



# **The Global Legal Challenges of Telemarketing Campaigns**

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# Speakers



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# Czech Republic

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# Telemarketing

- Direct marketing tool
  - effective selling technique
  - social media x telemarketing
  - ethical and legal issues
  - consents and lists
  - opt-in x opt-out
- Should you still do telemarketing in 2023?



# Czech Republic

- Act on Electronic Communications (127/2005 Sb.)
  - recently adopted opt-in system
- GDPR (EU Regulation 2016/679)
  - requirements of consent, data processing regulation
- Consumer Protection Act (634/1992 Sb.)
- Act on Certain Information Services (480/2004 Sb.)
- Civil Code (89/2012 Sb.)
- General advertising law



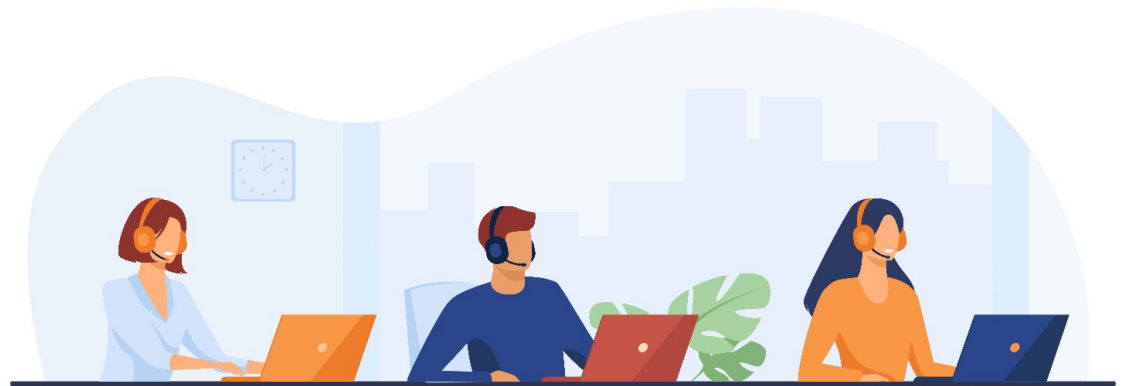
# Consent to telemarketing

- Opt-out system (is history)
- Opt-in system
- **General consent to telemarketing**
  - given by the telephone number user
  - for any and all telemarketing campaigns
  - registered by telephone operators
  - list of such numbers can be requested from the operator (public list)
- **Specific consent to telemarketing**
  - given by a consumer/business partner directly
  - only for telemarketing campaigns of a certain company
  - applies also to numbers which are not part of the public list
  - consent to personal data processing for the purpose of marketing
  - in accordance with GDPR



# Content of telemarketing

- Based on consumer protection law
- Information
  - purpose of the call, ID of the caller, specifics of the product/service offered, total price, customer's rights
- Written order confirmation
- Written contract confirmation



# Risks specific for telemarketing

- Deceptive and aggressive business practices
- Unsolicited advertising
- Telemarketing without consent
- Unlawful processing of personal data





# Czech Telecommunication Office

- Competent in the area of consent to telemarketing (opt-in régime)
- 803 telemarketing complaints in 2022
- Energy providers (54 %), banking and finance (16 %)
- a fine of up to €2,000,000 or up to 10% of the net turnover for the last completed accounting period, whichever is higher
- Case law 2022 – first „big” fine in the amount of €17,500



# Prohibited practices

- Disguise of the commercial purpose of the call
- Not answering questions
- Not stating the full price
- „Exclusive offer“
- Manipulative questions
- Focusing on emotions
- Seemingly free gifts
- „Randomly generated number“



# Personal Data Protection Office

- Competent in the area of personal data protection regulation
- Guidance on Telemarketing
- Case law 2022
  - at least one complaint every day
  - fines for unlawful processing of personal data
  - responsibility for the agency / call center
  - fines according to GDPR [up to €20 million, or up to 4% of the annual worldwide turnover of the preceding financial year, whichever is higher – usually low (€200)]
  - 2022 – 250,000 contacts x CZK 250,000 fine (€10,000)



# General advertising regulation

- Advertising Regulation Act (No. 40/1995 Sb.)
- Advertising that constitutes an unfair commercial practice is prohibited
  - Misleading advertising
  - Aggressive commercial practice
- Czech Trade Inspection Authority
- Case law 2022
  - Maximum fine – €95,000
  - Energy suppliers – €7000
  - Auction portal – €40,000





# United Kingdom

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# ICO Direct Marketing Hub & New Guidance

- New guidance – October/December 2022
- Direct marketing hub – December 2022

## Getting started with direct marketing



### [New: Direct marketing guidance](#)

This is the ICO's main direct marketing guidance. It sets out the main things to consider or do when you want to do direct marketing activities. It takes you through the steps you are likely to go through.



