

Code of Conduct - Mobile Premium Services

1. INTRODUCTION

This document stipulates rules applicable when distributing mobile premium services in Sweden. These rules are agreed upon by MORGAN, the Industry association for Mobile Premium Services and its members, including Swedish mobile operators (associated members). Changes and additions to this document will be decided in agreement between the mentioned parties. The Operators normally refer to these rules in their agreements with service providers and may therefore have the power to bar access to services distributed by Content Providers that do not follow these rules.

The Content Provider is responsible that all relevant laws and industry agreements applicable where services are marketed and distributed are applied, including but not limited to the rules of The Ethical Council for Premium Rate Call Services (ERB) and the Swedish Marketing Practices Act (SFS 1995:450).

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1.1 Definitions

AO message is an Application Originated message

AT message is an Application Terminated message

Browsing service is a service which is ordered via WEB, WAP, iMode, or other browsing channel.

Content Provider is the party who market and sell a Mobile Premium Service to End users.

End User is the consumer of the Mobile Premium Service, identified by the MSISDN.

End User Price is the service price inclusive VAT that is communicated to the End User.

Keyword is the alphanumeric identifier used for ordering and cancellation of a Mobile Premium Service.

Messaging service is a service which is ordered via SMS, MMS or other mobile messaging channel offered by mobile operator.

MO message is a Mobile Originated message

Mobile Premium Service is a service for which the total charge a consumer pays to his/her mobile operator for the service includes remuneration to the Content Provider of the service, content or other product or service delivered during, or as a direct consequence of the order.

MSISDN is the identification of an End User and its mobile operator subscription

MT message is a Mobile Terminated message

Operator is the party that has the billing relation with the End Users.

Single Purchase is a purchase that includes one charging event only.

Subscription Purchase is a purchase that includes multiple charging events. That is equivalent to subscription purchase

1.2 General rules

1.2.1 Service Request

At all times the Content Provider must be able to supply proof of the service request.

1.2.2 MSISDN holder

If the Service is ordered through another channel than MO, the Content Provider must be able to supply proof that service request is made by MSISDN holder.

1.2.3 Payment transactions

The Content Provider must not generate several payment transactions in relation to delivery of one service. Thus the Content Provider may only charge the End User once; e.g. the Content Provider must not use several payment transactions to exceed the highest tariff.

If the End User does not have sufficient funds on his account or is suspended, the Content Provider must not retry the payment transaction or try to re-deliver the content. Hence the Content Provider is only allowed to one charging attempt. The service shall be cancelled until a new service is ordered by the End User. The Content Provider may at his own cost inform the End User how to once again initiate the service when the End User account has been topped-up.

The payment transaction must occur in connection to the ordering or delivery of the service, and must not occur at a later time without the prior written consent of the Operator.

1.2.4 Messages that must be non-premium

For SMS containing help and error messages or other general information or for messages requesting information or stopping a service the Content Provider must not charge the End User.

1.2.5 Customer support

The Content Provider is obliged to maintain Customer Support on all services. Complaints shall be dealt with within one (1) working day of receipt. All complaints shall be dealt with specifically. If the complaint is not being approved, it is a minimum requirement that the reasons are stated in a complaint decision and that the arguments of the complainant are answered to the fullest extent. The opening hours shall as a minimum be from 9 a.m. to 5 p.m. weekdays. Customer Service shall communicate in Swedish. Outside the opening hours of the Customer Service, information relating to opening hours shall be given upon calling the relevant number. The End User's cost of contacting Customer Service shall not exceed ordinary land-line tariffs.

1.2.6 Implementation of specific keywords

In order to be able to easily test and obtain information regarding an account, the Content Provider shall implement the Test and Info functions in accordance with the provisions below.

Test

When the prefix "Test" is sent (MO-AT) to the Content Provider's account, the Content Provider shall generate a response (AO-MT) from the connected application which received the message. The message shall contain the word "Räksmörgås", in order to test the characters "ääö" and thereby if the correct character table is installed.

Info

When the prefix "Info" is sent (MO-AT) to the Content Provider's account, the Content Provider shall generate a response (AO-MT) from the connected application which received the message. The message shall contain information regarding the account holder. At a minimum, the name, telephone number and e-mail address or URL shall be stated.

2. MARKETING OF SERVICES

When marketing a Mobile Premium Service the Ethical Rules of The Ethical Council for Premium Rate Services (ERB) must be applied. The Ethical Rules can be found at www.etiskaradet.se/regler. Apart from the information required from ERB, the Content Provider must also inform the End User of the following information:

- Contact information and telephone number to the Content Provider's Customer Service
- Technical compatibility, e.g. which telephone and configurations the service is compatible with.
- If it is a Subscription purchase this must be explicitly stated.

