



## UK Mobile Network Operator

# Code of Practice for mobile charged Subscription Services

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## **1 Introduction**

In 2005, the UK Mobile Network Operators (O2, Orange, Vodafone, T-Mobile and Three) agreed this common Code of Practice for the promotion and operation of Subscription Services where the consumer funds the subscription charges from their mobile phone bill or prepaid funds and / or where a UK shortcode (5-8 digit number allocated by the UK Mobile Operators) is used in charging, promotion or marketing of a Subscription Service.

Subscription services are defined for the purposes of this document as services where recurring charges are made to a mobile consumer by the provider of the service based on a single initial authorisation for those charges by the consumer.

In light of changes to UK premium rate regulation towards an outcome based operating environment backed up with detailed guidance to the industry that are providing premium rate services, this Code of Practice has been updated to provide a less prescriptive Code of Practice for Subscription Services.

Subscription Services that are operating under the Payforit Mobile Payments Framework environment are already fulfilling the requirements for mobile charged Subscription Services and do not need to comply with the requirements contained in this document if there is any contradiction.

It is the intention of the UK Mobile Network Operators (UKMNOs) that where their consumers are utilising services that are charged to the mobile telephony account, that they can do so with confidence, are fully aware of the financial commitments that they have agreed to and are able to cease to receive charges and / or marketing messages when they wish.

This Code of Practice (CoP) acts as a common MNO extension to individually issued MNO codes of practise unless informed otherwise.

This document supersedes previous issues and is to become operational by all UK based non-Payforit Subscription Services within three months from the date of issue unless agreed otherwise on a case-by-case basis by individual MNO's (for their customers) or by the collective group of MNO's for all UK mobile users.

## **2 Operation of Subscription Services in Contravention of MNO Requirements**

Any non-compliance to the requirements laid out in this document by any service provider and / or content provider (also known as L1 and L2 providers) will be deemed to be in breach of contract and will result in action being taken under established MNO contractual enforcement policies, which may include immediate termination of the service or the shortcode of the offending service.

This action can be undertaken by any MNO who will advise the other MNOs of their action and the grounds for termination of the service. Please refer to the cross network Yellow and Red Card process document available on [www.short-codes.com](http://www.short-codes.com).

Action taken by any other MNO participating in this CoP will be taken independently and on the basis of its own assessment of the circumstances, its business requirements and its own contractual terms.

### **3 Synergy with PhonepayPlus Code of Practice**

This document is a Code of Practice referenced within each MNOs commercial agreements in relation to charging against the mobile users account. It will enhance, but does not supersede, any current or future Codes of Practice issued by PhonepayPlus. However, PhonepayPlus may permit conduct of premium rate subscription services in a manner that is not permitted under this Code of Practice.

Providers of Subscription Services will need to be conversant with the differences.

## 4 Advertising & Promotion

### 4.1 General Requirements

Any advertising or promotion relating to mobile charged Subscription Services must include the following information in a prominent position within the body of the advert or promotion, in close proximity to the call to action and at no less than 50% of the font size of the call to action or shortcode being promoted:

- a) The fact that the service is a Subscription Service
- b) The name of the service
- c) The subscription cost and charging frequency in £ and pence
- d) Initial and additional fees if relevant
- e) Any other relevant information that would affect the consumers decision to commit to the transaction
- f) Clear information related to any intent to market to the consumer and an opt out facility or instruction to prevent such marketing

Additional regulatory requirements such as the name of the promoter and the contact details must also be declared in the promotion.

Use of abbreviations or acronyms is forbidden unless there is evidence to demonstrate users knowledge of the meaning of the abbreviations or acronyms.

Promotions for other products or services if required should not be aimed to confuse the user or to obfuscate the relevant information detailed above.

Recommended text for advertising that would contain the mandatory information above is;

*"Join or Subscribe to [name of service and optional description – maximum of 35 characters] for [cost of service in £] per [billing frequency] [plus an initial charge of £x]. [Other relevant information and terms]"*

Other forms of promotional wording are permitted as long as the main promotion contains the information detailed above and that re-wording the promotion will not materially affect the consumers' decision to commit to the Subscription Service charges.

## 4.2 TV Advertising

Information must be permanently and statically displayed on-screen for the whole duration of the advertisement and must appear in close proximity to the main service shortcode advertised in the same font type in monochrome colour and background (black on white or white on black) or in high contrast and must be no smaller than 50%, (or 30 pixels whichever is the larger), of the font size used for the advertised shortcode and / or call to action.

### 4.2.1 Voiceover

There must be a voiceover and that voiceover must include the information detailed in section 4.1 (a-f) above. Additional wording may be included as long as this does not interfere with or obscure the information in 4.1 (a-f).

*The voiceover recommended wording is: "Join or Subscribe to [name of service and optional description] for [cost of service in £] per [billing frequency] [plus an initial charge of £x]. [Other relevant information and terms]"*

## 4.3 Radio Advertising

The voiceover for mobile charged Subscription Services shall include the information as detailed in section 4.1 (a-f).

The spoken information that is recommended is the same as voiceover (4.2.1.) for TV services:

In addition, the voiceover should include details of a website location or printed material where the full terms and conditions of the individual service are displayed.

## 4.4 Print & Web-based Advertising

Mobile charged Subscription Services must include the information detailed in section 4.1 (a-f) in a prominent position within the body of the advert. For adverts spanning more than one page, this information must be displayed on the first page of any advertisement.

For Web-based adverts, the information must be visible without requiring the viewer to scroll down to see it must be prominent and positioned in close proximity to the call to action and / or shortcode. The information must be no smaller than either 50% of that used for the advertised shortcode or call to action or 10 point font size whichever is the greater.

