

COMMUNICATIONS  
ALLIANCE LTD



INDUSTRY GUIDELINE  
G639:2009  
MOBILE PREMIUM SERVICES  
MANDATORY INFORMATION

## **G639:2009 Mobile Premium Services Mandatory Information Industry Guideline**

First published as G639:2009

**Communications Alliance Ltd (formerly Australian Communications Industry Forum Ltd) was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.**

### **Disclaimers**

1. Notwithstanding anything contained in this Industry Guideline:
  - (a) Communications Alliance disclaims responsibility (including where Communications Alliance or any of its officers, employees, agents or contractors has been negligent) for any direct or indirect loss, damage, claim, or liability any person may incur as a result of any:
    - (i) reliance on or compliance with this Industry Guideline;
    - (ii) inaccuracy or inappropriateness of this Industry Guideline; or
    - (iii) inconsistency of this Industry Guideline with any law; and
  - (b) Communications Alliance disclaims responsibility (including where Communications Alliance or any of its officers, employees, agents or contractors has been negligent) for ensuring compliance by any person with this Industry Guideline.
2. The above disclaimers will not apply to the extent they are inconsistent with any relevant legislation.

### **Copyright**

© Communications Alliance Ltd 2009

This document is copyright and must not be used except as permitted below or under the Copyright Act 1968. You may reproduce and publish this document in whole or in part for your or your organisation's own personal or internal compliance, educational or non-commercial purposes. You must not alter or amend this document in any way. You must not reproduce or publish this document for commercial gain without the prior written consent of Communications Alliance. Organisations wishing to reproduce or publish this document for commercial gain (i.e. for distribution to subscribers to an information service) may apply to subscribe to the Communications Alliance Publications Subscription Service by contacting the Communications Alliance Commercial Manager at [info@commsalliance.com.au](mailto:info@commsalliance.com.au). If you publish any part of this document for any purpose, you must also publish this copyright notice as part of that publication.

## **INTRODUCTORY STATEMENT**

This Mobile Premium Services Mandatory Information Industry Guideline (G639:2009) (the Guideline) accompanies the Mobile Premium Services Code C637:2009 (the Code).

The Guideline is designed to:

- assist in interpreting the Code rules relating to the Register and its scope;
- assist in interpreting the Code rules relating to the 19 Service Finder and its scope;  
and
- assist in interpreting the Code rules relating to the provision of customer expenditure management information.

*MPS Mandatory Information Working Group*

June 2009

---

## TABLE OF CONTENTS

---

<b>1</b>	<b>GENERAL</b>	<b>2</b>
	1.1 Purpose	2
	1.2 Scope	2
<b>2</b>	<b>ACRONYMS, DEFINITIONS AND INTERPRETATIONS</b>	<b>3</b>
	2.1 Acronyms	3
	2.2 Definitions	3
	2.3 Interpretations	6
<b>3</b>	<b>RULES – MOBILE PREMIUM SERVICES REGISTER</b>	<b>7</b>
	3.1 Mandatory Registration	8
	3.2 Information to be Provided	8
	3.3 Access to Register	9
	3.4 Terms and Conditions	9
<b>4</b>	<b>RULES – 19 SERVICE FINDER</b>	<b>10</b>
	Provision of Information by a Content Supplier	11
	4.1 Information to be Provided	11
	4.2 Terms and Conditions	11
<b>5</b>	<b>RULES – EXPENDITURE MANAGEMENT INFORMATION</b>	<b>13</b>
	Provision of Information by a Carriage Service Provider	14
	5.1 Information to be Provided	14
	5.2 Terms and Conditions	14
<b>6</b>	<b>REFERENCES</b>	<b>15</b>
	<b>PARTICIPANTS</b>	<b>16</b>

---

# 1 GENERAL

## 1.1 Purpose

The Communications Alliance Mobile Premium Services Code (C637:2009) requires the industry to maintain a Register of Suppliers' details; a 19 Service Finder Database; and a repository of customer expenditure management information. The purpose of this Guideline is to:

- define the requirements for Mobile Premium Services Suppliers to provide the specified information relating to contact details and Short Codes to be used in the Mobile Premium Services Industry Register and also for utilisation by the 19 Service Finder;
- define the requirements for Mobile Premium Services Carriage Service Providers to provide details of all existing available customer expenditure management tools which will be made available for public viewing on 19SMS.com.au; and
- all business rules relating to the above requirements.

