



COAI Response to TRAI CP on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018

We thank the Authority for providing us with the opportunity to share the response to the Consultation Paper on Review of the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR). The regulation has significantly impacted the telecommunications industry, prompting TSPs to make substantial investments and collaborate extensively with both internal and external stakeholders and therefore any major overhaul, should be carried out after careful consideration.

A. Initiatives taken by the Telecom Industry

1. TRAI issued the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR-2018) on July 19th, 2018, and the same is based on technological solution i.e. Blockchain- Distributed ledger Technology (DLT), to provide the best possible solution to curb UCC. It is noteworthy that this is one of the largest use cases of Blockchain and DLT in telecom, globally.
2. To minimise spam and protect consumer interest, the Telecom industry has undertaken numerous efforts to fulfil the underlying objective of TRAI's TCCCP Regulation, 2018. In pursuit of this goal, the industry has consistently worked to enhance its processes, which has been instrumental in curbing the menace of Unsolicited Commercial Communication (UCC).
3. The Telecom Service Providers (TSPs) have introduced various innovative concepts to combat UCC/spam and further have already implemented certain modules in the past to combat the same. They are as follows:
 - a. Consumer Preference Registration Module
 - b. Entity/RTM and Header Registration Module
 - c. Complaint Management Module
 - d. Scrubbing based on Principal Entity-ID and Header
 - e. Blocking traffic from unregistered headers
 - f. Content Template Registration
 - g. Content Template Scrubbing
 - h. Digital Consent Acquisition
 - i. Registration of Consent Template
 - j. Scrubbing of the Service Explicit messages
 - k. Whitelisting of URLs/APKs/OTT links
 - l. Implementation of Voice Solution 140 Series
4. It is further to be noted that the implementation process of some of the modules are taking place in the present and they are as follows:
 - a. PE-TM Binding
 - b. Measures to curb misuse of Headers and Content Templates – Suspension of the unused Headers
 - c. Integration of DLT with Chakshu Portal



Many of these modules were not a part of the 2018 Regulation, while some were part of the latest TRAI Directions, others have been proactively implemented by TSPs to curb UCC.

5. Thus, it must be noted that the TCCCPR implementation has entailed massive technological development and the TSPs were also made custodians for registration of Telemarketers (TMs) and Principal Entities (PEs), which involved persuasive efforts to bring all the stakeholders onboard and make them compatible to hitherto unheard system of template and consent registration followed by subsequent scrubbing of header/template/consent.
6. Despite all these issues the approach still remains piecemeal and only result seems to be shifting the traffic to OTTs or creating some work for a few vendors or imposing financial disincentives on TSPs. We submit this approach has not yielded necessary results and will continue to fail, till the real responsible party is brought under regulations.
7. Despite the substantial efforts of TSPs, the spam remains a challenge, and it is the TSPs who are almost always held to account including when it comes to the penalties for spam. But this myopic stand overlooks the shared responsibility in the ecosystem. In other words, penalising only the TSPs for spam, is not the correct approach.
8. TSPs alone should not be responsible because (i) TSPs are merely carriers and not creators or generators of UCC/content whether promotional or unsolicited. It is the PEs and TMs that are originators, (ii) the responsibility for controlling the content and ensuring it complies with consent requirements and regulatory standards is that of the PEs and TMs, and (iii) TSPs have already made significant investments in UCC detection technologies, such as DLT system, working with TRAI to ensure compliance with the law.
9. By placing the penalties only on TSPs, the regulatory framework is creating a situation where PEs and TMs are able to completely avoid all responsibility for spam generation. This has shifted the burden of compliance and enforcement onto TSPs, who are already playing a pivotal role in implementing regulatory frameworks like DLT to keep the pipeline clean.
10. Additionally, any independent efforts to address spam may not be in the best interests of customers, as they may impact the quality and availability and continuity of services - therefore, a coordinated approach is not only the most efficient but also absolutely essential for maintaining seamless services for business customers while effectively addressing UCC.

B. Regulate PEs and TM-D

1. The only feasible and optimum approach to handle UCC can be found in making all individuals, Principal Entities (PEs) and all the Registered and Unregistered Telemarketers with Delivery Function/ Aggregator Function responsible for any fully
2. Instead of this review exercise of an unproductive framework, entire UCC regulatory framework should be reviewed holistically and aligned with the provisions under



'The Telecommunication Act 2023', so that we are able to find a best fit that will benefit all stakeholders i.e. consumers, telecom service providers(TSPs), PEs, Government, Exchequer and the other entities involved in this ecosystem.

3. The Telemarketer-D (TM-D) should be brought under the licensing regime with sufficient financial eligibility requirement to ensure that only serious players get involved and the Government and Authority have sufficient legal control over this entity to ensure compliance with TCCCPR-2018.
4. The responsibility of TSPs, being intermediary, should be limited to registering the preferences and consents of telecom subscribers, handling complaints, and communicating such complaints to the concerned TM-D. The TM-D should take action against the responsible TM-As and PEs. Any financial disincentive or penalty should be directly applicable to the licensed TM-D, who is handing over the A2P traffic to the TSPs. In addition, the rules to be framed by the Government under the Telecommunication Act 2023 should have adequate provisions which empowers DoT to take deterrent actions directly against the individuals, companies, abettors, conspirators, including PEs, Aggregators and Telemarketers, who misuse the telecom resources for initiating UCC.

C. Derive the Regulations to Regulate PEs and TM-D

1. The Telecommunication Act 2023, under its section 28, specifically provides for measures for protection of users, and the Authority must review and align the TCCCPR regulations with section 28 of 'The Telecommunication Act, 2023', as currently it is drawing its powers to regulate UCC from QoS related provisions, which have limited legality.
2. With the enactment of the Telecommunication Act, 2023, the Parliament has empowered the DoT to directly take action against the users who are initiating unsolicited communication. Section 28 provides for measures for the protection of users. It empowers the Central Government to publish rules providing measures for protection of users in consonance with existing regulations of the TRAI (TCCCPR). The relevant section is reproduced below for ready reference:

28. (1) For the purposes of this section, "specified message" means any message, offering, advertising or promoting goods, services, interest in property, business opportunity, employment opportunity or investment opportunity, whether or not—

(a) the goods, services, interest, or opportunity are real; or

(b) it is lawful to acquire such goods, services, property, interest or take up the opportunity.

*(2) The Central Government **may by rules provide for measures for protection of users**, in consonance with any regulations notified by the Telecom Regulatory Authority of India from time to time, **including measures such as...** (Emphasis added)*

3. Clearly, this provision empowers DoT to take any measure for the protection of users. It is inclusive in nature allowing broad measures to stop the menace of such calls at the root, i.e., at the users' level. The provision allows the Department to take



direct action against users initiating unsolicited communication for the misuse of an allocated telecommunication resource.

D. Challenges of Co-regulation

1. Vide the 2018 Regulations, TRAI adopted a co-regulation approach, wherein TRAI asked the Access Service Provider to develop the Technology solution and set clear roles, responsibilities, administrative arrangements of all the entities involved in commercial communication through Codes of Practice (COPs).
2. However, it must be noted that TCCCP Regulation cannot be implemented alone by TSPs as the entire ecosystem, including the principal entities and telemarketers, have to be on-boarded to implement it.
3. The ecosystem as prescribed by TRAI vide TCCCPR 2018 requires the participation of various constitutional bodies, government organizations, principal entities, telemarketers etc. i.e. **the complete implementation of the regulation is not in the hands of our member TSPs alone**. The number of stakeholders involved in implementing the Regulation is humongous and adequate time is required to bring all these stakeholders together with a common approach, understanding of the Regulation and implementation requirements.
4. From the beginning of the implementation. industry has faced various challenges including non-cooperation by PE's/Senders. **The challenges encountered by our members with implementation of the Regulation have always been communicated to TRAI in various forums**. Also, details/status for the implementation has been communicated to TRAI by our members in the various industry/TSPs meetings and TRAI has closely monitored all the development & progress of implementation of Regulation till date.

Considering the above factors, **we submit that TRAI recommends to DoT to bring the TM-D directly under Regulatory framework and TSPs should be left to do their intermediary activities.**

E. Scope of the TCCCP Regulation, 2018

1. As stated above, the industry's joint effort with various stakeholders and regulatory bodies reflects our commitment to curb fraudulent practices, such as phishing and scamming, which often exploit commercial communication channels. However, while fraud prevention is an essential goal, it is critical to understand that **the primary and specific focus of the TCCCP Regulation, 2018, is to mitigate UCC**. The scope of the TCCCP Regulation is centered on protecting consumers from unsolicited marketing messages and ensuring that telecom operators implement robust mechanisms to prevent such communication.
2. Though fraud reduction efforts are undoubtedly vital, the Regulation's framework is primarily designed to enhance customer preferences and promote transparency in commercial communications. By ensuring that telemarketers and principal entities adhere to these regulations, TRAI aims to create a more secure and customer-friendly telecom environment, addressing the specific challenge of UCC.



3. Therefore, the TCCCP Regulation, 2018, focuses on curbing unsolicited communications and ensuring a transparent, consumer-friendly telecom environment. **While fraud prevention is important, telecom service providers (TSPs) are not responsible for fraudulent activities carried out by malicious actors. Instead, those engaging in fraud, such as phishing and scamming, should be held accountable and punished under the law** to safeguard consumers and maintain trust in the telecom networks.

F. Changes in TCCPR Regulation of 2018

1. When the TCCCP Regulation of 2018 was initially introduced, it marked a significant shift in how UCC was regulated within the telecom industry. The regulation aimed to bring order to a previously unchecked flow of promotional messages and calls by setting up guidelines that TSPs and telemarketers were required to follow. In response, the industry, led by TSPs, took numerous steps to comply with these new regulations. These efforts included setting up systems to monitor UCC, implementing frameworks for obtaining customer consent, and ensuring compliance with various procedural and technical mandates outlined by TRAI. The introduction of the Distributed Ledger Technology (DLT) system to track communication patterns and prevent UCC was one such critical step that the industry adopted as part of their compliance strategy.
2. However, over time, TRAI continued to release additional directions to further refine and enforce the TCCCP Regulation, **beyond what was originally included in the 2018 framework**. It is important to note **that these subsequent directions from TRAI were not part of the original TCCCP Regulations released in 2018**. They were issued without any consultation in violation of the TRAI Act, however, TSPs continued to comply with these direction for consumer benefit at significant costs.
3. However, the supportive intent of the TSPs has been misconstrued and FDs have been imposed on them, despite any justification and the fault being with the PEs and TM-Ds and faulty implementation of Regulations.

