

**COMMUNICATIONS AND MULTIMEDIA ACT 1998**  
**COMMISSION DETERMINATION ON THE MANDATORY STANDARDS FOR THE**  
**PROVISION OF MOBILE CONTENT SERVICES**  
**DETERMINATION No. 4 of 2009**

Pursuant to the Ministerial Direction, Direction No.3 of 2007 and in exercise of the powers conferred by sections 55 and 104(2) of the Communications and Multimedia Act 1998 [Act 588], the Commission hereby determines as follows:

**Citation and commencement**

1. This Determination may be cited as the **Commission Determination on the Mandatory Standards for the Provision of Mobile Content Services, Determination No. 4 of 2009.**
2. This Determination shall come into operation on 1 July 2010.

**Interpretation**

3. In this Determination, unless the context otherwise requires:

“confirmation keyword” means the designated keyword as specified in paragraph 15 which shall be used by the customer to confirm a purchase or registration request before the sending of any chargeable content or SMS;

“contest service” refers to any service that offers prizes, gifts, discounted items and other similar offerings that are given to customers who have won the contest;

“customer” means an end user who is a potential subscriber or acquirer of the MCS whether for a fee or otherwise or an end user who is offered the MCS or an end user who is invited to subscribe or acquire the MCS;

“Information Keyword” means the designated keyword specified in paragraph 46 which shall be used to request for information regarding the MCS;

“mobile content services or MCS” means any messaging service which provides content and is accessible on a mobile access device or fixed access device, for which charges may be imposed over and above the standard network charges of the relevant service provider and consist of:

- (a) the provision of content to any person including but not limited to content such as information, news updates, data, quizzes, jokes, greeting messages, ringtones, wallpapers, logos and games for which charges may or may not be imposed to the customer;
- (b) the provision of a service to any person, including but not limited to, chat services, participation in contests, fundraising and voting; or

- (c) a combination of (a) and (b), but shall not include value-added services provided by service providers such as mobile internet access service and data carriage services, auto redial, back-up SIM card, call barring, call directory, call divert, call transfer, call waiting, caller ID, caller number non-display, conference call, favorite numbers, IDD, missed call alert, multi-SIM card, number retention, number porting, mobile voice and message roaming, speed dial, voicemail, video call services or any other value added service; and
- (d) Short Messaging Service ("SMS") Broadcast;

"MCS provider" means the application service provider class licensee providing messaging services and public cellular services as specified in paragraph 6.(a);

"public cellular service or PCS provider" means a person who provides public cellular services as specified in paragraph 6.(b);

"registration keyword" means the designated keyword as specified in paragraph 19 which shall be used to register a subscription-based service;

"service keyword" means the keyword used by MCS providers for the services offered;

"Short Messaging Service or SMS broadcast" means the service of sending of one way free SMS to customer, usually for the purpose of advertisement or announcement; and

"termination keyword" means the designated keyword as specified in paragraph 39 which shall be used to terminate a subscription-based service.

- 4. Any terms in this Determination shall, unless the context otherwise requires, have the same meaning as in the Act or the regulations made under it.
- 5. Unless the context otherwise requires, words in the singular include the plural and vice versa.

#### **Licensees subject to these mandatory standards**

- 6. Any person who is a licensee as defined in the Act and who acts in one or more of the following capacities is subject to these mandatory standard:
  - (a) application service provider class licensee that provides messaging services and public cellular services; and
  - (b) network service provider that provide billing and mobile content platform for the provision of MCS.

#### **Standards on acquisition or subscription for MCS**

- 7. All acquisitions or subscriptions for MCS shall be initiated by the customer.

8. All MCS providers shall not automatically subscribe the customer to a subscription-based service who acquires a single or one time MCS.

9. All MCS providers shall not combine the acquisition of any single or one off MCS with a subscription-based service.

10. All MCS providers shall not provide any unsolicited free MCS to any customer which requires such customer to unsubscribe the MCS, whereby a failure to unsubscribe by the customer will lead the customer to be automatically subscribed to a subscription-based services and charged for the MCS.

11. All MCS providers who enable its MCS to be acquired or subscribed by the customer shall:

- (a) designate a specific service keyword for that service which shall not:
  - (i) comprise of any commonly used phrases which may increase the risk of a person accidentally subscribing to the service such as "hi", "hello", "yes", "no" or "ok"; and
  - (ii) be misleading in any way; and
- (b) not accept any acquisition or subscription for that MCS by any customer unless it receives a SMS from that customer containing the designated service keyword.

12. All MCS providers who enable its MCS to be acquired or subscribed for via the Internet to be delivered to a cellular mobile access device shall:

- (a) provide the following:
  - (i) designate a specific Service Keyword for that MCS which shall comply with the requirements specified in paragraph 11 above;
  - (ii) send to every customer who seeks to acquire or subscribe for the MCS via Internet registration, the acquisition or subscription command for that service via SMS; and
  - (iii) ensure that it receives a SMS containing the acquisition or subscription command service keyword from the same mobile number that was provided or used in the Internet registration before delivering the MCS to that cellular mobile access device; or
- (b) provide a unique number or word to confirm the acquisition or subscription and is delivered to Customer's mobile device at no charge.

13. The registration of the customer to a subscription-based service which is provided free of charge during a trial period shall not be automatically converted into a paid subscription-based service.

14. For all acquisitions or subscriptions of MCS, all MCS providers shall send a SMS to the acquirer or subscriber, requesting the acquirer or subscriber to confirm his request. This action is hereafter referred to as Double Confirmation.

