

**The Unsolicited Commercial Communications (UCC)**  
**Code of Practice**  
**For**  
**Complaint Redressal Mechanism (“CoP –Complaint”)**

## A. Foreword:

- i. This document is formulated to comply with “The Telecom Commercial Communications Customer Preference Regulations released dated July 19<sup>th</sup>, 2018 by the Telecom Authority of India (TRAI). (‘TCCCP Regulations 2018’).
- ii. This document can be here after named as “Code of Practice-Complaint handling or CoP-Complaint”
- iii. The Code of Practice formulated in this document only refers to the complaint handling related to the complaints received to Access provider by its subscribers for Unsolicited Commercial Communication.
- iv. For avoidance of doubt, in the case of any difference between texts, the text set out in the TCCCP Regulations, 2018 shall take precedence. In case of any confusion in interpretation or clarification needed, the clarifications thus provided by respective Telecom Service Provider (TSP) shall be final and binding.
- v. This CoP is the outcome of mandate given in TCCCP-2018 and has evolved with the joint initiative and concurrence of all the Access Providers.
- vi. The CoP will take effect as per the provisions mentioned under the Section Effective date of this CoP document.
- vii. It is to be clearly understood by all stakeholders that any modification to this CoP would be well within the right of TSP, with no liability of any financial claim or damages or any other adverse action, subject to suitable information of such changes being provided to concerned stakeholders.

## **B. Sections:**

- I. Effective Date
- II. Scope
- III. Process for Complaint registration, verification and resolution
- IV. Process for Complaint Resolution and Remedial action against sender(s)
- V. Information handover over DLT to Entities and/or other TSPs
- VI. Consequence management
- VII. System Functioning Conditions
- VIII. Amendment to CoP
- IX. Definitions
- X. Version History

## Section I. Effective Date

1. Being a huge change in the entire chain of ecosystem (i.e. system, business processes and functions to be performed by associated parties), there is a need for seeking consensus of TRAI on the first CoP, before solutioning the architecture, its development and deployment.
2. As per Regulation, TRAI can give inputs to the CoP post its submission. This CoP being first of its kind, it is fair to wait for TRAI's inputs before further steps are taken towards its implementation. Therefore, this CoP will be effective after 15 days from the date of submission to TRAI ("CoP Effective Date"). In case of any observations from TRAI within such 15 days, this CoP will be effective once such observations are addressed by TSP and agreed with TRAI.
3. The solutioning of architecture, processes, its development and deployment activities will start after finalization of CoP as per point no. 2 above.
4. The estimated timelines for point no 3 mentioned above is at least 6 months post CoP Effective Date, though it would be subject to Vendor finalization, Solutioning& actual requirements emanating from finalized CoP and hence subject to review subsequently.
5. The effectiveness of new ecosystem and processes would depend on its concurrent deployment by all TSPs on a common date.

## Section II. Scope

The Scope of this CoP is to:

1. Effective and timely handling and resolution of UCC complaints raised by customers.
2. Comply with the TCCCP Regulation, 2018.
3. Cover process and modes for registration of complaints by customers. Complaints raised within 3 days of UCC event, will be treated as valid.
4. Process for complaint handling, verification and resolution, including necessary action on UCC made by RTM & UTM.
5. Provide Network system functioning conditions including SLAs and architecture
6. Provide minimum set of information which will be put on DLT system for sharing with different Entities and in between TSPs.

### Section III. Process for Complaint registration, verification and resolution

#### A Modes of Complaint Registration

##### 1. Procedure for UCC Complaint registration through Voice Call

Sr.no.	Procedure
1	Customer to dial Toll Free number 1909 to register the UCC complaint.
2	Customer to provide following details to customer care executive. a) Date of UCC communication received. b) SMS Header or Telephone number from which UCC received. c) Brief description of UCC received. d) Referred telephone number(s), if any.
3	Customer care executive will validate the complaint for below conditions: a) The subscriber is registered in DND with preference of related category being blocked. b) Date of UCC is not greater than 3 calendar days from complaint registration date. (Date of UCC will be excluded for the calculation of 3 calendar days) (Content of complaint to be given to the OAP by the TAP through DL- complaint. d) The call is being made from the same number on which UCC received.
4	a) After successful validation, the customer care executive will register the complaint in respective system and communicate the unique complaint number to customer. Further, an automated SMS containing unique complaint number will be sent to customer within 15 minutes of complaint registration. b) If validation unsuccessful, the customer care executive will inform the customer accordingly.
5	Provide for complaint withdrawal/revocation with a notification to TAP Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism.

