truecaller

Shri Akhilesh Kumar Trivedi
Advisor (Networks, Spectrum and Licencing)
Telecom Regulatory Authority of India

Sub: Submission in response to comments on TRAI's consultation paper on Definition of International Traffic

Submission through email

July 25, 2023

Dear Sir,

Truecaller is thankful to the Telecom Regulatory Authority of India (TRAI) for providing us an opportunity to submit counter comments on its Consultation Paper on Definition of International Traffic[1] (Consultation Paper). We had submitted our comments[2] and also reviewed the comments submitted by other stakeholders on the Consultation Paper. Based on our review and further analysis, Truecaller is pleased to submit its counter comments on the Consultation Paper.

1. Truecaller's suggested definitions

The Telecom Service Providers (TSPs) are opposed to defining international traffic and have argued that some entities use servers in India to structure their SMS pathways and these servers are not the actual source of SMSes. However, this is not true in the case of Truecaller. The SMSes that Truecaller sends to users having Indian mobile numbers (i) originate and terminate within India; and (ii) at no point any SMS traffic is routed outside of India.

Despite this, Truecaller is facing higher operational costs in India as TSPs wrongfully charge such Truecaller SMSes at international traffic rates. This is made possible due to the lack of a statutory definition of 'International Traffic'. Truecaller's SMSes, including the underlying content, are originated, carried, and terminated by domestic TSPs and do not leave the geographical boundaries of India at any point of time. Even so, TSPs arbitrarily levy international traffic tariffs for Truecaller's SMSes, incorrectly classifying us as an international entity.

Truecaller operates in India through its Indian entity and its SMS transmission pathway is localized. Moreover, to promote ease of doing business in India, it is crucial to establish regulatory clarity on this matter and give consideration to Truecaller's proposed definition. Therefore, we reiterate the following definition for 'International Traffic':

'International Traffic' refers to the transmission of international long-distance traffic that satisfies either of the following conditions:
a. Traffic that originates on the telecommunication network of a telecommunication service provider within the geographical boundaries of India, and terminates on the telecommunication network of a telecommunication service provider outside the geographical boundaries of India, or
b. Traffic that originates on the telecommunication network of a telecommunication service provider outside the geographical boundaries of India, and terminates on the telecommunication network of a telecommunication service provider within the geographical boundaries of India.

We also reiterate our recommendation of defining 'International SMS' as well, in the following manner:

---

[1] https://www.trai.gov.in/sites/default/files/CP_02052023.pdf
[2] https://www.trai.gov.in/consultation-paper-definition-international-traffic

'International SMS' refers to international traffic transmitted and received using SMS.

We strongly believe that adopting the above suggested definitions of 'International Traffic', 'International SMS' along with a well-defined concept of 'Domestic Traffic', will bring significant benefits to the industry. Clear definitions not only facilitate ease of doing business but also provide regulatory clarity, efficient resource management, international interoperability, and foster innovation and market growth.

2. Need for objective evaluation of SMS flow within India

It is crucial to emphasize on the necessity for an objective evaluation of SMS flow within India. The classification of international traffic should be based solely on the origin, termination and nature of the SMS transmission and not influenced by factors such as the location of the entity, or that of its IT assets, IP address of its website, etc. which have no bearing or involvement in the transmission of SMSes. This approach ensures that the determination of whether an SMS is considered international or domestic is based on the origin and termination points within the telecommunication network, rather than external factors unrelated to the actual transmission. Certain definitions proposed by TSPs and industry bodies which include unrelated factors like entity location, IP address, or website in the classification process would introduce unnecessary complexity and potentially lead to erroneous categorizations. Such considerations can be misleading and may result in incorrect charging or classification, impacting businesses like Truecaller with unwarranted operational costs.

