



360SMS.COM

Dear Customer,

As per TRAI notification dated 01st Dec 2010, many of you may be aware, the Telecom Regulatory Authority of India (TRAI) recently issued new regulations on the SMS industry in India. These regulations are designed to significantly curb the sending of unsolicited commercial communications to consumers through enhanced enforcement of the National Do Not Call (NDNC) list, which is now renamed the “National Customer Preference Registry” (NCPR). While the regulations introduce many positive changes to the industry (e.g., full sharing of NCPR database for registered Telemarketers, more clearly defined consumer registration and complaint process), there are also several aspects of the regulations that will cause changes to how we all leverage SMS services in our business.

Note: *The new official term for DND (Do Not Disturb) and NDNC (National Do Not Call) is NCPR (National Consumer Preference Registry). All users previously on DND/NDNC will automatically be enrolled into NCPR. NCPR enables not just full-opt-out of all promotional messages, but also partial-opt-out by doing a selective opt-in to some categories. For convenience and familiarity, we continue to use the term “DND” in the rest of this document*

The key regulation changes for you to be aware of include:

1) SMS will not be sent to DND (NCPR) numbers: Only Transactional messages from a transactional account can send SMS to DND Numbers. To obtain a transaction account, you will have to qualify in one of the category as per below

Who Can Qualify to send SMS to DND Numbers (NCPR Numbers): You shall qualify to send transactional messages to DND numbers, only if you are operating one of the below type of entities and have registered as a telemarketer

- a) Bank, Financial Institution, Insurance Company, Credit Card Company (to send messages regarding account related information to customers)
- b) Railways or Airline Company (to send messages regarding travel schedules)
- c) Registered Educational Institute (SMS regarding students to parents/guardians)

2) Increased restriction on Sender IDs for ‘Promotional’ SMS: The messages will be sent with numeric Sender ID allotted to 360 Global and not with a Sender ID of your choice. Sender IDs for ‘Promotional’ messages have been specified to be a 5-digit code only. The new rules does not allow ‘Promotional’ messages to be sent using dynamic sender IDs, text-based Sender-IDs, nor does it allow for 10-digit mobile numbers as sender IDs. For ‘Transactional’ messages, the company name can still be used as the Sender ID. The allocation of sender IDs will be managed & Sender IDs is only allocated to registered Telemarketers.

3) Sending of Promotional SMS restricted to 9am to 9pm: SMS Delivery will happen only between 09:00 am to 09:00 pm for all 'Promotional' messages (i.e., non-'Transactional' message) will be restricted to occur between 9am and 9pm each day. 'Transactional' messages will continue to be process through the day. Strict penalties from 25,000 to 250,000 for sending SMS between 9 pm to 9 am.

4) Stiff penalties for violations: Violations include sending of 'Promotional' messages to NDNC (NCPR) registered users, sending non-'Transactional' messages through a transactional account, or sending any 'Promotional' messages whatsoever between 9pm and 9am. The fine for the first of any such violation has been increased to Rs 25,000 to 2,50,000 with escalating penalties thereafter. After 6 violations the Telemarketer sending the message will be blacklisted from sending further messages for a period of 2 years.

Explanation for Type of SMS Message:

1) Transactional - message containing information related to a particular customer which can be sent by banks, financial institutions, insurance companies, credit card companies, airlines, railways and registered educational institutions.
Implication for you - if your company is not in any of the business activities as mentioned above, then you can send only promotional SMS messages, as explained below

2) Promotional message containing promotional material or advertisement of a product or service.

DND New Category of Promotional Message: The nature of the promotional message being sent by you has to be identified and classified in any one of the 7 categories as per TRAI

- a) 1 for Banking/Insurance/Financial products/Credit cards
- b) 2 for Real Estate
- c) 3 for Education
- d) 4 for Health
- e) 5 for Consumer Goods and Automobiles
- f) 6 for Communication/Broadcasting/Entertainment/IT
- g) 7 for Tourism and Leisure

Partial DND OFF: You will have to educate your customers about the new rules allow for Partial-DND i.e. users can opt-in to specific categories - they will then receive messages ONLY from that category, not other categories.

