

The Unsolicited Commercial Communications (UCC) Code of Practice for Complaint Redressal Mechanism (“CoP –Complaint”)

A. Foreword:

- i. This document is formulated to comply with “The Telecom Commercial Communications Customer Preference Regulations dated July 19th, 2018 released by the Telecom Authority of India (TRAI). (‘TCCCP Regulations 2018 or Regulations’).
- ii. This document can be herein after referred to as “Code of Practice-Complaint handling or CoP-Complaint”
- iii. The Code of Practice formulated in this document only refers to the complaint handling related to the complaints received by an Access provider from its subscribers for Unsolicited Commercial Communication.
- iv. For the avoidance of doubt, in the case of any difference between texts contained in CoP and the Regulations, the text as set out in the TCCCP Regulations, 2018 shall take precedence. In case any interpretation or clarification is needed, the interpretations and/or clarifications provided by the respective Telecom Service Provider (TSP) shall be final and binding.
- v. The CoP will take effect from the date mentioned in Section-I Effective Date. It’s technical and system solutioning and implementation will start post said Effective date and its timelines would be as per the Section I.
- vi. Any modification to this CoP would be well within the right of TSP, with no liability of any financial claim or damages or any other adverse action, subject to suitable information of such changes being provided to concerned stakeholders.

B. Sections:

- I. Effective Date
- II. Scope
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- V. Information handover over DLT to Entities and/or other TSPs
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Section I. Effective Date

1. Being a huge change in the entire chain of ecosystem (i.e. system, business processes and functions to be performed by associated parties), there is a need for seeking guidance of TRAI on the first CoP, before solutioning the architecture, its development and deployment.
2. As per Regulation, TRAI can direct TSPs to make changes in CoP post its submission. This CoP being first of its kind, involving huge change in ecosystem and development, it is deemed appropriate to await for TRAI's inputs before further steps are taken towards its implementation. Therefore, this CoP will be effective after 15 days from the date of submission to TRAI ("CoP Effective Date"). In case of any observations from TRAI within such 15 days, this CoP will be effective once such observations are addressed by TSP and agreed with TRAI.
3. The solutioning of architecture, processes, its development and deployment activities will start after CoP Effective Date as per point no. 2 above.
4. The estimated timelines for above is at least 6 months (on best effort basis) post CoP Effective Date (except Migration of existing, wherever applicable) and it would need to be reviewed post post actual requirements emanating from finalized CoP.
5. The effectiveness of new ecosystem and processes would depend on its concurrent deployment by all TSPs on a common date. In case, any TSP continues to work on earlier ecosystem and processes, it would give unfair advantage to the said TSP while disincentivizing the other TSP(s) who would develop the new ecosystem and processes earlier.
6. From the implementation date of the TCCCP Regulations, in case any Originating Access provider (OAP) is not ready with the systems & processes and has not published its CoPs (prepared under TRAI's TCCCP Regulation, 2018), the Terminating Access provider (TAP) may block commercial communication to terminate on its network from such OAP, provided that the TAP shall not restrict any commercial communication from OAP for reasons owing to its own systems & processes not being ready in accordance with the TCCCP Regulations 2018.

Section II. Scope

The Scope of this CoP is to:

1. Effective and timely handling and resolution of UCC complaints raised by customers.
2. Comply with the TCCCP Regulation, 2018.
3. Cover process and modes for registration of complaints received from the customers. Complaints raised within 3 days of UCC event, will be treated as valid.
4. Process for complaint handling, verification and resolution, including necessary action on UCC made by Registered Telemarleter (RTM) & Unregistered Telemarleter (UTM).
5. Provide Network system functioning conditions including SLAs and architecture
6. Provide minimum set of information which will be put on DLT system for sharing with different Entities and between TSPs.