## 1.2 Scope

This procedure applies to all Suppliers of Mobile Premium Services to the Australian market.

## 2 ACRONYMS, DEFINITIONS AND INTERPRETATIONS

### 2.1 Acronyms

For the purposes of this Guideline:

***ACMA***

means Australian Communications and Media Authority.

***SMS***

means short message service.

### 2.2 Definitions

For the purposes of the Guideline, the following definition applies:

***Aggregator***

means a Supplier who contracts with both:

- (a) a Content Supplier; and
- (b) an End Carriage Supplier,

to facilitate the carriage of the Content Supplier's Mobile Premium Service to Customers using the End Carriage Supplier's Carriage Service.

***Authorised Company Representative***

means a representative of a Supplier who has been given authority to provide information on behalf of the company on matters relating to Mobile Premium Services.

***Authorised Party***

means a regulator or a representative of a regulator who has been given authority to access information in relation to a Supplier of Mobile Premium Services.

***Business Day*** means a day that is not a Saturday, a Sunday or a public holiday:

- (a) in the place of business of the relevant Supplier; or
- (b) in New South Wales, if the place of business of the relevant Supplier is outside Australia.

***Carriage Service Provider***

has the meaning given by section 87 of the Act.

***Code***

means *C637:2009 Mobile Premium Services Code*.

***Complaint***

means an expression of dissatisfaction made to a Supplier in relation to a Mobile Premium Service.

***Communications Alliance***

means Communications Alliance Ltd (ABN 56 078 026 507).

***Contact Person***

means a representative of a Supplier who has been nominated on behalf of the company for the purpose of receiving queries on matters relating to Mobile Premium Services.

***Content Supplier***

means the Content Service Provider who is the originating Supplier of a Mobile Premium Service to Customers via the supply chain, but does not include a Supplier who is only acting in the capacity of an Aggregator.

***Customer***

means a customer who acquires a Mobile Premium Service, or a potential customer of Mobile Premium Services.

***Expenditure Management Information***

means the information about the tools made available by a Carriage Service Provider which allow its customers to exercise control over both their access to and expenditure on Mobile Premium Services billed via that provider. This information is to be made publicly available on both the Provider's corporate website MPS page and a dedicated Expenditure Management Information page on the 19sms website

***Helpline***

means the Customer support helpdesk number referred to in clause 6.1.2 of the Code.

***Mobile Carriage Service Provider***

means:

- (a) a Carriage Service Provider who supplies a customer with a public mobile telecommunications service; or
- (b) a Carriage Service Intermediary who arranges for the supply by a Carriage Service Provider to a customer of a public mobile telecommunications service.

***Mobile Content Fees***

means fees charged for the supply of a Mobile Premium Service, excluding any Carriage Fees.

***Mobile Premium Service***

means:

- (a) a Premium SMS or MMS Service; or
- (b) a Proprietary Network Service.

***Premium SMS or MMS Service***

means:

- (a) a Carriage Service supplied by way of a call to or from a Short Code with the prefix 191, 193, 194, 195, 196, 197 or 199; or
- (b) a Content Service supplied by way of a call to or from a Short Code with the prefix 191, 193, 194, 195, 196, 197 or 199,

***Proprietary Network***

means a Telecommunications Network used by a Mobile Carriage Service Provider that enables Customers of that provider to access, by way of a mobile device, a Premium Content Service that is not otherwise generally available.

***Proprietary Network Service***

means a public mobile telecommunications service that enables an end-user to access a Proprietary Network.

***Register***

means the register of Content Supplier and Aggregator contact details maintained by Communications Alliance.

