

Recommendation on Voice Mail/Audiotex/Unified Messaging Services License

A. Executive Summary

One of the major challenges in a dynamic market for the free, fair and innovative development of new products and services that benefit consumers and businesses is the creation of a robust regulatory and enabling framework. This is specially challenging in the telecom arena due to the constantly advancing technology, newer business models and the rise in people's aspirations. Emergence of Voice over Internet Protocol ("VoIP") and cloud telephony services as means of communications has revolutionized the methods of communication across the world. India cannot afford to ignore technological advancements not only on VoIP front but also with respect to other cloud based communication, productivity and collaboration solutions. These technologies collectively are capable of providing innumerable services/ solutions to corporates and individuals at a faster pace and a fraction of the cost. In order to remain relevant to the current realities, the Government of India ("GoI") must adopt suitable guidelines to accommodate such technologies/services/business models; otherwise, there will be a failure of regulation, which will result in a failure to bring 21st Century technological benefits to India. Therefore, in order to bring clarity and provide a roadmap for future growth of the telecom sector it is imperative that future policies are made after giving due considerations to present and emerging technologies. The speed of response of policy makers to emerging technologies is critical to any country's advancement. India as the emerging superpower has to speed up its policy making to enable its economy to take advantage of the latest technologies. Against this backdrop, we welcome the slew of Consultation Papers floated by TRAI as a positive step in the right direction. A clear policy roadmap will minimize the need for Government intervention and reduce the risks of wrong interpretation of the law/ regulation/ policy. A robust policy would lead to '*minimum government, maximum governance*'.

With respect to the specific traditional services that are the subject of this Consultation -- Voice Mail/Audiotex/UMS – Microsoft respectfully asks that the following changes be made to existing rules to ensure that new technologies are available to India's consumers and businesses: (i) enable VoIP to PSTN calling in the context of Audiotex services (i.e., conferencing/bridging services), whether those VoIP and PSTN endpoints are all within India or both inside and outside of India; and (ii) provide the regulatory flexibility necessary for cloud-based communications to co-exist with traditional PSTN-based communications. These objectives can be achieved as explained below.

1. Technology agnostic regime

The proposed policy should be technology agnostic and encourage the use of latest technologies. Service providers should be given choice to provide services using traditional PSTN network and/ or more advanced IP network/ services/ solutions. The regulation must govern only broad policy and compliance issues, and not the particular technology used or the manner in which it is deployed and provided to consumers and businesses in India. Service providers should be allowed to deploy best available technology without any restriction on (1) incoming/ outgoing calls or (2) the number and type of telecom service providers (TSPs) with whom they may choose to partner. Such flexibility in the rules should encourage and enable cloud and VoIP based audio/video conferencing solutions that may or may not also include PSTN dial-in features.

2. The license/ registration for Voice Mail/Audiotex/UMS should not be bundled together, but should instead be considered as separate services/features.

Presently, the guidelines for Voice Mail/Audiotex/UMS services are centered on the licensing regime for operation of the Voice Mail/Audiotex/UMS services. Further, the license granted under these guidelines is not confined to a specific service but includes only a license for operations of all these services, i.e., Voice Mail services and Audiotex services and Unified Messaging Services together as a single license-able service.

Given the technological advancement (including VoIP and cloud based telephony models) and internet penetration we are seeing in India (and across the globe) today, two important changes to this licensing regime are necessary: First, there is a need to change the existing regime from one that demands a license to one that requires simply a *registration*. Second, the registration should be applicable on a standalone basis for each of the three features. By separating the features and requiring simply a registration, the government will have more flexibility to easily drop features and services which do not have much offtake (like voicemail), and include any new service which has become “viral” – should such new viral services qualify as something that should be within the scope of the regulatory framework at all.

3. The registration of these three separate services can be accomplished by bringing them under a registration policy such as OSP/ IP-1.