G. Cost Benefit Analysis

1. It is pertinent to note that the changes implemented by Telecom Service Providers (TSPs) on the Distributed Ledger Technology (DLT) platform demand significant technological advancements. These changes involve not only upgrading existing systems but also ensuring that they can handle the new, more secure and transparent requirements of the DLT framework.
2. Moreover, TSPs have been given the additional responsibility of acting as custodians for the registration of Telemarketers (TMs) and Principal Entities (PEs). This new role comes with its own set of challenges, as it necessitates extensive efforts to persuade and align various stakeholders with the new system. The shift requires careful orchestration to ensure that TMs, PEs, and other entities are not only onboard but also capable of integrating into this new ecosystem effectively, given the technical and operational adjustments required.
3. Additionally, the Telecom Regulatory Authority of India (TRAI) must consider a cost-benefit analysis when evaluating these changes. While the adoption of DLT is



poised to enhance the transparency and security of telecom operations, particularly in managing unsolicited commercial communications (UCC), the financial and operational impact on TSPs and associated stakeholders cannot be overlooked.

4. **The costs of technological upgrades, training, and onboarding processes are likely to be substantial. Thus, TRAI's regulatory approach will need to balance these costs against the expected benefits**, such as improved data integrity, customer protection, and long-term operational efficiencies across the telecom sector.

H. Timelines

1. Every new provision requiring development will need time of at least 3 to 6 months, that too after detailed assessment of the list of changes and their extent. Realistic timelines should be separately consulted with the TSPs before it is prescribed by the Authority for implementing each step, including short-term and long-term milestones. Besides, a priority list should be created by TRAI for each such change.

I. Traffic shifting to OTTs

1. Further, it is to be noted that due to the mandate by TRAI, a significant quantum of un-solicited commercial traffic has shifted to OTT Communication Apps. While the commercial traffic through traditional SMS routes has been decreasing, the measures taken by TRAI to curb spam may not bring the desired results if OTT communication apps continue to remain outside the purview of TCCCPR.
2. Increasingly SPAMs/ phishing attempts through OTT channels (OTT communications apps) is also contributing substantially in aiding financial cybercrimes. Therefore, it is imperative that OTT platforms are brought under the UCC (anti-SPAM) framework.
3. It is pertinent to note that there is a disparity in compliances between TSPs and OTT Communication Services with respect to addressing the Unsolicited Commercial Communications (UCC). The table below highlights the differences between the two:

Sr No.	Detail	TSPs	OTT Communication Services
1	TCCCPR Regulation, 2018	This Regulation applies to TSPs.	OTT Communication Service Providers do not come under the purview of TCCCPR, 2018.



2	Customer Consent	TSPs are required to take customer consent for sending commercial communications.	OTTs Communication Service Providers are not required to take any type of consent for sending commercial communications.
3	Complaint Resolution	Consumers have the facility of filing complaints with TSPs for UCC.	OTTs do not provide any such facility for filing of complaints by customers against UCC.
4	Investment made in infrastructure (hardware and software) to counter UCC.	TSPs have made significant investments in putting in place the infrastructure for controlling Spam	OTTs have not made any such investments towards controlling spam.
5	Registration of Telemarketer (TM) and Scrubbing of Content	TSPs have established a mechanism for Registration of TM and scrubbing of their content.	OTT Communication Service Providers do not have any such mechanism for registration and scrubbing.
6	Penalties for Non-Compliance	TSPs have to pay Financial Disincentives (FD) in case of non-compliance.	OTT Communication Service providers, not being covered under this regulation, are not subjected to any penalties.

4. The disparity in regulatory frameworks means that OTT platforms do not face the same scrutiny or accountability for spam generation as TSPs. Hence, there is also a need to highlight the problem of spam generated by OTT messaging apps, the absence of regulatory oversight, and the need for uniform accountability to protect consumers across all communication channels.
5. This **disparity in compliance as well as cost to service (in terms of fee to be paid to Government) between TSPs and OTT services undermines the effectiveness of regulating commercial communications. To achieve comprehensive results in curbing UCC, it is crucial that OTT communication apps also be brought under the purview of TCCCPR 2018 and made to pay same revenue share to DoT/Government as is applicable to TSPs.**



6. TRAI could introduce specific guidelines for consent on OTT platforms, ensuring that businesses and TMs cannot send unsolicited messages and calls without obtaining prior approval from users. The OTT platforms should work with regulatory bodies to ensure that PEs (businesses or advertisers using the platform for commercial purposes) are held accountable for sending spam. This would involve mandatory registration of businesses with the OTT platform, similar to how businesses must register with TSPs to send commercial SMSes.

J. Regulatory norms for VNOs

1. At present, telecom resources are provided to licensed VNOs, who in turn are serving their consumers by providing end services. As per licensing norms, the VNOs are responsible for consumer acquisitions and serving the consumers. Therefore, all norms related to commercial communications should also apply to them, both as originating service provider and terminating service provider. This should be examined by the Authority in details and suitable regulatory requirements are prescribed.

K. Key Submissions

Further, the key submissions on the said Consultation Paper are as follows:

1. Instead of this amendment, the complete regulatory framework under TCCCPR should be recast as per the Telecommunication Act 2023 and rules for protection of users.
2. The TM-D should be brought under regulatory regime and should be registered by the DoT.
3. If government messages are categorized separately, our member TSPs will have to update and align the entire system, including registration processes and header management, which will involve significant operational costs. As a result, these messages should be priced fairly. However, in critical situations such as emergencies or disaster management, or messages issued by telecom authorities, exemptions from these charges could be considered.
4. We recommend maintaining the current process and not implementing any changes to the requirement for explicit consent to receive promotional communications via auto-dialers or robo-calls.
5. It is also important to clearly define the responsibilities of telemarketers and Principal Entities (Senders) to ensure accountability. Financial disincentives and legal actions should be applicable directly on these entities.
6. We further recommend that aligning the pricing for transactional messages with that of commercial messages would help ensure a more uniform and equitable approach.
7. We do not foresee any merit in the proposal for differentiated tariffs, applying higher rates for voice calls and SMS exceeding a certain threshold per day.



Q1. 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 justifications.

COAI Response

- a) With regard to definitions and categorisation, members will respond individually.
- b) **However, we submit that there should not be an opt out feature for transactional SMS as these are customer-initiated messages.** In case the relationship between customer and brand ceases then there is no scope of sending transaction messages so an opt out feature is not required. Giving an opt-out mechanism will pose risk of consumer accidentally availing it and missing out on essential messages. In case TRAI still considers mandating opt-out mechanism, we strongly urge that there should not be any mandatory requirement of presenting opt-out mechanism in every transactional/service sms or after every transactional/service call.

Q2. 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.

COAI Response

- a) We do not support taking an additional consent for Auto-dialer/Robo call as the same will only complicate the DCA system and may lead to unnecessary repercussions. We as TSPs do not have the visibility if any TM uses auto-dialer or Robo calls to reach to end consumers. The global examples quoted by TRAI highlight that these obligations have been cast upon the PEs directly through enactment of suitable legislations. If still there is any need for separate actions from PEs on the calls from auto-dialler/robo-calls, we recommend that a separate law should be enacted and enforced directly on the PEs and not through TSPs, just like the case of other countries as highlighted in the Consultation paper as well.
- b) Currently, Digital Consent Acquisition, DCA process is in place where customers can provide consent for receiving such communications and have the option to revoke this consent when desired.
- c) It is to be noted that this DCA process plays an important role in regulating and controlling the receipt of promotional calls. Under the TCCCP Regulation, the DCA ensures that consumers are protected from unsolicited and unwanted promotional communications, including automated calls, by requiring consent from customers before they can receive such communications
- d) However, the major issue is that the Principal Entities (PEs) are not adhering to the said DCA process nor are they getting onboarded onto this facility. Several PEs fail to properly acquire or manage customer consent before sending



commercial communications, leading to non-compliance with TCCCPR. Some businesses bypass the consent verification process or do not update consent records appropriately, resulting in customers receiving messages without proper authorization. This lack of compliance not only undermines the objectives of the DCA process but also contributes to the growing issue of unsolicited communication, affecting consumer trust and experience.

- e) Moreover, customers have the ability to revoke consent if they find communications intrusive or unwanted, allowing them to manage their communication preferences effectively and ensuring adherence to privacy standards. However, this capability does not apply to OTT (Over-the-Top) players, which could lead to challenges for customers in managing their communication preferences with these providers.
- f) Therefore, we recommend not implementing any changes to the requirement for explicit consent to receive promotional communications via auto-dialers or robo calls. However, we recommend that PEs be actively onboarded to utilize the DCA process, as this will help the DCA effectively curb spam and prevent violations, in alignment with the intent and objectives of the TCCCPR.
- g) The implementation of Digital Consent Acquisition and implementation of 140 & 160 number series will not only ensure that all communications are consensual but will also categorize calls in a way that enhance customer control and satisfaction. This comprehensive approach is set to revolutionise the way businesses engage with their customers, fostering a more transparent and respectful communication environment.

Q3. 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.

COAI Response

- a) **We submit that scrubbing the content on-the-fly is not practical in case of voice calls and should not be mandated.** Thus, we submit that there is no need to scrub for the content in the voice calls.
- b) We further submit that TCCCPR 2018 regulation already introduced significant measures to regulate unsolicited commercial communications, such as mandatory scrubbing of customer preferences against a Do Not Disturb (DND) registry and robust consent mechanisms.
- c) Under the TCCCPR 2018 framework, TSPs already follow rigorous scrubbing processes to filter out communications to consumers who have registered on the DND list or who have opted out of receiving certain types of communications. This scrubbing process is carried out through the Distributed Ledger Technology (DLT) platform, where content templates and headers are registered, and communication is only allowed if it complies with pre-approved templates.



