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Inspection Technology
भारतीय प्रतिभूति
और विनियम बोर्ड
Securities and Exchange
Board of India

GENERAL MANAGER
Market Intermediaries Regulations & Supervision Department
Supervision, Enforcement and Complaints -2

11005/1
SEBI/HO/MIRSD/DoS-2/P/OW/2023/0000011006/1
March 16, 2023

To

Ms. Priya Subbaraman
National Stock Exchange
Exchange Plaza, C – 1, Block – G,
Bandra Kurla Complex, Bandra (E)
Mumbai – 400051

Mr. Neeraj Kulshrestha
Bombay Stock Exchange
Phiroze Jeejeebhoy Towers
Dalal Street
Mumbai – 400001

Mr. Himanshu Ashar
Multi Commodity Exchange of India Limited
Exchange Square, Suren Road, Chakala
Andheri East, Mumbai – 400093

Ms. Seema Nayak
National Commodity & Derivatives Exchange Limited
Akruti Corporate Park, 1st Floor,
Near G.E.Garden, L.B.S. Marg, Kanjurmarg (West),
Mumbai - 400078

Mr P.K. Ramesh
Metropolitan Stock Exchange of India Ltd.
205A, 2nd Floor, Piramal Agastya Corporate Park, Sunder Bung Lane, Kamani Junction,
LBS Road, Kurla (West) Mumbai – 400070

Guidelines to curb spam SMSes and misuse of Headers and Content Templates by unauthorized Telemarketers (UTMs).

1. In order to ensure that all promotional messages are sent only through Registered Tele-marketers (RTMs) and also to stop misuse of Headers and Message Templates which leads to increase in number of fraud/ spam, the Telecom Regulatory Authority of India (TRAI) has issued two separate directions on February 16, 2023 to all Access Service Providers (ASPs) under the Telecom Commercial Communication Customer Preference Regulations, 2018

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दूरभाष : 2644 9950 / 4045 9950 (आई.वी.आर.एस.), 2644 9000 / 4045 9000 फैक्स : 2644 9019 से 2644 9022 वेब : www.sebi.gov.in

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(TCCCPR-2018). (Copy enclosed as Annexure 1 & Annexure 2). Both the directions are attached herewith for necessary information, onward communication to all members for their compliance.

2. Further, all intermediaries who send bulk SMS hereinafter referred to as Principal Entities (PEs), may be sensitized and the following directions from TRAI may be noted for implementation -
 - i. It is seen that many PEs have registered large number of Headers and Content Templates. Unused Headers and Content Templates can be misused by fraudulent entities. Hence, PEs shall review all the Headers and Content Templates registered by them and surrender and close unused Headers and Templates immediately.
 - ii. Most misuse of Content Templates is being done due to leaking of template IDs. To avoid the misuse, PEs shall review and re-register all Content Templates immediately.
 - iii. Re-verification of Headers and Content Templates shall be done by PEs on a quarterly basis.
 - iv. During registration, the PEs may classify the Headers as permanent and temporary as per their own requirement. Time duration of temporary Headers will be given by PEs during registration process after which they will be deactivated.
 - v. PEs shall limit the number of variables portion in the Content Template of message to two variables only, provided that, for the reasons to be recorded, a third variable may be allowed in case of exigency. Variables shall be non-contiguous and not separated with space, comma and/or any other special character.
 - vi. PEs shall engage only Registered Telemarketers (RTMs) and pre-declare the complete chain of Registered Telemarketers engaged by them to their respective Access Providers/Telecom Service





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Providers (TSPs). It is advisable to keep the number of RTMs in the delivery chain to a minimum. Access Providers shall reject all messages where the chain of RTMs is not defined or does not match.

- vii. PEs or their authorized RTMs in the chain shall not use any telephone numbers for sending any kind of message and do not engage any Unregistered Telemarketers (UTM) for transmission of their message. Any blacklisted RTM should not be given any contract.
 - viii. PEs should ensure appropriate provisions in agreement with RTMs so that Headers and Templates shared by them with all RTMs are not misused.
 - ix. PEs may obtain the Delivery Report (DLR) from Access Providers/TSPs, in form of total count of messages delivered, through a system generated report.
3. You are advised to issue necessary instructions in this regard to your members under intimation to SEBI.

Yours faithfully,


Aman Jain

Enclosures: -

Annexure 1 & Annexure 2 - Copy of directions of TRAI dated 16th February, 2023



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



Dated : 16th February, 2023

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act 1997 (24 of 1997), regarding measures to curb unauthorised activities using telecom resources and amendment in Codes of Practice under Telecom Commercial Communication Customer Preference Regulation, 2018 (6 of 2018).

