

VALUE ADDED SERVICE

TRAI has prescribed procedural requirement in its Direction No.303-1/2006-QoS dated 27th April 2009 along with its amendment of 9th September 2009 for Provision of Value Added Service with explicit consent of customers etc.

In brief, the direction of 27th April, 2009 along with its amendment of 9th September 2009 are as follows:

(i) in case a chargeable value added service is offered through pressing/dialing of certain keys in the mobile handset / telephone set, such as “Press Star to Copy Hello Tunes”, service provider initiated call or Out Bound Dialer (OBD) call, the service provider shall, subsequent to the pressing/ dialing of particular key(s) in the mobile handset/ telephone set by the customer, expressing his interest to subscribe to such service, convey to the customer in writing or through SMS or FAX or e-mail, all the details of the offer of value added service including the terms and conditions and charges for provision of the service and also about the fact of his having pressed/dialed the particular keys in his mobile handset for subscribing to such value added service, and seek and obtain the explicit consent of the customer, through telephone or SMS or FAX or e-mail or by other electronic means, for availing by such customer of such value added service, before activation of such value added service;

(ii) In all cases of activation of value added services, including those covered under item (i) above, the explicit consent of the customer shall be obtained by means of -----

- a) a customer originated call to a specified number;
- b) a customer originated SMS to a specified number;
- c) a customer originated interactive session to a specified number; or
- d) a request made by the customer in writing or by fax or e-mail, -----
before activating any value added service;

Provided that nothing contained in this clause or in clause (i) above shall be applicable to the provisioning of a value added service if such value added service is provided by following the double confirmation process as specified hereunder in clause (A) or (B), as the case may be, namely:-

(A) in case of service provider initiated call or Out Bound Dialer (OBD) Call, the following steps or process of confirmation and reconfirmation, including procedure for un-subscription, shall be followed for obtaining the explicit consent of the customer, for

activation of the value added service, such as Caller Ring Back Tunes, namely:-

(Step – 1.) pre-recorded call is made by service provider informing the customer about the value added service and the charges therefor;

(Step – 2.) the caller tunes are played and the customer is told through automated announcements to press relevant key(s) in the mobile handset/ telephone set, other than keys ‘*(star) and ‘9’, to select his choice of the song and thereby expressing his interest to subscribe the service;

(Step – 3.) the charges for the selected value added service is again announced and the customer is told to reconfirm subscription to the value added service by pressing ‘*(Star) key followed by ‘9’ key in the mobile handset/ telephone set;

(Step – 4.) the subscription by the customer to the value added service is confirmed through announcement;

(Step – 5.) the subscription to the value added service is again acknowledged through Short Message Service (SMS) immediately after the confirmation by way of announcement as referred to in the preceding step, indicating therein the charges and relevant details of the value added service such as monthly fixed charge, Ring Back Tune

(RBT) download charge or its recurring charge, validity period of Ring Back Tune, including toll free telephone number for un-subscribing the service through Interactive Voice Recorder (IVR) or voice or Short Message Service (SMS), as the case may be; and

(Step – 6.) in case the subscriber seeks to un-subscribe the value added service within twenty-four hours from the time of its activation on the ground that the subscription to such service was unintentional or accidental, the service provider shall un-subscribe such value added service and shall reimburse or credit to the customer’s account

the charges, if any, deducted or levied for subscription to such value added service;

(B) in case of provision of a value added service through the mechanism of “Press ‘*(star) to Copy Hello Tunes”, the following steps or process of confirmation and reconfirmation, including procedure for un-subscription, shall be followed for obtaining the explicit consent of the customer, for activation of the value added service, such as Caller Ring Back Tunes, namely:-

(Step – 1.) pre-call announcement is made about the Caller Ring Back Tune (CRBT) or other value added service, as the case may be, and about the applicable charges for such service and the customer is prompted to press ‘*(star) key and ‘9’ key.

(Step – 2.) the subscription to the value added service is acknowledged through SMS immediately, indicating therein the charges and relevant details of the value added service such as monthly fixed charge, Ring Back Tune (RBT) download charge or its recurring charge, validity period of Ring Back Tune, including toll free telephone number for un-subscribing through Interactive Voice Recorder (IVR) or voice or Short Message Service (SMS), as the case may be; and

(Step – 3.) in case the subscriber seeks to un-subscribe the value added service within twenty-four hours from the time of its activation on the ground that the subscription to such service was unintentional or accidental, the service provider shall un-subscribe such value added service and shall reimburse or credit to the customer's account the charges, if any, deducted or levied for subscription to such value added service.”; and

(iii) no chargeable value added service is activated -----

(a) as in the case of “Press “*” key to Copy Hello Tunes”, referred to in paragraph 7 above; or

(b) through the pressing of “*” key or “#” key or any other key or any combination of keys/buttons in the mobile handset/telephone instrument by the subscriber,-----

either through outbound dialer or service provider initiated call or during pre-call ring-back announcements (both voice as well as automated) during a customer initiated call to a third party unless the explicit consent of the customer is obtained in accordance with item (i) and (ii) above;

(iv) music or video related value added services, such as caller ring back tune, background music, wall paper, etc., shall not be provided, even if it is provided free of charge, without taking the explicit consent of the consumer in the manner as indicated in item (ii) above;

(v) the service provider shall inform the subscriber through Interactive Voice Response (IVR) or voice or Short Message Service (SMS) at least three days before the due date of renewal of a subscribed value added service, the due date for renewal, the charges for renewal and the toll free telephone number for un-subscribing of such value added service.”