15. The confirmation keywords to be used for Double Confirmation shall be "YA" or "YES". The SMS to request for confirmation before a chargeable content shall comply with the format as outlined in Table 1: SMS for Confirmation of Acquisition and Table 2: SMS for Confirmation of Registration below:

Table 1: SMS for Confirmation of Acquisition

| Bahasa Melayu                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | English                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;: Anda telah hantar pesanan &lt;service keyword&gt; ke &lt;short code&gt;. Anda akan dikenakan caj sebanyak &lt;price&gt; utk pesanan ini. Untuk terima, htr YA ke &lt;short code&gt;. Servis oleh &lt;company name&gt; Talian bantuan &lt;customer service number&gt;.</p> <p>Example:</p> <p>RM0: Anda telah hantar pesanan HOROSCOPE1 ke 32100. Anda akan dikenakan caj sebanyak RM5.00 utk pesanan tadi. Utk terima, htr YA ke 32100. Servis oleh Syarikat ABC. Talian bantuan 03 9695949</p> | <p>&lt;price&gt;: You hv sent &lt; service keyword&gt; to &lt;short code&gt;. You will be charged &lt;price&gt; for this request. To proceed, send YES to &lt;short code&gt;. Service by &lt;company name&gt; Helpline &lt;customer service number&gt;</p> <p>Example:</p> <p>RM0: You hv sent HOROSCOPE1 to 32100. You will be charged RM5.00 for this request. To proceed, send YES to 32100. Service by Company ABC. Helpline 03 9695949</p> |

Table 2: SMS for Confirmation of Registration

| Bahasa Melayu                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | English                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;: Rekod kami menunjukkan anda ingin melanggan &lt;service keyword&gt;. Caj &lt;price/content&gt; &lt;frequency&gt;. Utk melanggan hntar YA ke &lt;shortcode&gt;. Servis oleh &lt;company name&gt; Talian bantuan &lt;customer service number&gt;.</p> <p>Example:</p> <p>RM0: Rekod kami menunjukkan anda ingin melanggan ON TONES. Caj RM3.00/kandungan. 3 kandungan/minggu. Utk melanggan hantar YA ke 32100. Servis oleh Syarikat ABC Talian bantuan 03 9695949</p> | <p>&lt;price&gt;: Our record indicate you wish to subscribe to &lt;service keyword&gt;. Charges &lt;price/content&gt;. &lt;frequency&gt;. To subscribe send YES to &lt;short code&gt; Service by &lt;company name&gt; Helpline &lt;customer service number&gt;</p> <p>Example:</p> <p>RM0: Our record indicates you wish to subscribe ON TONES. Charges RM3.00/content. 3 contents/week. To subscribe send YES to 32100. Service by Company ABC. Helpline 03 9695949</p> |

16. Notwithstanding paragraph 15, the proposed format outlined in Table 1 and Table 2 may be varied by the MCS providers provided that the information is maintained in order to meet the SMS 160 character limitation.

17. The Double Confirmation shall be sent at no cost to the customer and shall be clearly stated that it is a free-of-charge SMS.

## **Standards on subscription-based service**

18. All MCS providers shall not combine a request to register a subscription-based service with any other acquisition of single or one time MCS.

19. The registration keyword for subscription-based service shall be "REGISTER", "REG", "ON" or "DAFTAR" and be placed at the beginning of the request, followed by the service keyword. A registration keyword shall not be case sensitive.

20. A subscription-based service shall be either:

(a) A content-based subscription where:

- (i) the customer agrees to receive chargeable content on a regular basis;
- (ii) the subscription does not give the customer a preferential or differential treatment in terms of the price paid for the content; and
- (iii) the subscription does not attract payment of a subscription fee, whether for a one-time or a recurring basis; or

(b) Time-based subscription where:

- (i) a subscriber is given a preferential or differential treatment in terms of the price paid for the content; and
- (ii) the subscription may attract payment of a subscription fee, whether on a one-time or a recurring basis.

21. For subscription-based service:

- (a) The period of subscription shall be for one week or one month; and
- (b) The payment for the subscription fee shall be charged in one payment.

22. When a customer requests to register a subscription-based service and upon receiving Double Confirmation from the customer, the MCS providers shall send a SMS to the particular customer informing the following:

- (a) that the registration for a subscription-based service request has been successfully processed;
- (b) that the subscription fee of the subscription-based service;
- (c) the price of the content which will be charged to the customer;
- (d) the exact number of chargeable SMS that will be sent to the customer over a specified period, if it is not possible to do so, an indicative number must be stated, or if it is still not possible to do so, to inform the customer of the situation;
- (e) the date of expiry of the subscription; and
- (f) the steps on how to terminate this subscription-based service.

23. The SMS for successful registration for a subscription-based service requests shall comply with the format outlined in Table 3: Response SMS for a No Fee Time-Based Subscription Service, Table 4: Response SMS for a Time-Based Subscription Service Attracting Subscription Fee and Table 5: Response SMS for a Content-Based Subscription Service below. Information contained within "<" and ">" may be varied in accordance to the requirements of the service being registered by the customer. All the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 3: Response SMS for a No Fee Time-Based Subscription Service

| Bahasa Melayu                                                                                                                                                                                                                                                                                                                                                                      | English                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;: Daftar diterima. Tiada yuran daftar. Harga: &lt;price/content&gt;. &lt;frequency&gt;. Tarikh tamat &lt; dd/mm/yy &gt;. Utk hentikan, htr BATAL &lt;service keyword&gt; ke &lt;short code&gt;.</p> <p>Example:</p> <p>RM0: Daftar diterima. Tiada yuran daftar. Harga: RM0.50/SMS. 3 SMS/minggu. Tarikh tamat 22/08/09. Utk hentikan, htr BATAL TONE ke 32100</p> | <p>&lt;price&gt;: Successful Registration. No subscriptn fee. Price: &lt;price/content&gt;. &lt;frequency&gt;. Expire &lt;dd/mm/yy&gt;. To cancel, send STOP (service keyword) to &lt;short code&gt;.</p> <p>Example:</p> <p>RM0: Successful Registration. No subscriptn fee. Price: RM0.50/SMS. 3SMS/week. Expire 22/08/09. To cancel, send STOP TONE to 32100</p> |