- d) Thus, the 2018 regulations have already laid a solid foundation for controlling unwanted communications by ensuring that only authorized and pre-registered content is delivered. It is essential to continue leveraging this robust system rather than overhauling it with new processes that might introduce operational inefficiencies.
- e) **We recommend that no such complicated, costly and challenging regulatory requirements should be imposed on TSPs.** In case Authority's feel merit in having such solutions, we recommend it to be referred to Global/Indian Standards bodies, for providing suitable standards, solutions and OEMs providing state of the art solutions for this. **Most importantly, such solutions would require huge cost for implementation as such, its cost should be borne by DoT/Government through USOF or any other fund.**

Q4. Stakeholders are required to submit their comments in respect of Headers 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.

COAI Response

- a) Members will respond individually.

Q5. 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?

COAI Response

- a) The major intervention required is in ensuring that the complaint redressal becomes the responsibility of real responsible and accountable stakeholder i.e. PE or TM-D and the same is possible only when the TM-D is brought under regulation and has the financial obligation for FD payout. The TM-Ds will then need to ensure adequate redressal of complaints.
- b) While the current provisions under Regulation 25 of TCCCPR 2018 assign a significant role to Access Providers in handling consumer complaints, **there is a growing need to fix clearer responsibilities and accountability on PEs and TMs. The onus should primarily lie on these entities, as they are the originators of commercial communications**, whether promotional or transactional. By making PEs and TMs directly accountable for UCC violations, the process of redressal can become more efficient and enforceable. To strengthen the complaint handling process, specific penalties and obligations must be imposed on PEs and TMs for recurring violations. Rather than placing the entire burden of complaint resolution on Access Providers.



- c) The current provisions for addressing consumer complaints could benefit from some enhancements to improve their effectiveness. While the authority has introduced solutions aimed at Telecom Service Providers (TSPs), it would be beneficial to expand these measures to include all relevant stakeholders involved in the complaint resolution process.
- d) It is further to be noted that a **clear delineation of responsibilities among PEs, TMs, and TSPs will not only improve compliance but also ensure that consumers' rights are protected effectively.**
- e) In order to properly examine the complaint, reasonable time must be provided to TM-D. We do not feel that there is a need for any drastic changes in the timelines for redressal of consumers' complaints. The current timelines are sufficient to meet the requirements of consumer redressal.
- f) Another area for improvement is the regulation and penalization of senders or principal entities responsible for violations. Implementing clearer regulations and penalties for these entities could enhance compliance and accountability.
- g) The current complaint resolution framework could be improved by defining financial securities and fixing key accountability on these entities and imposing stricter penalties for violations. This will not only enhance compliance but also ensure a smoother and more efficient complaint resolution process. Strengthening the role of PEs and TMs, alongside better collaboration with Access Providers, can address gaps in the current system, thereby offering better protection to consumers from unwanted communications.
- h) **Checking of CDRs within 2 hours:** The present timelines for complaint assessment is based on the technical architecture for processing of billions of CDRs through huge set-up and being a mammoth activity, it is technically infeasible to change or reduce its timelines to 2 hours or even less than a day. We strongly urge that there should not be any requirement of checking the CDRs within 2 hours of the UCC complaint, as the same is technically infeasible.
- i) The step of informing the Sender about the UCC complaint, should only happen post the complaint being upheld as valid.
- j) **Further, it may not be legally tenable under the TRAI Act for TRAI to deal with the appeals related to action taken by a TSP against a Sender (who is actually a customer of TSP), and ideally the Sender should have to approach suitable court under the law of land.**

Q6. 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.



COAI Response

- a) Telecom service providers adhere to TRAI guidelines for handling unsolicited commercial communications (UCC), utilizing mobile apps, websites, and call centres for reporting and managing complaints. These systems ensure prompt acknowledgment, resolution, and continuous evaluation of accessibility and user-friendliness.
- b) However, the responsibility for ensuring that facilities provided for handling UCC complaints through apps, websites, and call centers are accessible and user-friendly should largely be left to the discretion of the TSPs. It is to be noted that the TSPs possess the technical expertise, understanding of customer behaviour, and operational understanding necessary to determine the best practices suited for their unique customer bases.
- c) Further, it is to be noted that TSPs operate in diverse environments, each with different consumer profiles, technological infrastructures, and market dynamics. Thus, a one-size-fits-all approach may not be practical. By allowing TSPs the flexibility to adopt best practices that align with their demands, they can choose solutions that maximize accessibility and efficiency for their users.
- d) Therefore, we recommend that these initiatives should be left to TSPs, giving them the flexibility to innovate and deliver the best solutions for their customers. By doing so, TSPs can ensure that their systems are not only compliant but also efficient and consumer-friendly, leading to better management of UCC complaints in a manner that suits both the company and its users.

Q7. What additional modes of complaints registration, preference registration and consents registration through a very easy and quick process can be implemented?

COAI Response

- a) We iterate that TRAI's DND app is specifically designed to help consumers manage and control the types of communications they receive. The app allows users to register their phone numbers on the DND list, which blocks unwanted commercial calls and messages. Additionally, it enable users to report any violations, such as unsolicited calls or messages, directly from their smartphones.
- b) Moreover, TRAI organizes various programs aimed at educating and informing consumers about their rights and the mechanisms available for reporting UCC. These outreach efforts include workshops, seminars, and informational campaigns that help consumers understand how to use available tools and resources effectively.
- c) Therefore, we do not recommend any changes to the existing complaint mechanism and suggest that the current framework should be maintained, along with ongoing awareness programs to support its effectiveness.



- d) **Consent Registration should be made flexible and friendly:** We would like to recommend that process of bulk upload of the existing consent available with the PEs along with the facility to the consumers, of revoking the consent may be introduced/allowed in order to provide a user-friendly mechanism of seeking consents. Same can be supported with a undertaking from PE that the consents are compliant to norms under DPDP Act.

Q8. 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.**

COAI Response

- a) **Challenges in Honeypot Deployment and Management:** Telecom Service Providers (TSPs) face difficulties in deploying honeypots across Licensed Service Areas (LSAs) due to the need for strategic placement, adherence to security and privacy standards, and real-time threat monitoring. Additionally, integrating these honeypots for effective spam detection presents technological hurdles.
- b) **In addition to the above it is submitted that Honeypots** are well-known cybersecurity mechanisms designed to detect, trap, and analyse malicious activities by creating decoy targets for attackers. In the context of UCC, their application can be one of the many technological options that can be looked at and reviewed for purpose of identifying and combating **UCC**. However, it is also highlighted that despite their potential, implementing honeypots in telecom networks may likely pose several significant challenges including scalability, resource allocation, false positives, **cost, privacy concerns, and data analysis complexities**. Overcoming these barriers requires a careful balance of technology, cost-efficiency, and regulatory compliance.
- c) **AI-Based UCC Detection Systems:** TSPs have deployed Artificial Intelligence and Machine Learning based UCC Detect system which is capable of evolving constantly to deal with new signatures, new patterns and new techniques used by UTMs. It is to be noted that the TSPs have adopted industry best practices and provides the following:
 - i. Detect and block suspicious/malicious signatures, keywords, / URLs / Call Back numbers and phrases through Antispam tools and Firewalls to prevent P2P messages with such keywords / URLs from originating from TSPs' Network
 - ii. Actions to be taken to detect senders sending UCC in bulk.



- iii. To extract and share with other TSPs information relevant to detect and minimize Spam.
 - iv. Technical initiatives essential to the process of reducing Spam
 - v. Build intelligence in system basis the behaviour analysis.
 - vi. Extending the scope of fraud/spam triggers to Social Media platforms – Truecaller / Facebook / Twitter / Google
- d) Thus, it is pertinent to note that the TSPs are already taking proactive actions needed to stop further communication of messages or calls identified as spam and the same shall be left to the TSPs.
- e) **System to automatically take feedback from the recipient of bulk voice calls:** In our view, above said measures are quite subjective requiring significant development, huge costs and manual efforts and would not yield commensurate benefits. The CDRs are available in the database only after 24-36 hours, hence, it will not be possible to build any solution which is based on checking CDRs prior to such window.
- f) The requirement of checking the bonafide use of telecom resources is a subjective requirement and will be practically impossible to be conducted for lakhs of consumers. Similarly, re-verification of KYC of the subscribers would also not be beneficial but, will result in huge costs and resources for the TSPs.

Q9. 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.**

COAI Response

- a) We are of the view that Financial Disincentives on TSPs do not serve any purpose. We believe that the intention of TRAI is to reduce the menace of UCC and not to earn revenue from the financial disincentive. We are of the view that operators have made all the efforts that have considerably reduced their UCC complaints to a very low level and hence should not be penalized for unwarranted actions of some subscribers.
- b) Furthermore, vide the current consultation process, the Authority proposes to expand the scope of FDs under regulation 27 to headers and templates. The Authority also proposes to impose FDs on access providers for failure to curb the UCC from unregistered senders/ UTMs by amending the regulation 28 of TCCCPR. However, these FDs are not on sound legal grounds and are in violation of the law of the land. We submit that before any review of the existing



provisions of the Regulations issued by the Authority in 2018, the Authority must take into the account the relevant provisions of '**Information Technology Act, 2000**'.

- c) **As per the Section 79 of the Information Technology Act, TSPs are merely intermediaries (and therefore, exempted from liability), hence, TSPs cannot be held accountable or penalised for unsolicited communication being done using their network.** The relevant Section 79 of the Information Technology Act, 2000 is reproduced below for ready reference.

