

General Rules for the Provision of Services via Audiotextual Lines

ICTU



Version no. 4, effective from 1.3.2010

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1 INTRODUCTION AND SCOPE OF COMPETENCY

1.1 Purpose

This document (ATX Codex) serves Customers (consumers) using Audiotextual Lines and helps them comprehend the functioning of these lines and services provided through them. The ATX Codex further serves Providers, Partners/Aggregators and Operators as a recommended set of rules for the operation of Audiotextual Lines in the Czech Republic.

The document was created through cooperation of the Association of Mobile Network Operators (“APMS”) with the Association for Information Technology and Telecommunications (“ICTU”). These recommendations are taken from the experience of ICTU and APMS members (“Operators”) in the operation of these services in the Czech Republic, and from their experiences with similar services abroad.

The aim of the document is to define a transparent and also non-discriminatory environment for the provision of services via audiotextual lines, with an emphasis on consumer protection and the long-term improvement of the reputation of these services on the market.

1.2 Glossary

Audiotextual Links (ATX)	premium-rate lines intended for the operation of content- and voice-based services provided on numbers and number ranges reserved for these services by a valid Numbering Plan
APMS	Association of Mobile Network Operators
ICTU	Association for Information Technology and Telecommunications
Czech Telecommunication Office (ČTÚ)	central administrative body for State administration in matters governed by law, including market regulation and the stipulation of terms and conditions for trading in the field of electronic communications and postal services as defined by Act no.127/2005 Coll., on electronic communications and the amendment of related laws
Numbering Plan	Numbering Plan for public telephone networks, stipulating binding rules for the numbering of public telephone networks and services or access to electronic communications services
ATX Codex	recommendations for the operation of Audiotextual Lines
Operator	trading entity, within whose public communication network Customers call Audiotextual Lines
Partner/Aggregator	an entity that, either through its own public communications network or otherwise, shares in the operation of Audiotextual Lines, but is not directly a Provider
Provider	an entity that provides Customers with content- and voice-based Services via an Audiotextual Line
Service	content- and voice-based services provided via Audiotextual Lines
Customer	end-user calling on Audiotextual Line, final consumer of a Service
ZoEK	Act no.127/2005 Coll., on electronic communications and the amendment of related laws (law on electronic communications), as amended

2 SERVICES PROVIDED ON AUDIOTEXTUAL LINES AND CUSTOMER PROTECTION

2.1 General Stipulations

The Provider is obliged to ensure that a Service and its functioning via Audiotextual Line are clearly described in all media so that Customers or potential Customers are informed, in a corresponding and true manner, about the Service being offered. The Provider is obliged to give their contact details in relation to the type of media in question.

It is unacceptable to mislead the Customer or potential Customer through unclear language, ambiguity, exaggeration or failure to provide information. It is likewise unacceptable to provide required information illegibly, be it through the use of small, illegible print or a non-contrasting background.

All Providers must ensure that a Service provided on an Audiotextual Line conforms to the requirements stipulated by generally binding legal regulations of the Czech Republic and EU law, chiefly with regard to personal data protection and consumer protection. The Provider may not provide data gained through communication with a Customer to a third party (advertising agency etc.) without a Customer's explicit consent.

2.2 Services Provided on Audiotextual Lines

When transmitting Services in the media, the Customer must be clearly and unambiguously informed in the relevant advert of the final price of the Service, including value-added tax and further facts, as described below.

The Provider of a Service is obliged to retroactively demonstrate this to the Partner/Aggregator or to the Czech Trade Inspection Authority during a check by this authority, as defined in the relevant law.

When promoting information and services provided by them via electronic means (i.e. in the form of voice, text and visual messages sent through a public electronic communications network), the Provider is obliged to observe all conditions stipulated by the "Act on Some Services in an Information Society and Amendments to Some Laws" no. 480/2004 Coll., as amended, and to chiefly have the consent, demonstrably acquired in advance, of a physical person or legal entity with this form of promotion via electronic means.