Table 4: Response SMS for a Time-Based Subscription Service Attracting Subscription Fee

| Bahasa Melayu                                                                                                                                                                                                                                                                                                                                                                        | English                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;. Daftar diterima. Yuran: &lt;fee/subs. period&gt;. Harga:&lt; price /content&gt;&lt;frequency&gt;. Tarikh tamat &lt; dd/mm/yy &gt;. Utk hentikan, htr BATAL &lt;Keyword&gt; ke &lt;short code&gt;.</p> <p>Example:</p> <p>RM5.00. Daftar diterima. Yuran: RM5.00/minggu. Harga: RM0.50/kandungan. Tarikh tamat 22/08/09. Utk hentikan, htr BATAL TONE ke 30101.</p> | <p>&lt;price&gt;. Successful registration. Fee: &lt;fee/subs. period&gt;. Price: &lt;price/content&gt;&lt;frequency&gt;. Expire &lt; dd/mm/yy &gt;. To cancel, send STOP &lt;keyword&gt; to &lt;short code&gt;.</p> <p>Example:</p> <p>RM5.00. Successful registration. Fee: RM5.00/week. Price: RM0.50/download. Expire 22/08/09. To cancel, send STOP TONE to 30101.</p> |

Table 5: Response SMS for a Content-Based Subscription Service

| Bahasa Melayu                                                                                                                                                                                         | English                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;: Daftar diterima. Tiada yuran daftar. Harga: &lt;price/content&gt;&lt;frequency&gt;. Tarikh pembaharuan &lt;dd/mm/yy&gt;. Utk hentikan, htr BATAL keyword ke &lt;short code&gt;.</p> | <p>&lt;price&gt;: Successful registration. No subscriptn fee. Price: &lt;price/content&gt;&lt;frequency&gt;. Renewal on &lt;dd/mm/yy&gt;. To cancel, send STOP keyword to &lt;short code&gt;.</p> |

|                                                                                                                                                                                                             |                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Example :</p> <p>RM0: Daftar diterima. Tiada yuran daftar.<br/>         Harga: RM0.50/goal&lt;harga dikenakan berdasarkn goal&gt;. Tarikh pembaharuan 22/08/09. Utk hentikan, htr BATAL EPL ke 30693</p> | <p>Example:</p> <p>RM0: Successful registration. No registrant fee. Price: RM0.50/goal&lt;price charged based on goal&gt;. Renewal on 22/08/09. To cancel, send STOP EPL to 30693</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

24. Notwithstanding paragraph 23, the proposed format outlined in Table 3, Table 4 and Table 5 may be varied by the MCS providers provided that the information is maintained in order to meet the SMS 160 character limitation.

25. Renewal of the subscription-based service shall be allowed only if the MCS provider complies with the following requirements:

- (a) A renewal of subscription reminder is sent to the customer at the maximum seventy-two hours and at the minimum twenty-four hours prior to the sending of the renewal of subscription confirmation SMS;
- (b) The renewal of subscription reminder SMS is sent between 8 a.m. and 7 p.m.;
- (c) Customer do not respond to the renewal of subscription reminder for the termination of the subscription-based services;
- (d) The renewal of subscription reminder SMS is sent at no cost to the customer and is clearly stated that it is free-of-charge SMS; and
- (e) The MCS providers shall as part of renewal of subscription reminder SMS inform the customer of the following:
  - (i) the price of the content that will be charged to the customer;
  - (ii) the exact number of chargeable SMS that will be sent to the customer over a specified period, if it is not possible to do so, an indicative number must be stated, or if it is still not possible to do so, to inform the customer of the situation;
  - (iii) the date of the auto-renewal for the subscription-based service;
  - (iv) the steps on how to cancel or terminate the subscription-based service; and
  - (v) the customer service number of the MCS providers.

26. The SMS for renewal reminder of time-based subscription shall comply with the format outlined in Table 6: SMS for Renewal Reminder of Time-Based Subscription below. The information contained within "<" and ">" may be varied in accordance to the requirements of the service being renewed by the customer while all the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 6: SMS for Renewal Reminder of Time-Based Subscription

| Bahasa Melayu                                                                                                                                                                                                                                   | English                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;Price&gt;: Notis Peringatan pembaharuan. Yuran: &lt;Fee/subs period&gt;. Harga: &lt;Price/Content&gt;&lt;Frequency&gt;. Auto pembaharuan &lt;dd/mm/yy&gt; kecuali henti. Utk henti, htr BATAL &lt;Keyword&gt; ke &lt;short code&gt;.</p> | <p>&lt;Price&gt;: Subscriptn Reminder. Fee: &lt;Fee/subs. period&gt;. Price: &lt;Price/download&gt;&lt;Frequency&gt;. Auto renewal &lt; dd/mm/yy &gt; unless cancelled. To cancel, send STOP &lt;Keyword&gt; to &lt;short code&gt;.</p> |
| <p>Example:-</p> <p>RM0: Notis Peringatan pembaharuan. Yuran:RM5.00/minggu. Harga: RM0.50/Kandungan. 3 Kandungan/minggu. Auto pembaharuan 22/08/09 kecuali henti. Utk henti, htr BATAL WALLPAPER ke &lt;34567&gt;.</p>                          | <p>Example:-</p> <p>RM0: Subscriptn Reminder. Fee: RM5.00/week. Price: RM0.50/download 3 Content/week. Auto renewal 22/08/09 unless cancelled. To cancel, send STOP WALLPAPER to 34567.</p>                                             |