***Registration Form***

means the registration form available from Communications Alliance setting out information to be included on the Register.

***Short Code***

means a number between 6 and 8 digits long that enables the charging of Mobile Content Fees as part of a Mobile Premium Service.

***19 Service Finder Database***

means the database maintained by Communications Alliance that enables members of the public to look up details of Short Codes.

***19 Service Finder***

means the database maintained by Communications Alliance that enables members of the public to look up details of Short Codes.

***19 Service Finder Data Entry Tool***

means the electronic data entry form available from Communications Alliance enabling the entry of data into the Short Code Look-up Database.

***Supplier***

means a Mobile Carriage Service Provider or Content Service Provider.

## **2.3 Interpretations**

In the Guideline, unless the contrary appears:

- (a) headings are for convenience only and do not affect interpretation;
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (c) words in the singular includes the plural and vice versa;
- (d) words importing persons include a body whether corporate, politic or otherwise;
- (e) where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (f) mentioning anything after include, includes or including does not limit what else might be included;
- (g) words and expressions which are not defined have the meanings given to them in the Act; and
- (h) a reference to a person includes a reference to the person's executors, administrators, successors, agents, assignees and novatees.

### 3 RULES – MOBILE PREMIUM SERVICES REGISTER

#### Summary

*This chapter requires Suppliers of Mobile Premium Services to:*

- *provide specified details to the Register prior to engaging in any commercial activity in the Mobile Premium Services industry; and*
- *ensure that all information provided is maintained for currency as specified.*

#### Relationship with the MPS Code

*Suppliers of Mobile Premium Services must comply with the rules within the Code and must be able to demonstrate that they have done so.*

*In order to comply with the rules, it is expected that Suppliers will have regard to the instructions contained within this Guideline.*

*The rules relating to the Register are contained in MPS Code clauses 4.1.1 and 4.1.2.*

### 3.1 Mandatory Registration

As per Code clause 4.1.1, prior to the supply of any Mobile Premium Services to a customer, all Suppliers of these services must upload the details specified in clauses 3.2.1(c) and 3.2.1(d) of this Guideline to the Register via an online registration form located at [http://commsalliance.com.au/Activities/Mobile\\_Premium\\_Services/information\\_for\\_industry\\_members](http://commsalliance.com.au/Activities/Mobile_Premium_Services/information_for_industry_members) or via other means as instructed by Communications Alliance.

### 3.2 Information to be Provided

3.2.1 Prior to:

- (a) in the case of a Content Supplier, supplying any Mobile Premium Services to any Customers; and
- (b) in the case of an Aggregator, contracting with any Content Suppliers for the supply of their Mobile Premium Services,

each Content Supplier and Aggregator must:

- (c) complete a Registration Form including:
  - (i) Company Name / Trading Name
  - (ii) ABN / ACN / ARBN (if applicable)
  - (iii) Company Registered Address
  - (iv) Director Name:
    - A. The name of one director if the Supplier has an ACN, ABN or ARBN; or
    - B. The name of all directors if the Supplier does not have an ACN, ABN or ARBN; or
    - C. The name of the principal if the Content Supplier or Aggregator is not a company.
- (d) **Contact Person:** Details for the purpose of queries relating to that Content Supplier's Mobile Premium Services or the services provided via the contracted Aggregator:
  - (i) Contact person's name
  - (ii) Contact person position
  - (iii) Contact person telephone number
  - (iv) Contact person fax number
  - (v) Contact person e-mail address

- (vi) Company helpline number relevant to Mobile Premium Services

### 3.3 Access to Register

- 3.3.1 Access to the Register to view all eligible party details as specified in clause 3.2.1 is restricted to ACMA and other Authorised Parties upon request to Communications Alliance.
- 3.3.2 Access to the Register for the purposes of updating company information as specified in clause 3.2.1 is provided via an online registration form located at [http://commsalliance.com.au/Activities/Mobile Premium Service/information for industry members](http://commsalliance.com.au/Activities/Mobile_Premium_Service/information_for_industry_members) or via other means as instructed by Communications Alliance.

