

**CONSUMER PROTECTION ASSOCIATION
HIMMATNAGAR
DIST. : SABARKANTHA
GUJARAT**



**COMMENTS
ON**

**THE TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER
PREFERENCE REGULATIONS, 2018**

Introduction :

It is heartening to see TRAI recognize the gaps in compliance and enforcement of the current DND system. Consumer will find new ways to evade the system as the new proposal allows the use of a mix of technology and regulation as well as tools to check those who flout rules. This technology, if applied correctly, can put telecom subscribers truly in control of their privacy and provide an elegant technology solution to the regulatory compliance and enforcement of unsolicited communications.

It appears to be the first instance anywhere in the world to use this technology at such a scale in the telecom sector.

This will empower a billions subscribers to take of their voice and text communications they want to receive taking individuals privacy concerns into account.

We already have clear rules and regulation in place to govern direct marketing activities. But high level of UCC means we need to take further action. Our primary concern is consumer protection, but it is also essential for the direct marketing industry that it puts its house in order. UCC are damaging the reputation of the whole industry.

This new regulation will be highly effective in this era as it contents :

1. Adoption of Block chain technology to enforce regulatory compliance.
2. Co-regulation with telecom service providers/access providers.
3. Creation of a regulatory sand box to enable compliance
and
4. Detection of unregistered telemarketers through a more collaborative approach.

Our future plan should be :

1. Improvement in consumer information (Easily sharing Information)

There is a confusion and uncertainty among consumers about whom to contact when making a complaint about receiving UCC.

2. Make easier to complaint and
3. TRAI should step up their enforcement work and issue significant penalties to companies that have broken the rules.
4. Monetary penalties should be published.

Comments :

We strongly support the regulation with few suggestions :

1. Message content :
 - The content of marketing message must be appropriate to the intended audience and will not be likely to offend, upset or harm etc., any recipient of the message, whether deliberately or otherwise. In this regard, they must comply with all applicable laws and industry standards that apply to the marketing to children.
 - In US the act prohibits the use of deceptive subject line and false headers.
 - The subject line should not contain words like "Free", "No Charge", "Offer", "Sex", etc..

2. Awareness among the consumers is paramount important. Service providers should create awareness about this regulation.
3. Section 27 :
 - If any one fails to pay financial disincentive, the authority can take appropriate legal action within stipulated time period as.
 - In Italy, breach of law is a criminal offense and penalties go up to three year of imprisonment and fines up to EUR 90,000.
 - Norway, South Africa, Nigeria, Japan etc. also have a law infringement is subject to fines and/or imprisonment.
4. Some organizations, like Government bodies can be exempt from consent regulation.

Thanks.

Yours faithfully,

(Dr. Kashyapnath)
President