

**COMMUNICATIONS
ALLIANCE LTD**



INDUSTRY GUIDELINE
G639:2020
MOBILE PREMIUM SERVICES
MANDATORY INFORMATION

G639:2020 Mobile Premium Services Mandatory Information Industry Guideline

First published as G639:2009

Second Edition as G639:2012

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INTRODUCTORY STATEMENT

This Mobile Premium Services Mandatory Information Industry Guideline (G639:2020) (the Guideline) accompanies the Mobile Premium Services Code C637:2019 (the Code).

The Guideline is designed to:

- assist in interpreting the Code rules relating to the Register and its scope;
- assist in interpreting the Code rules relating to the 19 Service Finder and its scope; and
- assist in interpreting the Code rules relating to the provision of customer expenditure management information.

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1 GENERAL

1.1 Purpose

The Communications Alliance Mobile Premium Services Code (C637:2019) places obligations on industry to provide:

- specified company details for the Mobile Premium Services Industry Register (the Register);
- specified service details to the 19 Service Finder Database; and
- access to details of expenditure management options available to customers.

The purpose of this Guideline is to define:

- the requirements and business rules for Mobile Premium Services Suppliers to provide the specified information relating to company contact details to be used in the Mobile Premium Services Industry Register ;
- the requirements and business rules for Mobile Premium Services Suppliers to provide the specified information relating to Short Codes for utilisation by the 19 Service Finder; and
- the requirements for Mobile Carriage Service Providers to provide details of all existing available customer expenditure management tools for Mobile Premium Services, to be made available for public access on 19SMS.com.au.

1.2 Scope

This Guideline applies to all Suppliers of Mobile Premium Services to the Australian market.

2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

2.1 Acronyms

For the purposes of this Guideline:

ACMA

means Australian Communications and Media Authority.

CSP

means Carriage Service Provider

MMS

means multimedia message service

MPS

means Mobile Premium Service

SMS

means short message service.

2.2 Definitions

For the purposes of the Guideline, the following definition applies:

Aggregator

means a Supplier who contracts with both:

- (a) a Content Supplier; and
- (b) a Carriage Service Provider (CSP),

to facilitate the carriage of the Content Supplier's Mobile Premium Service to Customers using the End Carriage Supplier's Carriage Service.

Authorised Company Representative

means a representative of a Supplier who has been given authority to provide information on behalf of the company on matters relating to Mobile Premium Services.

Business Day means a day that is not a Saturday, a Sunday or a public holiday:

- (a) in the place of business of the relevant Supplier; or
- (b) in New South Wales, if the place of business of the relevant Supplier is outside Australia.

Carriage Service Provider

has the meaning given by section 87 of the Act.

Code

means C637:2019 Mobile Premium Services Code.

Complaint

means an expression of dissatisfaction made to a Supplier by a Customer in relation to a Mobile Premium Service.

Communications Alliance

means Communications Alliance Ltd (ABN 56 078 026 507).

Consumer

has the meaning given in the Telecommunications Consumer Protections Code.

Contact Person

means a representative of a Supplier who has been nominated on behalf of the company for the purpose of receiving queries on matters relating to Mobile Premium Services.

Content Supplier

means:

- (a) in the case of a Mobile Premium Service that is not a Reverse Charge Billing Service, the Content Service Provider who is the Originating Supplier of a Mobile Premium Service to Customers via the supply chain, but does not include a Supplier who is only acting in the capacity of an Aggregator; and
- (b) in the case of a Reverse Charge Billing Service, the Content Service Provider who is the Originating Supplier of the Reverse Charge Billing Service to Customers via the supply chain, but does not include a Supplier who is only acting in the capacity of an Aggregator. The Content Supplier of a Reverse Charge Billing Service will not necessarily also be the provider of the Reverse Charge Phone Service.

Customer

means a Consumer who has entered into a Customer Contract with a Supplier, and

- (a) in the case of a Mobile Premium Service that is not a Reverse Charge Billing Service, a Customer who acquires a Mobile Premium Service, or a potential Customer of Mobile Premium Services; and
- (b) in the case of a Reverse Charge Billing Service, a Customer who acquires a Reverse Charge Phone Service, or a potential Customer of Reverse Charge Phone Services.

NOTE: A reference to a Customer includes a reference to the Customer's Authorised Representative.

Expenditure Management Information

means the information about the tools made available by a Carriage Service Provider which allow its Customers to exercise control over both their access to and expenditure on Mobile Premium Services billed via that provider. This information is to be made publicly available on both the Provider's corporate website MPS page and a dedicated Expenditure Management Information page on the 19sms website

Helpline

means the Customer support helpdesk number referred to in clause 6.1.5 of the Code.

Mobile Content Fees

means fees charged for the supply of a Mobile Premium Service, excluding any Carriage Fees.

Mobile Premium Service

means:

- (a) a Premium Messaging Service;
- (b) a Premium Direct Billing Service; and
- (c) a Proprietary Network Service.

