

Communications Alliance Mobile Premium Services Code Review

Submission by mBlox -30th July 2010

Introduction

mBlox is pleased to have the opportunity to provide comment to the Mobile Premium Services Committee.

MBlox agrees it is in the best interest of the industry, customers, regulators and government that the industry works together to develop appropriate consumer protection measures. MBlox has seen significant improvement in terms of consumer satisfaction since the introduction of such measures including but not limited to:

- MPSI Code (July 2009)
- ACMA monitoring of the Code
- WMC auditing of through Telstra and Optus (October 2009)
- Barring Determination

These measures along with significant industry support have resulted in a marked reduction of complaints and this can be illustrated by the decline in complaints at operator level and most notably the reduction of TIO complaints by approximately 70%. The above measures have largely achieved the industry's goals for consumer protection, and mBlox feel any substantive change at this time would be unnecessary and unwarranted.

The MPSI Code review provides Industry with an opportunity to address areas of the code which are unclear or have been left open to interpretation. mBlox have identified two key areas which would benefit from revision as well as providing comment on specific clauses of the Code.

Key areas requiring change:

Section 4.1.7 - Chat service warning messages

The MPS code currently defines a chat service as a "Mobile Premium Service which facilitates the exchange of messages between three or more people who are not otherwise known to each other. This definition does not distinguish between the different types of chat available over mobile premium services. The majority of chat services available over MPS are not 'peer to peer' but 'customer to operator' whereby the customer interacts with an operator employed by the content provider rather than another customer of the service.

Section 4.1.7 of the code requires that a warning message must be sent to customers prior to initiation of a chat service, advising them of the dangers of disclosing personal information in a chat session. This warning message may be giving a false impression that the customer is chatting to another customer when using such operator chat services, rather than an operator employed by the service provider as is actually the case.

mBlox feel that the code needs to differentiate between peer to peer and operator chat services, and that operator chat services should be exempted from the requirement to issue the warning message regarding disclosure of personal information.

Section 4.4.3 - Subscription confirmation message

mBlox suggests that the double opt-in process be modified to create a better flowing and less confusing end user experience. The current message flow differs for customers who opt in by a web mechanism or by sending an MO in response to a print advertisement or TVC.

When a customer requests to subscribe to a Subscription Service via a non-mobile (mainly web) mechanism, the content provider is required under the code to send two information messages to the customer. The content of the subscription request message (4.4.2) and the subscription confirmation message (4.4.3 a) is almost exactly identical. This has lead to issues on occasion where the customer has become confused as to their subscription status, believing that they may have been subscribed to a service twice.

When a customer requests to subscribe to a Subscription Service via a mobile opt-in flow, only a single information message is required. This difference between the two flows is not only confusing for customers but also for content providers, requiring them to use two different formats for the subscription confirmation message depending on the method the customer uses to request the service.

We would propose that the subscription opt-in requirements be revised to standardise on one common double opt-in flow for all service request types as follows:

- 1) Customer requests service via non-mobile, WAP, IVR or MO message mechanic
- 2) Content provider sends subscription confirmation message (as per 4.4.3 b)
- 3) Customer confirms subscription by sending an MO message to a shortcode
- 4) Customer is subscribed

Such an approach would remove the current duplication of information that is the apparent driver for customer confusion while still maintaining the current high level of service information being passed to the customer.

Specific Comments on the Code:

Code Reference	Specific Comments
Page 6	Carriage Fees - this requires further definition due to WMC audit standards referencing carriage fees in terms of cost for data.
Page 6	Chat service - The current definition of a 'chat service' does not cover the different types of chat services offered by Content Providers. The majority of these are consumer to operator chat.
3.1.2	Prominent & Sufficient Proximity - requires further definition.
3.1.16	Advertising to Children - this is inconsistent with TISSC guidelines on marketing to children.
4.1.7	Chat warning message - While this is a valuable protection for customers using peer to peer chat services we do not believe this requirement should apply to Operator based chat.
4.4.3	Subscription Confirmation message - There is disparity between MO opt in message flows and Web based opt in message flows. We suggest that the subscription opt-in requirements be revised to standardise on one common double opt-in flow for all service request types.

4.4.9	Identification - this clause requires further clarification.
6.1.17	Reasonable Timeframe - this clause requires further definition.

MBlox is committed to working closely with the Communications Alliance to ensure that there are appropriate and effective measures in place in the provision of premiums sms/mms services.

MBlox is happy to discuss with the Communications Alliance any of the issues raised in this submission.

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