Depending upon the line of your business, you can request all your customers who are on DND, but wish to continue receiving messages from you, to send the following SMS message to 1909 (in simple words "partial-DND")

"START 1" for receiving SMS relating to Banking/Insurance/Financial products/credit cards

"START 2" for receiving SMS relating to Real Estate

"START 3" for receiving SMS relating to Education

"START 4" for receiving SMS relating to Health

"START 5" for receiving SMS relating to Consumer goods and automobiles

"START 6" for receiving SMS relating to Communication/Broadcasting/ Entertainment/IT

"START 7" for receiving SMS relating to Tourism and Leisure

As of now, this is the only way, you will be able to send messages to your customers on DND, without violating any TRAI guidelines. We recommend that you start educating your customers immediately to avoid interruption of your service

Explanation for Sender ID of SMS

- a. For Transactional Messages: Format is 9 alpha numeric characters in the format YZ-AAAAAA, for example if your company name is ICICI and the message is sent through mobile operator, then the SENDER ID can be LM-ICICI

- b. For Promotional Messages: Format is 9 alphanumeric characters in the format YZ-AAAAA. For example, if your company name is BMW and the message of category 6 is sent through mobile, then the SENDER ID can be YZ-752288, where 752288 could be the code allocated to your company by access provider.

For any further clarification or queries, contact us on support@360sms.com

Frequently Asked Questions (FAQs)

TRAI Notification dated 01st Dec 2010

The new official term for DND (Do Not Disturb) and NDNC (National Do Not Call) is NCPR (National Consumer Preference Registry). All users previously on DND/NDNC will automatically be enrolled into NCPR. NCPR enables not just full-opt-out of all promotional messages, but also partial-opt-out by doing a selective opt-in to some categories, please see Answer (2) below. For convenience and familiarity, we continue to use the term "DND" in the rest of this document

1. Will I have to pay deposit or any occur any extra cost to send SMS through 360 Global (360SMS) as per new regulations ?

No. 360 Global does not require any deposit from its customers. 360 Global customers don't have to acquire any extra cost to comply for sending SMS as per new regulations

2. I want to send transactional messages to my customers, I need DND=OFF

You will qualify to send transactional messages with DND=OFF, only if you are operating one of the following types of entities:

- a. Bank, Financial Institution, Insurance Company, Credit Card Company (to send messages regarding account related information to customers).
- b. Railways or Airline Company (to send messages regarding travel schedules).
- c. Registered Educational Institute (to send messages regarding students to parents/guardians)

Only above entities will be allotted 6-digit ALPHABETICAL SENDER ID & all others will get 5-digit NUMERIC SENDER ID

Please note that just because you have a business of stock broking, educational services, travel related services, etc. - it does NOT qualify you to send transactional messages using DND=OFF, irrespective if your customers have given you official opt-in permission to receive messages from you or not.

3. So, does it mean that I will not be able to send messages to my own customers who are on DND?

There is a way out for you. You will have to put some effort from your side and cooperation from your customers. You will have to educate your customers about the new rules allow for Partial-DND i.e. users can opt-in to specific categories - they will then receive messages ONLY from that category, not other categories.

Depending upon the line of your business, you can request all your customers who are on DND, but wish to continue receiving messages from you, to send the following SMS message to 1909 (in simple words "partial-DND")

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"START 7" for receiving SMS relating to Tourism and Leisure

As of now, this is the only way, you will be able to send messages to your customers on DND, without violating any TRAI guidelines. We recommend that you start educating your customers immediately to avoid interruption of your service.

4. But, I have written permission from all my customers that they want to receive messages from my company but are on DND - why can't TRAI allow that?

As of now, the written or otherwise permission from your customers, to receive messages will not protect you from complaints or heavy penalty associated with it, heavy penalties apply if any of your customers, who are on DND file a complaint with TRAI about receiving unsolicited commercial messaging. The best way out for your customer is to select the right category to receive messages from you, as shown in Answer (2.) above.

5. After February 01, 2011, what SENDER ID will my SMS messages go with?

Your messages will go with the 5-digit numeric SENDER ID allotted to 360 Global.

6. Even though we've had NDNC rules so far, I've been sending messages to DND subscribers without a problem. Why can't you make the same exception under the new rules?

The NDNC rules were supposed to be self-enforced by the industry i.e. the telecom operators and aggregators. However, compliance was clearly inconsistent across different players. Many players violated or ignored the rules and made too many exceptions. Since the industry was unable to self-police itself, the regulators have taken a much stricter approach this time. By requiring every telemarketer to register, regulators have ensured that the violators can be tracked. The penalty on telemarketers for non-enforcement is very clear and stringent. The penalty starts at Rs 25,000 for the 1st penalty, escalating to Rs 2.5 lakh for the 6th penalty. After that, the telemarketer will be blacklisted and telecom resources will be withdrawn. The enforcement is no longer at the discretion of the telecom operator and the aggregator

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