27. The SMS for the renewal reminder of content-based subscription shall comply with the format outlined in Table 7: SMS for Renewal Reminder of Content-Based Subscription below. The information contained within "<" and ">" may be varied while all the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 7: SMS for Renewal Reminder of Content-Based Subscription

| Bahasa Melayu                                                                                                                                                                                                                        | English                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;Price&gt;: Notis Peringatan pembaharuan. Tiada yuran daftar. Harga: &lt;Price/Content&gt;. &lt;Frequency&gt;. Auto pembaharuan &lt;dd/mm/yy&gt; kecuali henti. Utk henti, htr BATAL &lt;Keyword&gt; ke &lt;Shortcode&gt;.</p> | <p>&lt;Price&gt;: Subscriptn Reminder. No subscriptn fee. Price: &lt;Price/Content&gt;. &lt;Frequency&gt;. Auto renewal &lt; dd/mm/yy &gt; unless cancelled. To cancel, send STOP &lt;Keyword&gt; to &lt;Shortcode&gt;.</p> |
| <p>Example</p> <p>RM0: Notis Peringatan pembaharuan. Tiada yuran daftar. Harga: RM0.50/SMS. 3 SMS/minggu. Auto pembaharuan 22/08/09 kecuali henti. Utk henti, htr BATAL TIPS ke 36978.</p>                                           | <p>Example</p> <p>RM0: Subscriptn Reminder. No subscriptn fee. Price: RM0.50/SMS. 3 SMS/week. Auto renewal 22/08/09 unless cancelled. To cancel, send STOP TIPS to 36978.</p>                                               |

28. Notwithstanding paragraph 26 and paragraph 27, the proposed format outlined in Table 6 and Table 7 may be varied by the MCS providers provided that the information is maintained in order to meet the SMS 160 character limitation.

29. Upon successful renewal of the subscription-based services, MCS providers shall send a renewal subscription confirmation to the customers informing the customers that the auto-renewal of subscription has been carried out.



30. The renewal subscription confirmation SMS shall be sent at no cost to the customer and shall clearly stated that it is free-of-charge SMS.

31. All MCS providers shall as part of the renewal of subscription reminder SMS inform the customer:

- (a) that the renewal of the subscription-based service is either free of charge or has a fee attached;
- (b) that the renewal of the subscription-based service request has been successfully processed;
- (c) the price of the content which will be charged to the Customer;
- (d) the exact number of chargeable SMS that will be sent to the customer over a specified period, if it is not possible to do so, an indicative number must be stated, or if it is still not possible to do so, to inform the customer of the situation;
- (e) the expiry date of the subscription-based service; and
- (f) the steps on how to terminate the subscription-based service.

32. The SMS for renewal subscription confirmation for content-based subscription service shall comply with the format outlined in Table 8: SMS for Renewal Subscription Confirmation for Content-based Subscription Service below. The information contained within "<" and ">" may be varied. All the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 8: SMS for Renewal Subscription Confirmation for Content-based Subscription Service

| Bahasa Melayu                                                                                                                                                                                                                                                                                                                                                                                       | English                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;Price&gt;: Pembaharuan diterima. Tiada yuran daftar. Harga: &lt;Price/Content&gt;. &lt;Frequency&gt;. Pembaharuan seterusnya &lt;dd/mm/yy&gt;. Utk hentikan, htr BATAL &lt;Keyword&gt; ke &lt;Shortcode&gt;.</p> <p>Example:<br/>RM0: Pembaharuan diterima. Tiada yuran daftar. Harga: RM0.50/SMS. 3 SMS/minggu. Pembaharuan seterusnya 29/08/09. Utk hentikan, htr BATAL TIPS ke 34566.</p> | <p>&lt;Price&gt;: Subscriptn renewed. No subscriptn fee. Price: &lt;Price/Content&gt;. &lt;Frequency&gt;. Next renewal &lt;dd/mm/yy&gt;. To cancel, send STOP &lt;Keyword&gt; to &lt;Shortcode&gt;.</p> <p>Example:<br/>RM0: Subscriptn renewed. No subscriptn fee. Price: RM0.50/SMS. 3SMS/week. Next renewal 29/08/09. To cancel, send STOP TIPS to 34566.</p> |