3. RULES FOR SERVICES

3.1 Subscription purchase

3.1.1 Ordering

A subscription service must not start before the End User has explicitly confirmed the order information, regardless the order procedure or ways of delivery. The End User must be able to save the order information on his/her mobile phone or e-mail account. Order information must contain the following information:

- Price per message or price per time period.
- Description of the service with clear statement that it is a subscription service.
- Information on how to cancel the subscription.
- Telephone number to Content Provider's customer service.
- Name of Content Provider

The following steps are to be followed for messaging services:

1. The End user sends an order
E.g. The End user sends first MO message to order, "Tjänst A" to 72000, to subscribe to a ring tone service.
2. The Content Provider answers with an MT message containing the order information.
E.g. the Content Provider answers with "Du har beställt en ringsignalsprenumeration. Pris: 15 kr/vecka. Sänd JA till 7200 för bekräfta. Ftg X support: 08-123 456. För avsluta sänd STOPP A till 72000"
3. The End User confirms.
E.g. the End User sends "JA" to 72000.
4. Subscription service starts.

The following steps are to be followed for browsing services:

1. The End user sends an order
E.g. End user clicks on link on a WAP-site to order a subscription news alert service.
2. The Content Provider displays the order information.
E.g. the WAP-page displays "Du har beställt en nyhetsprenumeration till en kostnad av 50 kr/månad. För att fortsätta vänligen klicka på Ja, jag accepterar. Ftg X support: 08-123 456. För att avsluta prenumerationen sänd STOPP A till 72000"
3. The End User confirms.
E.g. the End User clicks on "Ja, jag accepterar".
4. Subscription service starts and Content Provider sends an MT message or e-mail with the order information to the End User.

3.1.2 Limitations

A subscription service must be automatically cancelled when the total accumulated amount reaches 500 SEK.

The time period between two consecutive billing events or messages in a subscription service must not exceed one month.

3.1.3 Cancellation

End user must be able to stop all subscription services on a specific short-code by sending the word STOPP or STOP (not case-sensitive). Additionally the Content Provider may also offer the possibility to stop one service by sending STOPP or STOP either preceded or followed by the service keyword, e.g. *STOP chat*.

The end user shall always be able to stop a Subscription service via SMS, but also preferably via other communication channels, such as web, e-mail and telephone. When an End User is unsubscribed from a Subscription service, the End User shall receive a confirmation.

3.2 Single purchase not exceeding end user price 50 SEK

For single purchase not exceeding end user price 50 SEK, the service may be ordered in various ways, but must always follow the rules of The Ethical Council for Premium Rate Call Services (ERB).

3.3 Single purchase exceeding end user price 50 SEK

This paragraph applies only to operators that offer end user prices exceeding 50 SEK.

3.3.1 Ordering

Ordering of single purchase exceeding end user price 50 SEK may only be done in either of the two ways specified in paragraph 3.2.1.1 or 3.2.1.2.

3.3.1.1 Ordering by confirmation

To purchase a single purchase service exceeding 50 SEK the End User must explicitly confirm the order information. Order information must contain the following information:

- Price of service
- Description of the service
- Telephone number to Content Provider's customer service.
- Name of Content Provider

The following steps are to be followed for messaging services:

1. The End User sends an order
E.g. the End User sends first MO message to order, "Service A" to 72000, to download a ringtone.
2. The Content Provider answers with an MT message containing the Order information.
E.g. the Content Provider answers with "Du har beställt en ringsignal för 60 kr. Sänd JA till 72000 för att bekräfta. Ftg X support: 08-123 456."
3. The End user confirms.
E.g. the End User sends "JA" to 72000.
4. The service is billed and delivered.

The following steps are to be followed for browsing services:

1. End user sends an order
E.g. the End User clicks on link on a WAP-site to order a ring tone.
2. The Content Provider displays the order information.

E.g. the WAP-page displays "Du har beställt en ringsignal för 60 kr. Sänd JA till 72000 för att fortsätta vänligen klicka Ja, jag accepterar. Ftg X support: 08-123 456."

3. The End User confirms.
E.g. the End User clicks on Ja, jag accepterar
4. Service is billed and delivered.

3.3.1.2 Ordering by end user price keyword

To purchase a single purchase service exceeding 50 SEK the End User must type the end user price of the service in the ordering keyword.

E.g. The End User sends "Ring 60 kr" to 72000 to order a ring tone at the end user price 60 SEK.

Directly after the order is received the Content Provider must deliver the service to the End User, including the following information:

- Price of service
- Description of the service
- Telephone number to Content Provider's customer service.
- Name of Content Provider