Section III. Process for Complaint registration, verification and resolution

A Modes of Complaint Registration

1. Procedure for UCC Complaint registration/withdrawal through Voice Call

Sr.no.	Procedure
1	Customer to dial Toll Free number 1909 to register the UCC complaint.
2	Customer to provide following details to customer care executive. a) Date & approx. time of UCC communication received. b) SMS Header or Telephone number from which UCC received. c) Brief description of UCC received. d) Referred telephone number(s), if any e) TSPs can add time requirements to the format as an optional field.
3	Customer care executive will validate the complaint for below conditions: a) The subscriber is registered in DND with preference of related category being blocked as on the date of receipt of reported UCC call. b) Consent given for such Commercial Communication(s) on a best effort basis c) Date of Complaint Registration is not greater than 3 calendar days from date of UCC occurrence . (Date of UCC will be excluded for the calculation of 3 calendar days) d) The call to register complaint is being made from the same number on which UCC is received.
4	a) After successful validation, the customer care executive will register the complaint and acknowledge the same by providing Unique Reference Number (URN) to customer within 15 minutes of complaint registration c) If validation is unsuccessful, the customer care executive will inform the customer accordingly. In cases where the complaint date exceeds UCC date by more than 3 days, the instance to be recorded as “report” for suitable action as per COP-Detect.
5	Provide facility to complainant for complaint withdrawal/revocation with a notification to TAP. Customer can make a call to 1909 and specify URN against which withdrawal is sought.
6	Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism Customer can make a call to 1909 and ask for re-investigation of the complaint if dissatisfied along with reasons for dissatisfaction. All such cases should be re-opened on DL-Complaints as well and an auto-trigger to be initiated to concerned OAP.

2. Procedure for UCC Complaint registration/ withdrawal through SMS

Sr.no.	Procedure
1	<p>Customer to send SMS in below format on Toll Free number 1909 to register the UCC complaint.</p> <p>“- Content of UCC, including Referred Telephone Number (RTN) if any, header/telephone number from which UCC has originated, dd/mm/yy, hh:mm” -</p> <p>TSP can add time requirements to the format as an optional field.</p> <p>Explanation: The telephone number or header and the date of receipt of the unsolicited commercial SMS may be appended with such SMS, while forwarding to 1909, with or without space after comma. In case of UCC over voice, customer may provide content of communication in brief.</p>
2	If SMS format is incorrect, an automated error reply SMS will be sent to customer along with correct format.
3	To check the Date of Complaint Registration is not greater than 3 calendar days from UCC complaint date. (Date of UCC will be excluded for the calculation of 3 calendar days)
5	If validation of date is unsuccessful, the customer will be informed accordingly. In cases where the complaint date exceeds UCC date by more than 3 days, the instance to be recorded as “report” for suitable action as per COP-Detect.
4	If format and validation is successful, the complaint will be registered in TSP system & an automated SMS with URN will be sent to customer within 15 minutes of complaint registration.
5	<p>Provide for complaint withdrawal/revocation with a notification to TAP</p> <p>Customer can send an SMS to 1909 for withdrawal of complaint in the following format: “withdraw URN”</p>

3. Procedure for UCC Complaint registration through Web Portal (change to be made as per table 2)-COAI

Sr.no.	Procedure
1	Customer to visit TSP's website for registering UCC complaint.
2	<p>Customer to select respective Circle & enter his/her mobile number, below inputs to be mandatorily filled by the customer</p> <p>a) Date & approx. time of UCC received. Time of UCC as optional field b) SMS Header or Telephone from which UCC received. c) Brief description of UCC received. d) Referred telephone number(s), if any.</p>
3	After providing all inputs, customer will get an option to generate OTP.
4	On receipt of OTP, customer will key-in the OTP and after online validation of OTP, Complaint will be auto raised in TSP's system and confirmation of successful validation will flashed to the customer during the session itself. Further, an automated SMS

	containing unique complaint number will be sent to customer within 15 minutes of complaint registration.
5.	In case the complaint date exceeds UCC date by more than 3 days, “report” to be registered in the complaint registration portal (DL complaints). Reply message to be triggered to the customer.
6.	Provide for complaint withdrawal/revocation with a notification to TAP Customer can visit the website and open the registered complaint- a withdrawal option to be made available.
7.	Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism : Customer can ask for re-investigation of the complaint if dis-satisfied, by selecting an option “Reopen” on the portal. Customer should also specify reasons for such dissatisfaction. All such cases should be re-opened on DL-Complaints as well and an auto-trigger to be initiated to concerned OAP.

Procedure for UCC Complaint registration through Any Other mode: Customer may register UCC complaint under the relevant section in the Mobile App, which may be TSP’s app or a third-party app approved/developed by the TRAI.

4. TSP may choose to take and register UCC complaints from customer on any other mode / platform as decided by TSP or as notified by TRAI from time to time.
5. All complaints registered through above modes will be uploaded from the TSP’s CRM/systems into the DL-Complaints and also has dependency on OAP system. DL-Complaint to have an MNP dip followed by number series dip/Header Master list (as in the DL-Header register), to identify OAP for simultaneous notification/transmission of complaint to respective OAP.

