

## Draft Mobile Messaging Services Code (the Code) Introduction & Overview

11 June 2010

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### Background

In February 2008 the TCF endorsed the self-regulated Code for Mobile Premium Rate Services. This code is structured on an activities basis for those activities which must be performed in relation to the Premium Messaging Services.

While the current management of Mobile non-Premium Rate Services is working effectively, TCF members considered that customers, and the industry, would benefit from a self regulated industry code of conduct that would provide stronger and clearer guidelines as to the running of non-premium services.

This code would be voluntary, and TCF members and other interested parties would be invited to sign up to it, and in so doing accept that their terms and conditions for Content Providers and Content Service Providers need to accord with the requirements of the code.

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### About the new Code

During the course of reviewing the code for Non-Premium Mobile Messaging Services, the working party determined that a single code that covered both Premium and Non-Premium messaging services would be easier for the industry, than having two separate codes to refer to.

Therefore, the TCF self regulated industry code of conduct for Premium Mobile Messaging Services has been reviewed and extended to create the Mobile Messaging Code to:

1. Provide guidelines for the running of Mobile Messaging Services at all price points.
2. Retain the majority of requirements from the Premium Messaging Services Code and apply these requirements to all 'Chargeable' Messaging Services.
3. Include requirements for the operation and delivery of non-Chargeable (free) Mobile Messaging Services.
4. Replace the current Premium Mobile Messaging code.

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### Terminology

The term 'Premium Messaging Service' has been removed from the Code and replaced with the following new terms to cover all types of messaging services at any price point (including zero cents):

- **Standard Charge** - any Messaging Service provided via a mobile handset where the Customer is charged a rate between and including, one to twenty NZ cents (NZD \$0.01-\$0.20 cents) per message.

- **Chargeable** - any message that is chargeable to the End Customer including any Standard Charge message.
- **Messaging Service** - means a series of related SMS Messages of predefined type which together provide a single service to a Customer. A Messaging Service can be delivered across multiple Shortcodes and multiple Messaging Services can be delivered from a single Shortcode. This definition replaces the definition for Premium Messaging Service.

## Code Structure

The Code has been extended and re-structured to improve the readability and flow of information and to include non-Premium messaging services. Due to the extent of the changes made, it is not possible to show the changes made to the previous Code in marked up format. Instead, below is an outline of the new Code structure; followed by a summary of the key changes made to the previous code

Section	Description
A. Introduction	Code purpose, scope and objectives and definitions used.
B. Industry Code Compliance and Administration	This section outlines the requirements for Compliance with Law and other Codes, the Dispute resolution procedure, Code administration guidelines and Risk Assessment & Human Resource Requirements that must be considered for Chat Services, Age Restricted Services and Contact and Dating Services.
C. Advertising and Promotion	Includes general, channel specific (TV, radio etc.) and message service specific requirements for the advertising and promotion of mobile messaging services.
D. Customer Authorisation, Initiation and Termination	Covers the procedures required for obtaining customer consent as well as initiating and terminating subscription and non-subscription services.
E. Service Operation	Covers any specific requirements for the operation of messaging services, changes to messaging services (such as price points) requirements for handling failed messages and database management.
F. Customer Service & Complaints	Helpdesk, Customer Service and Complaints management.

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The Code is structured so that within each key section of the Code guidelines are provided in the following order:

Category	Description
All Messaging Services	Rules that apply to all Messaging Services.
Chargeable Messaging services	Additional rules that apply to Chargeable Messaging Services (whether Subscription or non-Subscription based Messaging Services).
Subscription Services	Additional rules that apply to Subscription Services (whether Chargeable or non-Chargeable).
Chargeable Subscription Services	Additional requirements to the information provided in the previous three categories that apply specifically to chargeable subscription services.
Service Specific Requirements	Any additional requirements for specific, named services such as betting, chat, adult services etc.

If there is no category heading within a section of the Code then it means there are no additional requirements for that category of Messaging Service and only the General Requirements for all Messaging Services apply.

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## Summary of Changes to the previous code

Below is a summary of the key changes to the previous code; however we do recommend that you read the Code in its entirety.

Code Reference	Detail
<b>3.0 Definitions</b>	
<b>Chargeable</b>	New definition introduced: Means any Message that is chargeable to the End Customer including any <i>Standard Charge</i> message. This replaces the term <i>Premium Messaging Service</i> used in the previous code.
<b>Non Chargeable</b>	New definition introduced: Means any Messaging Service provided via a mobile handset where the Customer is not charged for the

message. i.e. zero cents.

<b>Standard Charge</b>	New definition introduced: Means any <i>Messaging Service</i> provided via a mobile handset where the Customer is charged a rate between and including, one to twenty NZ cents (NZD \$0.01-\$0.20 cents) per message.
<b>Premium Charge</b>	This definition and terminology has been replaced by new terms - <i>Standard Charge</i> and <i>Chargeable</i> . (Note also the term <i>Non-Chargeable</i> used in the new draft Code.)
<b>Premium Messaging Service</b>	This definition which referred to a mobile service ‘where the Customer is charged a rate above the basic Carriage Charge’ has been removed. With 2degrees Mobile entering the market, basic Carriage Charges now vary between carriers and therefore cannot be used as a term to differentiate premium messaging services and other types of messaging services. This definition has been replaced by <i>Messaging Service</i> .
<b>Messaging Service</b>	<p>New definition introduced: Means a series of related SMS Messages of predefined type which together provide a single service to a Customer. A Messaging Service can be delivered across multiple Short codes and multiple Messaging Services can be delivered from a single Short code.</p> <p>This definition can be applied to <i>Standard Charge</i>, <i>Chargeable</i> and <i>Non-Chargeable</i> messages.</p>

## 5.0 Compliance with Code

<b>Code Interpretation Disputes (Clause 5.3)</b>	New clause added allowing TCF to act as arbitrator on disputes between Service providers on interpretations of this Code.
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## C Advertising & Promotion

<b>Rules for all messaging services</b>	New section detailing what requirements apply to all categories of Messaging Service (both Chargeable and Non-Chargeable).
<b>Key Elements clarified</b>	Key Elements required for each category of messaging service defined.
<b>New requirements for Standard Charge messages</b>	Requirements that only applied to Premium Messaging Services previously now apply to all Chargeable Messaging Services (including Standard Charge).
<b>Marketing to Children</b>	This Code does not currently support marketing Messaging Services to children, therefore sub clauses that existed in the previous version of the Code under this clause that provided obligations regarding marketing to children have been removed to avoid confusion.

## D Customer Authorisation, Initiation and Termination

<b>Key Elements clarified</b>	Key Elements required for each category of Messaging Service have been provided.
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## E Service Operation

<b>Changes to Price points or Propositions Offered on Shortcodes(s) (Clause 25)</b>	CSP is no longer required to notify the TSP if there is a change of keyword on a Shortcode.
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<b>Example scenarios (various locations)</b>	Confusing or conflicting example scenarios have been removed from the Code.
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<b>WAP messages (Clause 28.6)</b>	New requirements for CSPs to retain an easily readable call log of WAP push messages in clause 28.6.3.
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## F Customer Service & Complaints

<b>Helpdesk (Clause 30)</b>	Clarification of what type of helpdesk and free phone services must be provided for Chargeable and Non-Chargeable Messages.
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### Related Information

A copy of the draft Mobile Messaging Services Code and related information is available from: <http://www.tcf.org.nz/m-messaging>