79. Exemption from liability of intermediary in certain cases.–(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.

(2) The provisions of sub-section (1) shall apply if–

*(a) the function of the intermediary is **limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted**; or*

*(b) the intermediary **does not**–*

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.... (Emphasis added)

- d) As can be inferred from the above, TSPs are mere carriers, and their function is limited to providing access to the communication system. They do not initiate the transmission, select the receiver or modify the information contained in the transmission. Therefore, they qualify as exempted intermediaries under Section 79.
- e) Keeping in mind the larger interest of users, TSPs have implemented mechanisms such as Blockchain DLT, spam filtering, scrubbing, etc. in an attempt to reduce the occurrence of such calling. All these measures are non-intrusive in nature, i.e., without storing or tampering with the information contained in the transmission.
- f) **However, these mere acts of facilitating a Regulation made by the sector regulator does not imply that the TSPs can be penalized through FDs.**
- g) Thus, we suggest that financial disincentives be focussed on TM-D/PE and be designed to effectively reduce unsolicited commercial communications (UCC) rather than imposing penalties exclusively on Access Providers. A more balanced approach would ensure that the focus is on mitigating UCC issues rather than merely penalizing our member TSPs.
- h) It is also important to clearly define the responsibilities of telemarketers and Principal Entities (Senders) to ensure accountability. Financial disincentives and



legal actions should be used judiciously to encourage compliance. However, the focus should be on establishing effective compliance mechanisms rather than relying solely on financial penalties.

- i) As regards options a. and b. i.e. FDs on RTMs & UTMs, the TRAI should work extensively with DoCA to implement the latter's recent draft notification that proposes actions on the entities involved in sending UCC/SCAM/SPAM to the consumers. The Telecom industry also endorses the DoCA proposal and recommends that it be put into effect forthwith.

Q10. 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?

COAI Response

- a) The existing five paisa exemption creates a disparity and arbitrage between transactional and commercial messages, which can lead to inconsistencies in pricing structures. Aligning the pricing for transactional messages with that of commercial messages would help ensure a more uniform and equitable approach. This adjustment would address the current imbalance and promote greater fairness in the overall messaging pricing framework.
- b) We recommend that a uniform commercial communication sms charge should be made applicable on each category i.e. transactional, promotional, service and Government messages, except disaster related messages.
- c) The present charge of Rs. 0.05 per SMS was introduced by TRAI through a Regulation in the year 2011 and has not undergone change since then despite huge costs being undertaken by TSPs to implement regulatory requirements. **We urge the Authority to revise the existing charge upwards as a uniform commercial communication charge applicable on all categories.**

Q11. 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.

COAI Response

a) **Strengthening Provisions of CoP Templates.**

- i. To enhance the effectiveness of these templates, TRAI should define clear processes and regulations specifically targeting senders who fail to comply with regulations.
- ii. A robust legal framework is necessary to enforce penalties, including financial disincentives, against non-compliant entities. This will ensure that DoT has the necessary tools to take appropriate action on TM-D. Additionally, it is crucial to establish well-defined responsibilities for senders and to make senders directly accountable by registering them with TRAI. This approach would facilitate more effective enforcement of regulations and penalties.

b) **Provision for Security Deposits:**

- i. Introducing a provision for minimum security deposits from entities registering with Access Providers could help address misuse or breaches of regulations.
- ii. However, for effective implementation, the CoPs should clearly outline the detailed conditions and processes under which security deposits can be fully or partially encashed or replenished. This includes specifying the procedures for claiming deposits in case of breaches and the process for replenishing them. Proper legal backing is needed to enforce these requirements and to ensure that security deposits serve their intended purpose.
- iii. Aligning regulations and penalties equally for senders and principal entities, and establishing clear responsibilities, will help create a more comprehensive and effective regulatory environment.

Q12. What effective steps can be taken to control the menace of UCC through tariffs? Please justify your answer.

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Q13. Whether differential tariff for SMS and Voice calls beyond a certain limit should be introduced to disincentivize UCC through UTMs? Please justify.

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Q14. 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.

&



Q15. If differential tariff is introduced, what could be the tariff beyond a limit for:

i. Voice calls.

ii. SMS.

Please justify with rationale.

&

Q16. Whether differential tariff should be introduced in a graded manner? If so, please suggest the methodology with justification.

COAI Response

a) Members will respond individually.

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Draft Regulations - TCCCPR

A. Types of Commercial Communication- Review of Definitions			
I.	Review of Definition		
1.	<p>The regulation 2(bt) and 2(bu) regarding definition of Transactional message and Transactional voice call shall be amended as below-</p> <p>Transactional Message</p> <p>Transactional message means a message sent by a Sender to its customer or subscriber in response to customer initiated transaction or under any existing relationship between the customer and the sender relating to any product or service such as OTP from banks, non-bank-entities like e-commerce, apps login etc, transaction confirmations, balance alerts, travel reminders, rescheduling notification, refund information, to provide product/warranty information, software upgrade alerts, safety or security information for the commercial product or service used or purchased, etc. and such messages are not promotional in nature and does not require explicit consent:</p> <p>Provided that the sender shall give an option to the recipient, in the same message, to opt out or block such messages.</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>Transactional Voice Call</p> <p>Transactional voice call means a voice call made by a Sender to its customer or subscriber in response to customer initiated transaction or under any existing relationship between the customer and the caller relating to any product or service such as call from banks, non-bank-entities like e-commerce, apps login etc, transaction confirmations, balance alerts, travel reminders, rescheduling notification, refund information, to provide product/warranty information, software upgrade alerts, safety or security information for the commercial product or service used or purchased, etc. and such calls are not promotional in nature and does not require explicit consent:</p> <p>Provided that the caller shall provide a mechanism, through a SMS or any other means, to the recipient to opt-out from receiving such calls.</p>	<p>a) There should not be an opt out feature for transactional SMS, as these are customer-initiated messages. In case the relationship between customer and brand ceases then there is no scope of sending transaction messages so an opt out feature is not required. In case TRAI still considers mandating opt-out mechanism, we strongly urge that there should not be any mandatory requirement of presenting opt-out mechanism in every transactional/service SMS or after every transactional/service call.</p>	<p>a) There should be no option to opt out of transactional messages and calls as an inadvertent exercise can lead to delay in OTPs and essential services.</p>
2.	<p>The regulation 2(au) and 2(av) regarding the definition of Promotional message and Promotional voice call shall be amended as below-</p> <p>Promotional Message</p> <p>Promotional message means the commercial communication containing promotional material or advertisement of a product or service;</p> <p>Provided that the Sender shall give the opt-out mechanism to the recipient in the same message.</p>	<p>a) We strongly urge that there should not be any mandatory requirement of presenting opt-out mechanism in every transactional/service SMS or after every transactional/service call.</p>	

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	<p>Explanation: These messages shall be delivered to subscribers who have not registered any preference in the preference register or have not blocked the type of commercial message being offered. If the Sender has acquired explicit Digital Consent from the intended recipient, then such Promotional messages with Explicit Consent shall be delivered to the recipients irrespective of their preferences registered in the preference register.</p> <p>Promotional Voice Call</p> <p>Promotional voice call means commercial communication containing promotional material or advertisement of a product or service;</p> <p>Provided that the caller shall give the opt-out mechanism to the recipient after such calls through a SMS or otherwise.</p> <p>Explanation: These calls shall be made to subscribers who have not registered any preference in the preference register or have not blocked the type of commercial voice call being offered. If the Sender has acquired Explicit Digital Consent from the intended recipient, then such Promotional Voice Calls with explicit Consent shall be delivered to the recipients irrespective of their preferences registered in the preference register.</p>		
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Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
3.	<p>The regulation 2(bh) shall be amended to define Government messages or calls as below-</p> <p>Government messages or calls</p> <p>Government messages or calls means-</p> <p>a. Any message or voice calls transmitted on the directions of the Central Government or the State Government or bodies established under the Constitution;</p> <p>b. Any message or voice calls transmitted by or on the direction of the Authority or by an agency expressly authorized for the purpose by the Authority.”</p> <p>Explanation: There shall not be any requirement seeking consent for the receipt of these communications. Also, there shall not be any option in the preference register to block such communications.</p>		
II.	FULLY BLOCK option of preference registration-		
4.	The regulations 2(z) of TCCCPR 2018, the definition of ‘Fully blocked’ category of preference shall be deleted.	a) Not required as it will be required for blocking service and promotional calls	
B. Provisions related to Complaint Redressal			
I.	Complaint Mechanism		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
5.	<p>The Regulation 25 shall be amended as below-</p> <p>25 Complaint Mechanism: Every Access Provider shall establish systems, functions and processes to resolve complaints made by the customers and to take remedial action against Senders as provided hereunder:</p> <p>(1) Terminating Access Provider (TAP) shall record the complaint and report on DL-Complaints in non-repudiable and immutable manner and shall notify, in real time, the details of the complaint to the concerned Originating Access Provider (OAP) except when it is not possible to do so as stipulated in clause (2) of this regulation.</p> <p>(2) In instances where there is non-availability of complete telephone number of the Sender or header in the complaint registered, the TAP shall communicate to the customer about the closure of his complaint with the reason and educate the customer about the correct manner of registering a complaint.</p> <p>(3) Terminating Access Provider shall also verify if the date of receipt of complaint is within three days of receiving commercial communication and in case the complaint is reported by the customer after three days, the TAP shall communicate to the customer about the closure of his complaint along with reasons in accordance with the Codes of Practice for Complaint Handling and change status of the complaint on DL-Complaint as a</p>	<p>a) There is a growing need to fix clearer responsibilities and accountability on PEs and TMs. The onus should primarily lie on these entities, as they are the originators of commercial communications, whether promotional or transactional.</p> <p>b) By making PEs and TMs directly accountable for UCC violations, the process of redressal can become more efficient and enforceable. To strengthen the complaint handling process, specific penalties and obligations must be imposed on PEs and TMs for recurring violations, rather than placing the entire burden of complaint resolution on Access Providers.</p> <p>c) PEs and TMs should be brought under the regulatory framework and financial obligation for FD payout. The TM-Ds will then need to ensure adequate redressal of complaints.</p> <p>d) The present timelines for complaint assessment is based on the technical architecture for processing of billions of CDRs through huge set-up and being a mammoth activity, it is technically infeasible to change or reduce its timelines to 2 hours or</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>report instead of a complaint.</p> <p>(4) In case the complaint is related to Registered Telemarketer (RTM) or registered Sender:</p> <p>(a) OAP shall examine communication detail records (CDRs), within a maximum time of two hours to check the occurrence of complained communication between the complainant and the reported telephone number or header from which unsolicited commercial communication was received and in case of occurrence of complained communications, OAP shall intimate the receipt of the complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.</p> <p>(b) In case of no occurrence of complained communications under sub-regulation (4)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(c) In case of occurrence of SMS-related complained communications under sub-regulation (4)(a), the OAP shall further examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited</p>	<p>even less than a day. We strongly urge that there should not be any requirement of checking the CDRs within 2 hours of the UCC complaint, as the same is technically infeasible.</p> <p>e) The step of informing the Sender about the UCC complaint, should only happen post the complaint being upheld as valid.</p> <p>f) Further, as the complainant has 3 days for filing complaints, the real time analysis have no meaning, plus activities like CDRs extraction are time consuming so at least one working day should be provided for response at each level.</p> <p>g) There is no need for an auto-trigger mechanism and will require major development and should be dropped.</p> <p>h) Capping of three complaints in a month is very low threshold and can lead to planned disconnection of unsuspecting subscribers. We suggest that the capping should be at 10 complaints for individuals and 25 for enterprises.</p> <p>i) The text “Sender can file an appeal before the Authority, as per regulation 29” should be deleted as</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>Commercial Communications; and</p> <ul style="list-style-type: none"> i. In case, all regulatory pre-checks were carried out and delivery of commercial communication to the recipient was in confirmation to the provisions in the regulations and Code(s) of Practice, OAP shall communicate to TAP to inform complainant about the closure of complaint along with reasons as provided for in the Code(s) of Practice; ii. in case of non-compliance with the regulations, the OAP shall, within two business days from the date of receipt of complaint, take action against the defaulting entity and communicate to TAP to inform the complainant about the action taken against his complaint as provided for in the Regulations and Code(s) of Practice; iii. the OAP shall take appropriate remedial action, as provided for in the Regulations and in the Code of Practice(s), to control Unsolicited Commercial Communications so as to ensure compliance with the Regulations; <p>(d) In case of occurrence of complained communications under clause (4)(a) related to promotional voice calls from the series assigned for transactional calls, OAP shall</p>	<p>Authority does not have adjudicatory powers under the Act.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>examine within a maximum time of two hours, whether there are similar complaints or reports against the same Sender; and</p> <p>i. In case it is found that number of complaints and/or reports against the Sender are from ten or more than ten unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate investigation as provided for in the sub-regulation (6);</p> <p>ii. In case, number of complaints and/or reports against the Sender are from less than ten unique recipients during the calendar month, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(5) In case, the complaint is related to an Unregistered Telemarketer (UTM),</p> <p>(a) The OAP shall examine communication detail records (CDRs), within a maximum time of two hours, to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received. In case of</p>		

