



Non-Confidential Version

Review of the Rights of Use of Numbers Industry Code ACIF: C566:2005

*Twilio's Response to the review by Communications Alliance (Comms Alliance) opened on
19 April 2021*

14 May 2021



1. About Twilio

- 1.1 Twilio is a leading global CPaaS provider and is a carriage service provider in Australia. Twilio provides services to more than 235,000 enterprises globally and powers more than 1 trillion interactions between them and their customers every year.
- 1.2 Twilio's software allows customers to communicate with their customers over voice, SMS, messaging, or email thanks to the communications capacity that companies have added into applications across a range of industries, from financial services and retail to healthcare and non-profits.
- 1.3 For instance, Twilio powers the communications for New York City's contact tracing initiative. The services enable city authorities to communicate with COVID-19 patients, educate them on the virus, and identify their close contacts through self-reporting. The platform also provides messaging-based alerts using Twilio Voice, SMS, email or WhatsApp that prompt patients to fill out secure surveys on their symptoms.
- 1.4 Other customers include Australian and international brands. Many of Twilio's customers are also small and medium-sized enterprises and Twilio's non-profit arm, Twilio.org, supports charitable organizations to deliver their communications needs.
- 1.5 Within Australia, Twilio serves a number of customers, some examples of which are set out below:
 - **Healthcare – GPNOW**, an online telehealth platform with presence in Australia which uses Twilio's Programmable Video services to provide "Coronavirus Care" contact-free video consultations with health professionals.
 - **Finance – Westpac**, a major bank in Australia which chose to adopt Twilio's Notify service to deliver push notifications to customers regarding updates and events, including transactions happening on their accounts.
 - **Logistics – Shippit**, a package delivery company which connects retailers to logistics and courier services and chose to use Twilio's Programmable Messaging suite to provide customers with live updates on the delivery status of their packages.
 - **F&B – Domino's Pizza**, which uses various Twilio products to proactively update customers on the status of their pizza deliveries, and more recently, even make secure payments over phone calls without needing to disclose credit card details to phone operators.
 - **Retail – Woolworths**, which relies on Twilio's communications suites to keep customers updated on the status of their grocery deliveries, as well as Twilio Proxy to mask caller line identities to protect customers' privacy while still enabling them to have voice calls with grocery delivery personnel.

2. Executive Summary



- 2.1 Twilio welcomes the opportunity to provide feedback on the Communications Alliance (Comms Alliance) review of the “Industry Code on the Rights of Use of Numbers ACIF C566: 2005 (ROU Code).
- 2.2 Phone numbers are key to our customers and the Communications Platform as a Service (**CPaaS**) we provide them. Our customers rely on phone numbers to identify themselves to the persons they call and message. Parties receiving calls and messages want to know that the person that is calling and messaging them are who they say they are. Our customers rely on phone numbers to support their businesses and brands. Twilio is acutely aware that in order for our customers’ businesses and brands to flourish trust in phone numbers is required by the entire ecosystem, businesses that make calls and send messages, persons that receive calls and messages and electronic communications services providers that facilitate these exchanges.
- 2.3 The ROU Code has interactions with a number of other codes including the Industry Code on scam calling and the ROU Code not been reviewed in a number of years. It is therefore important that the ROU Code reflects the latest developments in the industry and works for businesses and operators alike.
- 2.4 Twilio therefore welcomes the opportunity to participate in this review and in any working group that is formed to consider changes to the ROU Code in order to take into consideration, amongst other things, changes to industry process, new products and market developments.
- 2.5 Please do not hesitate to refer any questions or remarks that may arise as a result of our comments to:

Twilio Inc.
Attention: Twilio Global Regulatory Affairs
Email: regulatory-notices@twilio.com

3. Twilio’s Comments.

- 3.1 Twilio notes that the ROU Code has come to the fore in discussions around the recently introduced “*Reducing Scam Calls Industry Code (C661:2020)*” (**Scam Code**).
- 3.3 Twilio notes that the ROU Code deals with the holding of numbers by CSPs and the ROU of customers. The current clause 7.1 relates to which CSP holds a number. At the moment Clause 7.1 reads:

A CSP holds a number in the following circumstances:

- (a) When a number has been allocated to it by the ACA under the Numbering Plan;*
- (b) When a number has been Transferred from another CSP; or*
- (c) When a number has been Ported to the CSP in accordance with the Numbering Plan and the relevant industry code for number portability.*



- 3.4 Transferred is defined as “a transfer of a number between CSPs for the purposes of the Numbering Plan. Transferred has corresponding meaning. In addition, there is a Note box which says:

Note: The ACA keeps a Register of Allocated and Permanently Transferred Numbers. Ported Numbers are identified on the Donor’s CSP’s Ported number registers.

There are two types of Transfer between CSPs;

- (a) Permanent Transfers; and*
- (b) Transfers which are not permanent Transfers where the rights and obligations of the parties are determined by agreement.*

- 3.5 Under the ROU Code who holds a number is important because it is the holder of a number or someone authorised by that holder who can issue that number to a customer thereby giving them a ROU in respect of that number.

- 3.6 Twilio notes that the preamble to the ROU Code says:

*The Code clarifies that a Customer gains Rights of Use (ROU) of a number when a CSP issues a number in association with a Service and may enjoy **beneficial use of the number freely and without hindrance** while a service is provided in association with the number. A customer who is the ROU holder may also Port their number to another CSP if the number is identified as Portable under the Numbering Plan.”*

- 3.7 Rights of Use are defined to mean:

The Customer’s Right, subject to the provisions of the Code, the Numbering Plan and the Act, to enjoy the beneficial use of an issued number and includes the ability to authorise a Port of the Number (where portability exists).

- 3.8 Twilio notes that currently the ROU Code provides for a customer to obtain ROU even in advance of the Service being provided. Clause 8.2.1 provides:

For the purposes of this Code a number is considered issued at the time that a CSP or its delegate and the Customer agree to the provision of a specific number for the Customer’s use in association with a Service.

- 3.9 The accompanying note says:



NOTE: Where agreement has been reached with the customer for the provision of Service at an agreed future date, in association with a specific number, ROU of that number arise from the Commencement date of the agreement subject to Clause 8.6

- 3.10 Twilio suggests that all of the current provisions of the ROU Code support a broad Right of Use by customers.
- 3.11 In addition the definition of Rights of Use should be further clarified to ensure that as recognised by ACMA on its website a Customer can CLI overstamp with a number for which they have the ROU.
- 3.12 Twilio recommends that a revised Rights of Use Code, should contain a provision recognising the Customers right to utilize their numbers:
- Rights of Use of the Number include a right for the Customer to choose any alternate network routing for any Number they are Issued, including but not limited to over stamping.**
- 3.26 Twilio looks forward to participating in future discussions around the review of the ROU Code and would urge CommsAlliance to take the time necessary to fully consider the issues.