33. The SMS of renewal subscription confirmation for time-based subscription service attracting subscription fee shall comply with the formats outlined in Table 9: SMS for Renewal Subscription Confirmation for Time-based Subscription Service Attracting Subscription Fee below. The information contained within "<" and ">" may be varied in accordance to the requirements of the service being registered by the customer. All the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 9: SMS for Renewal Subscription Confirmation for Time-based Subscription Service Attracting Subscription Fee

| Bahasa Melayu                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | English |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <p>&lt;Price&gt; Pembaharuan diterima. Yuran: &lt;Price&gt;. Subscriptn renewed. Fee:<br/>                     &lt;Fee/Subs.period&gt;. Harga: &lt;Fee/Subs.period&gt;. Price:<br/>                     &lt;Price/Content&gt;&lt;Frequency&gt;. Pembaharuan &lt;Price/Content&gt;&lt;Frequency&gt;. Next<br/>                     seterusnya &lt;dd/mm/yy &gt;. Utk hentikan, htr renewal &lt;dd/mm/yy&gt;. To cancel, send<br/>                     BATAL ke &lt;Shortcode&gt; STOP to &lt;Shortcode&gt;</p> |         |
| <p>Example<br/>                     RM5.00. Pembaharuan diterima. Yuran: RM5.00. Subscriptn renewed. Fee:<br/>                     RM5.00/minggu. Harga: RM0.50/kandungan RM5.00/week. Price: RM0.50/download 3<br/>                     3 Kandungan/minggu. Pembaharuan Content/week. Next renewal 29/08/09. To<br/>                     seterusnya 29/08/09. Utk hentikan, htr cancel, send STOP to 36912<br/>                     BATAL TONE ke 36912</p>                                                  |         |

34. Notwithstanding paragraph 32 and paragraph 33, the proposed format outlined in Table 8 and Table 9 may be varied by the MCS providers provided that the information is maintained in order to meet the SMS 160 character limitation.

#### Standards on price information

35. All MCS Providers shall include the price information at the beginning of each SMS, for a chargeable content or a SMS which is sent at no cost to the customer.

36. The price information shall be denoted using the official abbreviation for Ringgit Malaysia, which is "RM" or "sen", as may applicable for a chargeable content.

37. All MCS providers shall use either "Free msg", "Msj percuma" or "RM0" at the beginning of the SMS to denote the fact that it is a free-of-charge SMS.

38. Where the link for the content is sent out by the MCS providers, the MCS providers shall indicate the charges in the SMS or in the Wireless Application Protocol (WAP) where the content is made available.

#### Standards on termination of subscription-based services

39. The termination keyword for subscription-based service shall be "STOP", "BATAL", "STOP ALL" or "BATAL SEMUA" and be placed at the beginning of the request. The termination keyword shall not be case sensitive.

40. The requirement for terminating a subscription-based service shall be as follows:

- (a) if a "STOP ALL" or "BATAL SEMUA" request is received by the MCS providers, the MCS providers shall immediately terminate all MCS provided through a short code which the termination keyword is sent to, Notwithstanding the customer subscribe to one or more MCS from that particular short code, or the one short code may be used to provide more than one type of MCS or that the short code is used to aggregate MCS for more than one MCS providers;
- (b) if the customer subscribes to only one MCS using a particular short code:

- (i) upon receipt of "STOP" and "BATAL" for the customer, the MCS providers shall immediately terminate the MCS subscribed by the customer; or
  - (ii) upon receipt of "STOP" or "BATAL" followed by a valid service keyword or followed by an invalid or unrecognized keyword, the MCS providers shall immediately terminate the MCS subscribed by the customer; or
- (c) if the customer subscribes to one or more MCS from a particular short code:
- (i) upon receipt of "STOP" or "BATAL" followed by a valid service keyword, the MCS providers shall immediately terminate the MCS as specified by the customer; and
  - (ii) upon receipt of "STOP" or "BATAL", but is not followed by a service keyword or followed by a service keyword but is invalid or unrecognized keyword, the MCS providers shall immediately respond to the customer providing the following information:
    - (A) A list of service keyword subscribed by the customer;
    - (B) The instruction to terminate the MCS including the termination keyword;
    - (C) The customer service number of the MCS providers; and
    - (D) That the SMS sent out to the customer at no cost to the customer; or
  - (iii) If the MCS providers are unable to comply with the requirement in paragraph 40.(c)(i) and (ii), the MCS providers shall terminate all MCS subscribed by the customer.

41. All customers' notification or request to terminate shall be complied immediately by the MCS providers. The MCS providers shall not send any further SMS to the customer who has notified the termination of the MCS.

42. For the purpose of paragraph 40.(c) (ii) above:

- (a) "STOP ALL" and/or "BATAL SEMUA" shall be positioned in the SMS as the first keyword to appear after the words; and
- (b) the words "STOP" or "BATAL" shall appear before the service keyword to represent the termination instruction for a particular MCS.

43. Upon successful termination of the subscription-based service, the MCS providers shall send a SMS for successful termination of a Subscription-based service which shall comply with the format outlined in Table 10: SMS Formats for the Termination of a Subscription-based Service below and shall be sent at no cost to the customer. The information contained within "<" and ">" may be varied by the MCS providers in accordance to the requirements of the service being terminated for by the customer. All the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 10: SMS Formats for the Termination of a Subscription-based Service

| Bahasa Melayu                                                                                                                                                                                       | English                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;: Langganan anda untuk &lt;service keyword&gt; telah ditamatkan. Terima kasih kerana melanggan perkhidmatan ini. Talian Bantuan &lt;customer service number&gt;</p> <p>Example:</p> | <p>&lt; price&gt;: Your subscription to &lt;service keyword&gt; has been terminated. Thank you for your patronage. Helpline &lt;customer service number&gt;</p> <p>Example:</p> |
| <p>RM0: Langganan anda untuk keputusan Liga Premier Inggeris telah ditamatkan. Terima kasih kerana melanggan perkhidmatan ini. Talian Bantuan 03 2369854</p>                                        | <p>RM0: Your subscription to English Premier League results has been terminated. Thank you for your patronage. Helpline 03 2369854</p>                                          |

44. All MCS providers shall terminate the subscription-based service subscribed by the customer if the customer requests for termination of subscription-based service through telephone, letter, fax and email or through any support services provided by the MCS.