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	<p>occurrence of complained communications, OAP shall intimate the receipt of complaint to the Sender through an auto-trigger mechanism and advise the Sender to refrain from sending UCC.</p> <p>(b) In case of no occurrence of complained communications under sub-regulation (5)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(c) If the Sender is an individual telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of two hours, whether there are similar complaints or reports against the same Sender; and</p> <p>i. In case, it is found that number of complaints and/or reports against the Sender are from three or more than three unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);</p> <p>ii. In case, it is found that the number of complaints against the Sender are from less than three unique</p>		
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	<p>recipients during the calendar month, the OAP shall, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of Practice;</p> <p>(d) If the Sender is an enterprise telecom subscriber- In case of occurrence of complained communications under clause (5)(a), OAP shall further examine within a maximum time of two hours whether there are similar complaints or reports against the same Sender; and</p> <p>i. In case it is found that number of complaints and/or reports against the Sender are from ten or more than ten unique recipients during the calendar month, the OAP shall suspend the outgoing services of the Sender and initiate an investigation as provided for in the sub-regulation (6);</p> <p>ii. In case, it is found that number of complaints and/or reports against the Sender are less than ten unique recipients in the calendar month, OAP shall communicate to the TAP to inform the complainant about the closure of complaint along with reasons in a manner prescribed in the Code(s) of</p>		
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	<p style="text-align: center;">Practice;</p> <p>(6) OAP shall issue a notice to the Sender, under sub regulations (4)(d)(i), (5)(c)(i) or (5)(d)(i), to give opportunity to represent the case; shall investigate within five business days from the date of receipt of representation from the Sender and record the reasons of its findings; if the conclusion of the OAP is that the Sender was engaged in sending the unsolicited commercial communications, the OAP shall take action against such Sender as under-</p> <p>(a) For the first instance of violation, outgoing services of all telecom resources of the Sender including PRI/SIP trunks of the Sender shall be barred by OAP till the end of the calendar month subject to a minimum period of 7 days.</p> <p>(b) For the second and subsequent instances of violations, all telecom resources of the Sender including PRI/SIP trunks shall be disconnected by all the access providers for one year. OAP shall put the Sender under the blacklist category and no new telecom resources shall be provided by any access provider to such Sender during this period. All the devices used for making UCC shall also be blocked across all the Access Providers for a period of one year.</p> <p>Provided that one telephone number may be</p>		
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Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>allowed to be retained by such Sender with the outgoing services barred during this period;</p> <p>Provided that Sender can represent to the OAP against action due to first or subsequent instance of violation; OAP shall decide the representation within a maximum period of seven business days and shall record its findings;</p> <p>Provided that the OAP shall file the details of all the representation decided by it to the Authority for regulatory review as per the format and periodicity defined by the Authority from time to time:</p> <p>Provided further against such decision of the OAP, Sender can file an appeal before the Authority, as per regulation 29.</p>		
II.	Customer Complaint Registration Facility (CCRF)		
6.	<p>Clause 1(a) of the regulation 23 shall be amended as below-</p> <p>“23. Every Access Provider shall establish a Customer Complaint Registration Facility (CCRF) and shall make necessary arrangements to facilitate its customers on 24 hours X 7 days basis throughout the year:</p> <p>(1) to provide ways and means: -</p>	<p>a) Telecom service providers adhere to TRAI guidelines for handling unsolicited commercial communications (UCC), utilizing mobile apps, websites, and call centres for reporting and managing complaints. These systems ensure prompt acknowledgment, resolution, and continuous evaluation of accessibility and user-friendliness.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>(a) to make complaint(s), by its customer against Sender(s) of unsolicited commercial communication in violation of the regulations provided that-</p> <p>(i) to register complaints against RTMs/registered Senders, customer should have registered his preference(s),</p> <p>(ii) To register complaints against UTMs/unregistered Senders, there shall not be any pre-requisite of registration of Preferences by the customer.</p>	<p>b) However, the responsibility for ensuring that facilities provided for handling UCC complaints through apps, websites, and call centers are accessible and user-friendly should largely be left to the discretion of the TSPs. It is to be noted that the TSPs possess the technical expertise, customer insights, and operational understanding necessary to determine the best practices suited for their unique customer bases.</p> <p>c) Further, it is to be noted that TSPs operate in diverse environments, each with different consumer profiles, technological infrastructures, and market dynamics. Thus, a one-size-fits-all approach may not be practical. By allowing TSPs the flexibility to adopt best practices that align with their demands, they can choose solutions that maximize accessibility and efficiency for their users.</p>	
7.	<p>Clause (2)(f) of regulation 23 shall be amended as below-</p> <p>(f) Sending Email to a designated email id of the Access Provider.</p>	a) No Change is proposed.	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
8.	<p>Clause (2)(g) shall be inserted after clause (2)(f) in regulation 23 as below-</p> <p>(g) Any other means as may be notified by the Authority from time to time.</p>	a) No Change is proposed.	
9.	<p>Clause (5) of the regulation 23 shall be amended as below-</p> <p>(5) to provide details about format and procedure to the customer, as given in the appropriate Code(s) of Practice, when a complaint is treated as invalid by the access provider on the grounds of incomplete information or improper format;</p> <p>Provided that-</p> <p>(a) If the complaints against unsolicited commercial communication through voice calls, contains Sender's number, complainant's number and date of UCC, it shall be treated as a valid complaint. However, Access Provider can collect additional information to support investigation. The mandatory fields shall be marked with star (*).</p> <p>(b) In the absence of entire SMS content, a brief description of the SMS content shall be sufficient to treat it as a valid UCC complaint. For the guidance of the complainant regarding how to describe the UCC, a template of UCC description</p>	a) No Change is proposed.	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>shall be provided at the Access Providers' Mobile App and Web portal.</p> <p>(c) Name of business/legal entity on whose behalf unsolicited commercial communication was made and purpose of commercial communications shall be captured; however these shall not be treated as mandatory fields for complaint registration.</p>		
10.	<p>The Schedule-III of the Regulations provides list of action items for Code of Practice for Complaint Handling (CoP-Complaints). Item 2(3) and 2(4) of this schedule shall be amended and Item 2(5) shall be inserted as below-</p> <ul style="list-style-type: none"> Item 2(3)(f), 2(3)(g) and 2(3)(h) shall be inserted as below: <p>2(3)(f): The mobile App should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page.</p> <p>2(3)(g): The mobile App should auto capture call logs, SMS details along with its contents after obtaining permission from the subscriber and extract necessary details through it for complaint registration. If the subscriber denies permission, the option to</p>	<p>a) The information and flow on the main page of mobile app keeps on changing basis business requirements and keeping the option for UCC complaints as permanent fixture on main page suffices the requirement. 'First view' is also a device dependent word and should be removed.</p> <p>b) Similarly collections of logs, SMS details etc are device and OS dependent and should not be hard coded in regulation.</p> <p>c) Screenshot requirements should be removed as it is not a technically sound solution as there can be errors in reading screenshots</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>fill relevant details manually should be provided.</p> <p>2(3)(h): The mobile App should have the option of uploading screenshot of call log and SMS content, and extract necessary details through it for complaint registration.</p> <ul style="list-style-type: none"> Item 2(4)(e) and 2(4)(f) shall be inserted as below: <p>2(4)(e): The web portal should display the options/hyperlinks for registration of UCC complaints and registration/modification of Preferences and Consents by customers such that it is easily visible at a prominent location without scrolling on the first view of Main/Home page.</p> <p>2(4)(f): The web portal should have the option of uploading screenshot of call log and SMS content, and extract necessary details through it for complaint registration.</p> <ul style="list-style-type: none"> Item 2(5) shall be inserted as below: <p>2(5) : (5) Complaint registration through email:</p> <p>(a) Procedure for a customer to make a complaint by sending an email to a designated Email Id of the Access Provider.</p> <p>(b) Format for making complaints in which a</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>customer may register his complaint pertaining to receipt of unsolicited commercial communication.</p> <p>(c) Details to be provided by the complainant e.g. Unsolicited Commercial Communications with date on which it was received along with content of received message or brief of content of communication.</p>		
III.	Distributed Ledger(s) for Complaints (DL-Complaints)		
11.	<p>Clause (c) of sub regulation 2 of the regulation 24 shall be amended as below-</p> <p>Referred telephone number(s) (RTN), referred entity/brand name and purpose of call if provided in complaint;</p>	a) No change is proposed	
12.	<p>Sub regulation (4) of regulation 24 shall be amended as below-</p> <p>4) to record three years history of Sender(s) against which complaint is made or reported with details of all complaint(s), with date(s) and time(s), and status of complaints;</p> <p>Provided that for UTM/unregistered Sender, the Sender details such as name of the Sender, category of Sender as a telecom customer (individual/ Enterprise), address, and other relevant details to uniquely identify the Sender</p>	a) No change is proposed	