In the Consultation, it is suggested that Voice Mail/Audiotex/UMS should be made part of the Unified License. Bringing these services under the Unified License, thus imposing on them an entry fee, as well as numerous other obligations, is not the right step to take at this critical time in the evolution of communications and collaboration technologies. Rather than looking to yesterday’s ways of licensing services – which, in this case, would be sure to increase the price of these services and erect barriers to the market entry of small businesses and entrepreneurs – the government should move to a more forward-looking, light-touch regulatory approach, such as a registration process. Bringing these services into the Unified License regime would significantly impact small scale service providers/startups, in particular, thereby depriving Indian consumers of choices and effective competition in the market. Therefore, in line with the approach of the government towards self-regulation, the requirement for obtaining the license for Voice Mail/Audiotex/UMS services can be done away and a registration requirement as in the case of other service providers (OSPs)/ infrastructure provider category-1 (IP-1) can be introduced.

Registration Fee

In terms of the grant of registration (for Voice Mail/Audiotex/UMS services), a fixed one-time processing fee may be levied in order to get the registration done. In case any person intends to take registration for all the services, the registration fees may be increased proportionally. Also, it is advisable to keep the entry fee low; so as to enable start-ups to enter this business activity.

Performance Bank Guarantee

Also, in order to ensure that service provider of Voice Mail/Audiotex/UMS follows the guidelines, the registration authority may require the service provider for a performance bank guarantee (PBG) to be furnished at the time of registration. The said requirement will ensure that there is no deviation

from guidelines. Further, in case any person intends to take registration for all the services, the amount to the bank guarantee may be increased proportionally.

4. One registration – applicable for PAN India services.

The proposed registration should be on a pan India basis, thereby doing away with the need of segregating different service areas for these services and drastically reducing the paperwork. In 2016, when the global internet has enabled cloud-based services that can be delivered effectively and efficiently across the globe – as well as across an entire country, such as India -- there is no need for local geographic areas. Such areas are irrelevant from a technology standpoint, a business model standpoint and a regulatory standpoint. Without any public interest justification, such limitations and restrictions are nothing more than an unnecessary cost that will be passed along to India's consumers and businesses.

B. Present Regime

Indian telecom sector has witnessed rapid growth over the last two decades. The rapid growth in this sector can be attributed to liberalization of the telecom sector and provision of affordable telecom services. In the recent years, the development of devices with high processing power have enabled these devices to perform various functions/applications on common platform.

This has resulted in driving the convergence of devices and services. Further, the growth of the public internet has enabled the consumer of telecom services to have access almost all the services and applications containing voice, video and data. High speed data transfer is now possible which a pre-requisite for delivering innovative and advanced multimedia application. As a result, there has been fast changing demand in telecommunication services with increasing demand of new and improved value added services and applications.

In the year 1992, value added services including voice mail/audiotex services were opened to participation by the private sector. The licences for Voice Mail/Audiotex Services were initially issued in the year 1996 by the Department of Telecommunication (“**DoT**”) for different cities on first come first served basis. The period of these licences was five years extendable by one year at a time beyond the initial licence period.

In the year 2000, the DoT sent a reference to Telecom Regulatory Authority of India (“**TRAI**”) on various licensing issues related to Voice Mail/Audiotex Services. In response, TRAI sent its recommendations dated 29th December 2000. Pursuant to the announcement of New Telecom Policy, 1999 (NTP-99) and on the basis of TRAI's recommendations dated 29th December 2000, the guidelines for Voice Mail/Audiotex/Unified Messaging Services were issued by the DoT on 16th July 2001 by incorporating a new service, namely, Unified Messaging Service (“**UMS**”). However, the guidelines issued were only for the purpose of general information without any legally binding commitment.

In terms of the extant policy, the licenses for voicemail/Audiotex/UMS continue to be granted under the 2001 regime. As per the existing regime, the licensing of voicemail/Audiotex/UMS does not require the licensee to pay any entry fee or license fee. However, the licensee is required to

furnish a Performance Bank Guarantee of INR 3 lakhs. Additionally, a processing fee of INR 20,000/- (non-refundable) is required to be given along with the application to seek license. The period of the license has been fixed for 5 years with the provision for extending for 5 years.

In the year 2013, after TRAI's Recommendations on grant of Unified Licenses ("UL"), the government released the guidelines for issue of UL for various services. The guidelines also provided the option of migration to UL to the existing licensees. However, Voice Mail/Audiotex/UMS continued to be governed by the earlier guidelines as they were not made part of the authorization under UL.