### 3.4 Terms and Conditions

The Authorised Company Representative signing the MPS Registration Form is agreeing to the following Terms and Conditions:

- 3.4.1 The person signing the Registration Form is authorised by the company.
- 3.4.2 All information provided in the Registration Form will be stored in the Communications Alliance MPS Register and will be used by Authorised Parties to contact all registered Suppliers where required in relation to a specific Mobile Premium Service or Services. The Register may also be used by Authorised Parties to contact registered Suppliers for other activities related to Mobile Premium Services.
- 3.4.3 Communications Alliance will only store the details of the registered Supplier in the Register which will be located within the Communications Alliance website via restricted access.
- 3.4.4 Where any details pursuant to clause 3.2.1 change, the Supplier must:
  - (a) complete a Registration Form including the updated details; and
  - (b) provide the Registration Form to Communications Alliance, within:
    - (i) if the change relates to the details provided pursuant to clauses 3.2.1 (c ) and 3.2.1(i) to (v), 1 month of that change; or
    - (ii) if the change relates to the details provided pursuant to clause 3.2.1 (d) (vi), 5 Business Days of that change.

## 4 RULES – 19 SERVICE FINDER

### Summary

*This chapter requires all Suppliers of Premium SMS or MMS Services to:*

- *provide specified Short Code details to be utilised by the 19 Service Finder prior to the activation of that Short Code; and*
- *ensure that all information provided is maintained for currency as specified.*

### Relationship with the MPS Code

*Suppliers must comply with the rules within the Code and must be able to demonstrate that they have done so.*

*In order to comply with the rules, it is expected that Suppliers will have regard to the instructions contained within this Guideline.*

*The rules relating to the 19 Service Finder are contained in MPS Code clauses: 4.2.1, 4.2.2 and 4.2.3*

## Provision of Information by a Content Supplier

Prior to the activation of any Short Code carrying Premium SMS content and the delivery of this content to a customer, the Content Supplier under whose auspices the Short Code will be activated must provide the specified details in clause 4.1 to their Aggregator for entry into the 19 Service Finder database via the 19 Service Finder Data Entry Tool or via other means as instructed by Communications Alliance. If the Content Supplier does not have an Aggregator, they must use the 19 Service Finder Data Entry Tool to provide the information directly to Communications Alliance.

### 4.1 Information to be Provided

A Content Supplier or Aggregator must provide the following details relating to each Short Code carrying Premium SMS content to be loaded into the 19 Service Finder:

- (a) all Short Codes the Content Supplier uses to provide Premium SMS Services; and
- (b) for each of those Premium SMS Services:
  - (i) the name of the service;
  - (ii) the time period during which it will be provided, including start date and end date;
  - (iii) the Content Supplier's name;
  - (iv) the Content Supplier's Helpline;
  - (v) a contact email address linked to the Content Supplier's Helpline;
  - (vi) the applicable Mobile Content Fees for that service;
  - (vii) a description of that service; and

any other data entry fields listed in the 19 Service Finder Data Entry Tool.

### 4.2 Terms and Conditions

The Authorised Company Representative providing the Short Code details to the Aggregator, or where there is no Aggregator, to Communications Alliance, agrees to the following Terms and Conditions:

- 4.2.1 All information provided to the Aggregator will be stored in the 19 Service Finder Database and will be used to contact the Content Supplier where required in relation to a specific short code and its content. The 19 Service Finder Database may also be used by consumers to contact the Content Supplier for other activities related to the specific Short Code and its content.
- 4.2.2 Communications Alliance will only store the details of the Short Code in the 19 Service Finder Database which will be located

within Communications Alliance at the unrestricted free access web site at [www.19sms.com.au](http://www.19sms.com.au).

- 4.2.3 Where any details pursuant to Section 4.1 change, the Content Supplier must update the information provided pursuant to Section 4.1 within 5 Business Days to include the new details.
- 4.2.4 The 19 Service Finder is not to be utilised as a replacement or substitute for existing complaint handling processes as specified in Chapter 6 of the Code.