Premium Messaging Service

means:

- (a) a Carriage Service supplied by way of a call to or from a Short Code with the prefix 191, 193, 194, 195, 196, 197 or 199; or
- (b) a Content Service supplied by way of a call to or from a Short Code with the prefix 191, 193, 194, 195, 196, 197 or 199,

where all charges for use of the Premium Messaging Service are billed to the Customer by their CSP.

For example, Premium Messaging Services can include content such as ringtones, sports scores, competitions, mobile wallpaper, games and horoscopes which are delivered using the 19x prefix.

Proprietary Network

means a Telecommunications Network used by a Carriage Service Provider that enables Customers of that provider to access, by way of a mobile device, a Premium Content Service that is not otherwise generally available.

For example, content available on a Proprietary Network can include caller tones, Chat Services, ringtones, games and horoscopes which are available to Customers of that network and, if there is a fee, charged to the Customer's account.

Proprietary Network Service

means a public mobile telecommunications service that enables an end-user to access a Proprietary Network.

Register

means the register of Content Supplier and Aggregator contact details maintained by Communications Alliance.

Registration Form

means the registration form available from Communications Alliance setting out information to be included on the Register.

Short Code

means a number between 6 and 8 digits long that enables the charging of Premium Fees.

19 Service Finder Database

means the database maintained by Communications Alliance that enables members of the public to look up details of Short Codes.

19 Service Finder

means the database maintained by Communications Alliance that enables members of the public to look up details of Short Codes.

19 Service Finder Data Entry Tool

means the electronic data entry form available from Communications Alliance enabling the entry of data into the Short Code Look-up Database.

Supplier

means a Carriage Service Provider or Content Service Provider.

2.3 Interpretations

In the Guideline, unless the contrary appears:

- (a) headings are for convenience only and do not affect interpretation;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) words in the singular includes the plural and vice versa;
- (d) words importing persons include a body whether corporate, politic or otherwise;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;

- (f) mentioning anything after include, includes or including does not limit what else might be included;
- (g) words and expressions which are not defined have the meanings given to them in the Act; and
- (h) a reference to a person includes a reference to the person's executors, administrators, successors, agents, assignees and novatees.

3 RULES – MOBILE PREMIUM SERVICES REGISTER

Summary

This chapter requires Suppliers of Mobile Premium Services to:

- *provide specified details to the Register prior to engaging in any commercial activity in the Mobile Premium Services industry; and*
- *ensure that all information provided is maintained for currency as specified.*

Relationship with the MPS Code

Suppliers of Mobile Premium Services must comply with the rules within the Code and must be able to demonstrate that they have done so.

In order to comply with the rules, it is expected that Suppliers will have regard to the instructions contained within this Guideline.

The rules relating to the Register are contained in Code clauses 4.1.1 and 4.1.2.

3.1 Mandatory Registration

As per Code clause 4.1.1, prior to the supply of any Mobile Premium Services to a Customer, all Suppliers of these services must upload the details specified in clauses 3.2.1(c) and 3.2.1(d) of this Guideline to the Register via an online registration form located at <http://commsalliance.com.au/Activities/mps>

3.2 Information to be Provided

3.2.1 Prior to:

- (a) in the case of a Content Supplier, supplying any Mobile Premium Services to any Customers; and
- (b) in the case of an Aggregator, contracting with any Content Suppliers for the supply of their Mobile Premium Services,

each Content Supplier and Aggregator must:

- (c) complete a Registration Form including:
 - (i) Company Name / Trading Name
 - (ii) ABN / ACN / ARBN (if applicable)
 - (iii) Company Registered Address
 - (iv) Director Name:

- A. The name of one director if the Supplier has an ACN, ABN or ARBN; or
 - B. The name of all directors if the Supplier does not have an ACN, ABN or ARBN; or
 - C. The name of the principal If the Content Supplier or Aggregator is not a company.
- (d) **Contact Person:** Details for the purpose of queries relating to that Content Supplier's Mobile Premium Services or the services provided via the contracted Aggregator:
- (i) Contact person's name
 - (ii) Contact person position
 - (iii) Contact person telephone number
 - (iv) Contact person fax number
 - (v) Contact person e-mail address
 - (vi) Company helpline number relevant to Mobile Premium Services

3.3 Access to Register

- 3.3.1 Access to the Register to view all eligible party details as specified in clause 3.2.1 is restricted to the ACMA .
- 3.3.2 Access to the Register for the purposes of updating company information as specified in clause 3.2.1 is provided via an online registration form located at <http://commsalliance.com.au/Activities/mps>.

3.4 Terms and Conditions

The Authorised Company Representative who is completing the online MPS Registration Form is agreeing to the following Terms and Conditions:

- 3.4.1 The person who is completing the Registration Form is authorised by the company whose details are being entered in the Registration Form.
- 3.4.2 All information provided in the online Registration Form will be stored in the Communications Alliance MPS Register and will be used by Authorised Parties to contact registered Suppliers where required in relation to a specific Mobile Premium Service or Services. The Register may also be used by Authorised Parties to contact registered Suppliers for other activities related to Mobile Premium Services.
- 3.4.3 Communications Alliance will store the details of the registered Supplier in the Register which will be located within the Communications Alliance website via restricted access.