C. Technological advancement over the years

Throughout the years, there have been several concerns regarding the licensing for Voicemail/Audiotex/UMS, including the terms and conditions of Voice Mail/Audiotex/UMS licenses, entry fee at the time of licensing, percentage of revenue sharing with the licensor, technical standards/conditions, financial terms and conditions, period of license, etc. Also, it has been seen that 'Voice Mail' services are no longer particularly relevant to consumers and businesses, especially in light of advancement of technology and other applications that are available to users.

As mentioned above, the emergence of Internet Protocol (IP) based networks/ services over the years have changed the way people communicate. Also, the possibility of services which may be offered using IP based networks cannot be ignored. The cost-effective solution by IP networks have provided an evidence of highly efficient bandwidth utilization and thus, have made IP networks a mature technology.

However, lack of clarity on policy (including restrictions) relating to implementation and usage of IP based networks and modern applications has led to failure of optimum utilisation of services / applications, as the consumers and businesses in India have been denied value added services (as available to the consumers in the international market).

For example, service providers today are not permitted to use IP based infrastructure to enable a conference facility if the service also enables users to join via a PSTN endpoint within India. The negative results of this restriction include: (i) a deprecation of services and features for users in India, i.e., service providers must shut off certain features and productivity capabilities, thus denying innovative services to India users but thereby complying with India's restrictive telecom rules; and (ii) customers spend significant time, money and energy trying to determine whether their particular deployment of a new, 21st Century PBX system is complying with India's restrictions on IP-to-PSTN calling. Such unique and India specific regulatory restrictions have denied Indian citizens and enterprises, advanced/ modern communication tools, increased their cost of using these deprecated services, and, we believe, discouraged local innovation.

An important service that requires attention is cloud based telephony and conferencing services which are proliferating in other countries. The Audiotex license regime in India currently does not allow cloud telephony as it prohibits call forwarding and bridging services, as well as the connection of an IP-to-PSTN call/network within India. This continues to be a major hindrance for companies

ready to provide innovative offerings, including start-ups and e-commerce companies that rely on such services.

The terms and conditions of the Audiotex license require a change to include call bridging services – including internet based services (whether over the public internet or a managed IP network), PSTN services, or services that bridge both technologies, IP and PSTN. Cloud-based telephony and bridging services are allowed throughout the globe, from the U.S.A. to the United Kingdom to Singapore and Japan. India should also provide framework that allows the migration of these services to new approaches in light of the changing technology and need for technological integration.

D. Issues for Consultation

- 1. In view of the discussion in Para 2.13, is it necessary to have a separate standalone licence for Voice Mail Service? If so, why? Please provide detailed justification?**

Voice Mail Service (“VMS”) enables sending and receiving of messages on a non-real-time basis. The service traditionally allows connection to the PSTN where voice messages can be delivered to a mailbox. The retrieval of message(s) may be made contingent on entry of a password. Presently, services such as caller line identification and missed call alerts also help to recognize the caller.

Given the nature of these services and the fact that they are also being provided by certain service providers who are not required to procure a license, the requirement of license for VMS should be done away with.

Additionally, instead of imposing a requirement of license, VMS should be registered in line with the process followed for OSPs/ IP-1s. As the international and domestic registration procedures and requirements are separate for OSPs, similarly for VMS, these requirements could be met separately. In other words, the requirements of operating in VMS services should be brought at par with the OSPs, who only require a registration. However, registration for VMS should be provided on pan –India basis which will greatly simplify the processes

Thus, no requirement of a stand-alone license or a license which is tied up with UL should be issued. The process of registration instead of the requirement of license would also make it technologically agnostic and non-discriminatory as the existent gap between different services due to the presence of procedural requirements will be bridged.

- 2. If the answer to the Q1 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?**

Although Microsoft does not believe that a license is appropriate for voicemail services – but instead a registration process should be used – it is important that the government establish flexible technical specifications that are accordance with available, and constantly changing, technologies. Also, it is advisable that the service providers may be given a free hand to select the best suitable solutions/ technology to serve their customers.

