

PTA Proposed Draft Amendments of 2011 in the
“PROTECTION FROM SPAM, UNSOLICITED, FRAUDULENT AND OBNOXIOUS COMMUNICATION
REGULATIONS, 2009”

CLAUSE NO.	EXISTING REGULATION	PROPOSED DRAFT AMENDMENT
Part-I	PRELIMINARY	
	Regulation 3 - Definitions	
Additional clause(s) proposed after 3(1)(b)	<u>New sub-clause:</u> “Content”	“Content” means information in an electronic format e.g. Audio, Text, image, symbol etc. which occupies bandwidth when transmitted through telecommunication systems and services;
	<u>New sub-clause:</u> “Content Based Services”	“Content Based Services” means the services offered to the subscribers of licensed telecom operators using short codes allocated by the Authority by programming on the Intelligent Network (IN) platform by sending and receiving communication including but not limited to SMS and calls;
	<u>New sub-clause:</u> “Content Service Provide”	“Content Service Provider means” an entity holding Class License issued by PTA for provision of Contents through (SMS/IVR). Content service provider shall also be considered as a telemarketer provided a content service provider initiates communication for the purpose of marketing through content based services to consumers at large;
3 (1) (c)	“Do Not Call Register (DNCR)” means a database, maintained centrally by the operators, containing the particulars of subscriber(s) who make a request for not	“Do Not Call Register (DNCR)” means a database, maintained centrally by the operators, containing the particulars of subscriber(s) who make a request for not receiving the Unsolicited communication;

	receiving the Unsolicited calls;	
3 (1) (d)	“Fraudulent Communication” means the transmission of message/statement which is false and misleading;	“Fraudulent Communication” means the transmission of intelligence which is false and misleading; including but not limited to fake prize schemes;
3 (1) (k)	“Telemarketer” means a person who initiates call for the purpose of marketing of services, investment and goods to public at large through telecommunication services; and	“Telemarketer” means a person and or a content based service license holder who initiates communication for the purpose of marketing of services, investment and goods to public at large; and
3 (1) (l)	“Unsolicited Calls” means calls made to those numbers recorded in the Do Not Call Register.	“Unsolicited Communication” means the transmission of intelligence for the purpose of telemarketing to those numbers recorded in the Do Not Call Register, but does not include: (a) Any communication relating to a service or financial transaction under a specific contract between parties to such contract; (b) Any communication transmitted on the directions of the government or any other body authorized by it in the national interest of Pakistan or natural calamities; (c) Any communication transmitted relating to charities which is approved by the Authority.
Part-II	PROCEDURE TO CONTROL SPAMMING	
	Regulation 4 - Standard Operating Procedures to Control Spamming	
4 (2)	All Operators shall submit the standard operating procedure under sub-regulation (1) above to the Authority for approval within ninety (90) days of the commencement of these regulations. Provided that the Operators shall revise	All Operators shall ensure the implementation of the standard operating procedure as required under sub-regulation (1) above: Provided that the Operators shall revise the standard operating procedure with the approval of the Authority as and when required by the Authority to ensure that all up to date

	the standard operating procedure with the approval of the Authority after every one hundred and eighty (180) days to ensure that all up to date and effective technical measures are being implemented to control spamming.	and effective technical measures are being implemented to control spamming.
4 (2): Additional Clause proposed as sub-regulation (4) of Regulation 4		<p>Telephone subscriptions involved in generation of spamming from a telecom network shall be suspended by the concerned operator.</p> <p>The same shall only be restored after approval of the Authority subject to a written undertaking by the originator not to indulge in spamming again.</p> <p>All operators shall maintain a <i>black list</i> of subscribers involved in generation of spamming and whose subscriptions have been suspended on account of involvement in spamming activity.</p> <p>An updated list shall be provided to the Authority on a monthly basis. User antecedents placed in the <i>black list</i> shall be posted on the website of the Operator.</p>
Part-III	PROCEDURE TO CONTROL FRAUDULENT COMMUNICATION	
	Regulation 5 - Standard Operating Procedure to Control Fraudulent Communication	
5 (1)	<p>All operators shall with the approval of the Authority, within sixty (60) days of the notification of these regulations establish a standard operating procedure to control fraudulent communication:</p> <p>Provided that the standard operating procedure established under sub-</p>	<p>All operators shall develop and ensure the implementation of the standard operating procedure as approved by the Authority from time to time, to control fraudulent communication:</p> <p>Provided that the standard operating procedure established under sub-regulation (1) shall include at a minimum the</p>

