

Dear All,

As per the TRAI rules we have implemented the following changes in our existing services, please read the mail to have a better clarity and intimate the same to your users...

As you all know, to curb menace of Unsolicited Commercial Communications (UCC), the Telecom Regulatory Authority of India (TRAI) has come up with THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER PREFERENCE (SIXTH AMENDMENT) REGULATIONS, 2011. The details for the same can be found at the following link http://www.traigov.in/WriteReadData/traigov/upload/Regulations/107/6th_amendment.pdf (6th Amendment, 5th Sept 2011)

These regulations will be effective from 27th September 2011.

There are primarily **3 effects because of this regulation.**

From 27th September 2011 you can only send SMS to people who are not in the National Do Not Call Registry (NDNC). According to TRAI data still the larger group of population didn't opt-in for DND.

You cannot send promotional SMS before 9:00 AM and after 9:00 PM, all promotional communication should happen only between 09:00 & 21:00 every day. This is for all consumers irrespective of the National Do Not Call Registry (NDNC) list.

For promotional SMSes you cannot have the "branded" sender IDs like you have now, which will be changed to a number as specified in TCCCPR Regulations dated 01-dec-2010, page 27, under Schedule-IV. "Agreement between Access Provider and Telemarketer", para 6, copy-pasted here, for your kind reference.

"(6) The telemarketer shall use alpha-numeric identifier for sending commercial communication in the format having nine alpha numeric characters, first alpha numeric character being code of Access provider and the second alpha numeric character being code of service area, as provided under the direction dated 10th December, 2008 issued by TRAI. The third alpha numeric character will be dash(-) and the fourth being any single digit (1-7) with each digit indicating a specific category of SMS as per schedule-I of the regulations and last five characters being five digit unique identification code provided by respective Access Provider to the telemarketer e.g XY-5ZZZZZ, where X stands for code allotted to Access provider, Y stands for service area, 5 indicates that this SMS belongs to consumer goods and automobiles category and ZZZZZ indicates five digit unique identification code allotted to telemarketer by the Access Provider."

The TCCCPR has come up with a customer preferences called National Customer Preference Registry (NCPR) where they can receive messages from categories they have unblocked themselves from. NCPR has two categories of SMS

a) Transactional

i. Information sent to its customer(s) by a licensee or Bank or financial institution or insurance company or credit card company or depositories registered with Securities and Exchange Board of India or Direct to Home Operators

ii. Information given by Airlines or Indian Railways or its authorised agencies to its passengers regarding travel schedules, ticket booking and reservation;

iii. Information from a registered educational institution to its students or their parents or guardians;

iv. Any other message as may be specified by the Authority, from time to time as "Transactional message";

v. Transactional messages can be sent late at night also (bank and credit card SMS for instance), between 9 PM and 9 AM.

b) Commercial: Currently, any messages not in the list above would be classified as 'Commercial' messages.

If a consumer on NCPR list, files a complaint for receiving any SMS, it will be traced back to the registered company. After 6th complaint and a fine total of rupees 7 lakhs (for 6 complaints) the company will be blacklisted and cannot do this business for next 2 years.

Such extremely hard rules for any company to violate, even by mistake, is a big risk. So <http://sms.smsmobile.co.in> being a leader in this industry and focusing on long term growth has taken up this regulation seriously and following every rule to the book. We have decided that as a company policy will only allow delivery to non-NCPR numbers as the risk associated is very very high in the long term interest of the company.

So from 27th September 2011, all messages will be scrubbed and will be only delivered to numbers which are not present in the NCPR list. This means that even if you submit to DND numbers, they will be filtered at our end and SMSes will not be delivered on them.

<http://www.trai.gov.in/WriteReadData/trai/upload/Regulations/98/regulation1dicndiv.pdf>

For customers who are themselves registered as telemarketer can use <http://sms.smsmobile.co.in> platform to send transactional SMSes (template based) as per the guidelines. For procedures and support contact our TCCCP helpline at 040-30990555.

Please write to us or talk to our CRM, Sales person if you have any queries regarding the regulation or how we are implementing the regulation from 27th September 2011.