F. No. RG-25/(6)/2022-QoS - Whereas the Telecom Regulatory Authority of India (hereinafter referred as the "Authority"), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as "TRAI Act"), has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services; ensure technical compatibility and effective inter-connection between different service providers; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such services provided by the service providers so as to protect the interest of the consumers of telecommunication service;

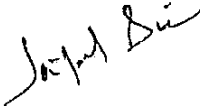
2. And whereas the Authority, in exercise of the powers conferred upon it under section 36, read with sub-clause (v) of clause (b) and clause (c) of sub-section (1) of section 11, of the TRAI Act, made the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July, 2018 (hereinafter referred to as the "regulations"), to regulate Unsolicited Commercial Communications (hereinafter referred to as "UCC");

3. And whereas regulation 3 of the regulations, provides that every Access Provider shall ensure that any commercial communication using its network only takes place using registered headers assigned to the senders for the purpose of commercial communication;

4. And whereas regulation 5 of the regulations, inter alia, provides that every Access Provider shall develop or cause to develop an ecosystem to regulate the delivery of the commercial communications as provided for in the regulations to detect, identify and act against senders of Commercial Communication who are not registered with them and to comply with any other directions, guidelines and instructions issued by the Authority in this regard;

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(ओल्ड मिनटो रोड), नई दिल्ली-110002 / (Old Minto Road), New Delhi-110002
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TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



Dated : 16th February, 2023

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) regarding measures to curb misuse of Headers and Content Templates under Telecom Commercial Communication Customer Preference Regulation, 2018 (6 of 2018).

F. No. RG-25/(6)/2022-QoS - Whereas the Telecom Regulatory Authority of India (hereinafter referred as the "Authority"), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as "TRAI Act"), has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services; ensure technical compatibility and effective inter-connection between different service providers; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such services provided by the service providers so as to protect the interest of the consumers of telecommunication service;

2. And whereas the Authority, in exercise of the powers conferred upon it under section 36, read with sub-clause (v) of clause (b) and clause(c) of sub-section (1) of section 11, of the TRAI Act, made the Telecom Commercial Communications Customer Preference Regulations, 2018 (6 of 2018) dated the 19th July, 2018 (hereinafter referred to as the "regulations"), to regulate unsolicited commercial communications;

3. And whereas regulation 3 of the regulations provides that every Access Provider shall ensure that any commercial communication using its network only takes place using registered headers assigned to the sender for the purpose of commercial communication;

4. And whereas regulation 5 of the regulations, inter alia, provides that every Access Provider shall develop or cause to develop an ecosystem to regulate the delivery of the commercial communications as provided for in the regulations and to comply with any other directions, guidelines and instructions issued by the Authority in this regard;

5. And whereas regulation 8 of the regulations, inter alia, provides that every Access Provider shall, before allowing any commercial communication through its network, develop Codes of Practice (hereinafter referred to as "CoPs") for

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Entities of ecosystem (CoP- Entities) as per Schedule-I and develop CoP for Unsolicited Commercial Communications Detection (CoP-UCC_Detect) as per Schedule-IV, register entities as provided for in the CoP for Entities and register Senders and assign the headers/ header roots;

6. And whereas sub-regulation (3) of regulation 12 of the regulations provides that Access Providers shall deploy, maintain and operate a system, by themselves or through delegation, to register persons, business entities or legal entities in making Commercial Communication through its network involved from origination, transmission or delivery and have adequate documentary evidence in support to provide their identities;

7. And whereas item 4 (1) of Schedule I to the regulations provides that every Access Provider shall carry out Header Registration functions as provided in the regulations and the relevant provisions of the said item reads as under-

"4. Every Access Provider shall carry out following functions: -

1. Header Registration Function (HRF)

....

(b) carry out pre-verifications of documents and credentials submitted by an individual, business entity or legal entity requesting for assigning of the header;

(c) bind with a mobile device and mobile number(s), in a secure and safe manner, which shall be used subsequently on regular intervals for logins to the sessions by the header assignee;

....

(f) carry out additional checks for look-alike headers which may mislead to a common recipient of commercial communication, it may also include proximity checks, similarity after substring swaps specifically in case of government entities, corporate(s), well-known brands while assigning headers irrespective of current assignments of such headers, and to follow specific directions, orders or instructions, if any, issued from time to time by the Authority;"

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8. And whereas item 4 (3) of Schedule I to the regulations provides that every Access Provider shall carry out Content Template Registration functions as provided in the regulations and the relevant provisions of the said item reads as under-

"4. Every Access Provider shall carry out following functions: -

....