45. All MCS Providers shall make available the information on the request to terminate the subscription-based services to the customer.

#### Standards on information keyword

46. The information keyword shall be "HELP" or "BANTUAN". Any request for information by the customer who sends the information keyword, shall be responded by the MCS providers with the following information:

- (a) the termination keyword for the termination of a subscription-based service;
- (b) the termination keyword for instruction to stop receiving marketing SMS, if applicable;
- (c) the name of the MCS providers; and
- (d) the customer service number of the MCS providers.

47. The MCS providers shall follow the format outlined in Table 11: Examples of SMS Formats in Response to Request for Information below in responding to the request for information by the customer. The information contained within "<" and ">" may be varied by the MCS. All the other information not contained within "<" and ">" shall be included by the MCS providers in the SMS.

Table 11: Examples of SMS Formats in Response to Request for Information

| Bahasa Melayu                                                                                                                                                                                                                                | English                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>&lt;price&gt;: Utk hentikan servis, htr BATAL Katakunci atau BATAL SEMUA ke &lt;short Code&gt;. Utk hentikan promosi, htr KELUAR ke &lt;short Code&gt;. &lt;customer service number&gt;. &lt;operation hour&gt;. &lt;company name&gt;</p> | <p>&lt;price&gt;: To cancel service, send STOP Keyword or STOP ALL to &lt;short code&gt;. To stop promotions, send OUT to &lt;short code&gt;. &lt;customer service number&gt;. &lt;operation hour&gt;. &lt;company name&gt;</p> |
| <p>Example:</p> <p>RM0: Utk hentikan servis, htr BATAL Katakunci atau BATAL SEMUA ke 37412. Utk hentikan promosi, htr KELUAR ke 37412 Tel: 03-12345678 (9pg-5ptg, Isnin-Jumaat). ABC Sdn Bhd</p>                                             | <p>Example:</p> <p>RM0: To cancel service, send STOP Keyword or STOP ALL to 37412. To stop promotions, send OUT to 37412 Customer Service 03-12345678 (9am-5pm, Mon-Fri). ABC Sdn Bhd</p>                                       |

48. Notwithstanding paragraph 47, the proposed format outlined in Table 11 may be varied by the MCS providers provided that the information is maintained in order to meet the SMS 160 character limitation.

#### **Standards on unrecognised or invalid keyword**

49. If the MCS providers received an unrecognized or an invalid keyword, the MCS providers shall respond, at no cost to the customer providing the following information:

- (a) The keyword used to terminate the subscription-based service; and
- (b) the customer service number or email address of the MCS providers.

#### **Standards on provision of information of MCS**

50. All MCS providers shall provide in all its MCS promotional materials with information which is sufficient, clear, accurate, true, up-to-date and in a simple and straight forward language.

51. Information required under paragraph 50 shall include information how to acquire the MCS, register and terminate the subscription-based service, the prices or charges of the MCS, the company name, licence number and the customer service number.

52. Any terms and conditions which are adverse to the customers shall be included in the advertisement and this information shall be printed in a large font.

53. The advertisements by the MCS Providers shall be on the basis of the following principles:

- (a) Whether the overall effect of the advertisement on the customer is such that the customer is able to pick out the salient terms without having to subject the advertisement to close examination; and
  - (b) Whether the information contained in the advertisement is sufficient for the customer to make an informed decision.
54. For the advertisement of subscription-based services, all MCS providers shall:
- (a) state clearly in its promotional materials that the MCS referred to are subscription-based services, the period of the subscription, the frequency of the charges, the maximum charge which will be charged during a specified time period;
  - (b) contain a clear notice that the onus is on the customer of the MCS to unsubscribe from the MCS if they wish to discontinue the MCS; and
  - (c) set out clear instructions on how the customers can terminate or unsubscribe from the MCS.
55. All MCS Providers shall not display or imply that one price applies to all content unless all contents advertised are sold at that price.
56. All MCS providers shall ensure that the price information shall be easily legible, prominent and presented in a way which does not require close examination by the customer.
57. The price information shall be denoted using the official abbreviation for Ringgit Malaysia, which is "RM" or "sen", as may applicable for a chargeable content.
58. All MCS Providers shall include in statement that the customer will incur the PCS provider network charges when using the MCS in its promotional materials.
59. All MCS providers must state clearly any additional salient requirement for the provision of MCS such as if the delivery of MCS will require GPRS or 3G connectivity and compatibility of the cellular mobile access device.

**Promotion via television**

60. Where the promotion is transmitted via the television, the price information shall be made available on the same screen as the short code and shall be clearly displayed. The price information and customer service number shall be at least 50% of the shortcode size or service name and in a colour that is clearly visible.
61. All MCS providers shall not carry out promotions via television in conjunction with children's program or any program likely to appeal to children.
62. All MCS providers shall ensure that its full company name forms part of the advertisement on television. All MCS providers may use its brand name in lieu of its company name only if such names are generally associated with the MCS provider or publicly recognised as a MCS provided by the MCS provider.

### **Promotion via Print Media**

63. Where the promotion is carried out via print media, all MCS providers shall use a minimum of 6 point print size. If the sized of short code number is between 24 point and 48 point, the price information must be at least 50% of the short code's size or service name and in a colour that is clearly visible.

64. All MCS providers shall include the following in the advertisement:

- (a) The operation hour of the MCS customer service number; and
- (b) All other channels that customers may send in their complaints.