	regulation (1) shall include at a minimum the requirement as given in Annex B to these regulations.	requirement as given in Annex B to these regulations. Provided further that the Operators shall revise the standard operating procedure with the approval of the Authority as and when required by the Authority to ensure that all up to date and effective technical measures are being implemented to control fraudulent communication.
5 (2)	All operators shall maintain a black list of subscribers along with their complete user antecedents whose subscription has been terminated on account of Fraudulent Communication: Provided that in the case of more than one instance of indulging in fraudulent activity the subscriber, shall not be eligible for any other cellular mobile service subscription An updated list shall be provided to the Authority on a monthly basis and the same shall be posted on the website of the Operator.	(2) All operators shall maintain <i>Grey</i> and <i>Black</i> lists of subscribers along with their complete user antecedents whose subscriptions have verified to be involved in Fraudulent Communication. (2)(a) Operator shall also maintain a list of <i>black listed user antecedents</i> that are involved in repeat fraudulent activity. Features of <i>Grey</i> , <i>Black</i> and <i>black listed user antecedents</i> shall include requirements as given in Annex-B to these Regulations.
PART-IV	PROCEDURE TO CONTROL UNSOLICITED CALLS	
	Regulation 6 - Standard Operating Procedure to Control Unsolicited Calls	
6	Standard Operating Procedure To Control Unsolicited Calls.- All Operators shall develop a standard operating procedures for controlling Unsolicited Calls which shall include at a minimum the following:	Standard Operating Procedure To Control Unsolicited Communication.- All Operators shall develop and ensure implementation of standard operating procedure for controlling unsolicited communication as approved by Authority from time to time which shall include at a minimum the following:

6 (e)	Provision for recording particulars of subscriber(s) in the DNCR who consent to receive calls made for the purposes of telemarketing;	Provision for recording particulars of subscriber(s) in the DNCR who do not consent to receive communication made for the purposes of telemarketing;
6 (f)	Provision of an undertaking by each applicant for a new telephone subscription verifying that the subscription is strictly for private use or for telemarketing purpose;	Existing clause to be Deleted and Replaced with as follows: Procedure of seeking approval of the Authority for the classification of selected communication to be termed as exempted from unsolicited communication;
6 (h)	Procedure for restraining telemarketers who initiate Unsolicited calls without giving an undertaking referred in sub-regulation (f) above;	Provision of suspension of telephone subscription involved in unsolicited communication;
6 (i)	Subsequent action to be taken by Operators against the Telemarketers as referred to in sub-clause (h) if involved in sending unsolicited call more than 03 times consecutively, followed by disconnection of the Telephone subscription of the Telemarketer; and	Subsequent action to be taken by Operators against the Telemarketers and; or content based service providers if involved in sending unsolicited communication more than 03 times consecutively, followed by disconnection of the allocated short code of the Telemarketer and; or content based service provider under intimation to Authority; and
Regulation 7 - Establishment of a 'Do Not Call Register' (DNCR)		
7 (1)	All Operators, for the purpose of controlling the reception of Unsolicited calls, shall establish a consolidated and central database of the DNCR.	All Operators, for the purpose of controlling the reception of Unsolicited communication shall establish a consolidated and central database of the DNCR.
7 (2)	The operators shall establish, maintain and operate the database of the DNCR at	The operators shall establish, maintain and operate the

	<p>their own cost:</p> <p>Provided that the DNCR shall be established within ninety (90) working days from the notification of these regulations, subject to fulfillment of all requirements given under these regulations.</p>	<p>database of the DNCR at their own cost:</p> <p>Provided that the DNCR shall be established in accordance with the timeline determined by the Authority.</p>
7(3)	<p>The operators shall establish a specific toll free number or special provision on the exiting helpline for the purpose of registering the requests of subscribers for not receiving Unsolicited calls.</p>	<p>The operators shall establish and ensure provision of any one of the following modes for the purpose of registering the requests of subscribers for not receiving unsolicited communication:</p> <ul style="list-style-type: none"> i. a specific toll free number ii. dedicated common short code iii. make special provision on the exiting helpline, and iv. at the time of activation for new subscribers
Regulation 8 - Registration and Managing Tele-marketing by Operators		
8 (1)	<p>All Operators shall for the purpose of controlling Unsolicited calls, ensure registration of Telemarketers.</p>	<p>All Operators shall for the purpose of controlling Unsolicited Communication, shall sign service level agreement with the Telemarketers and; or content based service providers who have a valid short code allocated by the Authority for provision of telemarketing under a class license issued by the Authority.</p>
8 (2)	<p>All Operators shall ensure the registration of all those Telemarketers who are in the business of Telemarketing on or before the promulgation of these Regulations within ninety (90) days of issuance of these regulations.</p>	<p>Proposed to be deleted in view of duplication.</p>
Additional		<p>All operators shall at the time of reaching service level</p>