(3) Content Template Registration Function (CTRF)

(a) to check content of the template being offered for registration as a transactional template and service message template;

(b) to identify fixed and variable portion(s) of the content in the offered transactional template and service message template with identification of type of content for each portion of variable part of the content, e.g. date format, numeric format, name of recipient, amount with currency; reference number, transaction identity;

(c) to estimate the total length of variable portion, viz. total length of fixed portion for a typical transactional message, service message for offered template;

(d) to de-register template or temporarily suspend use of template;

....

(f) to check content of the template being offered for registration as a promotional from perspective of content category;"

9. And whereas item 5 (1)(c) of Schedule I to the regulations provides that every Access Provider shall set up functional entities like Header Registrar for keeping record of headers throughout its lifecycle, i.e. free for assignment, assigned to an entity, withdrawn, surrendered, re-assigned etc.;

10. And whereas item 2 of Schedule VI to the regulations, inter alia, provides that in preparation of migration plan, the Access Provider shall stop assigning headers without verification of identity and scope of senders and they shall register the existing assignee of headers after verification of identity and scope documents of Unsolicited Commercial Communications senders;



11. And whereas, the Authority has noticed that-

(a) Headers and Content templates of Principal Entities (hereinafter referred to as "PEs") are being misused by some telemarketers due to failure of authentication of data of PEs and there is an urgent need to re-verify the authenticity of all headers and templates approved on Distributed Ledger Technologies (hereinafter referred to as "DLT") platform and cleanse the data within a definite time frame, and that the process of cleansing DLT data requires periodical actions by the Access Providers;

(b) look-alike headers are being registered by Access Providers on names of different Principal Entities and many times, such headers create confusion among recipients of message or even misused by some entities for their benefit; and

(c) the number of variables in a template is not defined in CoPs which leads to misuse of the same and moreover, the promotional content is being passed in the variable portions of content templates and therefore, in order to minimize the said misuse, number of variables allowed in content template needs to be limited in a way that not only gives PEs enough flexibility to phrase their content but at the same time, there are reasonable restrictions on number and placement of variables;

12. And whereas regulation 17 of the regulations provides that Authority may direct Access Providers to make changes, at any time, in the CoPs and Access Providers shall incorporate such changes and submit revised CoPs within fifteen days from the date of direction issued in this regard;

13. And whereas regulation 18 of the regulations provides that every Access Provider shall comply with submitted CoPs provided that any provision in CoP shall not have effect to the extent of being inconsistent with these regulations;

14. And whereas regulation 19 of the regulations provides that the Authority reserves the right to formulate a standard CoP in case the formulated CoP is deficient to serve the purposes of these regulations;

15. And whereas regulation 20 of the regulations provides that every access provider shall comply with the provisions of Standard CoPs;

16. And whereas the Authority is of the view that the above mentioned provisions of the regulations pertaining to Headers and Content Templates are

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not strictly being followed, and that there is a need to make changes in the CoPs so as to curb the misuse of Headers and Content Templates;

17. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and the provisions of the Telecom Commercial Communications Customer Preference Regulations, 2018 hereby directs all the Access Providers to:

- (a) Ensure re-verification of all Headers registered on DLT platform within thirty days from the date of issue of this direction and blocking of unverified headers;
- (b) ensure to develop, within sixty days from issue of the direction, a system to –
 - (i) temporarily deactivate all headers which remain unused in last thirty days;
 - (ii) reactivate headers by PEs through an online process; and
 - (iii) ensure that PE shall classify every header at the time of registration as 'temporary' or 'permanent' header, as the case may be, and that the 'temporary' header shall be deactivated after the time duration for which such 'temporary' header has been registered;
- (c) ensure that each Header is distinct and shall reject, during registration, such Headers which are similar by virtue of combination of small case or large case letters;
- (d) ensure re-verification of all content templates within sixty days of issue of this direction and blocking of unverified templates ;
- (e) incorporate procedure for quarterly re-verification of Headers and content templates in their respective CoPs;
- (f) limit the number of variable portions in content template of messages to two variables only provided that, for the reasons to be recorded, a third variable may be allowed in case of exigency; and
- (g) ensure that variables in the content templates are non-contiguous and not separated with space, comma and/or any other special characters.

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18. All the Telecom Service Providers are directed to comply with the above directions and forward updated status on actions taken, including updating of CoPs, within thirty days from date of issue of this direction.

Jaipal Singh 16/02/2023
(Jaipal Singh Tomar)
Advisor (QoS)

To
All Access Providers (including BSNL and MTNL)