

MOBILE PREMIUM SERVICES CODE

Summary of major inclusions in the MPS Code in the delivery of mobile premium services



Code reference	Summary	Detail
Explanatory Statement	Call barring	Statement of intent
1.5.1	Code review period	Set at one year from date of implementation
2.2	Exempt services	Services that do not contain content or whose only purpose is to facilitate the billing of another service are exempt.
Advertising		
3.1	Media specific rules	Inclusion of new sections on advertising requirements for TV, Print, Online, and Radio Pricing information for print and online advertisements must now be in the main body of the ad.
3.1.2	Information on 'same page'	Information in print or online about the price and material terms, including whether it is a subscription service, must be displayed 'on the same page', that is, not below the fold for online pages.
3.1.4	Disclaimer requirements for advertising	including new rule / reinforcing TPA requirements that where a disclaimer is used in advertising it must not introduce a new offer
3.1.9	Clarity re use of "free"	additional requirements surrounding advertising which uses the term 'free'
3.1.16	Advertising to minors	No advertising to be targeted at media where the target audience is under 15 Must include a warning to the effect "If you are under 18 you must ask the account holder before using this service" in the advertisement if it is likely to attract a significant number of minors.
3.2.6	WAP push marketing	Must be recorded in a call log in clear text format, and any site linked to in the WAP push message must contain a link to opt-out of WAP push marketing messages. These rules are in addition to those in 3.1.13, 3.1.14 and 3.1.17.
3.3.2	Post-subscription marketing	A customer unsubscribing from a mobile premium subscription service must also be unsubscribed from any associated marketing messages. Post-subscription marketing is only permissible if the customer expressly opts back in upon invitation in the unsubscribe confirmation message.
3.3.3	Material terms in close proximity	For subscription services, sign up cost, charges, frequency must be displayed in a prominent manner and in close proximity to each other.
3.3.3 (e)	Subscription advertising	Subscription information for print and online must now be in the main body of the advertisement.

Code reference	Summary	Detail
Providing Information		
4.1.1 4.1.2 5.1.3 5.1.4	Register	Content suppliers and aggregators must register company details on the Register prior to supplying services.
4.1.9 4.1.10	Provision of Expenditure information	End Carriage suppliers must provide Comms Alliance with details of measures available to limit spend on PSMS for 19sms.com.au
4.1.11	Code Monitoring	Suppliers must cooperate with code monitoring which is to be introduced.
4.2	Short code look up	Details to be provided for all short codes including provider name and helpline.
4.3.3	24 hour purchase period	If a customer has sent an MO to indicate intent to purchase from a WAP session, this MO is valid for 24 hours.
4.3.4 4.4.5	\$30 expenditure notification	Clarification of \$30 expenditure notification messages to ensure that notification occurs for each incremental spend of \$30 within a given calendar month.
4.4.1	Non-mobile, WAP and IVR subscription mechanisms	Supplier must send the customer a subscription request message instructing customer to send an MO to subscribe.
4.4.3	Subscription confirmation messages	A Content Supplier must send a message that, in the case of non-mobile, WAP and IVR subscriptions, confirms that the customer has opted-in to receive the service (though the mechanisms in 4.4.1 and 4.4.2) and in the case of all other subscriptions, asks the customer to confirm that the customer opts-in to receive the service.
Supplying a mobile premium service		
5.1.1	Prohibitions	A supplier must not supply or charge with out request or charge a customer for an error message.
5.1.2	MO Opt-in	Contains the sign-up requirements for each type of Mobile Premium Service.
5.2.2 (d)	Retry rules for out of credit	Limit retries to no more than 2 further attempts in current charge period.
5.2.5	\$Msg indicator	Paid message indicated to be included at the start of a message that is charged higher than standard SMS charge. MT messages sent as part of a chat service are exempt from this rule.
Complaint handling		
6.1.1 (j) (ii)	Customer redress in the case of systemic problems	Content providers must have a process to consider whether appropriate.
6.1.1(m)	Complaint handling and minors	All content suppliers must have a process for handling complaints that involve minors and take into account the factors listed in this clause.
6.1.2 6.1.4	Live helpline	Content providers to have live agents to staff its helpline from 9am to 5pm Australian EST on business days.
6.1.8	End carriage suppliers and aggregators	Carriers and aggregators must pass on the correct helpline number, undertake to resolve complaints

Code reference	Summary	Detail
		not resolved by content supplier or received by TIO
6.1.11	Complaint call log	Make available to complainant on request.
6.1.17	Collection of complaint data and provision to ACMA	Make available to ACMA on request.
Unsubscribe and opt out mechanisms		
7.1.1	Unsubscribe	All unsubscribe requirements state as quickly as possible or "within 1 business days" to comply with customer request. This timeframe recognises the limitations of public holidays, weekends and requests made after normal working hours of 9-5pm, M-F, EST