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Comments on Consultation Paper

Consultation Paper dtd. 14th September, 2017 on Unsolicited Commercial Communication

Q.1 To what extent, time required for registration and enforcement can be reduced? For achieving reduced time lines, what changes in processes or in different entities e.g. PCPR, NCPR, CPDB may be required? Will providing scrubbing as a service for RTM reduces time? Please give your suggestions with reasons.

The presence process of downloading data from NCPR website works well. RTM who are serious about the business have the ability of updating their local databases with NCPR data. Provided scrubbing as a service for RTM will **not** have any additional advantage.

Q.2 How to ensure availability of Mobile Apps for registering preferences and complaints and for de-registration for all types of devices, operating systems and platforms? Whether white label TRAI Mobile App may be bundled along with other Apps or pre-installed with mobile devices for increasing penetration of app? For popularizing this app, what other initiatives can be taken? Please give your suggestions with reasons.

Apps work with the premise of data centricity. Not everyone has an App-enabled phone. The registration should be possible without an App also. More important is to have media education for customers on the options available for them. There should be a comprehensive marketing strategy around the same.

Q.3 In case of Mobile Number Portability (MNP), what process may be defined for retaining the status of customer for preference registration? Please give your suggestions with reasons.

No suggestion.

Q.4 How bulk registration may be allowed and what may be the process and documents to register in bulk on behalf of an organization or family? Please give your suggestions with reasons.

Bulk registration works with the premise that all parties agree to registration or not. Each subscriber should be given independent ability to register / unregister.

Q.5 Is there a need to have more granularity in the choices to actually capture customers interest and additional dimensions of preferences like type of day, media type(s)? What will be impact of additional choices of preferences on various entities like CPRF, PCPR, NCPR, CPDB etc.? Please give your suggestions with reasons.

Dividing the granularity will further complicate the process. For example, it will add to grey areas in terms of the RTM/UTMs business and call context. The process should actually be made simpler. It would not be a bad hazard to identify the percentage of some blocked vs all blocked NCPR register. The some blocked will probably be a small number.

Q.6 Should the scope of UCC regulation be enhanced to include unwanted calls like silent, obnoxious, threatening calls etc. and unauthorized communications? What role government or constitutional organizations may play in curbing such activities? Please give your suggestions with reasons.

Obnoxious / threatening calls is in the realm of law enforcement and should be left to such agencies. Silent calls also happen due to various technical problems in telecom operators (and these have been observed) when voice circuits are not properly programmed at SS7 layer. TRAI may take due consideration of the same possibility while forming a regulation around the same.

Q.7 What steps may be taken to address the issues arising from robo-calls and silent calls? What are the technical solutions available to deal with the issue? How international co-operation and collaboration may be helpful to address the issue? Please give your suggestions with reasons.

Robo-calling is also used by TMSE or their DSAs for various critical parameters such as transaction updates in various sectors. Any constraint on the same should not impact the robo-calling requirements there-in.

Q.8 For robust verification and authentication of telemarketer getting registered, what changes in the process of registration, may be introduced? Please give your suggestions with reasons.

No suggestion.

Q.9 Should registration of other entities such as content providers, TMSEs, Principal Entities, or any other intermediaries be initiated to bring more effectiveness? Whether standard agreements can be specified for different entities to be entered into for playing any role in the chain? Please give your suggestions with reasons.

The core party sending any call is the RTM or UTM. That's the party that has tie-up with TSP for sending calls / SMS'. RTMs may tie-up with CP or Principal Entities and these have commercial and competitive implications therefore connecting TMSE, PE, intermediaries etc. might interfere with normal market competitiveness. Regulations should be made as 'light-touch' as possible. However, their implementation should be well established. The reason present TCCCP Regulations are *viewed* as not working are due to it's inadequate implementation and dependence on telecom operators to control the implementation. Adequate KRAs for measuring closure perform on

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complaints, if well deployed will make the current regulations more than adequate atleast for the purpose of capturing customer preference and sharing / controlling those with TSP.