The emergence of IP based networks/ services over the years and cloud telephony based services have changed the way people communicate. Also, the possibility of services which may be offered using IP based networks – whether the public internet or managed IP networks -- cannot be ignored. The cost-effective solution enabled by IP networks/ cloud telephony services has provided evidence of highly efficient bandwidth utilization, which should be encouraged and enabled by India's telecom regulations; not slowed and stunted.

The current lack of clarity on policy (including restrictions) relating to implementation and usage of IP based networks and modern applications has led to failure of optimum utilisation of services / applications, as consumers and businesses in India have been denied value added services (as available to the consumers in the international market). This is – and will continue to be -- a major hindrance for several companies eager to provide innovative new services in India, including start-ups and e-commerce companies that rely on such services.

Therefore, there is an urgent need to extend benefit of technology advancements to common masses by moving towards a technology neutral regime.

3. In view of Para 2.17 and present technological developments, is it necessary to have a separate standalone licence for only Audiotex Service? If so, why? Please provide detailed justification?

There is no need for a licensing requirement for Audiotex Services and the present licensing system must be put an end to. Rather, the government can manage and oversee the development of the Audiotex industry through a registration requirement. In other words, the requirements of operating in Audiotex services should be brought at par with the OSPs, who only require a registration.

It may be noted that the any audio conference service providers uses the telecom resources procured from a telecom service provider/ TSP and utilizes such telecom resources to provide audio conferencing services. Thereby implying that audio conferencing services are essentially ancillary services; and not pure telecom services. Audio conference services are similar to any other company procuring telecom resources and providing certain other services utilizing such telecom resources. Any such services are not within the ambit of licensing structure governed by Section 4 of the Indian telegraph Act, 1885.

Further, in an environment where government is taking initiatives and is committed towards self-government by minimizing the unnecessary procedural requirements (as stated by the Prime Minister himself), this would result in unnecessarily delaying the registration process thus, hindering consumers and businesses' ability to access these services. In terms of the registration, a fixed one-time processing fee may be levied in order to get the registration done. In this regard, it is pertinent to mention that the existing regime provides that the proposal seeking Voice Mail/Audiotex/UMS licence may be submitted along-with a demand draft of INR twenty thousand as a processing fee (non-refundable). Accordingly, the processing fee of INR twenty thousand may be taken as a pre-requisite for the registration requirement. In case any person intends to take registration for all the services, the registration fees may be increased proportionally.

In order to make sure that the registered service providers follow the guidelines laid down by the government, performance bank guarantee for an amount INR 3,00,000, which is the current required amount, may be required to be furnished for obtaining the registration. Further, in case any person intends to take registration for all the services, the amount to the bank guarantee may be increased proportionally.

Another factor which envisages that Voice Mail/Audiotex/UMS should not require license is that they are content and not carriage services. As per previous recommendation of the TRAI to DoT in 2000, it mentioned that in the internet policy, pure content services are not required to be licensed.

Also, in terms of the existing regime, IVR services are exempted from Audiotex license and accordingly, it is suggested that the present exemption should continue in future as well.

4. If the answer to the Q3 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?

Given the rapid growth of technological advancement, the government should revise the technical specifications of Audiotex services to ensure that IP-based services, whether provided over the public Internet or a managed IP network, are permitted pursuant to the Audiotex authority.

The TEC specification V/ATS.01/01.September, 1994 is referred to in the Part IV of the existing licence agreement document (TECHNICAL CONDITIONS). In this TEC specification, there is a provision of optional additional facilities in the service description which includes: “*conferencing (enabling two or more callers to speak to each other, or to listen to others speaking)*”. Audio Conferencing Service is globally a well-established service which is provided using either PSTN resources from the licensed Service Providers or IP-based services – or both -- and Audio Conferencing Bridging equipment located either on PSTN infrastructure or in the cloud. Unfortunately, India’s existing regime does not provide any standardization document or technical specifications for the audio conferencing services, thus there is no clear path to enabling these innovative and beneficial services to India’s consumers and businesses.