2.2.1 Information on type of service according to time-period charged

When advertising a Service, Providers must clearly inform Customers whether it is:

- a classic service, where there is no time-limit to the length of call for a given service;
- a one-off service:
 - o with a fixed time-limit (e.g. 10-second call, terminated by the Provider), or
 - o with a one-off tariff for a single connection.

2.2.2 Information of type of service according to price charged per unit

The price for use of a Service must be clearly stipulated so that it is obvious how much it will cost the Customer to utilise the Service. The price is set according to the nature of the Audiotextual Line, either as a price:

- o for an appropriate time-period, where it is always necessary, with regard to Customer protection, to also give the price of a Service per minute (erotic, informational, etc.), or
- o per call (e.g. voting)

2.2.3 Information on the price of a Service

The prices of services are always given by the Provider as the final price from the point-of-view of the Customer, in CZK incl. VAY, should the given service be subject to VAT, and if VAT applies, this must be clearly shown. In the case of services of a voting nature that are charged according to time-period, where maximum connection time is fixed by the Provider and is shorter than one minute, then the Provider is obliged to give the maximum price of a call in CZK incl. VAT instead of the price in CZK for the relevant time-period.

The Provider must ensure that all Customers using a Service provided by them are informed of the price of a Service in a manner that is clear and comprehensible, and, under all circumstances, independent of the means of gaining information about the service – and this prior to provision of such a Service.

In the event that the Provider provides Services on any number other than an Audiotextual Line, then they are, amongst other things, obliged to also give the price incl. VAT, should the given service be subject to VAT, of the Service any time they give the telephone number of the Audiotextual Line; this must be listed immediately after the given telephone number of the Audiotextual Line. An example of this is given in point 2.2.5 – Other Voice-Based Advertisements.

2.2.4 Information on the Provider, helpdesk, complaints and access

Amongst other things, every Provider must ensure that all users of Services provided by them are informed, in a manner that is clear and comprehensible, and, under all circumstances, independent of the means of gaining information about the service, of:

- the Provider – full name and surname (of physical persons) and company name (of legal entities) under which they are listed in the commercial, trade or other register, business address or P.O. Box
- the helpdesk for Customers, chiefly for the purpose of requesting proper tax documents, resolution of complaints and access to the Service.

The Provider is obliged to resolve customer queries and claims without due delay so that the good name of the Partner/Aggregator and Operator is not damaged. Requests for information and customer complaints are resolved by the Provider at a contact point given in communication with the customer.

In the event that an Audiotextual Line is not accessible to Customers on the network of any Operator, then the Provider is obliged to list in an advertisement which Operator networks the Line is accessible in. In the event that an Audiotextual Line is accessible from the networks of all Operators, then the provision of this information is not mandatory.

2.2.5 Demonstrative listing of required information in relation to utilised media

Type of Media – Service	Required Information	Example
TV - consultation	- Number of Audiotextual Line - Price in CZK/min. incl. VAT - Full name and surname/trading company of Provider - Contact details for Provider (address or P.O. Box) Information must be clearly legible and must remain on screen for a period of 7 seconds.	Got a problem? Call our customer centre on 906 10 00 00. Calls charged at 10 CZK/min. incl. VAT. Max. call length 30 minutes. Operated by Audix Praha s.r.o., P.O. Box 1234, Praha 1
TV - voting	- Number of Audiotextual Line - Price in CZK/min. incl. VAT or maximum length of call - Full name and surname/trading company of Provider - Contact details for Provider (address or P.O. Box) Information must be clearly legible and must remain on screen for a period of 7 seconds.	To vote in the “Call us” contest, call 906 50 00 00. Max. price of call 10 CZK incl. VAT. Operated by Audix Praha s.r.o., P.O.Box 1234, Praha 1, www.audix.cz
Radio	- Number of Audiotextual Line - Price in CZK/min. incl. VAT - Full name and surname/trading company	Call 906 500 000. 50 CZK incl. VAT per minute. Operated by Audix Praha.
Other voice-based advertisements	- Number of Audiotextual Line - Price in CZK/min. incl. VAT - Full name and surname/trading company	Call 900 10 00 00, calls charged at 10 CZK incl. VAT per minute, max. call length 30 minutes. Operated by Audix Praha s.r.o., P.O.BOX 1234, Praha 1
Internet, Press, Billboards, Printed materials, other	- Number of Audiotextual Line - Price in CZK/min. incl. VAT or maximum price of call - Full name and surname/trading company of Provider - Contact details for Provider (address or P.O. Box)	Got a problem? Call our customer centre on 906 10 00 00. Calls charged at 10 CZK/min. incl. VAT. Max. call length 30 minutes. Operated by Audix Praha s.r.o., P.O.Box 1234, Praha 1.

