

**The Unsolicited Commercial Communications (UCC) Code of Practice
for Periodic Monthly Reporting (“CoP – PMR or CoP - Report”)**

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 is hereinafter referred to as “Code of Practice-Periodic Monthly Report or CoP-Report or CoP-PMR”
- iii. This CoP defined the periodicity, frequency as well as the type of reports to be prepared by Access provider for monitoring Unsolicited Commercial Communication.
- iv. This CoP-PMR is the outcome of mandate given in TCCCPR-2018 and has evolved with the joint initiative and concurrence of all the Access Providers.
- v. For the avoidance of doubt, in case of any difference between texts in CoP and the Regulations, the text as set out in the TCCCP Regulations, 2018 shall take precedence. In case of any confusion in the interpretation of CoP or if any clarification is needed, the clarifications thus provided by respective Access Provider/Telecom Service Provider (TSP) shall be final and binding.
- vi. The CoP will take effect as per the provisions mentioned under the Section Effective date of this CoP document.
- vii. It is to be clearly understood by all stakeholders that 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
- III. Formats and Process for collation of reports on daily basis by TSPs
- IV. Process of submission to TRAI
- V. Definitions
- VI. Version History

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 consensus of the TRAI on first version of this CoP, before solutioning the architecture, its development and deployment.
2. As per Regulation, TRAI can give inputs to the CoP post its submission. This CoP being first of its kind, 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 finalization of CoP as per point no. 2 above.
4. The estimated timelines for point no 3 mentioned above is at least 6 months post CoP Effective Date, though it would be subject to Vendor finalization, Solutioning & actual requirements emanating from finalized CoP and hence subject to review subsequently.
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

1. Data availability for meeting the provisions of TCCCP Regulation, 2018 regarding Periodic Monthly reporting
2. Monitor the performance
3. Aim to submit the report digitally to TRAI

Section III : Formats and Process for collation of reports on daily basis by TSPs :

1. The suggested reports have been provided in schedule V of TCCCPR, 2018, under the heading – “Action items for preparing code of practice for periodic monthly reporting”.
2. The two broad heads of reporting are as follows:
 - a. Data regarding registered senders: Records of complaints received against registered senders on a **daily basis for each service area**
 - b. Data regarding unregistered senders: Records of complaints, received from its customers and as received from Terminating Access Providers against Unregistered Telemarketers for sending UCC on daily basis for each service area.
3. The process of collation for above two heads of reporting is given in the following tables listed herein:

Table 1: Data regarding registered senders: Records of complaints received against registered senders on daily basis for each service area

| Sr. No. | Information required | By OAP or TAP | Comments |
|---------|---|---------------|--|
| a | Total number of complaints received on each day from its customers as TAP against any Registered Sender | TAP | <ul style="list-style-type: none">Registered sender in this case could be of the same TAP, or a different OAP.The complaints held to be invalid, should be excluded. |
| B | Total number of complaints transferred to OAP including itself, against any registered Sender. | TAP | <ul style="list-style-type: none">Registered sender in this case could be of the same TAP, or a different OAP.The complaints held to be invalid, should be excluded. |
| C | Total number of complaints to be resolved as an OAP, according to the date of receipt of complaints | OAP | <ul style="list-style-type: none">The complaints held to be invalid by OAP, to be treated as resolved and included.Date of receipt of complaints will mean date of customer complaint. This information will have to be passed by TAP through DL-Complaints. |
| D | Total Number of Complaints rejected on account of insufficient details for further examination, according to the date of receipt of complaint | OAP | <ul style="list-style-type: none">Date of receipt of complaints will mean date of customer complaint. This information will have to be passed by TAP through DL-Complaints.Insufficient details for further examination, should be a ground of rejection. May have further sub-grounds. |
| E | Total Number of Complaints to be resolved as OAP, according to the date of occurrence of UCC | OAP | <ul style="list-style-type: none">The complaints held to be invalid by OAP, to be treated as resolved and included.Includes all complaints as OAP, where TAP is different or same TSP. |

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| | | | <ul style="list-style-type: none"> • Date of occurrence of UCC will have to be passed by TAP through DL-Complaints. |
| F | Total number of senders against whom complaints were reported under point I | OAP | Senders will mean unique end entities/senders registered with OAP, for both voice and SMS resources |
| g | Total number of complaints out of reported complaints under point (f), which has been found to be valid after completion of investigation | OAP | <ul style="list-style-type: none"> • Total Complaint as per poil(c) above. • Valid complaints are those which require action to be taken against the Sender • The status of resolved and found to be valid will have to be updated once actioned. |
| h | Total number of senders out of reported senders under point (f), found to be non-compliant | OAP | <ul style="list-style-type: none"> • Senders will mean unique end entities/senders registered with OAP, for both voice and SMS resources • Non-compliant means cases where action to be taken against the Sender • The status of resolved and found to be valid will have to be updated once actioned. |
| i | Total number of Senders out of reported senders under point (h) who were put under restricted limits of usage during the investigation phase | | <ul style="list-style-type: none"> • It would exclude those cases where sender was found to be non-compliant but, was not put under restricted limits of usage during investigation phase. |
| j | Number of commercial communication sent by each Sender reported under point (i). | OAP | <ul style="list-style-type: none"> • Number of commercial communication would mean the number of SMS and calls (separately mentioned) submitted with the TAP, on the same Day. |
| k | Total number of entities other than Senders found to be non-compliant | | |
| l | Report total number of complaints on a day for any sender reported under point h. | OAP | <ul style="list-style-type: none"> • Sender wise count of complaint • Include complaint of the same day and which have been held as valid. |
| m | Action taken against the entities as reported under point k | | <ul style="list-style-type: none"> • Make categories of action taken. • Provide count of entities under each such categories |