### [New: Direct marketing: Guide for SMEs](#)

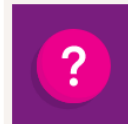
This is a simple list for small organisations who plan to use direct marketing.

## Practical direct marketing resources



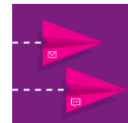
### [New: Direct marketing checklist](#)

A step-by-step guide through the process of using information for direct marketing purposes.



### [Direct marketing FAQs](#)

Frequently asked questions for small organisations, including small businesses, small charities and sole traders.



### [Sending direct marketing messages: At-a-glance guide](#) [↗](#)

A simple guide to the rules on sending direct marketing by phone call, electronic mail (email and text), fax and post.

# The Privacy and Electronic Communications (EC Directive) Regulations 2003

- Sits alongside the Data Protection Act 2018 and the UK GDPR.
- Contains specific rules on live telephone calls made *for direct marketing purposes*.
- **Must not make unsolicited marketing calls to:**
  - anyone who has notified the caller that they don't want to receive marketing calls
  - numbers listed on the Telephone Preference Service (TPS) or Corporate TPS (CTPS), unless that person has specifically consented.
- **Must allow your number to be displayed.**
- Automated calls – stricter rules apply

# Key Concepts and Terminology

- i. **“Live calls”** not defined in PECR but the term is used to distinguish from automated calls (recorded messages)
- ii. **“Direct marketing”** means the communication (by whatever means) of advertising or marketing material which is directed to particular individuals
  - i. Commercial marketing (e.g. promotion of products and services)
  - ii. Promotion of aims and ideals (e.g. fundraising or campaigning)
- iii. **“Unsolicited”** not defined – means any marketing message that someone hasn’t specifically requested.
- iv. **“Subscribers”** means the customer who has a contract with the service provider
  - i. Corporate subscribers
  - ii. Individual subscribers
- v. **“Instigate”** not defined
- vi. **“Consent”** a UK GDPR concept which is not actually used in telephone marketing rules, but is an important concept....

# Calling numbers that are on the TPS/CTPS

*“Where a subscriber who has caused a number allocated to a line of his to be listed in the [TPS / CTPS] has notified a caller that he does not, for the time being, object to such calls being made on that line by that caller, such calls may be made by that caller on that line, notwithstanding that the number allocated to that line is listed in the said register.”*

## ICO Guidance

- Subscriber must specifically tell you that they want your marketing calls.
- PECR doesn't use UK GDPR consent requirements here.
- However, in practice you are seeking 'consent' because the requirements are very similar.
  - Notification must contain the marketer's name and it should be clear that it is live marketing calls that are to be made (consent needs to be “specific and informed”)
  - Notification requires a clear signal (consent needs to be an “unambiguous indication”)
  - Notification also requires a positive action or proactive step (consent requires a “clear affirmative action”)
  - Notification indicates a free choice by the subscriber (consent must be “freely given”)
  - The objection applies for the time being (consent can be withdrawn)
  - Must have a record of the notification (consents must be evidenced)

# Don't forget to comply with the UK GDPR

You can make unsolicited live direct marketing calls to numbers that aren't on the TPS or CTPS, but only if there's no previous objection to your calls. It's *likely that making calls in these circumstances means this unsolicited marketing is lawful.*

Likewise, you can make unsolicited direct marketing calls to someone who has generally "opted-in", agreed or consented to receive these. This would mean that they are happy to receive further marketing. It is also *likely to mean that your unsolicited marketing is lawful.*



# Getting it wrong

- **7 December 2022**

- ICO fined 5 businesses a total of £435,000 for collectively making nearly 500,000 unlawful marketing calls to people registered with the telephone preference service.
- Some of the calls appeared to be directed at elderly vulnerable people who had taken action to block the calls by registering with TPS.
- Pressure tactics

- **11 November 2022**

- Zuwyco Limited - 93,558 unsolicited calls for direct marketing purposes to subscribers who had been registered with the TPS
- 7 complaints
- £160,000 fine

- **19 October 2022**

- Apex Assure Limited - 122 unsolicited calls (likely 1m+ but there was a lack of engagement with the ICO)
- £230,000 fine



# United States

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# Federal Law

## Telephone Consumer Protection Act (TCPA) (47 U.S.C. § 227)

- Regulates and restricts **outbound** calls
- Do-Not-Call requirements
- Consent requirements for autodialed calls/texts to cell phones
- Consent requirements for prerecorded calls to landlines and cell phones
- Disclosure requirements
- Caller ID requirements
- Prohibits unsolicited fax ads

A text message is a “call” under the TCPA.