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	shall be recorded.		
IV.	Record keeping and reporting:		
13.	<p>Sub regulation (4) of regulation 26 shall be amended as below-</p> <p>(4) The Authority may, from time to time, through audit conducted either by its officers or employees or through agency appointed by it, verify and assess the process followed by the Access Provider for registration and resolution of complaints, examination and investigation of the complaints and reporting to the Authority, implementation of UCC_Detect System and action taken thereof, different registration processes such as Sender registration, telemarketer registration, header registration, content template registration and other processes including preference registration process, scrubbing processes, DCA process and other regulatory processes followed by the Access Providers.</p>	a) Such onerous compliance and audit processes should not be put on TSPs. Instead, the real accountable entities like PEs/TMs should be brought under compliance framework.	
14.	<p>Sub regulation (5) and (6) of regulation 26 shall be inserted as given below-</p> <p>(5) The Access Providers shall provide real-time access to the Authority to various processes and databases related to complaint handling and other processes as prescribed by the Authority from time to time.</p> <p>(6) The Access Providers shall publish the following</p>	a) No need for these requirement as details are already available on DLT in live environment	

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	<p>on their websites in searchable format-</p> <ul style="list-style-type: none"> (i) Global list of Headers along with list of associated Senders. (ii) Global list of 140 series allotment along with the details of associated Telemarketer/Sender. (iii) Global list of 160 series allotment along with the details of associated Sender. (iv) Information about the UCC complaints received and action taken thereon. (v) Other information as prescribed by the Authority from time to time. 		
V.	Schedule -V: Action Items for preparing Code of Practice for Periodic Monthly Reporting (CoP-PMR)		
15.	<p>Item 1(m) shall be inserted as below-</p> <p>OAP shall maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time.</p>	a) TM-D shall maintain Sender-wise records of complaints in the format prescribed by the Authority from time to time.	
16.	<p>Item 2(i) shall be amended as below-</p> <p>Total number of Senders out of reported Senders under clause (h) against whom action was taken under regulation 25.</p>	a) This activity should be carried out by TM-D.	

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17.	<p>Item 2 (j) shall be amended as below-</p> <p>Breakup of total number of Senders out of reported senders under clause (h) against whom action was taken under regulation 25 for different time-periods as specified by the Authority.</p>	a) This activity should be carried out by TM-D.	
18.	<p>Item 2(m) shall be inserted as below-</p> <p>For all the complaints, OAP shall maintain records of Senders such as name of the Sender, category of Sender (individual/ Enterprise), address and other relevant details to uniquely identify the Sender.</p>	a) This activity should be carried out by TM-D	
VI.	<p>Regulation 29 – Examination of telecom resources by the Authority put under outgoing Usage Cap or having been disconnected by Access Provider</p>	a) To be deleted, as Authority does not have any adjudicatory powers.	
19.	<p>Regulation 29 shall be amended as below-</p> <p>29. Appeal by Senders against action by Access Providers under the regulations 25 (4)(d), 25(5) and 25(6)-</p> <p>(1) The Authority may, if it considers expedient to do so, on receipt of an appeal from the Sender against whom action has been taken by Access Provider under the regulations 25(4)(d) for making promotional calls from series assigned for transactional calls or 25(5) and 25(6) on account</p>	a) To be deleted, as Authority does not have any adjudicatory powers.	

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	<p>of unregistered telemarketing activities, call for the relevant details from the Sender and Access Providers, and upon examination, for reasons to be recorded,</p> <p>(a) If the Authority finds that conclusion of investigation by the Access Provider lacks adequate evidence against the Sender, it may direct the Access Providers to restore all telephone numbers of the Sender and delete the name and address of such Sender from the blacklist.</p> <p>(b) If the Sender makes a request, within sixty days of action against it, to the Authority for restoring its telecom resources and satisfies the Authority that it has taken reasonable steps to prevent the recurrence of such contravention, the Authority may by order ask Access Providers to restore all telephone numbers of the Sender and delete the name and address of such Sender from the blacklist, as the case may be, on payment of an amount of five thousand rupees per resource to the Authority for restoration of all such telecom resources, subject to the condition that the total amount payable by the Sender shall not exceed rupees five lakh.</p> <p>Provided that in the case of PRI/SIP trunks, each DID number shall be treated as a separate telecom resource.</p>		

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	<p>Provided further that the amount payable under sub-regulation 29(b) may be reduced or waived-off by the Authority where it finds merit in the response furnished by the Sender.</p>		
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C. UCC_Detect System			
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20.	<p>In Schedule-IV: Action Items for preparing Code of Practice for Unsolicited Commercial Communications Detection (CoP-UCC_Detect), sub-item 1(d) shall be amended and 1(g), 1(h), 1(i), 1(j), 1(k) and 1(l) shall be inserted as given below-</p> <p>“1. Every Access Provider shall establish, maintain and operate following system, functions and processes to detect Sender(s) who are sending Unsolicited Commercial Communications in bulk and not complying with the regulation(s), and act to curb such activities:- (1) System which have intelligence at least following functionalities:-</p> <p>(d) real-time sharing of UCC detect data and insights with other access provider(s) over DLT fostering industry-wide collaboration to enhance collective ability of the industry to detect, curb and prevent UCC.</p> <p>(g) Identifying Sender(s) based on the following signals/triggers parameters:</p> <p>(i) Any sender exceeding 50 outgoing calls a day, or any such number as defined by the authority from time to time shall be observed for any of</p>	<p>a) UCC Detect systems are already in place, however, suitable changes should be made for involving TM-D in process.</p> <p>b) Identifying of senders basis triggers of calls/SMS should be dropped as neither feasible nor practical to implement and all related provisions and in fact the section should be removed.</p>	
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	<p>the following signals/triggers parameters:</p> <ul style="list-style-type: none"> a. Call recipient diversity (diversity in B-numbers) exceeds a threshold of 60% unique recipients in the day, or any such number as defined by the Authority from time to time. Diversity in B-numbers refers to the distinct call recipients (called party numbers) associated with the outgoing calls of the sender, b. The average call duration to distinct call recipients in the day is less than 10 seconds or any such number as defined by the Authority from time to time, c. The ratio of incoming calls to outgoing calls of the sender is less than 0.2 in the day or any such number as defined by the Authority from time to time, d. The number of distinct unanswered calls to recipients of the sender exceeds a threshold of 50% calls a day, or any such number as defined by the Authority from time to time, <p>(ii) Any sender exceeding 25 outgoing SMS a day, or any such number as defined by the authority from time to time shall be observed for any of the following signals/triggers:</p> <ul style="list-style-type: none"> a. SMS recipient diversity exceeds a 		
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	<p>threshold of 15 unique recipients a day, or any such number as defined by the authority from time to time. SMS recipient diversity refers to the number of distinct SMS recipient associated with the outgoing SMS of the sender,</p> <p>b. The ratio of incoming SMS compared to outgoing SMS is less than 0.2 or any such number as defined by the Authority from time to time,</p> <p>(iii) All mobile numbers (MSISDN) associated a with device on which 4 or more than 4 mobile numbers, or any such number as defined by the authority from time to time have been used within a month.</p> <p>All the sender(s) flagged based on the signal/triggers parameters as mentioned in g(i), g(ii) and g(iii) shall be treated as suspected UTMs.</p> <p>(h) deploying methods to detect the misuse of robotic calls, auto dialer calls or pre-recorded announcements, SIM Farm/SIM box type usage etc. Access Provider shall suspend the outgoing services of such UTMs, issue a notice, and act as per regulation 25(6).</p> <p>(i) Use of advanced Artificial Intelligence (AI) and Machine Learning (ML) based technological solutions for proactive UCC prevention and</p>		

