

Aircall Submission to Communications Alliance on Industry Code DR C661:2022

Executive Summary

Aircall Pty Ltd (“Aircall”) welcomes the opportunity to comment on the Industry Code DR C661:2022 Reducing Scam Calls and Scam SMs (the “Draft Code”).

Aircall broadly supports the principles of the Draft Code including its expansion to cover SMs.

Aircall does however consider that the previous version of the Code presented particular challenges to certain parts of industry, particularly those that operate non-traditional services, for instance CCAAS providers.

While Aircall considers the Draft Code goes some way towards addressing these issues, Aircall does have concerns that the Draft Code may still not sit easily with all use cases (or indeed those which have gained traction in recent years). As a result, Aircall has a strong preference for Option 2 of both clauses 4.2.1(e) and 5.2.1(e) respectively. Aircall considers that Option 1 potentially forecloses competition amongst providers of carriage services and overly favours traditional large carriers.

Aircall has also provided some comments on possible improvements to the Guidelines. These are set out below.

About Aircall

Aircall is a carriage service provider that offers a telephone service allowing customers to obtain phone numbers in over 40 countries and handle calls on the go with Aircall’s desktop and mobile apps. Intended for businesses, the service aims at boosting companies’ international development and empowering sales and support teams.

Aircall provides its clients with numbers, most of which are geographic fixed numbers. These numbers enable Aircall clients to make or receive calls. These geographic numbers therefore make it possible to do away with borders and identify an Aircall client as being located in a certain geographic area regardless of where the call is actually made or received.

Some customers instead wish to use a phone number active with a previous carrier. To that end, customers may port their numbers to Aircall from other C/CSPs. Alternatively, Aircall also allows customers to ‘link’ a SIP trunked number from a third-party C/CSP to their Aircall service, enabling the customer to use that number without porting it to Aircall.

In Australia, the service allows for Australian Aircall users to make calls from, and receive calls made to, Australian PSTN (i.e. fixed line and mobile) telephone numbers. It provides Australian customers with geographic numbers or number ranges.

Comments on the Draft Code

Definitions:

Aircall considers that the definition of a “Transit C/CSP” could be improved. Currently, the definition provides that a Transit C/CSP is a C/CSP that connects with C/CSPs and international operators to pass calls or SMs between them. However, Aircall understands that Transit C/CSP’s also operate domestically to transfer traffic between Originating C/CSPs and Terminating C/CSPs. We consider that the definition should make it clear that this use case

falls within the definition of “Transit C/CSP”. Aircall would be happy to propose amendments if that would assist.

Clause 4.2.1:

Aircall considers that the changes at clause 4.2.1 which: (i) remove the reference to “allocation”; and (ii) expand upon the means by which an originating CSP can obtain access to a number at 4.2.1(b) are welcome amendments. In particular, the previous version of the Reducing Scam Calls code appeared to be inconsistent with the Rights of Use Code by omitting temporary transfers of numbers between C/CSPs.

In respect of the two drafting options presented for clauses 4.2.1(e) and 5.2.1(e) of the Draft Code, Aircall firmly believes that Option 2 should be adopted as it better reflects the various ways in which numbers are currently used.

For example, an increasing number of CSPs operate in the cloud-hosted communications space, providing their customers with a SaaS platform that enables SMS and VoIP calling with PSTN interconnection. Many of these providers, including Aircall, allow their customers to make and receive calls and SMS using numbers that have been provided to the customer by a third-party C/CSP.

As described above, Aircall’s customers may:

1. Purchase a service which includes number/s that Aircall has obtained from a third-party carrier;
2. Port their existing number to Aircall from a third-party C/CSP; or
3. Link their existing SIP trunked number from another carrier to the Aircall platform.

Scenarios 1 and 2 are, following the amendment to 4.2.1(b) referred to above, adequately addressed by the existing Code because the current drafting of clause 4.2.1 specifically focusses on the role of the originating C/CSP in providing access to that number. This drafting, however, does not encapsulate all circumstances in which a customer might hold ROU for a given number.

By way of example, there is doubt as to whether the existing Code contemplates C/CSPs originating calls made by customers using a number in the manner described in scenario 3 above.

Option 2 resolves this issue by asking whether the A-Party has been issued the relevant number by any C/CSP. In other words, this option allows the critical question of whether the A-party has ROU over the number to become a relevant consideration in determining whether a call may be originated.

In contrast, Option 1 does not adequately broaden the scope of 4.2.1 and would continue to cast doubt upon the ability of C/CSPs to originate calls in some scenarios, including certain scenarios where the A-Party actually has ROU over the relevant number. Aircall considers this to be anti-competitive as it limits innovative and efficient use of numbering resources and the resulting restriction on the legitimate use of numbers is likely to create barriers for new entrants in telephony markets. This reduces competition and is ultimately to the detriment of consumers.

Aircall does not consider that Option 1 is necessary to maintain the integrity of the IPND as the C/CSP who issued a number will still be obligated to keep the IPND Database current.

Likewise, Aircall does not believe that Option 1 is necessary to enable C/CSPs to meet their interception and access obligations. Legislation, including the *Telecommunications (Interception and Access) Act 1979 (TIA Act)*, is broad enough to preserve LEA's interception powers, including in circumstances in which Option 2 is adopted. By way of example, a warrant could be issued under the TIA act to both the originating C/CSP and the C/CSP who issued the number to the A Party. *Clause 4.2.6*

Aircall considers that updated guidelines should be issued which give greater guidance to C/CSP's on the interpretation of clause 4.2.6 of the Draft Code. At present, there appears to be a considerable divergence in views between carriers and Carriage Service Providers on what constitutes a "genuine" call case in these circumstances.

Furthermore, the Guidelines currently contemplate that a genuine call case would exist for "Offshore outbound call centres of Australian entities where the Australian entity has rights of use of the Australian number". Aircall considers that this should also explicitly refer to foreign entities with a presence or establishment in Australia.

Clause 4.9

Given the proposed expanded definitions in clause 4.2.1(e), we consider that, prior to the C/CSP that holds the number taking action to prevent use of the Australian number, there should be an obligation to notify the Originating C/CSP.

Aircall Pty Limited

23 March 2022