

'GOF guidelines for SMS/MMS services'

Entry into force 1st of July 2011

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A DEFINITIONS AND SCOPE**A.1. Introduction**

The present 'GOF guidelines for SMS/MMS services' does not in any way constitute any commitment or recognition on the part of Operators that any SMS and MMS Premium or Bulk Service of Service Providers, present or future, respects the applicable legal or regulatory framework. The Service Providers agree to take on the entire responsibility for complying with the Ethical Code, the Law on games of chance, Tax Law, Law on Privacy, Law of Market practices, etc.

These GOF guidelines solely regulate aspects not stated in the Ethical Code for Telecommunications. The Ethical Code for Telecommunications always takes precedence over these GOF guidelines, also in the event of any inconsistency and/or incompleteness.

Compliance with the regulations of the Ethical Code by the Service Providers will be exclusively controlled by the Ethical Commission who has authority in this matter.

A.2. Definitions**Subscription Service**

See Ethical Code

Alert Service

See Ethical Code

Bulk SMS or MMS

SMS/MMS generated by a Service Provider and sent by the Mobile Operator to one or more End Users. Bulk SMS or MMS is characterised by the fact that receiving it is free of charge for the End User

Paid message service

See Ethical Code

Service Provider

Two types of activity are covered by Service Provider terminology:

Service Provider: company that creates, organises and markets editorial content by means of SMS or MMS Premium/Bulk services destined for the End User.

Connectivity Provider: company connected to the SMSC/MMSC of an Operator with the goal of enabling routing of SMS/MMS between the Service Provider and the End User.

End User

Any mobile customer of an Operator who uses mobile services.

GOF

The three Belgian Mobile Operators KPN Group Belgium, Mobistar and Belgacom (Proximus), under the GOF umbrella (GSM Operators' Forum), have common viewpoints on non-competitive issues related to the growth and sustainable development of mobile telephony services in Belgium.

Using mobile communication the GOF stimulates the information society and manages sector related issues and expectations from society about it. The GOF also helps the deployment of the underlying infrastructure required.

MMS

MMS is an acronym for **M**ultimedia **M**essaging **S**ervice, a message that is sent and/or received by a mobile phone or application.

Operator

A mobile phone Operator has a license to operate a telecommunications network in Belgium under GSM, GPRS and/or UMTS technology.

Premium or Bulk Service

Service of any type offered via SMS or MMS Premium or Bulk.

Premium SMS or MMS

SMS or MMS with an applicable rate higher than or equal to the applicable rate for an SMS or MMS national standard containing a specific value, added by a Service Provider.

SMS

SMS is an acronym for **S**hort **M**essaging **S**ervice. This is an alphanumeric message composed of 160 characters sent and/or received by a mobile phone or application.

SMS or MMS-MO

SMS or MMS of the 'Mobile Originating' type, i.e. sent by a mobile phone.

SMS or MMS-MT

SMS or MMS of the 'Mobile Terminating' type, i.e. received by a mobile phone.

Short Code

A number code of three to maximum six digits allocated by the BIPT. The code can be assigned to a Premium or Bulk service with the intention of having it marketed by Service Providers under SMS and MMS Premium and Bulk standards.

A.3. Scope

The present 'GOF guidelines for SMS/MMS services' apply to any Premium or Bulk Service operating in Belgium.

They apply to anyone offering a Premium or Bulk Service in Belgium, regardless of the country where they are established.

The present 'GOF guidelines for SMS/MMS services' are part of the contract concluded between the Operator and the Connectivity Provider. The Connectivity Provider must state these GOF guidelines in their entirety in the contract with the Service Provider and all other parties involved in supplying the service. They include mandatory obligations as well as recommendations for the marketing of any Premium or Bulk Service.

The GOF may alter the present 'GOF guidelines for SMS/MMS services' at any time, especially in order to adapt it to market development, services, technology, applicable legislation, etc. These changes will immediately apply and will be communicated to the Connectivity Provider.

A.4. Implementation

The Service Providers will take the necessary measures to apply the present 'GOF guidelines for SMS/MMS services' and make it part of the agreement with the End User.

B GENERAL RULES**B.1. Communication conditions for Premium or Bulk Services****B.1.1. Notification by the Service Provider**

Notification regarding use of games, contests or quizzes; specifically aimed at minors for paid services; logos, ringtones, games or other products or services for personalising a mobile phone; chat services:

If, between the End User phone number and the SMS or MMS Short Code, through which the service is offered, communications take place for more than 25 euro (*) a month, the End User will be notified by means of a free SMS or MMS sent by the Service Provider.

If, within the period stated in the first paragraph, a multiple of 25 (*) euro has been reached, a free message will be sent stating the amount reached as a multiple of 25 euro (*).