##### 2. Procedure for UCC Complaint registration through SMS

Sr.no.	Procedure
1	Customer to send SMS in below format on Toll Free number 1909 to register the UCC complaint. “The details of unsolicited commercial communication, XXXXXXXXXX, dd/mm/yy” Where XXXXXXXXXX– is the telephone number or header of the SMS, as the case may be, from which the unsolicited commercial communication has originated. Explanation: The telephone number or header and the date of receipt of the unsolicited commercial SMS may be appended with such SMS, while forwarding to 1909, with or without space after comma. In case of UCC over voice, customer may provide content of communication in brief.
2	If SMS format is incorrect, an automated error reply SMS will be sent to customer along with correct format.
3	If format is correct, the complaint will be registered in TSP system & an automated SMS with unique complaint number will be sent to customer within 15 minutes of complaint registration.

	Provide for complaint withdrawal/revocation with a notification to TAP
4	Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism.

### 3. Procedure for UCC Complaint registration through Web Portal

Sr.no.	Procedure
1	Customer to visit TSP's website for registering UCC complaint.
	Customer to select respective Circle & enter his/her mobile number, below inputs to be mandatorily filled by the customer
2	a) Date of UCC received. b) SMS Header or Telephone from which UCC received. c) Brief description of UCC received.
3	After providing all inputs, customer will get an option to generate OTP.
4	On receipt of OTP, customer will key-in the OTP and after online validation of OTP, Complaint will be auto raised in TSP's system and confirmation of successful validation will flashed to the customer during the session itself. Further, an automated SMS containing unique complaint number will be sent to customer within 15 minutes of complaint registration. TSPs may choose to have this OTP validation option at any stage.
	Provide for complaint withdrawal/revocation with a notification to TAP
5	Provision for rebuttal by TAP on action taken by OAP – reopen/review mechanism.

- 4. Procedure for UCC Complaint registration through Any Other mode:** TSP may choose to take and register UCC complaints from customer on any other mode / platform as decided by TSP from time to time.

## Section IV. Process for Complaint Resolution and Remedial action against sender(s)

### 1. Complaint Mechanism:

- A. Post receipt of complaint through above-said modes, Terminating Access Provider (TAP) shall record the complaint on DL-Complaints and shall notify the details of the complaint to the concerned Originating Access Provider (OAP) in real time < *Should this be after investigation at point no b below* >
- B. TAP shall also verify if the date of receipt of complaint is within three days of receiving commercial communication and in case the complaint is reported by the customer after three days, the TAP shall communicate to the customer about the closure of his complaint in accordance to this CoP and change status of complaint on DL-Complaint as a report instead of complaint.
- C. Post above, TAP shall examine within one business day from the date of receipt of complaint, to check the occurrence of complained communication between the complainant and the reported telephone number or header from which UCC was received and update the findings on DL-Complaints. In case, occurrence not available then, complaint/report to be updated as invalid.

Alternatively, DL-Complaint should be auto-updated for complaint status and action taken when the complaint status is updated in CRM.

DL-Complaint to have an MNP dip followed by number series dip/Header Master list (as in the DL-Header register), to identify OAP for simultaneous notification/transmission of complaint.

**Regulation 25 (2) Suggestion:** let the TAP not be required to work on these complaints since all validations except CDR have already been done before the complaint is uploaded in DL-C, and the OAP is correctly identified basis MNP and number series/Header Master dip. We propose that only the OAP works on these complaints and responds on the DL-C.

Action taken by OAP gets updated in DL-C, which then flows into the TAP's CRM, and resolves the complaint with a resolution/action taken SMS to the complainant.

