

FINALISED SMS PROMOTION GUIDELINE

(proposed by MMCP Association)

Promoting services via SMS is gaining popularity because of the mobile penetration rate in Malaysia has surpassed 100%. However because of the non-existence of the specific guideline regarding the SMS promotions, the SMS for advertising has become free for all industry.

As an association we would like to develop and nurture this new advertising channel so it would not be misused and cast a negative impression from the public. Enclosed is a proposed guideline on the SMS Promotion that should be adhered to by all the CPs.

a. Option to customer not to receive advertising messages for CPs.

1. Sharing STOP keyword sent by the subscribers with the CPs - Currently customers can send STOP or STOP ALL keyword to the 3 series shortcode indicated in the SMS, however the SMS sent is not shared with the CPs.

If the SMS STOP request can be made available to the CPs, subscribers number with the SMS STOP request can be removed from the CPs broadcast list.

2. Connecting 6 series to MPG/PCM – Currently 6 series is not connected to MPG/PCM. If 6 series is connected to MPG/PCM all previous STOP request can be filtered at MPG/PCM level. All numbers with STOP request can be stopped at MPG/PCM level.

3. Opt Out List at CPs level with OFF keyword – CPs should introduce an Opt-Out mechanism for those who wants to Opt-Out from receiving further SMS promo. The keyword is STOP PROMO and sent to a 3 series number. CPs should then refer to this list before broadcasting any SMS Promo messages.

To cater for stopping SMS promo via a specific keyword, the MO should include the keyword used in the SMS received. i.e:

SMS PROMO received:

63434 : RM 0.0 : Score A with SMS tuition, to subscribe sms: ON TUITION and send to 30000.
To stop receiving further SMS, send: OFF TUITION and send to 30000

The CPs should then stop all SMS promo that using the keyword TUITION

b. proposal to centralize the OPT-OUT list.

There are several methods where a centralized Opt-Out list can be introduced:

1. Telco level - Telco should activate a catch-all SMS that being sent to 6 series. If a recipient reply to the 6 series broadcast, with the word STOP, then all the future SMS promo for all the broadcast should be stopped.

ON PROMO – activate all promo

OFF PROMO – stop all promo

With this method, only one database should be maintained for each telco. All the SMS promo via 6 series will consult this database first before broadcast. Enabling reply to 6 series will make it easier for the recipient to Opt-Out without the need to send to a 3 series shortcode.

All the MT sent to 6 series should be free.

63434 : RM 0.0 : Score A with SMS tuition, to subscribe sms: ON TUITION and send to 30000.
To stop receiving further SMS, reply with OFF

2. CPs level – MMCP could be the body to manage the Opt-Out list at the CPs level. All reply to 6 series will be redirected to MMCP Opt-Out database. This will reduce the burden on the Telcos side and increase the responsibility of the CPs.

The company that wants to engage any SMS advertising services should only engage with the CPs that subscribed to the Opt-Out list. This is a step in the right direction to develop the mobile advertising industry in the future

c. Direct refund for complaint on false advertising and non-satisfaction content;

All CPs should introduce a simple direct refund process if the customer have a valid reason that the content purchased is not what it seems to be or the SMS promotion is misleading.

All refund process should be logged for further reference if the issues arise in the future.

d. Complete information regarding the advertiser such as company's name, contact no. in the advertisement:

All SMS promotions should follow this format:

63666 : RM0.0: [6 Alphanumeric promo ref ID] [Promo messages] [3 series shortcode] [Company name and tel no]

63666 : RM0.00: DA32543 : Experience the latest F1 car racing experience in your mobile, type: ON F1 and send to 32341. [GOMO 0355677834]

e. SMS advertising only from 3 and 6 series.

CPs should only broadcast SMS promotions via 3 and 6 series. No broadcasting of SMS promotion via P2P. However broadcast via international gateway is permitted if there are issues in utilizing local 6 series gateway as long all the rules of SMS promotions is being adhered to.

f. SMS Broadcasting period

CPs should made all efforts to only broadcast SMS promo messages during 6 am to 12 pm. However due to the queuing nature of SMS broadcast the recipients may received the SMS outside of the permitted time.

SMS Promotion prohibited to be sent are as follows:

1. Suggestive Content

A genre of texting, containing either text, images or video that is intended to be sexually arousing and could be interpreted to enticement, and the enjoyment of active attraction, or allurements of the offering content.

E.g: "Dapatkan video terhangat pelajar universiti sekarang!" ('the word terhangat' or 'hottest' clearly relates to 'sexiness' rather than a literal meaning itself in this message)

Example of permitted SMS promo:

E.g: Dapatkan video popular gadis F1, GT Girls, F1 Model & Asian Models sekarang!!

2. False Advertising

A genre of texting, describing products or services which turned out not to be the way as it offered.

E.g: "Muat turun 3GP yang lucu sekarang!" (but it turned out to be a video in other format, not 3GP as stated in promo message)

3. Misleading SMS

Utilizing words such as descriptive terms to increase the perceived value of a product or services offered.

E.g: "Langgan sekarang untuk muat turun video dan lagu popular secara percuma" (the word percuma is used to attract subscriber but charges will still be imposed on the subscribers after some period and it doesnt stated clearly in the promo message)

8.10 The Content Providers shall not send SMS promoting 3 series services via **Peer-to-Peer Service**. Where the content provider has breached this condition, the mobile network operators shall take the following actions:

1st Offense : Warning sent to the affected Content Provider.

2nd Offense : Suspension of affected keyword if the same CP is found to have repeated similar offense. Keyword

suspension will be lifted 15 days if there are no further complaints on the keyword.

3rd Offense : Suspension of affected short code for 7 days after 5 different keywords within a year from the same short code suspension.

Recurrence Offence by the Content Provider: A case will be filed to MCMC for further action

In addition, MMCP shall be consulted by MCMC to evaluate the information pertaining to the offence and determine whether or not further action(s) need to be taken against the non-compliant Content Provider for each stage. The mobile network operator shall take the action as instructed by MCMC, if any.