Review of the Mobile Premium Services Code and Guideline-MPS Registered Suppliers

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1 Foreword

Netsize, a subsidiary of **Gemalto**, is a leading mobile communications and commerce enabler.

Netsize solutions include **Mobile Messaging**, with SMS and MMS delivery in 200 countries; **Mobile Payment** through operator-based billing (Premium SMS, MMS, & WAP) in 29 countries; and **Mobile Content Management** platforms with publishing and editing tools to manage messaging services and mobile Internet portals. Netsize manages more than 60 million mobile transactions per month for 800 customers worldwide, including Fortune 500 companies.

With 10 offices worldwide, Netsize provides both robust technical infrastructure and marketing expertise to support this successful deployment on a global scale.

Netsize strongly believes in building win-win business relationships and partnering with the best to deliver value to its customers.

Therefore Netsize works closely with global industry associations, regulators, IT and Telecommunications companies bringing cutting edge wireless solutions to the market.

Netsize will propose some clauses of the current code, the ***Mobile Premium Services Industry Code (C637:2009)*** and the associated ***Mobile Premium Services Industry Guideline (C638:2009)*** to be clarified for the benefits of the industry and the consumer.

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2 Executive summary

Netsize is committed to helping protect consumers of Mobile premium services so that these services can still be legitimately enjoyed by consumers without unwanted consequences. Netsize demonstrates that commitment by participating actively in the improvement of the MPS code to establish appropriate community safeguards and consumer service requirement for MPS. Netsize has implemented those safeguards in its systems in addition to its own policies in order to help the content providers to deploy enjoyable services and the consumers to enjoy this type of services.

In that view the release in July 2009 of the Code was a great achievement as it allowed the consumers to be clearly informed about the terms and conditions of the services.

In the following part, Netsize will go through some points that we think should either be clarified for a better efficiency and avoid misinterpretation, or added as those might be beneficial to the whole chain of actors.

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3 Comments

3.1 Clarifications of the exact mandatory elements to be included in the information messages

The intent is to avoid disconnects between the code and its guidelines and the other carriers/regulator documents or standard.

The concerned clauses are 4.3.2, 4.3.5, 4.3.6, 4.4.2, 4.4.3, 4.4.6, 4.4.8, 5.1.8 and 7.2.6

One of the points we would like to stress is the clarification of the sub-aggregation issue especially in those threshold / free messages.

We suggest a MPS to be identified only by the name of the service (the brand name) in addition to the short code not to confuse the end user. It seems useless to include the content provider company name : more clarity for end user, length of SMS limited so must be the content.

The user is clearly aware of the brand name but might be completely lost if a completely different company name appears in the body of those messages. We believe the use of the company name instead of the brand name would actually raise billing complaints as consumers are unable to reconcile their purchases with their mobile bill. However the Service Name/Brand being used seems to be most relevant to the consumer and is what they respond to from the advertising.

We have seen lots of disagreements between carriers, monitoring company, aggregators and content providers around the interpretation of Brand name appearing in the message flows vs. company name.

Under the Code, the content provider details should also be included in the 19sms look up tool. We need a common sense view that can be applied consistently and allows the consumers to be able to contact the relevant organisation to assist with their query. We think this is clearly the case stating consistently the brand/service name and the short code in the messages as with this information a consumer can access the actual company name from the 19SMS lookup tool.

Netsize is not requesting the code to be changed to allow arbitrary brand names to be used in compliance messages, and we need to be cautious about opening this up across the market as it has the potential to allow content providers to hide their identity behind a “no-name” brand However the combination of both the 19SMS look up tool and the content providers register is probably already addressing that very scenario. Perhaps an amendment to the register to include a system whereby the content provider could nominate names which it will trade under could add an extra protection and maintain the identity chain with no need of multiple lists.

3.2 Clarify if a short code is a valid identification of a service especially in case of company running concurrent services or clubs on the same short code.

This clarification is needed throughout the document.

3.3 Clarification of the MVNO obligations in terms of MPS access and pricing disclosure

The aim is to avoid what has been seen on some MVNOs where a $5 SMS P ended up costing $10 to the end user on his phone bill.

This point has not been addressed in the current version of the code.

3.4 Clarification of the possibility of running multi priced services across several short codes

The code is its current version assumes that a MP Service runs using one short code and one short code only. In some instances, a service may run across several short codes to reach different price points. The goal is to manage flexibility in the pricing that is required for Application store like type of service.

In this case the service can obviously not be identified by the short code only (point 3.2 mentioned above) unless there is a definition of a primary short code, that would be the “face” of the service and secondary codes that would be used purely for billing purposes.

3.5 Clarification of data charges disclosure

The aim is to define or clarify what is acceptable in terms of data charges disclosure when a content provider advertises its MPS noting that those charges is completely dependent on the carrier and the plan of the consumer.

This concerns especially the current clause 4.5.2 but could be generalized throughout the code and its guidelines.

3.6 Clarification of acceptable pricing format

This clarification concerns the currency disclosure especially in the message flow but can be extended to the advertising.
We have noted that for price points under $1 two different formats are used within the industry : xxcts (or xx c) and $x.xx.
We think that both formats are acceptable and should be accepted by all players in the chain, carriers, monitoring companies, regulator... which is not the case at the moment.

3.7 Clarification of voice over requirement in the TV advertising

Again this requirement or lack of requirement is interpreted quite differently by the carriers and we suggest that a more definite position be stated in the code.
We think actors departing from the Code with additional obligations are undermining the Code as a regulatory tool.

3.8 Clarification of post subscription marketing rules and cross services marketing rules

This is clearly more an open point but the rules regarding the marketing might be updated especially with regards to the post subscription messages and the cross services messages.

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