## Telemarketing Sales Rule (TSR) (16 C.F.R. Part 310)

- Regulates telemarketing calls
  - Outbound and upsells on inbound
- Do-Not-Call requirements
- Disclosure requirements. Examples:
  - Free trials and negative options
  - Prize promotions
- Consent requirements
- Requirements for prerecorded message calls
- Recordkeeping requirements
- Prohibits providing “substantial assistance” to aid TSR violations

# Federal Law -Enforcement

## Telephone Consumer Protection Act (TCPA)

- The Federal Communications Commission (FCC) has implementing regulations
- FCC and private plaintiffs enforce
- Private lawsuits: \$500 per call/text
  - Up to \$1500 per call/text for “willful or knowing” violations
  - No cap on damages
  - Top 10 TCPA class action settlements between approximately \$14 million and \$76 million

## Telemarketing Sales Rule (TSR)

- Enforced by the Federal Trade Commission (not private plaintiffs)
- Civil penalties: \$50,120 per violation
- Recent Do-Not-Call settlements in the millions to hundreds of millions of dollars
- Active enforcement of disclosure requirement for free trial offers and negative option programs marketed by phone
- Active enforcement of “substantial assistance” doctrine
  - Payment processors, lead generators, telemarketing companies

# TCPA Consent Requirements – Informational Calls

## Informational/Non-Marketing Calls/Texts

- Must not have **any** sales purpose whatsoever.
  - Examples: doctor's appointment reminders, school closing notices, service appointment confirmations, and scheduling notices.

## Prior Express Consent Required to Use an "Autodialer"

- Not specifically defined by law or regulation
- Can be verbal or written
- It is the company's burden to prove consent



# How to Obtain “Prior Express Consent”?

- Providing a telephone number to the caller can be “prior express consent” to receive non-telemarketing calls
  - Courts critical: implied vs. “express” consent
  - Consider the consumer’s reasonable expectations
- The call must be *closely related to the purpose for which the original number was originally provided*
  - *Example:* Purchase tickets to an event and provide mobile number as part of check-out process; court might view scope of consent as limited to that particular event (See *Walintukan v. SBE Entertainment Grp., LLC*, 2018 WL 2357763 (N.D. Cal. May 24, 2018))
- It is **not** capturing a phone number from caller ID
- It is **not** finding number in a phone book, on the Internet, or some other public source
- It is **not** obtained via skip tracing
- It is **definitely not** capturing a number from a Do Not Call request

# TCPA Consent Requirements – Marketing Calls

## Marketing Calls/Texts

- Anything intended to sell something, generate interest in a product, generate leads, offer coupons, etc.

## Prior Express Written Consent Required to Use an Autodialer

- Must be evidenced by an agreement bearing the signature of the person called or texted (either a traditional “wet” signature or a digital/electronic one)
- The agreement must authorize the specific company or organization to deliver marketing messages
- The agreement must include the telephone number to which the signatory authorizes such marketing messages to be delivered
- The agreement must clearly and conspicuously disclose both that:
  - The call or text may be made using an autodialer
  - The person is not required to provide his or her consent as a condition of making a purchase

# How to Obtain “Prior Express Written Consent”?

- Disclosures must be “clear and conspicuous”:
- Legible, easily noticed, should not be buried with other disclosures or camouflaged, cannot require scrolling below a “submit” button to see
- “Double-Opt In” method for consumer-initiated text
  - Example: “Reply Y to receive recurring mktg txts at this # via autodialer. Consent not required for purchase. Msg & Data Rates May Apply.”
- One-time, on-demand texts sent immediately in response to consumer requests for information do not require prior express written consent
- Additional disclosures may be required by carriers or short code providers:
  - “Msg and data rates apply; receive up to [x] msg monthly. Reply STOP to cancel, HELP for help.”
- Keep records of disclosure and consent!

# What is an Autodialer?

- “Automatic telephone dialing system” : Equipment that has the “capacity to store or produce telephone numbers to be called, using a random or sequential number generator and to dial such numbers.”
- United States Supreme Court decision in *Facebook v. Duguid*, 141 S. Ct. 1163 (2021).
- Adopted a narrow autodialer definition. Held:
  - “The question before the Court is whether that definition encompasses equipment that can ‘store’ and dial telephone numbers, even if the device does not ‘us[e] a random or sequential number generator.’ It does not. To qualify as an ‘automatic telephone dialing system,’ a device must have the capacity either to store a telephone number using a random or sequential generator or to produce a telephone number using a random or sequential number generator.”
- Limited the ability of plaintiffs to file lawsuits under the TCPA.