- 3.4.4 Where any details pursuant to clause 3.2.1 change, the Supplier must:
- (a) update its Register entry to reflect the amended details within:
 - (i) if the change relates to the details provided pursuant to clauses 3.2.1 (c) and 3.2.1 (i) to (v), 1 month of that change; or
 - (ii) if the change relates to the details provided pursuant to clause 3.2.1 (d) (vi), 5 Business Days of that change.

4 RULES – 19 SERVICE FINDER

Summary

This chapter requires all Suppliers of Premium SMS or MMS Services to:

- *provide specified Short Code details to be stored in the 19 Service Finder, prior to the activation of that Short Code; and*
- *ensure that all information provided is maintained for currency as specified.*

Relationship with the MPS Code

Suppliers must comply with the rules within the Code and must be able to demonstrate that they have done so.

In order to comply with the rules, it is expected that Suppliers will have regard to the instructions contained within this Guideline.

The rules relating to the 19 Service Finder are contained in Code clauses: 4.2.1, 4.2.2 and 4.2.3

Provision of Information by a Content Supplier

Prior to the activation of any Short Code carrying Premium SMS content and the delivery of this content to a Customer, the Content Supplier under whose auspices the Short Code will be activated must provide the specified details in clause 4.1 to their Aggregator for entry into the 19 Service Finder database via the 19 Service Finder Data Entry Tool. If the Content Supplier does not have an Aggregator, they must use the 19 Service Finder Data Entry Tool to provide the information directly.

4.1 Information to be Provided

A Content Supplier or Aggregator must provide the following details relating to each Short Code carrying Premium SMS content to be loaded into the 19 Service Finder:

- (a) all Short Codes the Content Supplier uses to provide Premium SMS Services; and
- (b) for each of those Premium SMS Services:
 - (i) the name of the service;
 - (ii) the time period during which it will be provided, including start date and end date;
 - (iii) the Content Supplier's name;
 - (iv) the Content Supplier's Helpline;

- (v) a contact email address linked to the Content Supplier's Helpline;
 - (vi) the applicable Mobile Content Fees for that service;
 - (vii) a description of that service; and
- any other data entry fields listed in the 19 Service Finder Data Entry Tool.

4.2 Terms and Conditions

The Authorised Company Representative providing the Short Code details to the Aggregator, or where there is no Aggregator, to Communications Alliance, agrees to the following Terms and Conditions:

- 4.2.1 All information provided to the Aggregator will be stored in the 19 Service Finder Database and may be used to contact the Content Supplier where required in relation to a specific short code and its content via the 19 Service Finder. The 19 Service Finder Database may also be used by consumers to contact the Content Supplier for other activities related to the specific Short Code and its content.
- 4.2.2 Communications Alliance will only store the details of the Short Code in the 19 Service Finder Database which will be located within Communications Alliance at the unrestricted free access web site at www.19sms.com.au.
- 4.2.3 Where any details pursuant to Section 4.1 change, the Content Supplier must update the information provided pursuant to Section 4.1 within 5 Business Days to include the new details.
- 4.2.4 The 19 Service Finder is not to be utilised as a replacement or substitute for existing complaint handling processes as specified in Chapter 6 of the Code.

5 RULES – EXPENDITURE MANAGEMENT INFORMATION

Summary

This chapter requires Mobile Premium Services Carriage Service Providers to:

- *provide details of all existing available Customer expenditure management tools for Mobile Premium Services to be made available for public viewing on 19SMS.com.au*
- *ensure that all information provided is maintained for currency as specified.*

Relationship with the MPS Code

Carriage Service Providers must comply with the rules and must be able to demonstrate that they have done so.

While not mandatory, it is expected that Carriage Service Providers will have regard to the Guideline in deciding how they will comply with the rules.

The rules relating to the provision of Expenditure Management information are contained in Code clause: 4.1.9 and 4.1.10.

Provision of Information by a Carriage Service Provider

Upon registration of the MPS Code, a Carriage Service Provider must provide to Communications Alliance details of the measures it has available to limit a Customer's expenditure on Mobile Premium Services. The details will be made publically available on a dedicated page at the unrestricted free access web site www.19sms.com.au.

5.1 Information to be Provided

A Carriage Service Provider must provide details relating to all their existing measures available to assist a Customer to manage their expenditure on Mobile Premium Services.

5.2 Terms and Conditions

The Authorised Company Representative providing the expenditure management information to Communications Alliance agrees to the following Terms and Conditions:

- 5.2.1 Communications Alliance will only store the details of the expenditure management information on the dedicated page at the unrestricted free access web site www.19sms.com.au; and
- 5.2.2 Where any information pursuant to clause 5.1 changes, the Carriage Service Provider must provide the updated information to Communications Alliance within 5 Business Days .

6 REFERENCES

| Publication | Title |
|--|------------------------------|
| Industry Codes | |
| C637:2019 | Mobile Premium Services Code |
| Industry Documents | |
| www.19sms.com.au | |
| Legislation | |
| <i>Telecommunications Act 1997</i> | |

Communications Alliance was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



**Published by:
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