

Dear Mr Haire,

My name is Kirvy Teo and I am the business owner of a relatively new company providing mobile solutions. We have customers from both the government and commercial sectors. One of our services, include sending of SMS messages for marketing purpose. Some of our activities will inevitably be affected, either positively or negatively, by the new bill.

First of all, I am a full supporter of spam control bill. Personally and commercially, I am against unsolicited messages.

Personally, it invades my privacy. Commercially, it doesn't add value or make sense for my clients. It works for me positively because this will prevent the mobile medium from being abused like emails, keeping it personal. But however, it may also impact negatively by turning away people who are interested in by thinking everything is spam.

After reading the proposed bill, I have some comments and suggestions, which I hope you can take into account.

There are 2 things that I feel which is not addressed properly in the proposed bill after reading it.

First is the unsubscribe facility.

Currently some of my clients prefer a feature called "sender ID" branding, where recipients will see an alphanumeric sender (e.g. IDA), instead of a mobile number. (e.g. 6592740469)

The reason for this is for their branding and their company's image. But the one problem is that recipients cannot reply to this type of messages. (Since there is no number to reply to)

This will make unsubscribing from the list difficult if not impossible.

Without taking away this option for marketers, would it be better if Singapore can have a central opt-out list? It would be good for everyone if an association like the DMAS or Anti-spam, www.anti-spam.org.sg, can be in charge of this. Something like what the Americans did in the US a few months back for telemarketers. Irregardless of whoever is sending, anyone can opt out of it by registering their numbers on the website.

Although there will be a definite amount of administrative work involved, marketers know where to stay clear and consumers know where to go to stay clear. In any case, I am very willing to start one myself!

Secondly, with regards to clause 5(2), I understand a need for it but it seems too general.

I think any reference on messages being “commercial in nature” seems to be a bit vague. It sounds like anyone who needs to send a SMS, needs to get explicit approval from the target audience.

For example, if a seminar company has 500 people who sign up for a seminar. To improve customer service, they decide to send out reminders to their clients via SMS. Are such messages considered “commercial” in nature? They should be because they are probably selling products/service at the seminars but at the same time, they don’t really feel so because the whole point of it is to act as a reminder.

However, I think the clause is good for preventing company from “harvesting” contacts and sharing contacts for different marketing purposes.

Case A : Mr X gives out his details to purchase/sign up for a service/product (a commercial transaction), it makes sense that the company should be allowed to send Mr X relevant or related commercial information, via email, mobile or address.

Case B : Mr X gives out his details to participate in a lucky draw (no commercial transaction), then his details should be limited to the usage of the lucky draw.

The whole point is that businesses should be allowed to exercise creativity in marketing in all available mediums, without compromising on ethics and privacy. When there is a willing commercial transaction, it makes sense (at least to me) that there is an implicit approval given to the seller to send additional information either via email, mobile or mailers. Of course, recipients can choose to unsubscribe at any given time.

Marketing 101 tells us that it is easier to sell things to an existing customer by keeping in contact with them.

As you know, SMS is a very personal medium and companies who want to improve customer service (as urged by the government) leverage on it. And the whole point of improving customer service from a business point of view is to increase the bottom line! Thus companies leverage on this personal medium to send “Thank you” messages, “We hope to see you again”, “Please be reminded of this event” etc. But should they all be considered “commercial in nature”, and thus prohibited? I think the line is not drawn clearly here. Are we curtailing personalized “expression” of customer service here?

It will be good (and I hope) that Clause 5(2) can be reconsidered and better worded to reflect this. It is nevertheless a good clause to have. I hope the bill will help legitimate businesses, if they act responsibly and ethically.

Current trends showed that clients do not really send out broadcast on a daily basis. Due to the cost involved, most of them send messages weekly, fortnightly or monthly. The problem is not as serious as email spam. I am concerned the bill will curtail and give a negative impression to such activities by simply implying all SMS messages send in bulk are considered spam. My suggestion is to have something more detailed, e.g. "Companies are not allowed to send marketing messages to same group of people more than once within 30 days"

My last suggestion is perhaps a code of practice for marketers, e.g. something like Netrust for e-commerce, will be beneficial for everyone.

Lastly, thank you for your valuable time in reading this.

Warm Regards,

Kirvy Teo (Mr)
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