Section IV. Process for Complaint Resolution and Remedial action against sender(s)

1. Complaint Mechanism:

- A. Post receipt of complaint through above-said modes, Terminating Access Provider (TAP) shall record the complaint on DL-Complaints.
- B. TAP shall also verify if the date of receipt of complaint is within three days of receiving commercial communication and in case the complaint is reported by the customer after three days, the TAP shall communicate to the customer about the closure of his complaint in accordance to this CoP and change status of complaint on DL-Complaint as a report instead of complaint.
- C. If the date of receipt of complaint is within three days of receiving commercial communication, TAP shall notify the details of the complaint to the concerned Originating Access Provider (OAP) in real time.
- D. Post above, TAP shall examine within one business day from the date of receipt of complaint, to check the occurrence of complained communication between the complainant and the reported telephone number or header from which UCC was received and update the findings on DL-Complaints. In case, occurrence not available then, complaint- to be updated as invalid in CRM.
- E. DL-Complaint should be auto-updated for complaint status and action taken when the complaint status is updated in CRM.
- F. DL-Complaint to have an MNP dip followed by number series dip/Header Master list (as in the DL-Header register), to identify OAP for simultaneous notification/transmission of complaint.
- G. Action taken by OAP gets updated in DL-C, which then flows into the TAP's CRM, and resolves the complaint with a resolution/action taken SMS to the complainant.
- H. The SR lies in 'resolved' state for 48 hours, and is auto 'closed' if there is no rebuttal/further action on it for this period. But the SLA is calculated basis 'resolution' and not 'closure'.
- I. **In case the Complaint is related to Registered Telemarketer (RTM):** The OAP in case the complaint is related to RTM, shall examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and
 - i. Pre-checks would involve checking:
 - a. CDR to check occurrence of complained communication

- b. Complainant's DND status and Preference for promotional communication. If content was a Service message, whether related customer consent was taken or not.
 - c. Whether scrubbing done through TAP and availability of token for the said promotional/service/transactional message.
- ii. In case, all regulatory pre-checks were carried out and delivery of commercial communication to the recipient was in confirmation to the provisions of the regulation and related CoPs, OAP shall communicate to TAP (along with related token id) to inform complainant about the closure of complaint as 'No Action required as the reported communication was as per your DND Preference OR Consent OR Transactional in nature', as the case may be. In case of CDR showing no such occurrence of complained communication, the OAP shall communicate to TAP to inform complainant and close the complaint as 'No CDR found for the reported UCC.
- iii. In case, any of the regulatory pre-checks were not carried out, the OAP shall within two business days from the date of receipt of complaint, take actions against the defaulting entity and communicate to TAP to inform the complainant about the action taken on his complaint through DL-Complaints. Action Taken (nature and quantum of penal action) to be standard across industry, and provided for in the RTM agreement.
- iv. **OAP will update the status of complaint in CRM/intermediary system** which will then update in DL along with the remarks and status. This will then flow to the TAP for update in their CRM and closure with the complainant.
- v. The action on complaints should be on the incident irrespective of promotional or service call.
- vi. **Action to be taken by OAP:**
For each Unsolicited Commercial Communications (UCC) from RTMs in each License Service Area for one calendar month shall be as under: -

Value of "Counts of UCC for particular RTM for one calendar month"	Penalty to be paid (Month 1 of UCC violations)	Penalty to be paid (Month 2 of UCC violations)	Penalty to be paid (Month 3 of UCC violations)	Penalty to be paid (Month 4 of UCC violations)
1- 10 valid UCC done by RTM	Rs. 1000 per violation	Rs. 1000 per violation - warning letter to be issued	Rs. 5000 per violation - warning letter to be issued	Rs. 10000 per violation and Disconnection of all resources

For all violations after 10 cases and less than 50 cases	Rs. 5000 per violation	Rs. 5000 per violation	Rs. 5000 per violation	Rs. 10000 per violation and Disconnection of all resources
For all violations after 50 cases	Rs. 10000 per violation	Rs. 10000 per violation	Rs. 10000 per violation	Rs. 10000 per violation and Disconnection of all resources