# State Laws

- **Florida**

- Amended law provides private right of action, resulting in substantial litigation.
- Prohibits telemarketing calls/texts that “involve[ ] an automated system for the selection or dialing of telephone numbers or the playing of a recorded message” without prior express written consent
- Rebuttable presumption that calls/texts to Florida area codes are physically received in Florida

- **New York**

- Requires telemarketers to disclose at the outset of a telemarketing call the telemarketer’s name and the identity of the company on whose behalf the call is being made (if other than the telemarketer itself) and that the recipient has the option to be added automatically to the seller’s internal do not call list
- Disclosures must be made before any other disclosures.

- **Oklahoma**

- Mirrors Florida’s law, but specifically exempts persons soliciting business from “prospective consumers who have an existing business relationship [EBR] with or who have previously purchased from the business enterprise for which the solicitor is calling if the solicitor is operating under the same business enterprise.”

- **Legislation Proposed in Maryland, New York, Michigan**



# Do Not Call Requirements

- Prohibits calling telephone numbers on the national Do Not Call Registry.
- Companies must honor company-specific opt-out requests.
- Companies must adopt an internal do-not-call list, implement procedures to honor consumers' do not call requests, train personnel on compliance
- Marketing calls must not be made to telephone numbers listed on the national Do Not Call (NDNC) registry unless:
  - An established business relationship exists:
    - A company with which a consumer has an established business relationship may call for up to 18 months after the consumer's last purchase or last delivery, or last payment, unless the consumer asks the company not to call again.
    - If a consumer makes an inquiry or submits an application to a company, the company can call for three months. (Unless the consumer makes a specific that company not call).
  - The recipient provides written express consent
  - A consumer whose number is not on the national registry can still prohibit individual telemarketers from calling by asking to be put on the company's own do not call list.
- These requirements are in addition to consent requirements companies must follow.

# Recent Trends

- **State lawsuits**
  - Prior express “written” consent
- **National Do Not Call (NDNC) Lawsuits**
  - Wrong number lawsuits
- **Privacy and “Wiretapping” Concerns**
  - California Invasion of Privacy Act: Lawsuits alleging that using web session screenplay technology constitutes unlawful wiretapping.
- Ringless voicemail drops
- Soundboard technology

# Consequences of Getting it wrong

- *Wakefield v. ViSalus (2022)*
  - \$925 million jury verdict against a company that sent marketing texts to former customers without requisite consent
  - Ninth Circuit reviewed the case to determine if the penalties were excessive in violation of the Constitution's due process clause, and remanded to the district court.
- *Krakauer v. Dish Network (2019)*
  - \$61 million verdict, even though calls were made from one of Dish Network's vendors
  - Vicarious liability issues
  - What are a company's obligations when third parties market its products and services?



# Mexico

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# There are two main legal sides to consider when analyzing Telemarketing in Mexico:

- Consumer Protection.
- Personal Data Protection.

On the Consumer Protection side, Mexico's Federal Law on Consumer Protection (FLCP) establishes some specific rules:

1. An opt-out mechanism which, in principle, would allow telemarketers to contact the consumers telephonically (i.e. via call or SMS).
2. Nevertheless, the FLCP provides the consumers with two options to avoid receiving advertising in their phones:



2.1 The consumer may expressly inform the goods/services provider or the entity in charge of the advertising campaign about the consumer's decision of not wanting to receive any advertising.

2.2 The consumers may register their phone number in a Registry called "REPEP" run by Mexico's Government Federal Agency on Consumer Protection ("PROFECO"). This registration does not expire unless the consumer cancels it.

# The consumers may carry out the registration through the Internet:

The screenshot shows a web browser window with the URL `repep.profecogob.mx/registrartelefono.jsp`. The page header includes the Mexican government logo and navigation links: Trámites, Gobierno, Inicio, Consumidores, Proveedores, Preguntas frecuentes, and Contacto. The main heading is 'Registra tu número'. Below it, a subtext reads: 'Registra tu número telefónico fijo o celular en el REPEP. Recuerda escribir la lada y número sin guiones ni espacios.' A yellow box contains the reminder: 'Recuerda "044" y "045" no son Ladas'. The form consists of three input fields: 'Lada\*' (containing 'Lada'), 'Teléfono\*' (containing 'Teléfono'), and 'Extensión\*' (containing 'Extensión'). Below these is a 'Confirmación del número telefónico (Lada + teléfono)\*' field containing 'Lada + Teléfono'. Under the heading 'Sector\*' are four checkboxes: Comercio, Telecomunicaciones, Turístico, and Todos. At the bottom left, a note states '\*Campos obligatorios'. At the bottom right are two buttons: 'Regresar' and 'Registrar'.

repep.profecogob.mx/registrartelefono.jsp

Trámites Gobierno

PROFECO Inicio Consumidores Proveedores Preguntas frecuentes Contacto

## Registra tu número

Registra tu número telefónico fijo o celular en el REPEP. Recuerda escribir la lada y número sin guiones ni espacios.