Under the present licensing regime audio conferencing can only be provided only using the PSTN resources. Technical advancement in the field of technology and access to high speed internet has enabled the service providers’ world over to launch more and more converged services such as Internet Telephony, IPTV, Mobile TV, VoIP, data centers etc. IP-based audio conferencing services are also quite common across the globe – enabling users to join a conference bridge through the quick click of a link on their computer and/or by dialing a phone number from their landline or mobile phone.

However, this has not happened in India because ISPs in India are not permitted to provide conference facilities or to join a PSTN conference facility despite having an internet protocol (IP) based Infrastructure. ISPs are still not permitted to have connectivity with PSTN/PLMN within the country, although the Telecom Commission announced in March that his restriction

should be changed. The same is despite TRAI recommending complete/ unrestricted internet telephony in 2008 (which practically has not yet been implemented).

Since then, however, there have been significant changes to India's licensing framework. Further, in order to bring the best of breed technology to Indian consumers, the need of the hour is to allow audio conferencing facility from IP (whether via the internet or a managed IP network), as well as the PSTN. This interconnection will help encourage efficient competition and the efficient use of, and investment in, telecommunications networks, treat technologies and competitors neutrally, allow innovation and minimize regulatory intervention, consistent with the general trend toward less regulation wherever possible.

Additionally, under the present regime incoming calls from two different PSTN networks can be diverted only to a single PSTN network thus, making audio conferencing facility disincentive for the PSTN network on which call is not routed out. However, there should be a move towards a technological agnostic approach and therefore, this condition should be done away with.

There has been enough evidence to show IP networks will play a much important role in future. The IP based networks have facilitated growth of Broadband internet access for the masses. However, this continued development is dependent on availability of innovative and affordable IP based services. TSPs across the world are realizing profits by carrying the traffic over IP based network in their backbone and access networks. Internet Telephony is considered to be the one of the front-runner IP based converged service which is transmission of voice over IP based network – whether over the public internet or a managed IP network. Further, there has been trend all over the world to encourage and enable this technological revolution that benefits the consumers and businesses. In light of the above, Microsoft recommends that IP to IP conference facility, IP to PSTN conferencing facility, and other cloud based solutions also be bought under the present regime of Voice Mail/Audiotex licensee/UMS, thus clarifying that the consumers and businesses of India should and will have access to these new services.

Therefore, there is an urgent need to extend the benefit of technology advancements to not only the common masses throughout India, but also to businesses large and small, by moving towards a technology neutral regime.

5. Whether there is a need for standalone license for providing Audio Conferencing Service? If yes, whether the technical specifications need to be explicitly defined? Please provide detailed justification?

No there is no need for providing standalone license for Audio Conferencing facility. Further under the present regime of Voice Mail/Audiotex licensee/UMS audio conferencing has been included as an additional optional facility, although as described above, the definitions must be made more flexible to ensure that both PSTN and IP-based networks and services can be used to provide these services throughout India. Once updated for 21st Century communications and conferencing capabilities, the audio conferencing facility and its standard/technical specification can be very well defined under the Audiotex licensing requirement. Therefore, there is no need for separate licensing or registration requirement.

6. **If the answer to the Q5 is in the affirmative, what should be the technical specifications for providing Audio Conferencing Service?**

Any regulation that specifies too much technology and standards is bound to soon get overtaken by technology. So technical specifications should be minimalist, flexible and agnostic, and they should allow the play of various new technologies like IP based audio conferencing etc.

7. **Is it necessary to have a separate license for Unified Messaging Service when holding an ISP license is mandatory to provide the Unified Messaging Service and standalone ISP licensee is also allowed to provide Unified Messaging Service? If so, why? Please provide detailed justification?**

As mentioned above, in the present time there is a strong case for providing separate/standalone registration / license for each of the services.

8. **If the answer to the Q7 is in the affirmative, whether the existing technical specifications need to be revised or redefined? What should be the revised technical specifications?**

As mentioned above, the technical specifications should be adopted in accordance with available technologies. Also, it is advisable that the service providers may be given a free hand to select the best suitable solutions/ technology (*including VoIP and cloud telephony*) to serve their customers.