J. In case the complaint is related to Unregistered Telemarketer (UTM): The OAP

- i. Shall examine communication detail records (CDRs), within one business day from the date of receipt of complaint, to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received.
- ii. In case of no occurrence of complained communications under clause (i), OAP shall communicate to the TAP to inform the complainant about the closure of complaint as 'No No CDRs found for the reported UCC'
- iii. In case of occurrence of complained communications under clause (i), OAP shall further examine, within two business days from the date of complaint, whether there are similar complaints and/or reports against the same sender; and
- iv. In case, it is found that number of complaints and/or reports against the sender is from ten or more than ten Recipients/complainants over a period of last seven days (for this complaint information from all TSPs available over DLT to be used), the OAP shall put Sender under Usage Cap and at the same time shall initiate investigation. Usage cap means a limit of 20 outgoing voice calls and 20 outgoing SMS per day

Provided that such Usage Cap shall be valid till investigation is completed or thirty days from the date of effect of restrictions, whichever is earlier;

- v. In case it is found that number of complaints and/or reports against the sender are from less than ten unique recipients over a period of last seven days (for this complaint information from all TSPs available over DLT to be used), the OAP shall, from the previous thirty days data of CoP_UCC_Detect System, check whether suspected sender is involved in sending Commercial Communication in Bulk or not.

“Bulk” means number of messages or voice calls on the same or similar subject-matter sent, caused to be sent or authorized to be sent in excess of the following limits: -

- more than 20 during a twenty-four hours period; or

- more than 100 during a seven days period; or
- more than 300 during a thirty days period;

- vi. In case, sender has sent commercial communications in bulk, the OAP shall put the sender under Usage Cap, and at the same time initiate investigation as provided for in point no. K below.

Provided that such restrictions shall be valid till investigation in this regard is completed under the CoP or thirty days from the date of effect of restrictions, whichever is earlier.

In case, sender has not sent commercial communications in bulk, the OAP shall warn such sender through a voice call and/or SMS and/or email notice.

K. Investigation of a complaint against UTM:

- i. OAP shall issue notice, within three business days, to give opportunity to such sender(s), to represent their case and shall investigate, within thirty business days from the date of receipt of complaint and shall conclude whether the communication so made was UCC or not; and conclusion of the investigation was that sender was engaged in sending unsolicited commercial communications, OAP shall take action against such sender as under: -

- a) For first instance of violation, due warning shall be given.

Provided that the first instance of the violation shall include all the complaints against the sender within two business days after the date of receipt of the first complaint, against which the sender is to be warned under this sub-regulation.

- b) For the second instance of violation, Usage Cap shall continue for a period of six months;

Provided that the second instance of the violation shall include all the complaints against the sender after the issuance of first warning within two business days after the date of receipt of the complaint against which second warning is being given to the sender.

- c) For third and subsequent instances of violations, all telecom resources of the sender shall be disconnected for a period up to two years and OAP shall put the sender under blacklist category and communicate to all other access providers to not to allocate new telecom resources to such sender for up to two years from the date of such communication.

Provided that the third instance of the violation shall include all the complaints received against the sender after the date of second warning within two business days after the receipt of the complaint against which telecom resources are being disconnected.

Provided further that one telephone number may be allowed to be retained by such sender with the Usage Cap for a period up to two years on such terms as may be decided by TSP from time to time.

- d) TRAI may examine such cases at a later date where usage caps have been placed or have been disconnected and may order removal of restriction on usage or restoration of telephone numbers, or removal from blacklist. To meet this, TSP should keep the telecom resources in temporary suspension and not permanently disconnect the same.

L. Appointment of Inquiry Committee by TRAI:

- i. In case, TRAI appoints inquiry committee as per its Regulation 33 of TCCCP Regulation, 2018, it may also order or direct TSP to disconnect all telecom resources or put all telecom resources under usage caps, for the period up to two years.
- ii. TSP shall have to act within seven business days on receipt of such order or direction from TRAI.

Section V. Information handover over DLT to Entities and/or other TSPs

1. By TAP: On receipt of Complaint and after doing checks

- a. Date and time (if available) of UCC- if TAP is not seeking time from complainant then TAP will not be able to update time of UCC. Only date can be updated.
 - b. Date and time of receipt of complaint
 - c. Sender (header/telephone number) and recipient of complained UCC
 - d. Unique reference number
 - e. Text as captured during the registration of complaint
 - f. Referred telephone number mentioned in complaint, if any.
2. After pre-checks for RTM cases OAP to update remarks for both valid and invalid complaints. (Standard texts can be updated for both valid and invalid SRs basis which SR closure can happen in TAP CRM system)

3. By OAP, after pre-checks for RTM cases

- a. Unique Reference Number
- b. Date and time of receipt of complaint
- c. Date and time of UCC
- d. Complainant Number
- e. Header/number from which UCC is received
- f. TAP name
- g. TAP Service area
- h. Date of UCC referred to OAP
- i. UCC TYPE (Voice or SMS)
- j. Description of UCC
- k. CDR status (Matched/Not Matched)
- l. Action Taken
- m. Remarks
- n. After pre-checks for UTM cases Remarks to be updated by OAP for both valid and invalid complaints.

