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## MEDIA RELEASE

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### NEW RULES ON MOBILE PREMIUM SERVICES RELEASED FOR PUBLIC COMMENT

#### *New code tightens controls on advertising, complaints handling and information to customers*

**Sydney, 11 November 2008** – A new code has been developed by Communications Alliance to ensure that people who subscribe to mobile premium services (MPS) have greater safeguards and better information.

The Working Group that developed the Code includes representatives of carriers, content providers, aggregators and the Communications Alliance Consumer Council and Disability Council.

The draft code was released for public comment today to allow feedback from all stakeholders prior to being sent to the Australian Communications and Media Authority for registration, when it will be enforceable by law. The period for public comment closes on 12 December.

The new code imposes strict obligations on MPS providers and includes controls on advertising, customer information and procedures for handling requests from customers who have complaints or who choose to opt out of a service.

Mobile premium services offer a variety of content and services such as mobile ring tones, mobile wallpapers, games, chat services, competition voting, horoscopes, news, sports, weather updates etc delivered to a mobile phone and attract higher charges than normal mobile messaging rates.

Communications Alliance CEO Anne Hurley said the new code was designed to address community concerns about MPS, especially in relation to processes for subscribing, opting out and making complaints.

“The more popular these services become, the more scope there is for confusion and dissatisfaction unless consumers are confident they can make informed decisions,” Ms Hurley said.

“By ensuring that customers and prospective customers are empowered to manage their relationships with MPS providers in full knowledge of their rights and obligations, this code offers valuable community safeguards.”

The MPS Code takes in the basic provisions of the existing MPS Industry Scheme and Industry Guideline but contains some significant enhancements.



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They include:

- Stricter obligations in subscription advertising requirements, including greater prominence of the word “subscription”.
- For non-mobile subscription mechanisms, a requirement that, in all cases, a provider must send an SMS subscription request message to the customer’s mobile phone including details of cost and frequency of services.
- That a premium SMS or MMS service cannot be provided until the customer has sent an opt-in SMS message from the mobile phone, regardless of the mechanism that the customer originally used to request the service.
- Prior to supplying a premium messaging subscription service, a provider must send a subscription confirmation message to the customer, confirming the service and to include details of the STOP message.
- Advertisements for premium messaging subscription services (and all marketing messages sent to a customer's mobile phone) must include details of the STOP message and these details must be provided on an ongoing basis.
- A requirement that content providers’ helplines are staffed with live agents.
- Obligations that content providers and aggregators provide up to date information about their services to a central database that can be searched by customers;
- Establishment of a register of content providers and aggregators and a rule that parties must not enter into contracts with those not on the register.

Release of the MPS Code follows last week’s announcement that Communications Alliance had launched a web-based “one-stop shop” - called 19SMS ([www.19sms.com.au](http://www.19sms.com.au)) - to provide consumers with a comprehensive guide to MPS.

The initiative is designed to help consumers make informed decisions when subscribing to Premium SMS (Short Message Services) and MMS (Multimedia Message Services) delivered through their mobile phones.

### **About Communications Alliance**



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

For further information see [www.commsalliance.com.au](http://www.commsalliance.com.au)

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