

**M1'S RESPONSE TO IDA-AGC'S PUBLIC CONSULTATION ON
THE PROPOSED SPAM CONTROL BILL**

14 October 2005

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- 1 M1 welcomes the opportunity to submit our views and comments to IDA and Attorney-General's Chambers of Singapore (AGC) for its consideration on the proposed spam control bill ("Bill").
- 2 M1 has been providing cellular mobile services to the Singapore market since 1 April 1997 and in August 2000, we launched our international telephone services. In April 2001, we obtained the FBO Licence for the Provision of 3G Mobile Communication System and Services and the 3G Spectrum Right. M1 took the lead in introducing 3rd Generation (3G) technology and launching our 3G services in February 2005. In July 2005, M1 was granted the Wireless Broadband Access Spectrum Right.
- 3 The incidence of spam, or unsolicited commercial communication is relatively low on mobile networks despite the prevalent usage of mobile messaging in Singapore. This is due in part to the current charging principles implemented by mobile operators where the sender pays for the sending of messages. Hence, unlike e-mail spam, there is an economic **disincentive** in sending mobile spam. In terms of legislation / regulations, telecom licensees who send and bill customers for unsolicited mobile messages will be contravening section 3.2.2.5 of the Telecom Competition Code and hence, liable for financial penalties. The industry has also measures in place to monitor and combat mobile spam. M1 co-operates with other mobile operators and roaming partners to counter spamming within the GSM community. Service providers who purchase bulk SMS from M1 are contractually prohibited from sending advertising messages to our customers without their prior consent.
- 4 In light of the above, M1 submits that sufficient measures are in place to address issues related to mobile spam. Nevertheless, we would still furnish our feedback on the proposed Bill, primarily focusing on refining the operational implications from a mobile operator's perspective.

Section	Clause	M1's Comments
9(1)(c)(ii)	<p>Unsubscribe facility</p> <p>9 (1) No person shall send, cause to be sent, or authorise the sending of, unsolicited messages in bulk unless -</p> <p>.....</p> <p>(c) the statement is presented –</p> <p>(i) in a clear and conspicuous manner; and</p> <p>(ii) <u>in the English language and where the statement is presented in two or more languages, the English language shall be one of the languages.</u></p>	<p>M1 views that it is not practical to have at least an English version of the statement. Reasons being:</p> <p>a) Unlike e-mail, SMS/MMS is limited in the number of characters it can contain.</p> <p>b) Messages sent in a certain language (e.g. Chinese) are usually targeted at a certain language speaking group. This group may not understand English and as a result, the lengthy statement in 2 languages may cause confusion to these recipients.</p> <p>Whether to include an English version should therefore, be best left to the discretion of the sender. M1 recommends deleting subsection 9(1)(c)(ii).</p>

Section	Clause	M1's Comments
10 (1)	<p>Labelling and other requirements</p> <p>10(1) No person shall send, cause to be sent, or authorise the sending of, unsolicited messages in bulk unless each unsolicited message contains --</p> <p>(a) <u>a subject title</u> that does not mislead the recipient as to the content of the message;</p> <p>(b) <u>the letters "<ADV>" with a space before the subject title</u> to clearly identify that the message is an advertisement;</p> <p>(c) <u>header information</u> that is not false or misleading;</p> <p>(d) an accurate and functional electronic mail address or telephone number ...</p>	<p>M1 views that the subject title/header information would be more relevant to messages via e-mail since there is no subject title/header information for SMS/MMS. If these are to be included as part of the mobile message itself, it would take up the limited space/characters that a mobile message can contain.</p> <p>We would also like to highlight that it would be impractical to reflect the subject title or the letters <ADV> in the space/characters generally used to reflect the sender's mobile number/short code. This is because the space/characters will be even more limited than that available for the message content. Moreover, replacing the sender's number with a subject title or <ADV> will cause inconvenience to mobile users as the general practice to 'unsubscribe' any marketing messages is to reply to the sender using the "reply" handset function. Replacing the senders' mobile number or short code with subject title of <ADV> will disenable the ease of unsubscribing via such "reply" mechanism. Therefore, we suggest that these subject title/header information requirements be applied to only messages sent via e-mail.</p> <p>Nevertheless, if the requirement is to include the description "<ADV>", M1 suggests that it be placed within and at the beginning of the mobile message. And due to the size constraint of mobile message, it is suggested that "<ADV>" be reduced to "ADV" to save 2 characters.</p> <p>M1 proposes the following amendments to section 10:</p> <p>Labelling and other requirements</p> <p>10(1) No person shall send, cause to be sent, or authorise the sending of, unsolicited messages in bulk unless each unsolicited message <u>sent through electronic mail</u> contains –</p> <p>(a) subject title that does not mislead the recipient as to the content of the message;</p> <p>(b) the letters "<ADV>" with a space before the subject title to clearly identify that the message is an advertisement;</p> <p>(c) header information that is not false or misleading;</p>

Section	Clause	M1's Comments
		<p>(d) an accurate and functional electronic mail address or telephone number by which the sender can be readily contacted; and</p> <p>(e) such other matters as may be prescribed.</p> <p>(2) No person shall send, cause to be sent or authorise the sending of unsolicited messages in bulk unless each unsolicited message <u>sent through a mobile phone</u> contains --</p> <ul style="list-style-type: none"> (a) the letters "ADV" to clearly identify that the message is an advertisement; (b) an accurate and functional electronic mail address or telephone number by which the sender can be readily contacted; and (c) such other matters as may be prescribed. <p>(3) Subsection (1) and (2) shall not apply if the person sent the message, or caused the message to be sent, by mistake.</p>