3. Truecaller's SMS flow does not go out of India at any point of time

Truecaller's SMS flow is as follows: The request for a transactional SMS for an end user having an Indian mobile number originates from such end user's Truecaller App in India which is then delivered to a data center hosted in Mumbai, processed by a domestic aggregator who originates such SMS through a TSP in India, and the SMS ultimately terminates at the said end user's mobile phone. At no point does the SMS traffic for such end users exit or is routed outside India. Hence, no international long distance operator (ILDO) is involved in the routing of these transactional SMSes sent by Truecaller.

Pursuant to the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR), we have registered on the centralized DLT portal with the TSPs and have received the approved DLT Principal Entity ID for the purpose of sending transactional messages (as defined in Section 2(bt) of the TCCCPR) to our end users in India through third-party aggregators. These messages are domestic in nature and require registration with the DLT portal. It must be noted that a similar registration is not required for international messages, which are allocated separate headers (non-alpha numeric) by the TSPs.

We are compliant with data localization requirements and data pertaining to Truecaller's Indian users is hosted on Truecaller's cloud service provider's data center located in Mumbai, India. Truecaller's cloud service provider, Google Cloud India Private Limited (GCP) is empaneled and certified by the Ministry of Electronics and Information Technology (MEITY), which means it has been audited and approved by MEITY from a data residency perspective for certain services (which includes the services procured by Truecaller).

Further, the third-party aggregators involved in facilitating the transfer of our SMSes are Indian entities and all invoicing and contractual details are between Indian entities.

At no point in time (i) does any traffic relating to our SMSes (for our users having Indian mobile numbers) to/from Truecaller or its cloud service provider or third-party aggregators/TSPs is routed outside of India; and (ii) no ILDO is involved in this entire journey of origination and till termination of the SMS traffic on end users mobile network in India. Given that the SMSes sent by us are originated and terminated locally, the question of such SMSes being treated as an International SMS to be routed through the ILDO route does not

arise. Accordingly, the concerns of 'grey routing' raised by certain stakeholders in their comments to the Consultation Paper do not apply to the model used by Truecaller.

4. Truecaller's efforts in countering spam and scam

Certain entities have tried to establish a connection between the definition of international traffic and the issue of spam and scam SMS in their comments to this Consultation Paper. We would like to state that there is no clear link between the two and the definitions of 'International Traffic' and 'International SMS' as proposed by Truecaller will not have any adverse effects on the situation of spam and scam SMSes in the country.

Truecaller is committed to safety in digital communication and is at the forefront of generating spam and scam awareness among the masses. Being the primary app for Caller ID and Spam Blocking in India, we identified 37.8 billion spam SMSes in 2021. We recently launched Government Directory Services[3] to ensure seamless access between government and citizens by verifying contacts of over 23 state governments and central ministries. We also signed a Memorandum of Understanding with the Delhi Police[4] to verify, mark, and provide the government services badge to all official numbers of the Delhi Police, to prevent impersonation frauds.

A definition of 'International Traffic' and rationalization of SMS tariffs will help entities like Truecaller optimize operating costs and deploy additional resources towards tackling the menace of spam and scam SMSes, which will in turn benefit Indian customers.

We would like to thank TRAI for giving us an opportunity to make representations on such an important issue of defining 'International Traffic'. We reiterate Truecaller's commitment to safe digital communications in India and emphasize that defining International Traffic will streamline tariffs across the telecom sector. The definitions proposed by us are easily comprehensible and will ensure that there is no ambiguity in interpretation of 'International Traffic'. Such definitions will also bring all actors on a level playing field and foster equitable partnerships between businesses and TSPs.

Yours sincerely,

Rishit Jhunjhunwala
Rishit Jhunjhunwala (Jul 25, 2023 19:53 GMT+5.5)

Rishit Jhunjhunwala
India MD, Truecaller

---

[3] https://www.truecaller.com/blog/features/introducing-the-government-services-digital-directory
[4] https://www.google.com/url?q=https://theprint.in/economy/delhi-police-truecaller-collaborate-to-curb-cyber-fraud/1442481/&sa=D&source=docs&ust=1690275745101538&usg=AOvVaw0Pq6TggDodhW3VN7ix0HsC