Due to Customer protection, the parts highlighted in bold must be included in the text of a message in accordance with the table above.

Where services of a lottery and erotic nature, as well as other services carrying a legal requirement for users to be a minimum 18 years old, are concerned, the following information must be included in all types of media, over and above the examples given above: **“Must be 18 years or older”**.

2.3 Services of an erotic nature

All Services containing eroticism must be properly communicated by the Providers in accordance with the valid legal code of the Czech Republic (for further details, see Appendix no. 1 of the ATX Codex).

Any communication (be it visual, voice-based or otherwise) involving all ‘permitted’ categories of services (or products) with erotic content must contain the warning that the content is intended only for persons older than 18 years of age.

The Provider is fully responsible for proper notification of these Services. The Provider also bears responsibility for any damage and risks involved.

2.4 Services targeted towards youth

Children’s’ services are Services targeted towards the under-15 age group (“children”), e.g. ‘chat’-type services. These Services and all communication related them may not include any content that could harm children or anything that could be used/abused by a child with regard to their mental and moral maturity, or that could be at odds with the valid legal code of the Czech Republic.

3 NUMBER ACTIVATION AND CANCELLATION

3.1 Activation Process for Provider Number in Operator Network

3.1.1 *The activation process for a newly-allocated Provider number is governed by the following procedure:*

- a) The allocation of numbers for Audiotextual Lines is governed by rules stipulated by the appropriate state administration body. The number is allocated on the basis of an application by the Provider or Partner/Aggregator;
- b) Following allocation of the number, the Provider applies to the Operator for activation of the number in question in their network, and this either themselves or through the Partner/Aggregator;

Every application for activation of a number allocated for Audiotextual links must contain chiefly:

- i. Trading company of the Provider
 - ii. Registered address of the Provider
 - iii. Copy of legal authorisation from ČTU for use of number allocated
 - iv. Should number access be activated through a Partner/Aggregator, the application must also list the trading company and registered address of the Partner/Aggregator and consent of the Provider to activation
 - v. Contact details of the Provider for the purposes of resolving claims – chiefly the postal address (Provider's registered address or P.O. Box) in the Czech Republic and their telephone or electronic helpdesk for Customers, chiefly for the purposes of requesting proper tax documents
- c) Should the Provider request the activation of number intended to be used for special purposes (e.g. lottery), then the application for provision of a Service should be accompanied by the necessary permission from the relevant state administration body (e.g. licence for the operation of lotteries on a given Audiotextual Line number);
 - d) An application for activation of a number must be submitted to an Operator via web interface – www.premiumservices.cz – a minimum 15 calendar days prior to the activation date;
 - e) In the case of activation of an already-existing tariff, and provided that the condition has been fulfilled that the Provider fulfils the above requirements, the Operator will always activate the number for its clients no later than the 1st or 15th day of the month, with the exception of 1st January. Should the day in question not be a working day, then the number can be activated on the next working day.

3.1.2 *The activation process for a migrated number is governed by the following procedure:*

- a) It is possible to migrate the number of an Audiotextual Line only between Operators and Partners/Aggregators operating their own public communication networks in accordance with the ZoEK.
- b) Following migration, the same procedure is followed as for the activation process for a newly-allocated number, as per point 3.1.1., where the application is supplemented with information on the network from which the number is to be migrated and also the appropriate procedure as stipulated in General Measures no. 10.
- c) The receiving Operator further ensures via standardised procedure the updating of the relevant reference source for information on migrated numbers. With respect to the technical and operational conditions for the provision of services on Audiotextual Lines, it is necessary to set the same date as the activation date for the migrated number as the requested migration date, in accordance with point 3.1.1 e).

