



Note to Code of Conduct:

Additional guidelines for premium SMS level 8 shortcodes

(0.51€ to 4.50€ shortcodes)

English translation by Mpulse*
26/07/2010

**The English texts herein are only an approximate translation of the AFMM's original French content available on www.afmm.fr. This translation is NOT an official translation. This translation is for informational purposes only and has been prepared solely for the convenience of non-French speaking customers. Mpulse does not warrant the accuracy, reliability or timeliness of any information translated internally. References identifying the original documents in French are available throughout the text. Should confusion arise in the interpretation of the English translation of this text, the French version will be considered as accurate.*

Additional guidelines for the use of SMS+ level 8 ¹

Dear editors and providers,

You have contacted us regularly regarding the opportunities and restrictions related to SMS+ level 8.¹

We have also noted that there are an increasing number of services that are not eligible for level 8. This is particularly the case for contests, services that can be related to interpersonal communication, services to connect with an expert or messaging services.

Please note that in accordance with article 8 of the Conception Charter² and annex 4 of the Convention for the Reservation of Short SMS+ Numbers³, the following SMS+ services are the only ones authorized for level 8:

- **SMS+ Services whose primary objective is downloading** (Wallpaper, Photos, Ringtones, interactive Content, Videos), that is, enabling the User to buy Content during a WAP connection, store it in his/her terminal (phone) and have access to it while not connected,
- **Services that only require delivery in the form of an “enriched” MT MMS**, that is, content that is not purely text. If the User does not have an MMS compatible mobile phone, the Editor must inform him/her via a non-premium MT SMS that his/her mobile phone is not MMS-compatible and he/she therefore does not have access to the service,
- **Provision via SMS of an alphanumeric SMS code** as described in article 5 of the Ethics Charter⁴
- **SMS+ Services for thematic information through micro-subscription:**
 - Sports, cinema, TV, music, arts, going-out
 - Astrology, future telling, health, fashion
 - Finance, stock exchange, banking
 - Transport, travel
 - News, weather
 - Results and/or predictions for horse racing, lottery results

Moreover, regarding **SMS+ Services whose primary objective is downloading**, article 3 of the Communication Charter⁵ and annex 3 of the Convention for the Reservation on Short SMS Numbers³ stipulate:

¹ An ‘SMS+ level 8’ short number is a premium SMS shortcode with a price point above 0.50 € and up to 4.50 €.

² Charte de Conception des services SMS+ / MMS+ = Annexe 4 in France Code of Conduct

³ Convention de Réservation des Numéros Courts – this Annex is only relevant for Visio+ services (= interactive video services using the visual channel on a 3G/3G+ network)

⁴ Charte de Déontologie : Recommandations déontologiques applicables aux services SMS+ / MMS+ = Annexe 1 in France Code of Conduct

⁵ Charte de Communication des services SMS+ / MMS+ = Annexe 3 in France Code of Conduct

Services whose primary objective is downloading (Wallpaper, Photos, Music, Ringtones, interactive Content, Videos, etc...) in category 1 applications⁶:

Regarding all communication which involves services that fall under category 1 Applications whose primary objective is downloading, the Editor agrees explicitly to clearly indicate to the User that the service includes the downloading of content. Furthermore, ordering content can only be done by sending a key word that has been specified by the Editor via MO SMS or MO MMS. The Editor should indicate this information in all MT SMS or MT MMS with advertising or self-promotional content.

Furthermore, please bear in mind that in order to be eligible for level 8, an SMS+ Service should indicate that the act of downloading is related to the very nature of the service rather than content. It should not be with the sole pretext of receiving a clickable SMS or a WAP push enabling the User to download Content.

- For example, SMS+ services promoted by MT SMS in the following manner are not eligible for level 8 even if the User has the possibility of downloading content:

[Business name]: Hello, you have won a prize, to collect it, send WIN to 8XXXXX (1.50 Euro + SMS sending rate)

[Business name]: a contact has sent you a message. To read it send XXX to 8XXXX (3 Euro + SMS sending rate)

[Business name]: Hi, this is Alice, do you want to get to know me? Send XXX to 8XXXX (3 Euro + SMS sending rate)"

Moreover, there must be an explicit keyword enabling the downloading of content, including self-promotional MT SMS for all communication regarding an **SMS+ Service whose primary objective is downloading**.

- For example, the following self-promotional MT SMS sent to the User after the consumption of the first SMS+ Service at level 8 is not authorized:

[Business name]: Would you like to receive another video? (3 Euro + SMS sending rate)

Moreover, in accordance with the SMS+ Conception Charter⁷, only services for downloading games or videos are eligible at a maximum rate of 4.50 Euro. The maximum rate for all the other services (particularly web code) authorized for level 8 is 3 Euro.

Finally we invite you to consult the SMS+ Communication Charter⁸, annex 3 of the Convention for the Reservation of Short SMS+ Numbers⁹, regarding the following measures which are compulsory regardless of the tariff level and the nature of the SMS+ Service:

⁶ Category 1 is defined in the France Code of Conduct as Pay-per-download and Chat (moderated)

⁷ Charte de Conception des services SMS+ / MMS+ = Annexe 4 in France Code of Conduct

⁸ Charte de Communication des services SMS+ / MMS+ = Annexe 3 in France Code of Conduct

⁹ Convention de Réservation des Numéros Courts – available on <http://www.afmm.fr/Solutions/SMS-et-MMS/Chartes-et-contrats>

- **Identification of the Service and the Editor:** Article 1
- **Communication regarding the cost of the Service:** Article 2

You can find all the premium SMS related charters via the following links:

- **SMS+ ethical charter:** http://www.afmm.fr/img/Solutions/SMS%20-%20MMS/doc%20a%20telecharger/Charte_de_deontologie_juillet2009.pdf
- **SMS+ communication charter:** http://www.afmm.fr/img/Solutions/SMS%20-%20MMS/doc%20a%20telecharger/Charte_%20de_communication_juillet2009.pdf
- **SMS+ conception charter:** http://www.afmm.fr/img/Solutions/SMS%20-%20MMS/doc%20a%20telecharger/Charte_de_conception_juillet2009.pdf

Best regards,

Premium SMS Association (*called : SMS+*)