65. All MCS providers shall publish its full company name for the advertisement.

### **Promotion via Radio**

66. Where the promotion is transmitted via the radio, the promotion shall include a website address which enables listeners to access pricing information, terms and conditions and company name of the MCS provider. If there is no website with such pricing information, terms and conditions and company name of the MCS provider, the announcement of such information shall be made during the radio advertisement.

### **Standards on marketing message or advertisement via SMS**

67. For the MCS defined under paragraph 3.(a), (b) and (c), the following shall apply:

- (a) Where a customer acquires the MCS using a short code, the MCS providers may only send marketing SMS using the same short code within thirty days of the last date of acquisition by the customer;
- (b) The MCS providers may send marketing SMS to a customer who is a subscriber of one or more subscription-based service(s) provided by the MCS Providers, if there is at least one active subscription;
- (c) The MCS providers shall not send the SMS to promote product which is not related to MCS subscribed by the customer; and
- (d) Where a customer sent the termination keyword to terminate the MCS using a short code, the MCS providers may only send SMS marketing using the same short code within thirty days of the last date of termination by the customer.

68. All marketing SMS sent to the customers shall be sent from 8 a.m. to 7 p.m. at no cost to the customers.

69. If the marketing SMS is a SMS which solicits acquisition or subscription, the relevant price shall be provided in the marketing SMS itself.

70. All MCS providers shall include as part of the marketing SMS their company name.

71. All MCS providers shall not promote the MCS in an inappropriate way.

72. All MCS providers shall not use the peer-to-peer SMS or International Gateway in sending marketing SMS that promote their MCS.

73. In any promotional SMS sent, all MCS providers shall include a notification that the customer can opt out from receiving further promotional SMS by sending an "OUT" or "KELUAR" keywords to the MCS provider. Upon receiving these keywords, the MCS provider shall immediately cease sending out any further marketing SMS to this customer, using any short code(s) by the MCS providers, even if the customer has an active subscription.

#### **Standards on Change of Short Code**

74. All MCS Providers shall notify the PCS Providers used to provision its MCS at least ten (10) working days prior to a change of short codes used.

75. All MCS providers shall, prior to a change of short codes used, inform all its active subscription-based customer, at no cost, of the following:-

- (a) that from a pre-determined date, the MCS shall no longer to be provided on the short code previously used for the MCS;
- (b) that the customers' subscriptions shall be terminated if they do not re-register using the new short code;
- (c) that the customers must re-register for the MCS if they wish to continue subscribing to the MCS; and
- (d) where the customer re-registers that MCS, the MCS providers will continue to provide the same MCS on the new short code.

76. The MCS providers shall apply the same terms and conditions, including the prices and charges to the customers who re-registered for the same MCS using the new short code.

#### **Standards on providing customer service**

77. All MCS providers shall provide a fixed line telephone or independent short code or commonly known short code as its customer service number.

78. All MCS provider shall operate its customer service number for a minimum of eight consecutive hours, starting no earlier than 8 a.m. and ending no later than 7 p.m. on normal working days, except gazetted public holidays for the state from which the customer service centre operates.

79. All MCS Providers shall provide other means for their customers to contact customer service during the period that the customer service is not operative.

80. All MCS providers shall attend to all complaints received and shall provide a satisfactory resolution to the complaints within a timeframe stated in the General Consumer Code.



### **Standards on chat services**

81. All MCS providers may provide chat services using subscription-based service if the customer enjoys preferential rates when sending chat SMS as compared with non-customers.
82. All MCS providers shall not charge the customer who received the chat SMS.
83. All MCS provider shall use all reasonable endeavors to prevent conversation which is primarily of sexual in nature.

### **Standards on contest services**

84. All MCS providers shall not modeled contest services as a subscription-based service. One SMS sent by the customer for a Contest Service shall not result in more one chargeable SMS.
85. All MCS Providers who provides a contest service shall undertake to comply with any rules, regulations or guidelines (collectively "Guidelines") issued by any governmental authority in Malaysia and any failure to comply with the Guidelines shall amount to a breach of these mandatory standards.
86. All MCS providers shall comply with the following requirements:
- (a) the expiry time and date of the contest shall be stated clearly;
  - (b) the contest is a genuine contest and is transparently carried out;
  - (c) all contests held shall have actual winners and the list of winner must be published;
  - (d) the results of contest shall be audited;
  - (e) the contest period shall not be extended and any SMS sent after its expiry:
    - (i) shall not be charged; and
    - (ii) shall be replied with a notification that the contest has closed.
  - (f) The selection of winner solely on highest submission or money spent shall not be allowed;
  - (g) The prizes for each contest are actually distributed to the rightful winner(s); and
  - (h) The distribution of prizes shall be carried out within 30 days of the closing date, unless a longer period is clearly stated.
87. All MCS providers shall not provide contest service which is manipulative, exploitive, against public interest or unduly advantages to the MCS provider providing the contest.

### **Standards on donation**

88. All PCS providers and MCS providers shall comply with requirement for donation which has been officially approved, sanctioned or supported by the relevant government ministry or agency in writing:

- (a) All MCS providers or PCS providers shall not impose any charges on the donations or retain any portion of the donations collected and all monies donated by the customers shall be paid in full to the party authorized to collect the donations;
- (b) All transportation charges imposed on the customers shall not be deducted from the donations;
- (c) The donations shall be conducted for a specified time period only; and
- (d) An audited report on the donations shall be submitted to the Commission within 45 days from the closing date of the donations. The report shall include but not limited to the following:
  - (i) the particulars of the organization collecting the donations;
  - (ii) a copy of letter of approval, sanction or support from the relevant ministry or agency;
  - (iii) the donation periods:
    - (A) Date donation commenced; and
    - (B) Date donation ended;
  - (iv) the total number of SMS donations received;
  - (v) the total amount of donation collected; and
  - (vi) the date on which the donations collected were handed by the MCS providers to organisation's collecting the donation.