(Standard texts can be updated for both valid and invalid SRs basis which SR closure can happen in TAP CRM system)

The Standard Texts suggested are as under:

Unregistered telemarketer number disconnected
Closed under Service SMS/call

Under investigation
Penalty charged to the telemarketer
Closed under duplicate complaint
Closed under not a dnd complaint
Telemarketer blacklisted
Closed as invalid due to insufficient details
Closed under 'Not promotional in nature'
Closed as invalid as UCC date not mentioned
Closed under CDR does not match
Closed as invalid due to insufficient UCC context
Closed under 'Not a Telemarketer'
Closed as invalid due to UCC > 3 days
No action taken as UCC from International number

4. By OAP, after pre-checks for UTM cases

- a. Unique reference number
- b. Date and time of receipt of complaint
- c. Date and time of UCC
- d. Complainant Number
- e. Header/number from which UCC is received
- f. TAP name
- g. TAP Service area
- h. Date of UCC referred to OAP
- i. UCC TYPE (Voice or SMS)
- j. Description of UCC
- k. CDR status (Matched/Not Matched)
- l. Action Taken
- m. Remarks

5. By OAP, Action taken on RTM and UTM cases

- a. Unique reference number
- b. Date and time of receipt of complaint
- c. Date and time of UCC
- d. Complainant Number
- e. Header/number from which UCC is received
- f. TAP name
- g. TAP Service area
- h. Date of UCC referred to OAP

- i. UCC TYPE (Voice or SMS)
- j. Description of UCC
- k. CDR status (Matched/Not Matched)
- l. Action Taken
- m. Remarks

6. By OAP, after investigation on UTM cases

- a. Unique reference number
- b. Date and time of receipt of complaint
- c. Date and time of UCC
- d. Complainant Number
- e. Header/number from which UCC is received
- f. TAP name
- g. TAP Service area
- h. Date of UCC referred to OAP
- i. UCC TYPE (Voice or SMS)
- j. Description of UCC
- k. CDR status (Matched/Not Matched)
- l. Action Taken
- m. Remarks

Section VI. Consequence management

1. In case of UCC emanating from telecom resources allocated to RTM, the TSP shall impose suitable and deterrent penalty, as per the agreement signed between TSP and RTM.

Section VII. System Functioning Conditions

1. System Architecture

Depending upon CoP finalization and discussions with vendor, the system architecture freezed by TSPs for implementation should be incorporated in this CoP as well.

2. Standards, Specification and SLAs

An SLA will be agreed between TSPs interconnecting over DLT layer, from time to time and same will be translated into technical SLAs.

Section VIII. Amendment to CoP

This CoP can be amended by respective TSPs at any given point in time subject to following:

- a) It is understood that CoPs stipulate various requirements which are interlinked with CoPs of other TSPs as well. Considering the same, wherever the amendment can lead to change in information sharing with other TSP and/or billing, processing etc with other TSP, such amendment shall be shared with two weeks advance intimation before actually implementing the same.
- b) Wherever there is any material change for any existing Sender(s) which impacts performance of its obligations, an advance notice of at least 7 calendar days along with changes and its effective date for such existing Sender(s), shall be given on their respective registered email-id.

Section IX. Publication of CoP

This CoP may be published by TSP on its website after the implementation of the new systems and processes. A digital copy of the same should be sent to below, on their appointment/registration:

- a) Entity - HR
- b) Entity – Consent Template Registrar
- c) Entity - Consent Registrar
- d) Entity - Content Template Registrar
- e) Entity – Content Template Verifier
- f) Entity- Telemarketer functional Entity registrar
- g) All registered Sender(s)
- h) All registered Telemarketers
- i) All registered Aggregators

Further, on any amendment to the CoP, same may be published by TSP over its website and also sent to above over their registered email-ids.

Section X. Definitions

The Definition would be as per the definitions contained in TRAI's Telecom Commercial Communications Customer Preference Regulations, 2018.

Section XI. Version History

S.no	Date	Details	Remarks
1	08.11.2018	CoP-Complaints version 1.0	