9. **In case Voice Mail/Audiotex/Unified Messaging Service requires a license should they be made a part of the Unified Licence as one of the services requiring authorisation? Please provide detailed justification?**

For the reasons explained above, Voicemail/Audiotex/Unified Messaging Services should not require any license, and thus, should not be made part of the Unified License.

10. **If the answer to the Q9 is in the affirmative, what should be Service Area? Whether Service Area may be similar to the Service Area of ISP (National Area, Telecom Circle/Metro Area, Secondary Switching Area) to bring in uniformity among the Service Areas of different services? Please provide detailed justification?**

Because the registration process for Voice Mail/Audiotex/UMS is on a pan India basis, the service area will not be similar to the service area of ISP. There is no reason – legal, technical or business-wise – for the license areas of an ISP and a Voicemail, Audiotex or UMS service to match. Uniformity is not required in the era of a global internet that enables users to access new and innovative services throughout the world. Pan India registration is also in line with the idea of minimizing the procedural requirements and ensuring ease of operation for the service providers. The entry of new operators and expansion of the existing ones would be much easier and simpler with this requirement.

11. If Voice Mail/Audiotex/Unified Messaging Services is made a part of the Unified Licence as one of the services requiring authorisation, then what should be the Entry Fee?

As mentioned above, Voice Mail/Audiotex/UMS should not be made part of the Unified Licence. Furthermore, there should not be any entry fee on these services for the following reasons:

- i) Imposition of Entry fee on Voice Mail/Audiotex/UMS would hinder participation by small scale service providers/startups, thereby depriving consumers of choices and effective competition in the market.
- ii) Bringing the service providers under the current regime and imposing entry fee on them will increase the prices of these services substantially which in turn will be passed on to consumers. Therefore, this increase in the cost to consumer will affect the usage of these services by the consumer.
- iii) Small service provider/startups who won't be able to bear the burden of the increase cost will not be able to further improvement and innovation their services thus, resulting in deterioration of these services provided by them which will directly affect the consumers.

12. Whether there should be any requirement for Minimum Net worth and Minimum Equity for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified License?

As explained above, Voice Mail/Audiotex/UMS should not be part of Unified License. As far as the requirement of minimum net worth and minimum equity is concerned, it is pertinent to note that the service providers may be required to furnish a performance bank guarantee. Furthermore, performance bank guarantees may also have to be furnished if the service provider expands to different locations.

Therefore, such an obligation is not necessary. Moreover, the requirement of minimum net worth and minimum equity would hinder the entry of new players/start-ups in the market. The Government has lately taken measures to promote and encourage such business initiatives. Any such requirement would thus be contrary to such initiatives.

Thus, there should not be any further requirement for minimum net worth and minimum equity for these service providers.

13. The annual licence fee for all the services under Unified Licence as well as for existing UASL/CMTS/Basic Service/NLD/ILD/ISP licencees have been uniformly fixed at 8% of AGR since 1st April 2013. Whether it should be made same for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence? If not, why?

Under the existing regime, no license fee is required to be paid by the Voice Mail/Audiotex/UMS service providers. Some may argue that such a system might appear to be discriminatory, when compared with the Unified License Guidelines that prescribe a license fees.

However, this is not accurate. It is pertinent to point out that a service provider under Voice Mail/Audiotex/UMS service providers approach the telecom service providers (telecom licensees) for the provision of the necessary telecom resources for provisioning of VMS/Audiotex/ UMS services. In this process, they make requisite payments to TSPs (for telecom resources). Further, TSPs as required under the unified licencing system are required to give 8% of Adjusted Gross Revenue (“**AGR**”) to the government.

Therefore, from the process, it is evident that the service provider under Voice Mail/Audiotex/UMS service is indirectly paying the licencing fees to the government since the price paid to the TSPs will be included in their AGR on the basis of which the license fees is given. Therefore, it can be said that the licensor in case is compensated from the same. Thus, the question of any discrimination does not arise.

Furthermore, as mentioned above, a registration fee is required to be paid by the Voice Mail/Audiotex/UMS service providers. Thus, no annual license fee should be levied for Voice Mail/Audiotex/UMS services.