() Amount will be lowered to 10 euro on 1st of December 2011, upon entry into force of the related articles in the Ethical Code for Telecommunications.*

The message must contain clear, unambiguous and transparent information about the spent amount and at least contain the following elements: free message, exceeded amount, related Short Code and name of the Service Provider. This information may not be placed between brackets.

- i. Example of a notification message NL: "Informatief gratis bericht van DDDD: u heeft deze maand reeds XX€...gespendeerd voor de dienst van Short Code NNNN"
- ii. Example of a notification message UK: "Informative free message from DDDD: you have already spent XX€ this month for the service of Short Code NNNN"
- iii. Example of a notification message FR "Message informatif gratuit de DDDD: vous avez déjà dépensé pour XX€ ce mois-ci pour le service NNNN"
- iv. Legend:
XX euro = 25 euro (*) or multiple: example 50 euro (*), 125 euro (*);
NNNN = Short Code DDDD = name of Service Provider.

STOP sent to the Short Code used to send this notification message will not be considered as an opt-out for the service linked to the Short Code NNNN, except if the notification Short Code is equal to NNNN. Opt-out for notification messages is not allowed.

B.1.2. Obligatory mention of the price of every Premium or Bulk SMS or MMS service

For all communication, the Service Provider must strictly follow the graphical charter described in Section D of this document.

The graphical charter (Section D) and the line number 1 (see here below) does not apply to the Service Provider who does not use graphical elements or various fonts and letter sizes in text in their communication with the End User.

The standard label must be used for prices. The prices must be clear and legible. In doing so the Service Provider must respect the following rules:

1. The font size used to communicate the prices must be equal or at least one third of the font used for the Short Code, with a minimum of 10 pt. The Short Code and price must always be mentioned together. The font size of the price must be equal or bigger than one third of the font size used for the Short Code, with a minimum of 10 pt. If 10 pt is technically not feasible, then the rate has to be mentioned in at least the same font as the Short Code. The rate should at all time be legible, clear and unambiguous.
2. Alphanumeric signs used must be such that the need for careful scrutiny in order to understand the written texts is not necessary.
3. Indicating a price by an asterisk or by any other crossed reference is not allowed.
4. All price indication must always be mentioned horizontally.
5. Price indications should not be placed at the bottom of the page or vertically on the sides.
6. The prices and services must be mentioned at every price change of an individual SMS/MMS and at any price change of a service.

B.1.3. Specific rules for Alarm services¹

Apart from the regulations specified by other articles in the present 'GOF guidelines for SMS/MMS services', the End User must be clearly informed of the type of event that will trigger the delivery of the service and the maximum cost of the service over the applicable period. For subscription to Alert Services, the double opt-in procedure is applicable.

B.1.4. Specific rules for Subscription and Alarm Services

Apart from the regulations specified by other articles in the present 'GOF guidelines for SMS/MMS services', any communication from the Service Provider relating to the Subscription and Alarm Service must explicitly indicate:

The price mentioned shall be per engagement period of the subscription (i.e. 2 euro/month) (see the graphical charter in Section D).

The content of the message appearing on the web page, insisting that the End User activates the Subscription or Alarm Service ('opt-in') must be equal to the standard confirmation message received via SMS by the End User. This text must be placed next to the Short Code on the Web page inviting the End User to send the keyword for the activation of the subscription. The size of this text must be equal to the size of the Short Code, and cannot contain other information related to the service than:

- Om je te abonneren op dienst *SSSS* aan *XXEURO/PPP*, stuur *KKK* naar *NNNN*
- Pour t'abonner au service *SSSS* à *XXEURO/PPP*, envoie *KKK* au *NNNN*
- To subscribe for service *SSSS* at *XXEURO/PPP*, send *KKK* to *NNNN*

¹ This article expires when the specific articles of the Ethical Code enter into force on 1st of December 2011

B.1.4.1. Double 'opt-in' procedure²

Registration to a Subscription Service will have to comply with a 'double opt-in' procedure (or confirmation of the subscription). This means that the End User will have to expressly confirm the subscription. The procedure for double opt-in consists of 4 steps:

Step 1) First opt-in via SMS, MMS, WEB, IVR (Interactive Voice Response), WAP, IdTV or signed form.