Recuerda "044" y "045" no son Ladas

Lada\*: Teléfono\*: Extensión:

Lada Teléfono Extensión

Confirmación del número telefónico  
(Lada + teléfono)\*:

Lada + Teléfono

Sector\*:

- ☐ Comercio
- ☐ Telecomunicaciones
- ☐ Turístico
- ☐ Todos

\*Campos obligatorios

Regresar Registrar



## Consulta tu registro

Consulta si tu número ya se encuentra inscrito. Teclea tu número, incluye la lada, sin espacios y oprime el botón consultar.

Recuerda "044" y "045" no son Ladas

Número  
Teléfono:

Lada + Teléfono

Regresar

Consultar



GOBIERNO DE  
MÉXICO

### Enlaces

Participa  
Publicaciones Oficiales  
Marco Jurídico  
Plataforma Nacional de  
Transparencia  
Alerta

### ¿Qué es gob.mx?

Es el portal único de trámites,  
información y participación  
ciudadana. Leer más

Portal de datos abiertos  
Declaración de accesibilidad  
Aviso de privacidad integral

Denuncia contra servidores públicos

Síguenos en





## Cancela tu registro

Al cancelar tu inscripción volverás a recibir publicidad de bienes, productos o servicios.

Recuerda "044" y "045" no son Ladas

Número  
Teléfonico:

Lada + Teléfono

Regresar

Cancelar



GOBIERNO DE  
MÉXICO

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- The goods/service providers or the entities in charge of the advertising campaigns may buy from PROFECO the list with the phone numbers registered in REPEP. This list is updated periodically by PROFECO.
- Access to the list may be for a 6 or 12-month period, which can be renewed.

In case of non-compliance by the goods/service providers or the entities in charge of the advertising campaigns (i.e. when they call or send an SMS to a phone number registered in REPEP) the FLCP establishes fines ranging from MXN\$672.11 to MXN\$2'150,758.71 (approx. US\$35.00 to US\$114,208.00).



On the Personal Data Protection side, Mexico's Federal Law on the Protection of Personal Data held by Private Parties (FLPPD) also establishes some specific rules to be taken into account:

- A phone number is considered part of an individual's Personal Data.
- In order to collect individuals' phone numbers, a privacy notice must be provided to, and consented by, them.

- The privacy notice must inform, among other elements, what personal data are being collected from the individuals and for what purpose, as well as on any data transfers that will take place.
- In this case, the privacy notice should inform that the phone number will be used for advertising purposes.

- REPEP's Operating Rules establish that if a phone number was registered in REPEP but at the same time there is express consent by an individual to receive advertising (e.g. through the individual's consent to a privacy notice), said consent shall prevail over REPEP, but it will only apply to the goods/services provider that received the consent.

- In case of non-compliance with the FLPPD in privacy notice matters or regarding the use of personal data, said law establishes fines currently ranging from MXN\$10,374.00 to MXN\$16'598,400.00 (approx. US\$550.00 to US\$881,402.00).



# INDIA

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# India – A Telemarketer's Hub