#### **4.5 WAP/MMS/xHTML / HTML Advertising**

As per Web-based Advertising, the information must be displayed as detailed in 4.1 (a-f), must be above the fold and must be proximate to any call to action.

#### **4.6 SMS and MMS based Advertising**

For all SMS/MMS or WAP-based advertising, marketing or promotion, the message shall be free of charge to the recipient and begin with the text "FreeMsg" if sent from a shortcode. The sender address can be set to "FreeMsg".

Where the sender address is a shortcode, the instruction for opt-out from marketing can be to reply to the shortcode with a key word such as "Stop" or "Optout".

In the case of the sender address being anything but a shortcode, information for the consumer to enable an opt-out to further marketing must be contained in the message or a following message and the opt out method must be via text, telephone call, or handset accessible web page.

For SMS-based advertising, the information contained in 4.1 (a-f) must be contained as a minimum.

The recommended message content is:

*"FreeMsg: Join or Subscribe to [name of service and optional description – maximum of 35 characters] for [cost of service in £] per [billing frequency] [plus an initial charge of £x]. SP [SP name and contact details]. Optout? Reply [opt-out keyword]"*

#### **4.7 Additional Advertising Requirements**



If in any advertisement, irrespective of the media used, there are multiple services, multiple price points or multiple terms and conditions these must be clearly defined within the advert and each grouping of services, pricing or terms must use the recommended promotion information as detailed in 4.1 (a-f).

Any offers that vary from a fixed cost per billing frequency must include a full description in either the [cost of service in £] or [billing frequency] sections of the prescribed text. e.g. *"Subscribe to [name of service and optional description – maximum of 35 characters] for [Introductory two weeks without charge, £3 per fortnight thereafter]...."*

It is important to note however that any attempt to over-complicate, mislead or obfuscate the true nature of either the costs or renewing nature of the service by manipulating or extending this text unnecessarily will be deemed to be not in the best interests of mobile subscribers and therefore in breach of this code.

## 5 Operation of Service

### 5.1 MSISDN Verification

All mobile charged Subscription Services except those operating under the Payforit scheme or other MNO based exemption require an opt-in using a subscriber initiated MO text message from the handset bearing the mobile phone number (MSISDN) that will be charged.

In the case of Web-based registration, the user can enter their MSISDN into a web service to be sent a text message (from a shortcode) soliciting a reply containing a positive opt-in ("OK", "accept", "yes" etc.). The call to action of entering the phone number into the web site must contain the information in 4.1 (a-f) in close proximity to this call to action. The text message that is sent to the user must not contain any wording that would tempt another user to respond to the message.

A suggested message is: "FreeMsg: To confirm you wish to proceed with the [name of service] costing [Price in £] per [billing frequency], reply Y to this message. Help? [Phone number of provider]"

If the correct response is not received, the registration must be treated as unsuccessful and no charges should be applied to the MSISDN that was used in the attempted registration.

A double-opt in method and Prior Permission may be required by PhonepayPlus if the service is not operating under Payforit and is charged at or greater than £4.50 in any one week.

### 5.2 Free or Billed Response to Subscription Message

After a mobile user joins a Subscription Service they must be sent, from the service, a text message containing the following text:

*"[FreeMsg] U have joined [or] subscribed to [name of service and optional description – maximum of 35 characters] for [cost of service in £] per [billing frequency] until you send STOP to [shortcode]. Help? [Non premium rate UK number]."*

This message may be a free-to-receive message, in which case it starts with "FreeMsg:" or it may be the first billing message.

If the shortcode used as the “from” address for this message is different than the shortcode used to stop the service and it does not support the subscription STOP command, then a reply from the user must be responded to by an error message that details the correct shortcode.

No deviations from or amendments/additions to this text will be allowed.

### 5.3 Subscription Reminder Messages

For services / products that cost more than 50p per product or charge, reminder messages must be sent at each month after the Subscription Service initiation or after the spend of £20, whichever comes sooner. The message must contain the wording below and be repeated every month or £20, whichever comes sooner

*"[FreeMsg:] Reminder: U are subscribed to [name of service and optional description – maximum of 35 characters] for [cost of service in £] per [billing frequency] until you send STOP to [shortcode]. Help? [Non premium rate UK number]."*

For services which cost no more than 50p per product (for example football alerts), the cost per product or per charge must be sent monthly but can be added to the end of a product or charge message.

For example *"FA Premiership HT: Portsmouth 2, Southampton 1. Each text costs 25p. Text STOP to [shortcode] to end service."*

### 5.4 STOP Command and Confirmation

A user must be able to cancel a Subscription Service at any time by sending the word STOP to the shortcode detailed in the subscription initiation and reminder messages. The word “stop” should not be case sensitive and could be followed by other characters but must be the first word of the text message.

All charges related to the subscription should cease on receipt of the STOP command.

When the Subscription Service has been ceased by the user, a confirmation message must be sent from the service.

If the user is in multiple Subscription Services on the same shortcode, then the STOP command should cease the last service that the user used or was charged from and a confirmation message sent which contains information about other services that are still in active subscription.

If the user sends "STOP ALL", then all Subscription Services related to that shortcode and related to the provider of services on that and other shortcodes must cease immediately including any further marketing activity.

The STOP Confirmation message may be used to promote other same or similar services, but it should also be clear to the recipient that their original subscription has been cancelled.

## **5.5 Helpline**

Providers of Subscription Services must operate a non-premium rate customer helpline in line with the requirements of the PhonepayPlus Code of Practice and Guidance Notes.

## **5.6 Terms & Conditions**

Providers of Subscription Services must offer a website to provide access to the terms and conditions of the service and provide a clear and prominent link to them at every opportunity. The terms and conditions must include the information detailed in section 4.1 (a-f) provided in no more than 500 characters.

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