- There are various sources of inputs to the above report /s and it is possible that some of the inputs may take time and are not available within the same day of receipt of complaint. Hence, daily basis report should be updated regularly and final monthly report shall be provided to TRAI at such frequency as may be specified.
- OAP- Originating Access Provider
- TAP-Terminating Access Provider

Table 2: Data regarding unregistered senders: Records of complaints, from its customers and as received from Terminating Access Providers against unregistered senders sending UCC on a daily basis for each service area.

| Sr. No. | Information required | By OAP or TAP | Comments |
|----------------|---|----------------------|---|
| (a) | total number of complaints received from its customers as TAP against any unregistered sender | TAP | <ul style="list-style-type: none"> Information about voice/SMS resources to registered senders should be made available by OAP to all TSPs over DLT The complaints held to be invalid, should be excluded |
| (b) | total number of complaints transferred on each day, to OAP including itself, against any unregistered sender | TAP | <ul style="list-style-type: none"> The complaints held to be invalid, should be excluded |
| (c) | total number of complaints to be resolved as an OAP, according to the date of receipt of complaints | OAP | <ul style="list-style-type: none"> The complaints held to be invalid by OAP, to be treated as resolved and included. Date of receipt of complaints will mean date of customer complaint. This information will have to be passed by TAP through DL-Complaints. |
| (d) | total number of complaints rejected on account of insufficient details for further examination, according to the date of receipt of complaint | OAP | <ul style="list-style-type: none"> Date of receipt of complaints will mean date of customer complaint. This information will have to be passed by TAP through DL-Complaints. Insufficient details for further examination, should be a ground of rejection. May have further sub-grounds. |
| (e) | total number of complaints to be resolved as an OAP, according to the date of occurrence of UCC | OAP | <ul style="list-style-type: none"> The complaints held to be invalid by OAP, to be treated as resolved and included. Includes all complaints as OAP, where TAP is different or same TSP. Date of occurrence of UCC will have to be passed by TAP through DL-Complaints. |
| (f) | total number of senders against whom complaints were reported under clause (e) | OAP | <ul style="list-style-type: none"> Sender here means unregistered Sender/Telemarketer Sender would mean mobile or fixed line telephone number for the purpose to calculating total number |
| (g) | total number of complaints out of reported complaints under point (e), after completion of investigation, found to be valid complaint(s) | OAP | <ul style="list-style-type: none"> Valid complaints are those which require action to be taken against the sender Status of resolved and found to be valid will have to be updated once actioned. |
| (h) | total number of senders, under clause(f) against whom complaints were found to be valid | OAP | <ul style="list-style-type: none"> Sender here means unregistered Sender/Telemarketer Sender would mean mobile or fixed line telephone number for the purpose to calculating total number |
| (i) | total number of senders out of reported senders under clause(h), who were put under usage cap, as an interim | OAP | It would exclude those cases where sender was found to be non-compliant but, was not put under restricted limits of usage during investigation phase. |

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| | measure to control UCC during the investigation phase | | |
| (j) | total number of senders out of reported senders under clause (i), who were put under Usage Cap or disconnected, after conclusion of the investigation with following breakup: - <i>(i) number of senders who were given warning against first instance of violations;</i> <i>(ii) number of senders found to violating second time;</i> <i>(iii) number of senders found to be violating third or more number of times</i> | OAP | <ul style="list-style-type: none"> • Create these categories of action taken, once a complaint is held as valid |
| (k) | numbers of commercial communications sent by each sender, reported under clause (h) | OAP | Number of commercial communication would mean the number of SMS or calls (depending on UCC mode) submitted by OAP with the TAP, on the same day. |
| (l) | total number of outgoing communications made by the sender(s), reported under clause(f) and exceeding the restriction limits from the deemed date of imposition of such restrictions | OAP | <ul style="list-style-type: none"> • This information is available in Call Data records – feasibility to be checked. |

- There are various inputs to above report which may take time and are not available within same day of receipt of complaint. Hence, daily basis report should be kept on updating and final monthly report to be provided to TRAI after xx+4 days of end of month (xx would be the maximum number of days it takes to resolve a complaint against a registered sender)
- OAP- Originating Access Provider
- TAP-Terminating Access Provider

Section IV. Process of submission to TRAI

- TSP should maintain suitable records after launch of the systems and solutions as required vide TCCCP Regulations, 2018.
- Once ordered/directed by TRAI for submission, TSP should be able to submit the reports to TRAI electronically post launch of systems and solutions as required vide TCCCP Regulations, 2018.
- TSP should examine feasibility of submission of these reports to TRAI through the observer node in DLT systems.

Section V. Definitions

In this Code of Practice, unless the context otherwise, the Definition of various terms used under different clauses of the document will be according to the Definitions given under Regulation 2 of the Telecom Commercial Communications Customer Preference Regulations, 2018.

Section VI. Version History

The space below is provided to keep a track and record details of Amendments of this Document

| S.no | Date | Details | Remarks |
|------|------------|--------------------------|---------|
| 1 | 08.11.2018 | CoP-Reports –version 1.0 | |
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