3.1.3 Available Number Series

<i>Number Series (90X)</i>	<i>Type of Service</i>	<i>Examples</i>
900	Voice-based services with defined price – commercial and specialist	Legal, medical and other specialist advisory services
906	Voice-based services with defined price – entertainment Services, telephone competitions and games, lonely hearts, small ads, horoscopes and similar Services	Telephone competitions and games, lottery, lonely hearts, small ads, horoscopes, charged access to websites and similar services
908	Voice-based services with defined price – one-off connection charge	Telephone competitions and games, lottery, charged access to websites and similar services
909	Voice-based services with defined price – for adults	Erotic chat and dating, charging for erotic content

Should reserve space be released in the Numbering Plan for other services, then these rules are also binding for Services provided in these series, unless stipulated otherwise.

3.2 Cancellation Process for Provider number on Operator's network

The standard process for the cancellation of a Provider number is governed by the following procedure:

- a) The Provider requests that the Operator cancel access to an Audiotextual Line number in the Operator's given network. The Provider can contact the Operator on the Audiotextual Line with a cancellation request either on its own, or an application can be submitted for it by a Partner/Aggregator;
- b) The Provider or Partner/Aggregator are obliged to always request cancellation if their authorisation to use an allocated number or to run lotteries (if required by legal regulations) ends, or if they cease to fulfil conditions for trading in electronic communications;
- c) The Operator is obliged to cancel accessibility of the number of an Audiotextual Line within the deadline stipulated by contract, but no later than 30 calendar days following submission of the request. Should accessibility have to be cancelled for any reason as given in letter b), the Operator is to cancel accessibility of the number without due delay once it has learned of this fact;
- d) Should any number of an Audiotextual Line be cancelled, or the service is temporarily out of order, then the calling Customer must be informed of such a situation, either through a verbal message or a signal tone (see paragraph 4.2). the Customer may not be charged for such a service.

4 OTHER

4.1 Operators' reserved rights

The Operators and Partners/Aggregators associated in APMS and ICTU may, at any time, alter this ATX Codex, chiefly so that it is in accordance with the valid legal code of the Czech Republic and other professional codices.

4.2 Informational messages

The Provider or Partner/Aggregator is authorised to set a free, informational voice message, to be played prior to connection to an Audiotextual Line, drawing Customers' attention to the price of the Service provided on the number called. The message must not be discriminatory, i.e. it may not be different for different Operators, Providers or partners/Aggregators, preferring one type of connection over another.

All messages are to be primarily in the Czech language. Versions are allowed in other languages as long as the Czech version is always played first.

4.3 Sudden-impact activities

These are activities carried out by the Provider or Partners/Aggregators where there is good reason to suppose that their realisation will lead to increased, sudden-impact use of an Audiotextual Line within a limited time-period, leading to greater demands being placed on Operators' telephone networks than usual within a certain time-frame. Such sudden-impact use of Audiotextual Lines by Customers is considered to occur when the number of calls to an Audiotextual Line exceeds 10,000 calls per hour. This chiefly concerns use of Audiotextual Lines for television contests and voting etc. The Provider is obliged to declare these activities to Operators no less than 14 days prior to planned realisation via a form, attached as Appendix no. 2 of this Codex.

4.4 Accordance with the valid legal code

All Providers and Partners/Aggregators must ensure that Services offered and operated by them or their contractual partners are provided in accordance with the valid legal code of the Czech Republic, and chiefly with legal regulations governing the protection of intellectual property (regulations governing handling of published works, protected trademarks, patents and utility models), protection of personal data, protection against dispatch of unsolicited commercial messages, consumer protection and in the case of lotteries or other similar games, also in accordance with the law on lotteries, the approved and valid Gambling Code and, last but not least, protection of youth (Services of an erotic nature).

In the event of of any kind of dispute, including potential ones, related to the breach of the valid legal code or in the event that any Operator learns of the suspicion of a breach of the valid legal code while providing Services via Audiotextual Lines, then the provider or Partner/Aggregator may, following prior warning, suffer suspension of the possibility of using these services on the Operator's network.