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	<p>monitoring.</p> <p>(j) Monitoring social media data for identifying suspected spammers, URLs, Headers, and call-back/referred numbers etc.</p>		
21.	<p>After sub-item (2) of Item 1, following shall be added–</p> <p>(3) System to automatically take feedback from the recipients of voice calls, prescribed as below.</p> <p>The OAP shall establish a system to detect Senders, in real time, making more than 50 calls in a day, or such number of calls as decided by the Authority from time to time and obtain feedback from some of the recipients of these calls whether the calls received by them were Unsolicited Commercial Calls. The feedback shall be collected on the same day from at least 5% of the recipients, subject to minimum 10 recipients, chosen randomly, or such sample size as decided by the Authority from time to time. Feedback shall be collected in the form of either ‘Y’ or ‘N’ through SMS from 1909 or any other pre-defined short code. Based on the feedback, OAP shall register complaints on behalf of the recipients in the DLT system against the Senders. The feedback can be collected using a predefined message template either in CoP or by the Authority from time to time. A sample template is given below for reference –</p> <p>“Unusually high calls from the <number> has been noticed. You are one of the recipients of calls from</p>	<p>This should be dropped for reasons cited above.</p> <p>a) <u>System to automatically take feedback from the recipient of bulk voice calls:</u> In our view, above said measures are quite subjective requiring significant development, huge costs and manual efforts and would not yield commensurate benefits. The CDRs are available in the database only after 24-36 hours, hence, it will not be possible to build any solution which is based on checking CDRs prior to such window.</p> <p>b) The requirement of checking the bonafide use of telecom resources is a subjective requirement and will be practically impossible to be conducted for lakhs of consumers. Similarly, doing re-verification of KYC of the subscribers would also not be beneficial but, will result in huge costs and resources for the TSPs.</p>	

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	<p>this number. Kindly respond by 'Y' if it was a promotional call or by 'N' if not."</p> <p>(4) System to automatically take feedback from the recipients of SMS, prescribed as below.</p> <p>The OAP shall establish a system to detect Senders, in real time, sending more than 50 SMS in a day, or such number of SMS as decided by the Authority from time to time and obtain feedback from some of the recipients of these SMS whether the SMS received by them were Unsolicited Commercial SMS. The feedback shall be collected on the same day from at least 5% of the recipients, subject to minimum 10 recipients, chosen randomly, or such sample size as decided by the Authority from time to time. Feedback shall be collected in the form of either 'Y' or 'N' through SMS from 1909 or any other pre-defined short code. Based on the feedback, OAP shall register complaints on behalf of the recipients in the DLT system against the Senders. The feedback can be collected using a predefined message template either in CoP or by the Authority from time to time. A sample template is given below for reference –</p> <p>"Unusually high SMS from the <number> has been noticed. You are one of the recipients of SMS from this number. Kindly respond by 'Y' if it was a promotional SMS or by 'N' if not."</p> <p>(5) Take the following actions on the suspected spammers -</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>(a) Bonafide use of the telecom resources assigned to such Sender shall be checked by Access Providers to ensure that it is not being used for making commercial communication. In the meantime, the outgoing services of all the telecom resources of the Sender will be placed under suspension.</p> <p>(b) Reverification of such Senders shall be carried out by Access Providers as per the instruction of the Department of Telecommunications (DoT)/TRAI and taking actions accordingly.</p> <p>(6) Each Access Provider shall deploy one honeypot in a LSA for every 200 complaints registered in previous calendar year subject to a minimum of 50 honeypots in each LSA or any such numbers as specified by the Authority from time to time, for recording the spam messages and voice calls.</p> <p>(7) The spam message or call received on honeypots shall be treated as definitive proof that the Sender was involved in sending the UCC. TAP shall report such cases to OAP through DLT in real time, and OAP shall suspend the outgoing services of the Sender and shall initiate investigation as provided for in regulation 25(6).</p> <p>(8) Access Providers shall make available a feature for blocking spam messages/calls by the recipient in the Mobile App of the Access Providers and shall</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	convert each such blocking it into a complaint in the DLT system.		
D. Financial Disincentive for failure to curb the unsolicited commercial communication from registered Senders/RTMs.			

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
22.	<p>The regulation 27 shall be amended as below-</p> <p>27. Consequences for failure to curb the unsolicited commercial communications from registered Senders/RTMs</p> <p>(1) When the Authority has reason to believe that any Access Provider has failed to curb the unsolicited commercial communications from registered Senders/RTMs, the Financial Disincentives shall be imposed on the Access Providers in each LSA for one calendar month as under-</p> <p>(i) If OAP fails to curb UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees one thousand per count of valid complaint.</p> <p>(ii) If the Access Provider has not fulfilled its obligations as envisaged in the regulations in respect of Header registration function and Content Templates registration function, it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees five thousand per count of registration found not to be in accordance with the regulations.</p>	<p>a) The whole section needs to be revised post bringing the TM-D under licensing.</p> <p>b) We are of the view that Financial Disincentives on TSPs do not serve any purpose and If at all these are required, it should be directed to TM-D or the PEs We believe that the intention of TRAI is to reduce the menace of UCC and not to earn revenue from the financial disincentive. We are of the view that operators have made all the efforts that have considerably reduced their UCC complaints to a very low level and hence should not be penalized for unwarranted actions of some subscribers.</p> <p>c) Thus, we suggest that financial disincentives for TM-D and PEs should be designed to effectively reduce unsolicited commercial communications (UCC) rather than imposing penalties exclusively on Access Providers. A more balanced approach would ensure that the focus is on mitigating UCC issues rather than merely penalizing our member TSPs.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>(iii) If the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation regarding misuse of series assigned for service/transactional call, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees one lakh per instance.</p> <p>(iv) If the Access Provider is found to have misreported the count of UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees five lakhs per LSA for each month.</p> <p>(v) Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity to represent.</p> <p>(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.</p>	<p>d) It is also important to clearly define the responsibilities of telemarketers and Principal Entities (Senders) to ensure accountability. Financial disincentives and legal actions should be used judiciously to encourage compliance. However, the focus should be on establishing effective compliance mechanisms rather than relying solely on financial penalties.</p>	

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	<p>(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulation (1)(i), (1)(ii), (1)(iii) and 1(iv) or review the financial disincentives imposed where it finds merit in the reasons furnished by the access provider.</p>		
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E. Financial Disincentive for failure to curb the unsolicited commercial communications from unregistered Senders/UTMs:

<p>23.</p>	<p>The regulation 28 shall be amended as below-</p> <p>28. Consequences for failure to curb the unsolicited commercial communications from unregistered Senders/UTMs</p> <p>(1) When the Authority has a reason to believe that any Access Provider has failed to take action against un-registered Senders/UTMs as per the provisions of the regulations, the Financial Disincentives shall be imposed on the Access Providers in each LSA for one calendar month as under-</p> <p>(i) If the Access Provider is found to have failed to take action against the unregistered Sender(s) in accordance with provisions in regulations 25(5) and 25(6), it shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive as given below-</p>	<p>a) The whole section needs to be revised post bringing the TM-D under licensing.</p> <p>b) We are of the view that Financial Disincentives on TSPs do not serve any purpose and If at all these are required, it should be directed to TM-D or the Pes. We believe that the intention of TRAI is to reduce the menace of UCC and not to earn revenue from the financial disincentive. We are of the view that operators have made all the efforts that have considerably reduced their UCC complaints to a very low level and hence should not be penalized for unwarranted actions of some subscribers.</p> <p>c) Thus, we suggest that financial disincentives for TM-D and PEs should be designed to effectively</p>	
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Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>(a) Rupees ten thousand per instance, if the Sender is an individual category of telecom consumers and</p> <p>(b) Rupees one lakh per instance if the Sender is an enterprise category of telecom consumers;</p> <p>(ii) The Access Provider shall, without prejudice to any penalty which may be imposed under its licence or any Act, be liable to pay, by way of financial disincentive, an amount of Rupees ten thousand per count of complaint that is declared invalid on unjustifiable grounds.</p> <p>(iii) If the Access Provider is found to have incorrectly decided the representation made by the Sender against action due to first or subsequent instance of violation, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees one lakh per instance.</p> <p>(iv) If the Access Provider is found to have misreported the count of UCC, it shall, without prejudice to any penalty which may be imposed under its licence or any Act or other provisions under these regulations, be liable to pay, by way of financial disincentive, an amount of Rupees five lakhs per LSA for</p>	<p>reduce unsolicited commercial communications (UCC) rather than imposing penalties exclusively on Access Providers. A more balanced approach would ensure that the focus is on mitigating UCC issues rather than merely penalizing our member TSPs.</p> <p>d) It is also important to clearly define the responsibilities of telemarketers and Principal Entities (Senders) to ensure accountability. Financial disincentives and legal actions should be used judiciously to encourage compliance. However, the focus should be on establishing effective compliance mechanisms rather than relying solely on financial penalties</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>each month.</p> <p>(v) Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority, unless the concerned Access Provider has been given a reasonable opportunity of representing.</p> <p>(2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.</p> <p>(3) The Authority may impose no financial disincentive or a lower amount of financial disincentive than the amount payable as per the provisions in sub-regulations (1)(i), (1)(ii), (1)(iii) and 1(iv) or review the financial disincentives imposed where it finds merit in the reasons furnished by the Access Provider.</p> <p>(4) The total amount payable as financial disincentives under regulation 27 and regulation 28 shall not exceed rupees fifty lakhs per calendar month per LSA.</p>		
F. A charge up to Rs. 0.05 paisa on Promotional and Service SMS			
24.	<p>Sub-regulation (2) of Regulation 35 shall be amended as given below-</p> <p>(2) Upto Rs. 0.05 (five paisa only) for each Transaction SMS;</p>	<p>a) The existing five paisa exemption on service/promotional messages and not on transactional messages creates arbitrage, leading to opportunity for TMs/PEs to bypass for financial benefits. Aligning the</p>	

