

## Comments against Consultation Paper on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018

**Q.1** Stakeholders are requested to submit their comments in respect of definitions of messages and calls and their categorizations, as suggested in the paragraphs 2.14 to 2.19 along with necessary justification.

- **Transactional message**

*“Transactional message” means a message triggered by a transaction performed by the Subscriber, who is also the Sender’s customer, provided such a message is sent within thirty minutes of the transaction being performed and is directly related to it. Provided that the transaction may be a banking transaction, delivery of OTP, purchase of goods or services, etc.*

***Shivtel’s feedback:*** *We are ok with the definition*

- **Transactional voice call**

*“Transactional Voice Call” means a voice call which is not promotional in nature and is for the purpose of alerts to its own customers or account holders and information to be communicated by the voice call is time critical in the nature;*

***Shivtel’s feedback:*** *We are ok with the definition*

*We are ok with all the other definitions also ... requesting all others to come back in case of any discrepancy in definitions*

**Q.2** Whether explicit Consent be made mandatory for receiving Promotional Communications by Auto Dialer or Robo Calls? What can be other possible measures to curb the use of Auto Dialer or Robo Calls without the consent of the recipients? Stakeholders are requested to submit their suggestions quoting best practices being followed across the world.

## **Shivtel's Suggestion:**

There should be ease of obtaining consent from a customer. In the present model, TRAI has implemented a centralized system for managing consent which is known as Consent Acquisition & management System (CAMS). Not many brands in India have agreed to come behind this system because of abnormally high fee being levied the Telcos which has the following problems:

1. Brands are still following the good old consent approval model where the user is asked to give the consent on their website / mobile app etc by checking a tick box. This customer consent process is not linked with the CAMS
2. The existing CAMS process is not user friendly because it seeks the user to type Y or N in order to give or deny the consent which normally is not received well by the user as it is a cumbersome process
3. Under the present circumstances of financial scams etc, the user is not open in our view to give the consent to any telecom operator under the CAMS process fearing the risks associated with giving the consent and hence this mechanism is, in our view not going to be a successful process
4. The present commercials of charging Rs 2.5 Rs per consent is a not viable for any established brand who has acquired say 1 Cr customers over a period of 4-5 years. The cost of doing one round of approach by the CAMS to 1 Cr opted in customer base works out to be Rs 2.5 Cr and given the observation in point no 3 above, the % of people who would like to give their consent would be in single digit % so let's say 5 % people give their consent in this process of CAMS ... for the brand the per user consent acquisition cost works out to be Rs 50/- ... so how does anyone expect the brand to spend Rs 50Cr just to acquire the consent of the already consented database for which the brand had already done lots of marketing spends. Therefore, the cost of this current CAMS process must be significantly lower so as to make it a success otherwise it will be a non-starter.

**Q.3** As most of the pre-recorded calls have pre-defined content, stakeholders are requested to comment on the process to be followed to scrub such content before the delivery to consumers. The comments should be supported with suitable justifications and practices being followed in other parts of the world.

**Shivtel's Suggestion:**

- The voice prompt must be \*uploaded in audio format\* onto the \*DLT (Distributed Ledger Technology) portal\*.
- The uploaded voice prompt will \*undergo approval\* by the designated \*competent authority\*.
- Once approved, a \*unique ID\* will be generated and assigned to the approved prompt.
- The \*end customer\* will use this \*approved template ID\* to create their campaign.
- The \*agency\* will \*download the approved audio prompt\* from the DLT platform.
- The agency must ensure that \*only the approved prompt\* is used for executing the campaign.

**Q.4** Stakeholders are required to submit their comments in respect of Header's identifiers categories as suggested in paragraphs 2.31 of Chapter II or any other type of identifiers which may facilitate consumers to identify senders distinctly. Suggestions if any, should be suitably brought out with necessary justifications.108

**Shivtel's Suggestion.**

Adding the P, S or T as a prefix will be more impactful instead of suffix. Numeric headers which are already implemented for promo messages should be converted in alpha with P as a prefix. It will help to the customers

for identifying the brands & content category as well as to the brands (PEs) to communicate with their customers in a better way.

Same numeric headers for sms & voice will not be helpful to the customers for identifying the brands because it's not easy to remember the numeric value for each brand.