5 APPENDIX NO. 1 - DEFINITION OF BANNED SERVICES AND RULES FOR THE PROVISION OF EROTIC SERVICES

5.1 Recommendations for the provision of services

Providers of content are obliged to act in accordance with instructions of operators and Partners/Aggregators associated in APMS and ICTU. Should there be a breach on the part of the Provider, Operators and Partners/Aggregators associated in APMS and ICTU are authorised to initiate appropriate steps towards a correction of the situation, or act in accordance with valid contracts with providers, and this in accordance with the valid legal code of the Czech Republic.

5.2 Banned content of services

5.2.1 Conditions for running lotteries

The running of lotteries that is in violation of the law or with an unapproved gambling code will be considered illegal activity. The running of competitions with misleading advertising will also be considered illegal.

5.2.2 Services of a misleading and deceptive nature

It is not permitted to provide on Audiovisual Lines the following services, which are clearly intended to artificially increase turnover, whose content clearly does not correspond to the price asked, or services designed to harm the justified interests of the customer. This chiefly, but in no way exclusively, concerns:

- a) automatic dialler (calling shows signs of time progression, mathematical series etc.),
- b) services redirecting the call to other numbers,
- c) repeated messages, circular IVR,
- d) silence,
- e) clearly out-of-date/unnecessary messages,
- f) nonsensical content, sounds,
- g) clearly artificial extension of length of connection prior to gaining of the required information (superfluous IVR sections etc.)

5.2.3 Banned erotic content

This field further contains everything that is in violation of generally binding legal regulations of the Czech Republic or good morals in a general sense. It chiefly concerns the following:

- a) services suggesting the idea of sex with minors (less than 18 years old), or with a person clearly presenting themselves as one younger than 18 years,
- b) sex with direct relatives or siblings (e.g. mother and son, brother and sister),
- c) an offer to trade in people with the aim of sexual relations,
- d) services suggesting the idea of sexual relations with animals (i.e., for example, touching or other sexual activities involving a human + animal combination),
- e) torture and violence (carried out against the will of persons depicted; this includes all forms of sadomasochistic practice that could end in injury with serious consequences to one's health),
- f) sadomasochistic (SM) practices will be assessed individually, although it can be generally assumed that should SM be concerned with humiliation (i.e. sexual practices involving binding), then this content will be considered illegal.
- g) masturbation on human remains (and their desecration) and genocide (racially-motivated sexual or other humiliation of persons depicted),
- h) depiction of human excretions in connection with sexuality (e.g. description of urine and stools, blood etc.),
- i) associations with weapons, drugs, alcohol given to minors, murder, rape, dealing in hostages and further criminal offences connected with the sexual content offered

6 APPENDIX NO. 2 – REGISTRATION FORM FOR A SUDDEN-IMPACT EVENT

Registration Form for a Sudden-Impact Event on an Audiotextual Line

A sudden-impact event must be registered 14 days in advance!!!

Operator contacts: audiotex@o2.com
premium@t-mobile.cz
premium@vodafone.cz
90X-operations@firma.volny.cz
audiotex@gtsce.com

Date of registration

Audiotextual Provider (company)	<input type="text"/>		
	Name and surname	Email	Mobil/tel.
Contact - commercial	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact - technical	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact - during event	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date of event	<input type="text"/>	Voting from	<input type="text"/>
	<input type="text"/>	Voting until	<input type="text"/>

Access number of Audiotext	<input type="text"/>	<input type="text"/>
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Type of programme	<i>Live transmission - other</i>
Name of programme/event	<input type="text"/>
Name of media	<input type="text"/>

Total estimated number of calls	<input type="text"/> (all networks)	Max peak (#min)	<input type="text"/>
Total estimated number of minutes	<input type="text"/> (all networks)	Peak times	<input type="text"/>

Online communication	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>

Prior communication	<input type="text"/>
	<input type="text"/>
	<input type="text"/>

Further info on registered event:	<input type="text"/>
	<input type="text"/>