Q.10 Whether new systems are required be established for the purpose of header registration, execution and management of contract agreements among entities, recording of consent taken by TMSEs, registration of content template and verification of content? Should these systems be established, operated and maintained by an independent agency or TRAI? Whether agency should operate on exclusive basis? What specific functions these systems should perform and if any charges for services then what will be the charges and from whom these will be charged? How the client database of TMSEs may be protected? Please give your suggestions with reasons.

This is the third round of iteration that will happen in the regulations in a period of less than eight years. Regulations should be devised in a manner that is long-lasting and provides a framework. Thereafter, day to day updates and routine evaluation should be a part of implementation of regulations. Therefore there should be an exclusive agency that should be setup by TRAI and this agency should be responsible for setting guidelines. The agency should be exclusive and should consist of representation from consumers, RTMs and TRAI.

Q.11 Whether implementation of new system should full fledged since beginning or it should be implemented in a phased manner? Whether an option can be given to participate on voluntary basis? Please give your suggestions with reasons.

Further to the response to Q10, the implementation may be kept as a item for the independent agency.

Q.12 Whether scrubbing as a service model may be helpful for protection of NCPR data? Whether OTP based authentication for queries made by individuals on NCPR portal may be helpful to protect NCPR data? What other mechanisms may be adopted to protect the data? Please give your suggestions with reasons.

Scrubbing as a service will lead to a single point of failure. The present process of allowing RTMs to download data should work well and there is no reason to change the same.

Q.13 What interface and functionality of NTR system may be made available to Principal entities for managing header assignments of their DSAs and authorized agents? How it may be helpful in providing better control and management of header life cycles assigned to DSAs and authorized entities? Please give your suggestions with reasons.

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Refer response to Q9: Commercial enterprises should be kept and allowed to operate at arms-length. Such header assignment will lead to further complications in the service rather than a streamlined operation.

Q.14 What changes do you suggest in header format and its structure that may be done to deal with new requirements of preferences, entities, purpose? How principal entities may be assigned blocks of headers and what charges may be applied? What guidelines may be issued and mechanism adopted for avoiding proximity match of headers with well known entities? Please give your suggestions with reasons.

Headers that are alpha numeric cause confusion. Headers may be kept may be kept numeric and as per National Numbering Plan (NNP). Final agencies that allow transmission of text messages / SMS' are Access Providers. Access Providers should issue only 10-digit numbers as per NNP to RTMs / TMSEs and only messages with those headers should be permitted to be sent out through originating Access Provider.

Q.15 Whether voice calls should be permitted to TMSEs and how these can be identified by the customers? How intelligent network (IN) or IP Multi-media subsystem (IMS) based solutions may be useful for this purpose and what flexibility it may provide to TMSEs in operating it and having control on its authorized entities? Please give your suggestions with reasons.

SMS is a non-QoS service. Voice Calls guarantee delivery of messages. Also, voice calls can be escalated for immediate intervention. Therefore there is no reason TMSEs should be prevented from sending voice calls.

Q.16 What steps need to be initiated to restore the sanctity of transactional SMS? What framework need to be prescribed for those transactional SMS which are not critical in nature? Please give your suggestions with reasons?

Please refer response to Q14.

Q.17 To what extent, present gap between time when UCC complaint was made and time when this was resolved can be reduced? What changes do you suggest to automate the process? Please give your suggestions with reasons.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

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Q.18 How the medium of Cutomer Complaint Resource Functionality (CCRF) with pre-validation of data e.g. Mobile App, Web Portal etc. may be helpful to achieve better success rate in complaint resolution process? Please give your suggestions with reasons.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.19 Whether access providers may be asked to entertain complaints from customers who have not registered with NCPR in certain cases like UCC from UTM, promotional commercial communication beyond specified timings, fraudulent type of messages or calls etc.? What mechanism may be adopted to avoid promotional commercial communication during roaming or call forwarding cases? Please give your suggestions with reasons.

