasons.

Airtel's Response:

We suggest that TRAI may issue necessary directions to device manufacturers for ensuring proper functioning of operating systems or platforms which are available to TRAI's UCC mobile app.

Q21: Should the present structure of financial disincentive applicable for access providers be reviewed in case where timely and appropriate action was taken by OAP? What additional measures may be prescribed for Access Providers to Mitigate UCC problem? Please give your suggestions with reasons.

Q22: Whether strict financial disincentives should be levied for different types of techniques like robocall, auto-dialer calls for UCC? Please give your suggestions with reasons.

Airtel's Response:

We believe that there is no mechanism available in the industry to proactively identify the nature of calls/ SMS. Since TSPs have no control over those customers who are making calls or sending UCC spam, therefore TSPs should not be unduly penalized for inappropriate action of customer. To understand it better, the car manufacturers have onus of making compliant cars by meeting manufacturing standards, but they are not penalized for accidents caused by rash driving, because it is something which is beyond the control of car manufacturers.

Q23: What enhancements can be done in signature solutions? What mechanism has to be established to share information among access providers for continuous evolution of signatures, rules, criteria? Please give your suggestions with reason. And

Q24: How Artificial Intelligence (AI) can be used to improve performance of signature solution and detect newer UCC messages created by tweaking the content? Please give your suggestions with reasons.

Airtel's Response:

1. We believe that we can exchange blocking key words across all TSPs and periodically update the signature database to control UCC spam. This functionality can be supported by central/ NCPR portal. Therefore, it is advisable to have common approach across TSPs toward UCC spam.

2. Furthermore, we suggest following artificial intelligence aspects to improve the performance of signature solution;

   a. Both A2P and P2P traffic can be analyzed for advanced content analysis.
   b. A2P Traffic from Promotional/Transactional applications to be passed through content filtering systems;
   c. P2P Traffic which has more than 50 characters should be passed through content filtering system as P2P traffic with less than 50 characters messages are not typically UCC messages;

d. The Signature platforms should block any content that is getting floated in the Zone in 200 times/ hour.

e. Promotional communication should also not get delivered to subscribers who are roaming outside home circle. The roaming identification would be done based on terminating - MSC address received from the HLR interrogation's response.

Q25: How the honeypots can be helpful to detect and collect evidences for unsolicited communications? Who should deploy such honeypots? Please give your suggestions with reasons.

Airtel's Response:

We suggest that honeypots can be helpful in detecting and collecting evidences for unsolicited communications. An artificially intelligent honeypot can be programmed by TSPs to fish out Telemarketers on the basis of call patterns captured by pot. However, only new numbers should be used in honeypot i.e. no recycled number should be used in honeypot, as it may be possible to get solicited communication on such numbers.

Q26: Should the data from mobile app or from any other source for registering complaints be analyzed at central locations to develop intelligence through crowd sourcing? How actions against such defaulters be expedited? Please give your suggestions with reasons.

Airtel's Response:

The UCC complaints are centrally managed at NIC server through NCPR portal. We suggest that TRAI may allow all TSPs to access UCC complaints database pertaining to the entire telecom industry.

Q27: How the increased complexity in scrubbing because of introduction of additional categories, sub-categories and dimensions in the preferences may be dealt with? Whether scrubbing as a Service model may help in simplifying the process for RTMs? What type and size of list and details may be required to be uploaded by RTMs for scrubbing? Whether RTMs may be charged for this service and what charging model may be applicable? Please give your suggestions with reasons.

Airtel's Response:

As submitted in our response to Q5, we can introduce more granularities in the choices to capture customers' interest and additional dimensions of preferences like type of day, media type(s) etc. The Authority may prescribe an appropriate fee for scrubbing as a service model which in turn might be levied on RTMs for using such services.

Q28: How the cases of false complaints can be mitigated or eliminated? Whether complaints in cases when complainant is in business or commercial relationship with party against which complaint is being made or in case of family or friends may not be entertained? Whether there should be provision to issue notice before taking action and provision to put connection in suspend mode or to put capping on messages or calls till investigation is completed? Please give your suggestions with reasons.

Airtel's Response:

We can utilize the reputation based analysis of customers before taking any action for UCC related violation. The reputation based analysis may take into account various factors like age of subscription, authentication at the time of subscription, address verification method etc. We recommend that TRAI may issue appropriate common guidelines (investigation methodology, remedy etc.) for dealing such cases of victimization through false complaints for originating UCC spam.

Q29: How the scoring system may be developed for UCC on the basis of various parameters using signature solutions of access providers? What other parameters can be considered to detect, investigate and mitigate the sources of UCC? How different access providers can collaborate? Please give your suggestions with reasons.

Airtel's Response:

We believe that the present signature filtration has capability for scoring/ ranking functionality. TRAI may recommend common rules for scoring of all TSPs. The source of UCC is identified based on the content analysis on A2P/ P2P SMSs.

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