The SR lies in 'resolved' state for 48 hours, and is auto 'closed' if there is no rebuttal/further action on it for this period. But the SLA is calculated basis 'resolution' and not 'closure'.

- D. **In case the Complaint is related to Registered Telemarketer (RTM):** The OAP (it includes the TSP who is both TAP and OAP), in case the complaint is related to RTM, shall examine, within one business day from the date of receipt of complaint, whether all regulatory pre-checks were carried out in the reported case before delivering Unsolicited Commercial Communications; and
  - i. Pre-checks would involve checking:
    - a. CDR to check occurrence of complained communication
    - b. Sender and Header/CLI was registered

- c. If content was a Service message, whether related customer consent was taken or not.
  - d. OAP will check whether the content was a transactional message or not, basis the transactional template
  - e. Customer Preference
- ii. In case, all regulatory pre-checks were carried out and delivery of commercial communication to the recipient was in confirmation to the provisions of the regulation and related CoPs, OAP shall communicate to TAP to inform complainant about the closure of complaint as 'No Action required as Consented Commercial Communication'. In case of CDR showing no such occurrence of complained communication, the OAP shall communicate to TAP to inform complainant about the closure of complaint as 'No Occurrence found at OAP end'.  
**OAP will update the status of complaint in CRM. CRM should update automatically in DL along with the remarks and status.**
- iii. In case, any of the regulatory pre-checks were not carried out, the OAP shall within two business days from the date of receipt of complaint, take actions against the defaulting entity and communicate to TAP to inform the complainant about the action taken against his complaint through DL-Complaints.  
**OAP will update the status of complaint in CRM. CRM should update automatically in DL along with the remarks and status.**
- iv. The actions for valid complaints will be as follows:
  - a. In case complaint against promotional message: To be discussed and decided
  - b. In case complaint against service message: To be discussed and decided
  - c. In case complaint against transactional message : To be discussed and decided
  - v. In case of voice UCC, if complaint mentions use of Auto-dialer and the caller has not informed use of Auto-dialer to OAP, the OAP to monitor the issue and in case of complaints more than 10 in a week, issue a notice to the calling entity seeking explanation. .
- vi. In case The OAP shall take appropriate remedial action, as provided for in the Code of Practice(s), to control Unsolicited Commercial Communications so as to ensure compliance with these regulations;

**E. In case the complaint is related to Unregistered Telemarketer (UTM):** The OAP

- i. Shall examine communication detail records (CDRs), within one business day from the date of receipt of complaint, to check the occurrence of complained communication between the complainant and the reported telephone number from which unsolicited commercial communication was received.
- ii. In case of no occurrence of complained communications under sub-regulation (5)(a), OAP shall communicate to the TAP to inform the complainant about the closure of complaint as 'No Occurrence found at OAP end'

iii. In case of occurrence of complained communications under sub-regulation (5)(a), OAP shall further examine, within two business days from the date of complaint, whether there are similar complaints or reports against the same sender; and

a) In case, it is found that number of complaints against the sender is from ten or more than ten Recipients/complainants over a period of last seven days, the OAP shall put Sender under Usage Cap and at the same time shall initiate investigation as provided for in point number F. below. Usage cap means a limit \_\_\_\_\_ <as per definition>.

Provided that such Usage Cap shall be valid till investigation is completed or thirty days from the date of effect of restrictions, whichever is earlier;

b) In case it is found that number of complaints against the sender are from less than ten recipients over a period of last seven days, the OAP shall, from the previous thirty days data of CoP\_UCC\_Detect System, check whether suspected sender is involved in sending Commercial Communication in Bulk or not. Bulk for this purpose would mean \_\_\_\_\_ <define bulk>

i. In case, sender has sent commercial communications in bulk, the OAP shall put the sender under Usage Cap, and at the same time initiate investigation as provided for in point no. F. below.

Provided that such restrictions shall be valid till investigation in this regard is completed under the CoP or thirty days from the date of effect of restrictions, whichever is earlier.

ii. In case, sender has not sent commercial communications in bulk, the OAP shall warn such sender through a notice to be delivered at registered postal address or email id.