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		<p>commercial communication charge uniformly to all categories including transactional, promotional, government etc. would help ensure a more uniform and equitable approach. This adjustment would address the current imbalance and promote greater fairness in the overall messaging pricing framework.</p> <p>b) The present charge of Rs. 0.05 per SMS, introduced by TRAI in 2011, has remained unchanged despite the significant costs incurred by Telecommunication Service Providers (TSPs). We urge the Authority to increase this existing SMS charge and establish a uniform commercial communication charge applicable across all categories.</p>	
G. Provisions related to Registered Senders and other Functional Entities			
25.	<p>Regulation 22 shall be amended as below-</p> <p>“22 (1) Misuse of headers and content templates-</p> <p>a. If misuse of headers or content templates is noticed, traffic from the concerned Sender shall be suspended by all the Access Providers immediately till such time, the</p>	<p>a) No changes, barring the need to incorporate actions to be done by TM-D.</p> <p>b) TM-D shall make a mechanism for the annual verification by the Senders/RTMs instead of Access Providers.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>Sender files a complaint/FIR with the Law Enforcement Agencies (LEAs) under the law of land, and Sender reviews all its headers and content templates and takes corrective measures as per the regulations to prevent misuse of its headers and other credentials.</p> <p>b. Delivery TM shall identify the entity that has pushed traffic from such headers or content templates into the network and file a complaint/FIR against it with the Law Enforcement Agencies (LEAs) under the law of land within two business days or in such time period as prescribed by the Authority, failing which Access Provider shall file complaint/FIR with the LEA against the Delivery TM. The entity that pushed the traffic shall be blacklisted for a period of one year.</p> <p>(2) Whenever a Sender or Telemarketer is suspended or blacklisted by any Access Provider and its status is updated by it on DLT platform, other Access Providers shall stop traffic from such entities immediately but not later than twenty-four hours from the time of blacklisting or allow them to reregister themselves with them during the period of suspension/blacklisting.</p> <p>(3) Access Providers shall make a mechanism for the annual verification of the following by the Senders/RTMs-</p>	<p>c) Further, the DoT LSA unit should inspect the TM-D, Senders and TMs for bonafide use.</p> <p>d) Access providers may suspend or blacklist registered senders and TMs in case TRAI/DoT inform of the violation of the Regulations which are attributed to failure of functions assigned to such entities.</p> <p>e) Access Providers shall enter into a legally binding agreement with all the Telemarketers with Delivery Functions (TM-DF), The roles and responsibilities of the Sender and the Telemarketers as per TCCCPR 2018 regulations and the punitive actions that can be taken against them in case of non-compliance shall be mentioned in the agreement.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>a. registration details of registered Senders and RTMs to ensure having up-to-date details.</p> <p>b. all the registered headers and content templates.</p> <p>Failure to verify the above details shall lead to automatic suspension of registered Sender and RTMs till such time they carry out above activities.</p> <p>(4) Ensuring traceability of messages from Senders to recipients-</p> <p>a. There shall not be more than two TMs i.e. one Aggregator TM and one Delivery TM, or as directed by the Authority from time to time to allow sufficient flexibility in the eco system and at the same to maintain proper tracing and accountability of each entity in chain.</p> <p>b. The use of digital platform by RTMs should be mandated that leaves the trace of the TMs when the messages pass through it.</p> <p>(5) The functions of Delivery TM should include ensuring that the commercial communication handled by them is traceable, and it should clearly be spelt out in the agreement between Access Provider and Delivery TM.</p> <p>(6) Access providers may impose financial disincentive on registered Senders and TMs and</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>also suspend or blacklist them in case violation of the Regulations can be attributed to failure of functions assigned to such entities. If the Authority has a reason to believe that punitive measures prescribed by the Access Providers against the registered Senders and TMs are not effective, it may order or direct the Access providers to take appropriate measures as prescribed by it.</p> <p>(7) Access Providers may prescribe a fee for registration of the Senders, and RTMs and may also prescribe security deposits. Access Providers may also prescribe a fee for other activities as provided for in the Regulations such as header registration, content template registration etc. If the Authority has a reason to believe that there is a need to prescribe a registration fee or fee for any other activities provided in the Regulations, it may order or direct Access providers for it.</p> <p>(8) Use of 160 series for service and transactional calls- The Access provide shall include it in the legal agreement with the registered Senders that it shall be sole responsibility of Sender to ensure that the 160xxx header assigned to it is used to only for making service and transactional call and no promotional content shall be mixed in it and that the Sender shall take legal action against the Telemarketer in case of its misuse by the Telemarketer.</p>		

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	<p>(9) Provision should be made by the Access Providers for registration of grievances by RTMs and Senders and their redressal.</p> <p>(10) Access Providers shall enter into a legally binding agreement with all the registered Senders, all the Telemarketers with Delivery Functions (TM-DF), and Telemarketers with Aggregator Functions (TM-AF). The roles and responsibilities of the Sender and the Telemarketers as per TCCCPR 2018 regulations and the punitive actions that can be taken against them in case of non-compliance shall be mentioned in the agreement.</p>		
26.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item (4) shall be added to the Item 1 as given below-</p> <p>“1. Entity Registration Functionality:</p> <p>(4) The registration process of Sender and the Telemarketers should include</p> <ul style="list-style-type: none"> a. physical verification of the entity b. Biometric authentication of the authorized person. c. Linking of the entity with a unique mobile number.” 	<p>a) Such requirements should be dropped as they are not linked to any reduction in spam.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
27.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 1(g), 1(h) and 1(i) shall be added to the Item 4 as given below-</p> <p>“4. Every Access Provider shall carry out following functions: -</p> <p>(1) Header Registration Function (HRF)</p> <p>.....</p> <p>(g) approval by a separate executive specially designated by the Access Provider for this purpose after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it in any of the following situations-</p> <p>(i) if the Sender has already registered 10 headers across all the Access Providers.</p> <p>(ii) if one or more of its headers were blacklisted earlier.</p> <p>(iii) any other reason specified by the Authority from time to time.</p> <p>(h) Unused headers for a period of 90 days or such period as specified by the Authority shall be deactivated temporarily through an automated process and shall only be reactivated when requested by the Senders.</p> <p>(i) When a header is blacklisted for sending commercial communications by the Sender in violation of the Regulations, the traffic from the</p>	<p>a) CoPs should be realigned with new regime however, they should be formulated in detail without any subjectivity.</p>	

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>Sender should be suspended immediately for a minimum period of one month. Traffic should be resumed only after review of the registered Sender, all its registered headers and registered content templates by the respective registrars and findings are recorded. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>		
28.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 2(g) and 2(h) shall be added to the Item 4 as given below-</p> <p>“4. Every Access Provider shall carry out following functions: - (2) Consent Registration Function (CRF) </p> <p>(g) Presenting to the recipients of commercial communication sent on the basis of inferred consent an option to revoke inferred consent and record such revoked inferred consent in the DL-Consent for its scrubbing.</p> <p>(a) When a header is blacklisted for sending commercial communications by the Sender in violation of the Regulations, the traffic from the Sender should be suspended immediately for a minimum period of one month. Traffic should be resumed only after review of the registered Sender, all its registered headers and registered content templates by the respective registrars</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
	<p>and findings are recorded. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>		
29.	<p>In Schedule-I: Action Items for preparing Code of Practice for Entity(ies) (CoP-Entities), sub-item 3(h), 3(i), 3(j), 3(k), 3(l) and 3(i) shall be added to the Item 4 as given below-</p> <p>“4. Every Access Provider shall carry out following functions: - (3) Content template Registration Function (CTRF) </p> <p>(h) to register the content template for commercial communications through pre-recorded message/call or robo call using Auto Dialer that shall be mandatorily scrubbed before the delivery of the call to the recipient.</p> <p>(i) The approval of content template registration shall be carried out by a separate executive specially designated by the Access Provider for this purpose after carrying out additional checks and scrutiny of the justification given by the registered Sender and recording it in any of the following situations-</p> <p>(i) if the Sender has already registered 25 content templates across all the Access Providers.</p>	<p>a) CoPs should be realigned with new regime however, they should be formulated in detail without any subjectivity.</p>	

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	<p>(ii) if any of its content templates were blacklisted earlier.</p> <p>(iii) any other reason specified by the Authority from time to time.</p> <p>(j) Unused content templates for a period of 90 days or such period as specified by the Authority shall be deactivated temporarily through an automated process and shall only be reactivated when requested by the Senders.”</p> <p>(k) A content template cannot be linked to multiple headers.</p> <p>(l) Only whitelisted URLs/APKs shall be used in the content templates. No short URLs to be allowed in the content templates unless it is whitelisted and also contains the name of brand/entity.</p> <p>(m) The content template should be blacklisted when an RTM complaint is caused due to wrong registration of the content template. Blacklisting of 5 content templates of any registered Sender shall result in suspension of the Sender till such time, its all-other content templates are reverified, subject to a minimum period of one month. The OAP that blacklisted the 5th template shall be responsible for suspension of the Sender and for revocation of the suspension after due verification of all the templates. Repeat violations shall result in blacklisting of the Sender across all the Access Providers for a minimum period of one year.</p>		

Section. No	Draft Regulation	COAI/Member inputs	Proposed Changes/Amendments
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H. Action against the Senders and Telemarketers by the Authority			
30.	<p>Regulation 33 shall be amended as given below-</p> <p>(1) Where the Authority has a reason to believe that any registered or unregistered Sender of commercial communications has contravened the provisions of these regulations, and the Access Provider has not taken action against such Sender as per the provisions of the regulations, the Authority may order or direct access provider(s) to take action against such Sender as per the provisions of the regulations;</p> <p>(2) Where the Authority has a reason to believe that any registered or unregistered Telemarketer has contravened the provisions of these regulations, and the Access Provider has not taken action against such Telemarketer as per the provisions of the regulations, the Authority may order or direct access provider(s) to take action against such telemarketer as per the provisions of the regulations.</p> <p>Provided, the Sender and telemarketer can submit an appeal to the Authority against action as per the above regulation.</p>	<p>a) The Access Provider should be replaced with TM-D.</p> <p>b) A significant quantum of un-solicited commercial traffic has shifted to OTT Communication Apps. While the commercial traffic through traditional SMS routes has been decreasing, the measures taken by TRAI to curb spam may not bring the desired results if OTT communication apps continue to remain outside the purview of TCCCPR.</p> <p>c) This disparity in compliance between TSPs and OTT services undermines the effectiveness of the TCCCP Regulation. To achieve comprehensive results in curbing UCC, it is crucial that OTT communication apps also be brought under the purview of TCCCPR 2018.</p>	

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