# **Telecom Commercial Communications Customer Preference Regulations (TCCCPR), 2018**

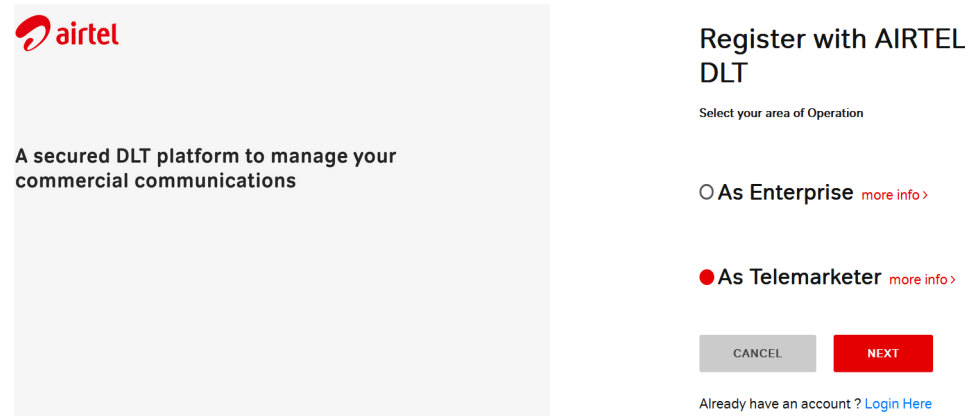
- TCCCPR, 2018 lays out a framework to protect customers from Unsolicited Commercial Communications.
- Registration of all commercial promoters and telemarketers, as well as customer consent is mandatory.
- An ecosystem based on blockchain called Distributed Ledger Technology (DLT) has been created to manage registrations and consents.
- Telecom Service Providers/Access Providers (AP) establish and arrange the framework, which is legally backed by Regulation.
- Approximately 250,000 Principal Entities have been registered with more than 600,000 Headers and 5,500,000 approved message templates.

# Key Definitions under TCCCPR, 2018

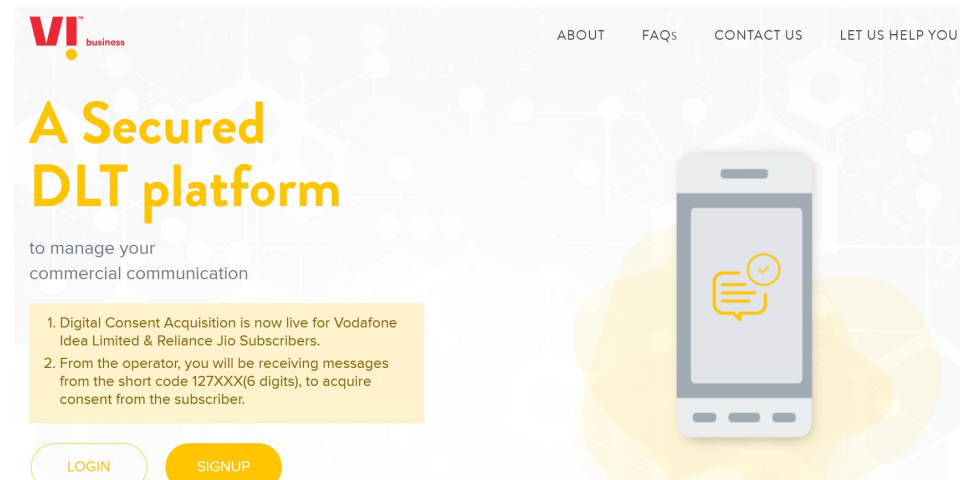
1. **“Bulk”** means a number of messages or voice calls on the same or similar subject matter sent, caused to be sent or authorized to be sent in excess of the following limits: -
  - i. more than 20 during a twenty-four hours period; or
  - ii. more than 100 during a seven days period; or
  - iii. more than 300 during a thirty days period
2. **“Commercial Communication”** means any voice call or message using telecommunication services, where the primary purpose is to inform about or advertise or solicit business for:
  - i. goods or services; or
  - ii. a supplier or prospective supplier of offered goods or services; or
  - iii. a business or investment opportunity; or
  - iv. a provider or prospective provider of such an opportunity
3. **“Unsolicited Commercial Communication or UCC”** means any commercial communication that is neither as per the consent nor as per registered preference(s) of the recipient, but shall not include:
  - i. Any transactional message or transactional voice call;
  - ii. Any service message or service voice call;
  - iii. Any message or voice calls transmitted at the directions of the Central Government or the State Government or bodies established under the Constitution, when such communication is in Public Interest;
  - iv. Any message or voice calls transmitted by or on the direction of the Authority or by an agency expressly authorized for the purpose by the Authority

# How to Send Commercial Communication under TCCCPR, 2018

- On the AP's website:
  1. Register as a Principal Entity (PE)
  2. Register your Header
  3. Register your Content Template
  4. Register Customers' Consents acquired through a registered consent template
  5. Transmit PE ID, Header and Content ID while offering for delivery of messages to TSP