Step 2) A one-off standard confirmation request by SMS/MMS sent to the End User. **This text must also appear on the web page (as described in point B.1.4):**

- **Om je te abonneren op dienst *SSSS* aan *XX*EURO/*PPP*, stuur *KKK* naar *NNNN* (de kost van dit bericht is *RR* EURO)**
- **Pour t'abonner au service *SSSS* à *XX*EURO/*PPP*, envoie *KKK* au *NNNN* (le coût de ce message est *RR* EURO)**
- **To subscribe for service *SSSS* at *XX*EURO/*PPP*, send *KKK* to *NNNN* (the cost of this message is *RR* EURO)**

Legend:

- ***SSSS* indicates the service to which the End User wants to subscribe.**
- ***XX* indicates the rate per period.**
- ***PPP* is the period for which the *XX* amount is requested. Rate and period have to be described in full without abbreviations:**
 - **Allowed style: 12 EURO/week, 5 EURO/month;**
 - **All other descriptions are not allowed.**
- ***KKK* is the keyword that has to be send back by the End User via SMS (hereafter Keyword):**
 - **The only allowed Keywords are "GO", "OK" or "Start";**
 - **If Keyword is "OK", only "OK" will be considered as a valid confirmation.**
- **The *NNNN* Short Code must be situated in the 9xxx range**
- ***RR* indicates the rate of the confirmation SMS.**

This SMS/MMS-MT must be free of charge for the End User.

Step 3) Opt-in confirmation by the End User is required via SMS by sending the Keyword (no other word will be considered as valid opt-in) to the mentioned Short Code (see Step 2).

Unless clearly and explicitly communicated in the advertisement, the subscription costs are part of the first subscription period.

When requested, the proof of valid opt-in confirmation must be provided by the Service provider to the Operator within 5 business days.

Step 4) Confirmation of the subscription. Upon registration to a Subscription Service or Alarm Service, the Service Provider will send to the End-user an SMS/MMS-MT mentioning clearly:

- The confirmation of the registration to the Premium or Bulk service
- The total cost of the service; (see Step 2 for standard format)
- The cancellation procedure to the service

² This article, besides the part in bold of Step 2, expires when the specific articles of the Ethical Code enter into force on 1st of December 2011

- The helpdesk coordinates of the Service Provider

This SMS/MMS-MT will be free of charge for the End User.

B.1.5. Specific regulations for WAP push messages

WAP push messages must be free of charge for the End User; the only way to bill for the service is through a dedicated, visible SMS/MMS. The SMS/MMS message used for the billing of the WAP push service must clearly mention the following elements in this order:

- That a WAP push mechanism is used to deliver the service
- The URL to the WAP site
- The name of the Service Provider
- The coordinates of the helpdesk

B.1.6. Activating a service

Activation of and/or participation to a Service can only take place after having received the correct keyword on a Short Code NNNN. If the keyword is incorrect, an MT error message can be sent and in that case the MT error message must be free of charge for the End User.

B.2. *Registration and cancellation conditions for paid messaging services, chat services and Premium or Bulk Services*

B.2.1. Activating a Premium or Bulk Service

The Service Provider may only activate a Premium or Bulk Service for the End User who specifically requested it by having sent a Premium SMS or a Bulk SMS exclusively from the phone of the End User, which allows the Service Provider to register the activation of the service. This procedure is explained in the advertising related to this service. Activation for a Premium or Bulk Service must be explicit (the approval of the End User must be explicitly mentioned) and will be used exclusively for the specific service for which the clear consent of the End User was mentioned.

B.2.2. End User registration cancellation for all Premium or Bulk Services³

The Service Provider must accurately explain how to cancel a registration in any advertising related to a Premium or Bulk Service. The Service Provider has the obligation to cancel the Premium or Bulk Service immediately for any End User requesting cancellation of the registration

Sending **STOP** to a Short Code will in all cases cancel the registration to all services associated to this Short Code.

Sending **STOP Keyword** to a Short Code will cancel immediately the registration to services associated to this Short Code and the keyword.

Service Providers agree that the End User request will be handled immediately. Therefore, misspelling such as " STOP", "sToP", "TSOP", wrong keywords, etc., will be interpreted as "STOP".

³ After entry into force of related articles the Ethical Code on 1st of December 2011 this section will remain valid specifically for Bulk Services.

When the cancellation of a Premium or Bulk Service is registered, the Operators recommend the Service Provider send an SMS/MMS-MT confirming the cancellation. The price of this SMS/MMS-MT must always be free of charge for the End User.

In case a Premium or Bulk Service is delivered via MMS-MT, the command "STOP" sent to the same Short Code via SMS-MO will be recognised as a valid cancellation request of the MMS-MT service.

B.2.3. General sales conditions

The general sales conditions of the Service Provider cannot be contradictory to the general sales conditions and/or use of the service of the Operator and/or use of the network of the Operator.

The Service Provider must avoid at all times that the End user is given the impression that the Operator is the owner of the service.

C SPECIFIC REGULATIONS**C.1. Premium or Bulk Services for minors**

The Belgian code for safer use of GSM for minors (see annex) is an integral part of this document.