clause proposed as 8(2)		agreement ensure that the respective system of the telemarketers and; or content based service providers must be capable to block communication to those subscribers who do not want to receive unsolicited communication from telemarketers and; or content based service providers or any other platform.
	Regulation 9 - Operation of the Do Not Call Register	
9 (1)	All operators shall within thirty days (30) of the establishment of the DNCR set up procedures for registration of subscribers in the Do not call register	All Operators shall set up procedures for registration of subscribers in the DNCR in accordance with the timelines determined by Authority.
9 (2) (a)	Name, number and area code (where applicable) of subscriber who does not want to receive Unsolicited calls;	Name, number and area code (where applicable) of subscriber who does not want to receive Unsolicited communication;
9 (2) (c)	Name, number and area code (where applicable) of subscriber who makes a request to an Operator for revocation of an earlier request for not receiving the Unsolicited calls;	Name, number and area code (where applicable) of subscriber who makes a request to an Operator for revocation of an earlier request for not receiving the Unsolicited communication;
PART-VI	COMPLAINT HANDLING PROCEDURE	
	Regulation 11 - Complaint Handling Procedure	
11 (3) (ii)	In the event that as a result of Fraudulent Communication, if a fraudulent balance transfer has resulted, the subscription of the SMS originator shall be terminated along with the IMEI number of the originating handset, immediately but not later than 24 hours of the receipt of the	In the event that as a result of Fraudulent Communication, if a fraudulent balance transfer has resulted, the subscription of the originator shall be terminated along with the IMEI number of the originating handset, immediately but not later than 24 hours of the receipt of the complaint,

	complaint,	
11 (4) (d)	If the originator is repeatedly involved in Obnoxious Communication even after issuance of warning, the operator shall terminate the outgoing communication of the telephone subscription of the originator immediately but not later than 24 hours of the receipt of the complaint.	If the originator is repeatedly involved in obnoxious communication even after issuance of warning, the operator shall suspend the telephone subscription of the originator immediately but not later than 24 hours of the receipt of the complaint and record the said telephone subscription in the <i>black list</i> along with complete user antecedents.
PART-VII	GENERAL PROVISIONS	
	Regulation 12 - Public Education and Awareness	
12	All Operators shall launch a media campaign both in electronic and print media to educate subscribers and general public of the available preventive and subsequent complaint mechanisms for handling Spamming, Unsolicited, Fraudulent and Obnoxious Communication within (60) sixty days of the notification of these Regulations.	All Operators shall launch a media campaign both in electronic and print media to educate subscribers and general public of the available preventive and subsequent complaint mechanisms against Spamming, Unsolicited, Fraudulent and Obnoxious Communication as notified by the Authority from time to time.
	Regulation 13 - Reporting Requirements	
13	All operators shall provide complete information regarding the particulars of subscribers, telemarketers, Do not Call Register or any aspect of any provisions under these Regulations as and when required by the Authority.	All operators shall provide complete information regarding the particulars of subscribers, registered telemarketers, content service providers, Do not Call Register, details related to complaints on spamming, fraudulent, unsolicited and obnoxious communication or any aspect of any provisions under these Regulations as and when required by the Authority.

<p>13 (2)</p>	<p>All Operators shall ensure that the preventive measures and procedures available under these Regulations are available to the subscribers and published in the Consumers Manual as specified under the Telecom Consumers Protection Regulations, 2009 within ninety (90) days of the notification of these Regulations.</p>	<p>All Operators shall ensure that the preventive measures and procedures available under these Regulations are available to the subscribers on the operators' website and help lines.</p>
	<p>ANNEX-B</p>	
<p>ANNEX-B Additional Clauses after 6</p>		<p>7(1). All operators shall maintain <i>Grey</i> and <i>Black</i> lists of subscribers along with their complete user antecedents whose subscriptions have verified to be involved in Fraudulent Communication. Operator shall also maintain a list of <i>black listed user antecedents</i> that are involved in repeat fraudulent activity.</p> <p>7 (a) The <i>Grey list</i> shall comprise of those telephone subscriptions along with complete user antecedents which have been warned on account of indulging in fraudulent communication whereby the fraudulent transfer of amount has not yet taken place.</p> <p>7 (b) The <i>Black list</i> shall comprise of following telephone subscriptions along with complete user antecedents:</p> <ul style="list-style-type: none"> (i) Subscriptions involved in repeated fraudulent communication and to whom a warning has been issued (ii) User antecedents those are common in the <i>Grey lists</i> of more than one operator. (iii) Subscriptions that have been terminated along with user handset involved in fraudulent transfer of amount. <p>Provided that in the case a user antecedent that is already placed in the <i>Black list</i> is involved in indulging in repeated activity of fraudulent communication, the said user antecedents shall be placed in the list of <i>blacklisted user antecedents</i> and shall not be eligible for</p>