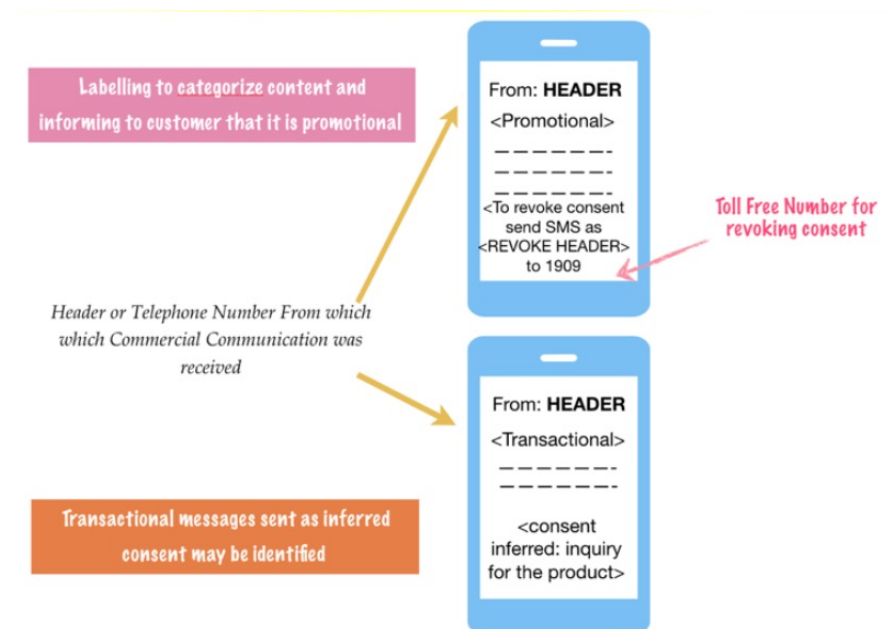
The screenshot shows the Airtel DLT registration interface. On the left, the Airtel logo is at the top, followed by the text "A secured DLT platform to manage your commercial communications". On the right, the heading "Register with AIRTEL DLT" is followed by "Select your area of Operation". There are two radio button options: "As Enterprise" (unselected) and "As Telemarketer" (selected). Each option has a "more info >" link. Below these are "CANCEL" and "NEXT" buttons. At the bottom, there is a link "Already have an account? [Login Here](#)".



The screenshot shows the VI Business DLT platform page. At the top, the VI Business logo is on the left, and navigation links "ABOUT", "FAQs", "CONTACT US", and "LET US HELP YOU" are on the right. The main heading is "A Secured DLT platform" in large yellow letters, followed by "to manage your commercial communication". Below this is a yellow box containing two numbered steps: "1. Digital Consent Acquisition is now live for Vodafone Idea Limited & Reliance Jio Subscribers." and "2. From the operator, you will be receiving messages from the short code 127XXX(6 digits), to acquire consent from the subscriber." At the bottom are "LOGIN" and "SIGNUP" buttons. On the right side, there is an illustration of a smartphone with a checkmark icon on its screen.

# Rules for Sending Commercial Communication under TCCCPR, 2018

- **Consent –**
  - Mandatory
  - Opt-in
  - **Explicit**, in case of promotional messages
  - **Implicit**, if a prior relationship exists between sender and receiver, valid only up to 12 months from the date of receiving the implied consent. In case of inquiry from the customer about the product or services, this time period is limited to 3 months.
  - All messages must include a suffix that provides relevant information required to revoke the consent
- Labels such as <Transactional>, <Service> or <Promotional> have to be prefixed (by the TSP) to the text of commercial communication.



# Rules for Sending Commercial Communication under TCCCPR, 2018

- Commercial communication can be sent only to the particular telephone numbers in the target list of telephone numbers provided by the sender to the AP.
- Auto-Dialers:
  - Inform the AP in advance about using an Auto Dialer
  - Assure the AP that you shall take steps to maintain abandoned calls within limits
  - **Calls with Auto Dialers that may result in silent or abandoned calls – NOT ALLOWED.**
- Robo Calls: According to TCCCPR, *"it is required to collect more information about the character and incidences of such calls"*
- Access Providers report entities if:
  - The ratio of abandoned calls to the total attempted calls, using Auto Dialer, over 24 hours exceed 3%
  - Ratio of silent calls to total attempted calls, using Auto Dialer, over 24 hours exceed 1%
  - Entities are found to be using telephone number harvesting software for sending UCC

# Provisions for the Customers under TCCCPR, 2018

- Customer can now enquire about the sending party information by typing the header details on the Header Information Portal maintained by the Telecom Regulatory Authority of India (TRAI).
- **Customer Preference Registration Facility:** Customers can now register, modify or de-register their preference on the TSP's website regarding:
  - **Categories of Commercial Communication** - F&B, Health, Education, etc.
  - **Modes of Communication** – Call, SMS/Auto-Dialer/Robo Calls
  - **Time Bands**
  - **Types of Days** of the week including public and national holidays
- Customers can revoke their consent anytime using the TSP's website.
- National Do Not Call (NDNC) Registry