## 5 RULES – EXPENDITURE MANAGEMENT INFORMATION

### Summary

*This chapter requires Mobile Premium Services Carriage Service Providers to:*

- *provide details of all existing available customer expenditure management tools to be made available for public viewing on 19SMS.com.au*
- *ensure that all information provided is maintained for currency as specified.*

### Relationship with the MPS Code

*Carriage Service Providers must comply with the rules and must be able to demonstrate that they have done so.*

*While not mandatory, it is expected that Carriage Service Providers will have regard to the Guideline in deciding how they will comply with the rules.*

*The rules relating to the provision of Expenditure Management information are contained in MPS Code clause: 4.1.9 and 4.1.10.*

## **Provision of Information by a Carriage Service Provider**

Upon registration of the MPS Code, a Carriage Service Provider must provide to Communications Alliance details of the measures it has available to limit a customer's expenditure on Mobile Premium Services. The details will be made publically available on a dedicated page at the unrestricted free access web site [www.19sms.com.au](http://www.19sms.com.au).

### **5.1 Information to be Provided**

A Carriage Service Provider must provide details relating to all their existing measures available to assist a customer to manage their expenditure on Mobile Premium Services.

### **5.2 Terms and Conditions**

The Authorised Company Representative providing the expenditure management information to Communications Alliance agrees to the following Terms and Conditions:

- 5.2.1 Communications Alliance will only store the details of the expenditure management information on the dedicated page at the unrestricted free access web site [www.19sms.com.au](http://www.19sms.com.au); and
- 5.2.2 Where any information pursuant to clause 5.1 changes, the Carriage Service Provider must provide the updated information to Communications Alliance within 5 Business Days .

## 6 REFERENCES

Publication	Title
<b>Industry Codes</b>	
C637:2009	Mobile Premium Services Code
<b>Industry Documents</b>	
<a href="http://www.19sms.com.au">www.19sms.com.au</a>	
<b>Industry Guidelines</b>	
G638:2009	Mobile Premium Services Industry Guideline
<b>Legislation</b>	
<i>Telecommunications Act 1997</i>	

## **PARTICIPANTS**

The Working Group that developed the Mobile Premium Services Mandatory Information Guideline consisted of the following organisations and their representatives:

<b>Organisation</b>	<b>Representative</b>
Vodafone	Tabitha Carvan
Hutchison	Alexander R. Osborne
Netsize	Bruno Rossiter
MBlox	Hugh Haley
TMG Asia Pacific	David McLellan

Visu Thangavelu of Communications Alliance provided project management support.

Communications Alliance was formed in 2006 to provide a unified voice for the Australian communications industry and to lead it into the next generation of converging networks, technologies and services.

In pursuing its goals, Communications Alliance offers a forum for the industry to make coherent and constructive contributions to policy development and debate.

Communications Alliance seeks to facilitate open, effective and ethical competition between service providers while ensuring efficient, safe operation of networks, the provision of innovative services and the enhancement of consumer outcomes.

It is committed to the achievement of the policy objective of the *Telecommunications Act 1997* - the greatest practicable use of industry self-regulation without imposing undue financial and administrative burdens on industry.



Published by:  
**COMMUNICATIONS  
ALLIANCE LTD**

Level 9  
32 Walker Street  
North Sydney  
NSW 2060 Australia

Correspondence  
PO Box 444  
Milsons Point  
NSW 1565

T 61 2 9959 9111  
F 61 2 9954 6136  
TTY 61 2 9923 1911  
E [info@commsalliance.com.au](mailto:info@commsalliance.com.au)  
[www.commsalliance.com.au](http://www.commsalliance.com.au)  
ABN 56 078 026 507

Care should be taken to ensure the material used is from the current version of the Standard or Industry Code and that it is updated whenever the Standard or Code is amended or revised. The number and date of the Standard or Code should therefore be clearly identified. If in doubt please contact Communications Alliance