89. All network service providers shall not impose any charges on the donation collected by the MCS providers that normally would be imposed as part of the commercial arrangement agreed between the two parties.

### **Obligation of network service providers and PCS provider**

90. If a PCS provider provides MCS, the PCS provider shall be treated as a MCS provider and shall be required to comply with these mandatory standards.

91. All network service providers shall ensure that all MCS providers are registered under the relevant class licence with the Commission and shall not bill the customers for any MCS provided by the MCS providers who do not possess such valid registration.

92. All network service providers shall provision the MCS defined in paragraph 3.(a), (b) and (c) only through 5 digits short code starting with 2 and 3. However, the Commission may allow the use of other short code from time to time.

93. All network service providers shall provision the SMS Broadcast only through 5 digits short code starting with 6. However, the Commission may allow the use of other short code from time to time

94. The Commission may require a network service provider that provide a platform for MCS to implement a system that automates the compliance with these mandatory standards.

95. Any system that automates the compliance to these mandatory standards shall be independent and non-discriminatory and in any case shall not be operated or supported in any way by another MCS provider.

### **General obligations of PCS provider, MCS Provider and Network Service Provider**

#### Authentication of transactions

96. All MCS providers, PCS providers and Network Service providers shall ensure the authenticity of mobile originations and mobile terminations in respect of MCS provided, whether through local or international gateway.

#### Prohibition of masking of short code

97. All MCS providers shall not mask or allow to be masked any short codes for the purpose of providing MCS, including any SMS from international gateway.

98. All PCS providers are allowed to do the short code masking using their company name of the PCS providers.

#### Termination of mobile subscriber number

99. All PCS providers shall immediately inform all MCS providers upon termination of mobile number of a customer.

100. All MCS providers shall immediately terminate all subscription-based service subscribed by a particular mobile number if notification of termination of number is received from the PCS providers.

#### Confidentiality of information

101. All MCS providers, PCS providers and Network Service providers shall take all reasonable steps to ensure that its employees, agents, consultants or other third party suppliers who have access to the customers' information and database do not disclose information without the prior consent of the Customers.

#### Inactive subscriber

102. All MCS providers shall terminate the subscription-based service subscribed by the customer if the customer has been inactive for a period of ninety calendar days.

#### Record keeping

103. All MCS providers and PCS providers shall maintain complete transaction logs and database in respect of all MCS for a minimum period of 24 months including but limited to transaction logs on MCS transaction at SMS centres and information on the content of the SMS.

#### Principles of price setting

104. All MCS providers shall refer to section 198 of the Act on the principles of rate setting. These principles shall be the basis for the MCS providers in setting the price of the services offered.

#### Prohibition of indecent and obscene content

105. All MCS providers shall not provide any indecent and obscene content. The MCS providers may refer to the Malaysian Communications and Multimedia Content Code for clarification.

#### Advice and tips services

106. All MCS providers that provide advice or tip services shall comply with the following:

- (a) It shall be conveyed in a responsible manner by the MCS provider; and
- (b) MCS provider shall indicate clearly in the promotional material at the beginning of the service, the identity, current status and any relevant professional qualifications and experience of the person(s) or organization supplying the information or advice. If the person giving the advice has no relevant qualifications, the MCS shall explain the source of the information.

#### Charging of MCS

107. All MCS providers shall not charge the customer if the provision of the MCS is found to be in non-compliance with these mandatory standards.

#### Handling of deactivation and recycled number files

108. Where the PCS providers supply deactivated and recycled number information, all MCS providers shall be required to have appropriate and effective systems for managing deactivated and recycled mobile number information to ensure that the MCS subscribed by previous holders of a cellular access mobile device do not continue to be delivered or charged to a subsequent holder when that mobile number is reassigned.

109. All MCS providers shall process the deactivation information within three business days of receipt the relevant PCS provider issuing the list.

#### Quality of services

110. All MCS providers, PCS providers and Network Service providers shall ensure that all their services provided to customers are of an adequate technical quality.

### Status of subscription-based service

111. All PCS providers and MCS providers shall provide the status on the customer's subscription-based service through their customer service.

### Mobile Number Portability

112. All MCS providers shall ensure the content or mobile termination is sent to the correct network in ensuring that the MCS is delivered correctly to the customers.

### **Standards on Suspension and Re-Activation Process**

113. If a MCS provider is found to be in non-compliance with the mandatory standard, all PCS providers shall, upon written notice by the Commission, suspend the MCS found to be in breach of these mandatory standards.

114. The suspension of the MCS may be lifted if the Commission satisfies that:

- (a) the non-compliance that resulted to the suspension has been rectified; or
- (b) it is in the public interest.

115. Any MCS providers whose short code is suspended shall not be allowed to apply for any short code during the suspension period.

116. All MCS providers shall terminate all its subscriber for its subscription-based service that has been suspended for a period of 90 days or more and may notify the customers to re-register for the subscription-based service.

### **Refund**

117. All MCS providers shall, upon written notice by the Commission, refund to the customers in case of the MCS found to be in breach of these mandatory standards. The refund shall be in monetary value and not through giving free SMS or content unless the customer gives consent to receive refund in the form of free SMS, content, waiver or such other methods as may be agreed by the customer.

**Made 14 November 2009**

  
**TAN SRI KHALID RAMLI**  
*Chairman*  
*Malaysian Communications*  
*and Multimedia Commission*