# Consequences of Flouting the Provisions of TCCCPR

- On complaint, the Originating Access Provider examines if there are multiple reports against the sender. If, over the last 7 days,
  - i. Complaints  $\geq 10$ , a **Usage Cap** is imposed on the sender and further investigation is initiated. The Usage Cap is valid until the investigation is completed, but for no more than 30 days.
  - ii. Complaints  $< 10$ , the last 30 days of data is checked to see whether the sender is involved in sending Commercial Communication in bulk or not.
    - If the sender has not sent commercial communications in bulk, he may be released on warning.
    - If the sender has sent commercial communications in bulk, the Access Provider will put the sender under Usage Cap, and at the same time initiate an investigation.
- Upon investigation, if it is found out that the sender was engaged in sending unsolicited commercial communications:
  - First Violation – Warning
  - Second Violation – Usage Cap continues for 6 months
  - Third and Subsequent Violations – All telecom resources of the sender are disconnected for up to 2 years and the sender is put under a blacklist category. All access providers are informed not to allocate new telecom resources to such sender for up to 2 years from the date of such communication.



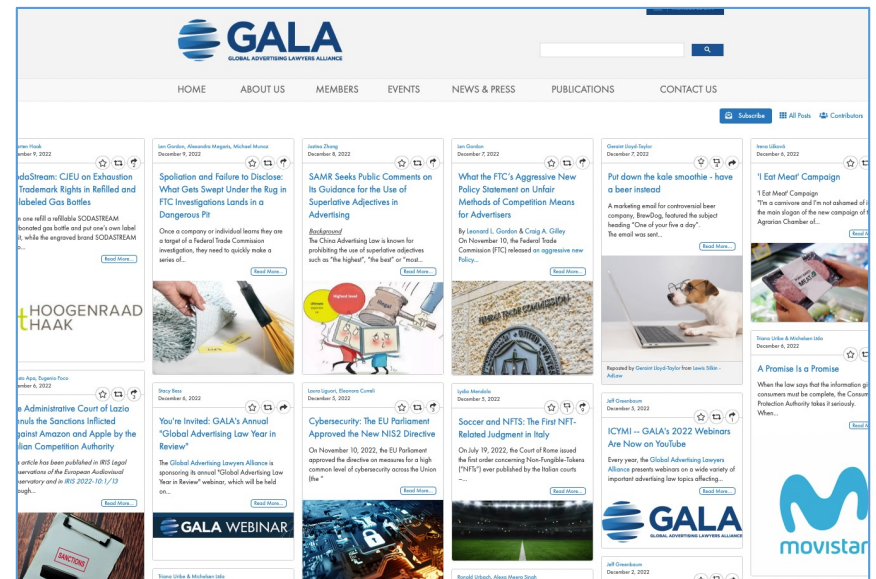
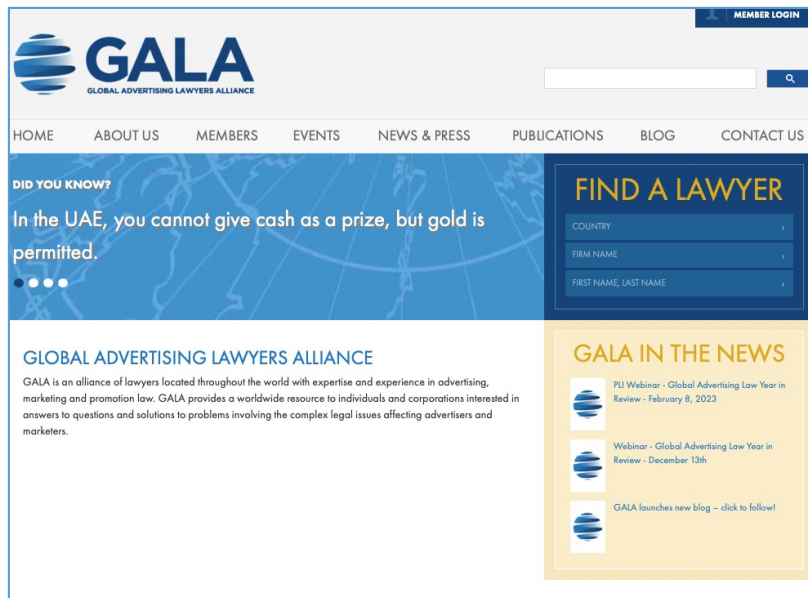
# GALA Resources

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# GALA Resources

**GALA Website**  
[www.galalaw.com](http://www.galalaw.com)

**GALA Blog**  
[blog.galalaw.com](http://blog.galalaw.com)



# Thank you!



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