**Q.5** Whether current provisions in the regulations for redressal of consumers' complaints in a time-bound manner are sufficient? If not, what provisions should be made for improving the effectiveness of the complaint handling processes including identifying and fixing the responsibilities of the violators?

**Shivtel's Suggestion:**

The existing process for handling complaints is effective, but the priority should be on financial penalties rather than resource disconnection. This is because the same resources are used by multiple UTMs for transactional or service communication, and disconnecting resources can negatively impact other UTMs without causing unsolicited communication.

**Q.6** Whether facilities extended by the Service providers through Apps, Website and Call Centres for handling UCC complaints are accessible and consumer-friendly? Is there a need to add more facilities in the current systems? What measures should be taken by the service providers to make their Apps, Website and Call Centres easily accessible to the Consumers for registering UCC Complaints and tracking the same for a time-bound disposal of complaints? Please provide your answer with full details on the facilities needed.

**Shivtel's Suggestion:**

We have no comments to make.

**Q.7** What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?

**Shivtel's Suggestion:**

The current process is good enough.

**Q.8** Stakeholders are required to submit their comments on the following-

a. Measures required for pro-active detection of spam messages and calls through honeypots and norms for the deployment of Honeypots in a LSA, and rules or logics required for effective use of AI-based UCC detection systems including training of AI models for identification, detection and prevention of spam

b. Proactive actions needed to stop further communications of messages or calls identified as spam through UCC detect systems and actions on the senders.

**Shivtel's Suggestion:**

We have no comments here

**Q.9** Stakeholders are required to submit their comments in respect of

a. financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of RTMs

b. financial disincentive proposed in Section F of Chapter II on the access providers against violations in respect of UTMs

c. financial disincentive against wrong approval of Headers and Message Templates proposed in Section F of Chapter II on the Access Providers.

d. Measures needed to assign the responsibilities of telemarketers (both RTMs and UTMs) and Principal Entities (Senders), involved in sending UCC and disincentivize them financially including legal actions as per law.

**Shivtel's Suggestion:**

This is best left to internal discussion of yours with the Telecom Operators

**Q.10** Whether there is a need to review five paisa exemptions accorded to transactional messages and bring them at par with other commercial messages? If yes, please give your answer with necessary justifications? If no, what additional measures are required to discourage senders, telemarketers or service providers from using transactional message templates for sending promotional messages?

**Shivtel's Suggestion:**

This is best left to internal discussion of yours with the Telecom Operators

**Q.11** Stakeholders are requested to offer their comments on the following issues:

- a. Whether there is a need to strengthen the provisions of Common Code of Practice templates with Standard Operating Processes further to enable Access Providers to take actions including imposing financial disincentives and actions as per law, against entities registered and not following the regulations? If so, what could be additional provisions and essential processes which should be made part of CoPs?
- b. Whether there should be provision for minimum security deposits from the entities registering with any of the Access Providers, against the misuse or breach of regulations? If so, what should be the provisions in the CoPs for full or partial encashment/replenishment of security deposits against the breach of the regulations? Please provide your answers with suitable justifications.

**Shivtel's Suggestion:**

**Q.12** What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.

**Shivtel's Suggestion:**

I think the financial disincentives are sufficient to deal with the menace of UCC

**Q.13** Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTMs? Please justify.

**Shivtel's Suggestion:**

Yes, we are in favour for the same but only for calls and SMS originated from 10-digit mobile number because they are the ones who are the real reason of UCC through UTMs. The rest of the RTMs are covered under the DLT mechanism.

**Q.14** If differential tariff is introduced, what could be the limit beyond which differential tariff could be introduced for: i. Voice Calls ii. SMS. Please justify with rationale.

**Shivtel's Suggestion:**

We are in favour as per answer in below mentioned point 15

**Q.15** If differential tariff is introduced, what could be the tariff beyond a limit for: i. Voice calls. ii. SMS. Please justify with rationale.

**Shivtel's Suggestion:** We are in favour of differential tariff only for calls originating from 10-digit mobile number. As per table 2.3 any SIM which makes more than 25 calls per day should be charged at Rs 5/- per call

**Q.16** Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.

**Shivtel's Suggestion:** As above