#### **F. Investigation of a complaint against UTM:**

i. OAP shall issue notice, within three business days, to give opportunity to such sender(s), under sub regulations (a) and (b) i.e. to represent their case and shall investigate, within thirty business days from the date of receipt of complaint and shall conclude whether the communication so made was UCC or not; and conclusion of the investigation was that sender was engaged in sending unsolicited commercial communications, OAP shall take action against such sender as under: -

a) For first instance of violation, due warning shall be given.

Provided that the first instance of the violation shall include all the complaints against the sender within two business days after the date of receipt of the first complaint, against which the sender is to be warned under this sub-regulation.

- b) For the second instance of violation, Usage Cap shall continue for a period of six months;

Provided that the second instance of the violation shall include all the complaints against the sender after the issuance of first warning within two business days after the date of receipt of the complaint against which second warning is being given to the sender.

- c) For third and subsequent instances of violations, all telecom resources of the sender shall be disconnected for a period up to two years and OAP shall put the sender under blacklist category and communicate to all other access providers to not to allocate new telecom resources to such sender for up to two years from the date of such communication.

Provided that the third instance of the violation shall include all the complaints received against the sender after the date of second warning within two business days after the receipt of the complaint against which telecom resources are being disconnected.

Provided further that one telephone number may be allowed to be retained by such sender with the Usage Cap for a period up to two years, subject to payment of commercial consideration to such effect as decided by TSP from time to time.

- d) TRAI may examine such cases at a later date where usage caps have been placed or have been disconnected and may order removal of restriction on usage or restoration of telephone numbers, or removal from blacklist. To meet this, TSP should keep the telecom resources in temporary suspension and not permanently disconnect the same.
- ii. Regulation 26 – TRAI to have access to automated reports. No manual reporting required.

## Section V. Information handover over DLT to Entities and/or other TSPs

### **1. By TAP: On receipt of Complaint and after doing checks**

- a. Date and time of UCC
- b. Date and time of receipt of complaint
- c. Sender and recipient of complained UCC
- d. Unique reference number
- e. Text as captured during the registration of complaint
- f. Reference number mentioned in complaint, if any.

### **2. By OAP, after pre-checks for RTM cases**

### **3. By OAP, after pre-checks for UTM cases**

### **4. By OAP, Action taken on RTM and UTM cases**

### **5. By OAP, after investigation on UTM cases**

## **Section VI. Consequence management**

1. In case of UCC emanating from telecom resources allocated to RTM, the TSP shall impose suitable and deterrent penalty, as per the agreement signed between TSP and RTM.

## **Section VII. System Functioning Conditions**

### **1. System Architecture**

Depending upon CoP finalization and discussions with vendor, the system architecture freezed by TSPs for implementation should be incorporated in this CoP as well.

### **2. Standards, Specification and SLAs**

An SLA will be agreed between TSPs interconnecting over DLT layer, from time to time and same will be translated into technical SLAs.

### **3. Flowchart of Complaint Registration, Resolution and remedial action**

## Section VIII. Amendment to CoP

This CoP can be amended by respective TSPs at any given point in time subject to following:

- a) It is understood that CoPs stipulate various requirements which are interlinked with CoPs of other TSPs as well. Considering the same, wherever the amendment can lead to change in information sharing with other TSP and/or billing, processing etc with other TSP, such amendment should be shared with two weeks advance intimation before actually implementing the same.
- b) Wherever there is any material change for any existing Sender(s) which impacts performance of its obligations, an advance notice of at least 7 calendar days along with changes and its effective date for such existing Sender(s), should be given on their respective registered email-id.

## Section IX. Definitions

In this Code of Practice, unless the context otherwise, the Definition of various terms used under different clauses of the document will be according to the Definitions given under Regulation 2 of the Telecom Commercial Communications Customer Preference Regulations, 2018.

## Section X. Version History

The space below is provided to keep a track and record details of Amendments of this Document

S.no	Date	Details	Remarks