14. In case the answer to the Q13 is in the affirmative then what should be the definition of AGR for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

Since it is suggested that no license fee is required to be paid, there is no need to define AGR for Voice Mail/Audiotex/Unified Messaging Services

15. What should be Performance Bank Guarantee, Financial Bank Guarantee and Application Processing Fee for Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

A performance bank guarantee of INR 3,00,000 may be levied upon registration for provision of Voice Mail/Audiotex/Unified Messaging Services. Furthermore, separate performance bank guarantee may be furnished if the service provider wishes to register for more than one of these services.

As far as Application processing fee is concerned, it should be made a pre-requisite for registration to provide Voice Mail/Audiotex/Unified Messaging Services. A demand draft of INR 20,000 may be submitted as the non refundable processing fee at the time of registration.

There should not be any requirement of a financial bank guarantee as it would be burdensome for start-ups that do not have the necessary capital to meet this requirement.

16. Whether the duration of the licence with Voice Mail/Audiotex/Unified Messaging Services authorisation be made 20 years as in the other licence authorisations under Unified Licence? If not, why?

It would be appropriate for the duration of the *registration* for Voice Mail/Audiotex/Unified Messaging Services to be for a period of 20 years with an option of renewal for additional 10 years. This is consistent with the existing licensing and registration scheme as implemented by the DoT.

17. What should be the terms and conditions for the migration of the existing Voice Mail/Audiotex/Unified Messaging Services licensees to Unified Licence?

As noted above, Microsoft does not believe it is appropriate to migrate these services to the Unified License regime. However, if the TRAI nonetheless recommends that migration, the terms and conditions for the migration of the existing Voice Mail/Audiotex/Unified Messaging service providers to the proposed regime should be as follows:

- i) All the existing Voice Mail/Audiotex/UMS providers may be allowed to operate under the present/ existing license till the expiry of their existing license. However, any technological changes/ amendments may be made available to them under the present license (by way of amendment to the license terms). This will ensure that updates to the definitions and technical standards to allow for the provision of IP-based services, alongside and in connection with, PSTN services will be permitted for these licensees, whether or not they move to the Unified License.
- ii) The existing licensees maybe given an option to voluntarily surrender the present license and obtain the registration/ revised license without requiring to pay any additional fee. Subsequent to such migrations/ transfer, the terms of new registration/ license will be binding on the service provider.
- iii) Although the terms and conditions of the proposed regime will be applicable post migration, roll out obligation and any financial liabilities or penalties that are associated with the existing license regime should accrue to the service provider even post migration (for any violation which was done prior to such migration/ transfer).

18. Whether the existing Voice Mail/Audiotex/Unified Messaging Services licensees may be allowed to continue or it would be mandatory to migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

It is suggested that migration/ transfer of the Voice Mail/Audiotex/Unified Messaging service providers from the existing license regime to the proposed regime should be voluntary. This would be consistent with past DoT practices, which have proven successful as entities shift from one licensing regime to another

19. What should be the annual license fee for existing Voice Mail/Audiotex/Unified Messaging Services licensees who do not migrate to the Voice Mail/Audiotex/Unified Messaging Services authorisation under Unified Licence?

It is suggested that no license fee should be levied on Voice Mail/Audiotex/Unified Messaging services. However, in case the Government proposes to introduce the annual license fee, then the license fee should be same for all the services providers under the new regime (without any discrimination), which may be capped at 8% of AGR (in line with license fee under UL).

20. Please give your comments on any related matter, not covered above.

As mentioned above in detail, the following should be considered:

- i. Technology agnostic regime to ensure that service providers can deploy cutting edge and innovative services, whether they use the traditional PSTN, are delivered via IP networks (including both the public internet and managed IP networks), or use a combination of both PSTN and IP.
- ii. Ensure that the rules allow and facilitate VoIP (including VoIP to VoIP, as well as VoIP to PSTN (both within India and to/from points outside of India) and cloud based communications and collaboration services.
- iii. The license/ registration for all the three services (Voice Mail/Audiotex/UMS) together should not be tied-in. Each should stand as a separate service.
- iv. All the three services (Voice Mail/Audiotex/UMS) should be brought out of the licensing regime and subject only to a registration process.
- v. One registration – applicable for PAN India services.