		<p>any telephone subscription.</p> <p>(2) An updated <i>Black</i> list comprising of telephone subscription along with complete user antecedents defined as per clause 7(b) above shall be provided to the Authority by the first week of every month while user antecedents placed in the <i>black list</i> as well as <i>black listed user antecedents</i> shall be posted on the website of the Operator.</p> <p>(3) Subscriptions placed in the <i>Black list</i> (along with the IMEI No of the involved handset) shall only be restored/recycled after approval of the Authority.</p> <p>(4) All record related to the fraudulent activity including complaints against the said subscription, date of termination of the subscription and CDR of the said telephone subscription shall be retained for a period of one year from the date of termination of the aforesaid subscription.</p>
	ANNEX-C	
ANNEX-C	<p>1. Lists of abusers shall be maintained at each Operator's end.</p> <p>Grey and Black lists should be prepared by each Operator and submitted to Authority as and when required by the Authority. A user should be placed in appropriate category on the basis of its past record.</p> <p>Grey list entry should have access to limited services as compared to White list (meaning a list of all subscribers with clear record) entry (one that has full access to all permissible services) whereas connectivity for a Black list entry may be limited to only receive only and making an</p>	<p>1. All operators shall maintain the <i>Grey and black list</i> of subscribers involved in obnoxious communication along with complete user antecedents.</p> <p>(a) The <i>grey list</i> shall comprise of telephone subscriptions along with complete user antecedents who have been issued a warning on account of making obnoxious communication.</p> <p>(b) The <i>Black list</i> shall comprise of telephone subscriptions along with complete user antecedents who are found to be involved in repeat obnoxious activity after issuance of warning and whose telephone subscription has been suspended on account of indulging in obnoxious activity after issuance of warning under clause (c) of sub-regulation (4) of regulation 11.</p>

	<p>emergency call.</p> <p>Note: Grey, Black Lists to be defined based on the extent of violation.</p>	<p>2. An updated <i>Black list</i> comprising of telephone subscription along with complete user antecedents shall be provided to the Authority on a monthly basis.</p> <p>3. Subscriptions placed in the <i>Black list</i> of obnoxious communication shall only be restored/ recycled after approval of the Authority and subject to a written undertaking by the originator not to indulge in obnoxious communication again.</p> <p>Provided that in the case of more than one instance of indulging in obnoxious activity after the termination of subscription, the said user antecedents shall be placed in the <i>list of blacklisted user antecedents</i> and shall not be eligible for any other telecom service. User antecedents placed in the <i>black list</i> as well as <i>black listed user antecedents</i> shall be posted on the website of the Operator.</p> <p>4. All record related to the obnoxious activity including complaints against the said subscription, date of termination of the subscription along with the CDR shall be retained for a period of one year from the date of termination of the aforesaid subscription.</p>
<p>C/3:</p> <p>Additional Clause after C/2</p>		<p>Any warning, suspension/termination of telephone subscription/IMEI shall be carried out after verification of user antecedents of the subject subscription.</p>
<p>Annex-B Clause 5 & 6</p>	<p>5 Closed User Group:</p> <p>(i) The credit transfer facility shall be limited to not more than TEN (10) users (much like friend and family package concept).</p>	<p>Proposed to be deleted.</p>

(ii) Limit must be fixed to maximum amount of money be transferred per transaction and the number of transaction during a predetermined period.

This limit may be different for different user based on their past usages and the geographic distances between the initiator and the beneficiary. This is because in case a user is out of town or on roaming then the balance transfer amount would be significantly higher than normal.

6 Any to Any Transfer:

Only to be allowed between parties whose antecedents have been verified in the last one year.

(A total amount of Rs. 50 can be SENT during a week for BT. The same amount can be RECEIVED during a week).