C.2. Chatting.C.2.1. General

Without prejudice to the obligation to store data, all messages that are in contradiction with the laws in force and/or with the rules of the Service Provider must be isolated by the Service Provider. Moderating of a chat service by the Service Provider can be done via technical means or manually by a server or person.

C.2.2. Communication

Service Providers must inform the End Users if a chat service is being moderated.

C.2.3. Rates

The rates for chat services are determined by the price of the SMS or MMS-MO. SMS/MMS-MT are **free of charge** for the End User. This price limitation does not apply to services for which the End User receives a maximum of one SMS or MMS-MT per SMS or MMS-MO sent.

All chat services have to start with an SMS/MMS-MO.

The SMS/MMS-MT that are not answers to a user message (such as registration configuration, notification, how-to, etc.) are **free of charge** for the End User.

C.3. Logos & Ringtones

In any advertising, the Service Provider will include or refer to a list of mobile phones that can download and configure the logos and/or ringtones offered and will inform the End User about the communication carrier needed to receive the service (GPRS, WAP, UMTS, etc.).

C.4. Sending an SMS and MMS from a website

The SMS and MMS-MT sent from a website should explicitly mention the details of the website from which the SMS or MMS has been sent.

The Service Provider must ensure that the laws applicable for the storage and archiving of any SMS/MMS sent via the SMS/MMS Service on the Internet offered by the Service Provider, are respected.

In order to avoid any illicit use of anonymous SMS/MMS messages, the SMS/MMS Provider must implement a blocking mechanism enabling any End User to stop anonymous SMS/MMS

⁴ This article expires on 1st of December 2011 when Section 9 of the Ethical Code for Telecommunications enters into force.

messages sent to them free of charge from the SMS/MMS Service via the Internet offered by the Service Provider.

D GRAPHICAL CONVENTION

D.1. General pictogram layout

The Short Code and price will be communicated with a pictogram using a unique graphical layout described here below. The general layout will have the following form described in Fig. 1. Proportions in height and length are fixed and may not be changed. The minimum length is 20 mm.

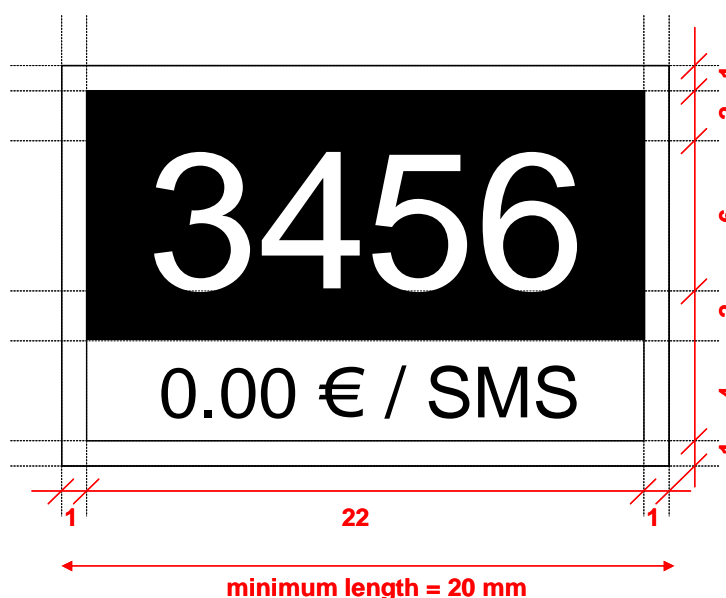


Figure 1: General Layout

The font will be FRUTIGER or ARIAL and will be the same for the Short Code and the price indication.

The font size of the price will not be less than 1/3 of the font size of the Short Code and will not be lower than 10 pt.

Price indication will be one of the following, depending on the service offered:

- 0,00 € /SMS
- 0,00 € /MMS
- 0,00 € /logo
- 0,00 € /download
- 0,00 € /participation

- 0,00 € /SMS sent/received
- 0,00 € /MMS sent/received

Specific for Subscription Service

- 0,00 EURO/day -
- 0,00 EURO/week
- 0,00 EURO/month

Note:

For analogue Teletext: a minimum of 1 line of information needs to be added in a colour code that is visible and legible by the TV viewer.

For audio services (radio commercial, TV and Interactive Voice Response), the complete price (either price per participation or price per subscription period MO/MT) needs to be mentioned.

D.2. Choice of colours

Colour of the pictogram will be as described in Fig. 2

	Type 1	Type 2	Type 3
Frame	Black	Black	Black
Text	White	White	Black
Background	Black	Blue	Yellow

The Colour Code is as follows (R/G/B)

- White 255/255/255
- Black 0/0/0
- Yellow PMS yellow
- Blue PMS 2935



Figure 2: Choice of colours