There should be no ambiguity in process. NCPR is with a purpose – of maintaining a register. Access Providers should function within the gambit of rules. Such an implementation may lead to corporate rivalry or other such outcomes which may not be an aid to the process.

Q.20 How the mobile App may be developed or enhanced for submitting complaints in an intelligent and intuitive manner? How to ensure that the required permissions from device operating systems or platforms are available to the mobile app to properly function? Please give your suggestions with reasons.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.21 Should the present structure of financial disincentive applicable for access providers be reviewed in case where timely and appropriate action was taken by OAP? What additional measures may be prescribed for Access Providers to mitigate UCC problem? Please give your suggestions with reasons.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.22 Whether strict financial disincentives should be levied for different types of techniques like robocall, auto-dialer calls for UCC? Please give your suggestions with reasons.

Just because a technology is used and can have negative ramifications, therefore barring the entire technology is not the right decision. Robocalls and AutoDialers are very important in various high scale and critical operations. An airline with 1000s of passengers can in no way inform flight changes in a matter of minutes, a government agency cannot inform lakhs of citizens in a matter of minutes of an impending emergency. Even for the purpose of marketing, if auto-

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dialer calls get 5% genuine conversions, which are near human conversions there should be no reason to have a disincentive for the same. Therefore Robocalls and AutoDialer calls are not bad! What should be done is to have a disincentive for incorrect usage. That is best left to the gamut of IT Act and other such Law Enforcement. In case needed, the like in other developed countries, a Special Purpose Vehicle for regulation of marketing and advertising guidelines should be set up. This can work under the guidelines and framework set by TRAI / DoT, and then be dynamic and flexible to address challenges and industry/user requirements from time-to-time.

Q.23 What enhancements can be done in signature solutions? What mechanism has to be established to share information among access providers for continuous evolution of signatures, rules, criteria? Please give your suggestions with reason.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.24 How Artificial Intelligence (AI) can be used to improve performance of signature solution and detect newer UCC messages created by tweaking the content? Please give your suggestions with reasons.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.25 How the honeypots can be helpful to detect and collect evidences for unsolicited communications? Who should deploy such honeypots? Please give your suggestions with reasons.

No government above the line activity has ever led to honeypots being deployed. This can lead to a witch-hunt or other such sub-optima / lack of transparency. Honey pots is probably not the right way of regulating.

Q.26 Should the data from mobile app or from any other source for registering complaints be analyzed at central locations to develop intelligence through crowd sourcing? How actions against such defaulters be expedited? Please give your suggestions with reasons.

Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.27 How the increased complexity in scrubbing because of introduction of additional categories, sub-categories and dimensions in the preferences may be dealt with? Whether Scrubbing as a Service model may help in simplifying the process for RTMs? What type and size of list and details

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may be required to be uploaded by RTMs for scrubbing? Whether RTMs may be charged for this service and what charging model may be applicable? Please give your suggestions with reasons.
Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

Q.28 How the cases of false complaints can be mitigated or eliminated? Whether complaints in cases when complainant is in business or commercial relationship with party against which complaint is being made or in case of family or friends may not be entertained? Whether there should be provision to issue notice before taking action and provision to put connection in suspend mode or to put capping on messages or calls till investigation is completed? Please give your suggestions with reasons.
There should be an appeal process, and immediate disconnection should be prevented. This is an urgent requirement of changes in the regulation. Even one person suffering due to an incorrect complaint can lead to an impact on entire operations.

Q.29 How the scoring system may be developed for UCC on the basis of various parameters using signature solutions of access providers? What other parameters can be considered to detect, investigate and mitigate the sources of UCC? How different access providers can collaborate? Please give your suggestions with reasons.
Please refer Q22. This is best addressed by the SPV that can take a wider yet more time specific view based on the guidelines set by TRAI.

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