

General rules for the provision of Services via Premium SMS and Premium MMS

Codex, version 4.3



apms

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1 INTRODUCTION AND SCOPE OF COMPETENCY

1.1 Purpose

This document is intended to aid Customers (consumers) in understanding the functioning of Provider Services that are ordered, delivered or paid via Premium SMS/MMS. It thus stipulates recommended rules for the operation of Premium SMS/MMS for Providers, Partners/Aggregators and Operators. This document was created by the Association of Mobile Network operators and is based on its experience in the operation of these services in the Czech Republic, and from its experiences with similar services abroad.

1.2 Glossary

APMS	Association of Mobile Network Operators				
SMS	Short Message Service;				
MMS	Multimedia Message Service;				
Services	are services or goods that the Provider provides to Customers and are ordered, delivered or paid via Premium SMS/MMS.				
One-off Services	Services based on MO PR SMS/MMS or MT PR SMS/MMS that are of a one-off nature and charged through MO PR SMS/MMS sent once or repeatedly or MT PR SMS/MMS delivered once or repeatedly;				
Subscription Services	Services based on MT PR SMS/MMS, where the Customer, by confirming an order, gives their consent to the repeated provision of a Service and which are charged via repeatedly delivered MT PR SMS/MMS;				
Premium SMS/MMS	SMS/MMS sent by Customers to certain short codes or delivered to Customers from these codes. Operators charge Customers a stipulated amount for these SMS/MMS. This amount is the same for Customers of all operators and covers the price of a Service (i.e. is normally higher than the tariff price for an SMS/MMS). Premium SMS/MMS (also PR SMS ; PR MMS , or jointly PR SMS/MMS) are further divided between: <table><tr><td>MO PR SMS/MMS</td><td>so-called Mobile Originated PR SMS/MMS; charged at the moment a message is sent by the Customer;</td></tr><tr><td>MT PR SMS/MMS</td><td>so-called Mobile Terminated PR SMS/MMS; charged at the moment a message is received by the Customer</td></tr></table>	MO PR SMS/MMS	so-called Mobile Originated PR SMS/MMS; charged at the moment a message is sent by the Customer;	MT PR SMS/MMS	so-called Mobile Terminated PR SMS/MMS; charged at the moment a message is received by the Customer
MO PR SMS/MMS	so-called Mobile Originated PR SMS/MMS; charged at the moment a message is sent by the Customer;				
MT PR SMS/MMS	so-called Mobile Terminated PR SMS/MMS; charged at the moment a message is received by the Customer				
Provider	physical person or legal entity that provides Customers with a Service;				
Partner/Aggregator	physical person or legal entity that, either through their own public communication network or otherwise, shares in the provision of Services, but is not directly a Provider;				
Short code	short codes with the dial code 90z, which can be 5, 7 or 8 digits long and can determine the type of Service, Provider and price of the Service. The administration of short codes is coordinated by APMS – see table 3.4 Number Series of Premium Numbers				
Customer	is a physical person or legal entity who uses Services of a Provider and is at the same time a customer (participant) of the Operator, using services of the Operator's public communications network;				

Operator	the operator of a public mobile or fixed-line communications network on the territory of the Czech Republic. Operators allow Providers to use their network when providing PR SMS/MMS Services.
Primary administrator	the relevant Operator (see table 3.4 Number Series of Premium Numbers), who allocates free Short Codes to Services Providers and keeps documentation of allocated and free Short Codes.

1.3 Structure of Short Codes

Premium SMS/MMS are realised on the networks of mobile Operators on special Short Codes. **MO** Premium SMS/MMS are operated in both directions (i.e. to Customers and from them) on 7-digit Short Codes in the format:

90z xy ab z = type of Service, xy = Provider ID number, ab = price in CZK incl. VAT (e.g. 907 13 50 = MO PR SMS/MMS for 50 CZK)

MT Premium SMS/MMS are sent by the Customer on 5-digit Short Codes in the format:

90z xy z = type of Service, xy = Provider ID number

and to the Customer on 8-digit Short Codes in the format:

90z xy abc z = type of Service, xy = Provider ID number, ab = price in CZK incl. VAT
c = always 0 (e.g. 907 13 050 = MT PR SMS/MMS for 5 CZK)

1.4 Accounting and Charging Models for PR SMS/MMS

1.4.1 Mobile Originated PR SMS/MMS

Are charged to the Customer at the moment an order MO PR SMS/MMS is **sent** by the Customer, with the price charged for this order MO PR SMS/MMS being that determined by Short Code. Only one-off Services (e.g. sending MO PR SMS/MMS for voting) can be ordered via MO PR SMS/MMS.

1.4.2 Mobile Terminated PR SMS/MMS

Are charged to the Customer at the moment an MT PR SMS/MMS is **received** by the Customer for an order originally sent by the Customer (via SMS, MMS, WAP, WEB or IVR interface) – for the means of ordering see Paragraph 4.3 of this Codex. A return MT PR SMS/MMS is charged with the price determined by the Short Code and can itself carry the Service ordered. Services based on MT PR SMS/MMS can function as two models:

a) as a One-off Services model – either in the form of one or more MT PR SMS/MMS delivered consecutively (e.g. charging for dispatch of a logo after delivery)

b) as a Subscription Services model – in the form of repeated delivery of MT PR SMS/MMS (e.g. delivery of regular daily news, which is charged to the Customer on delivery of every message ordered).

2 PROVISION OF INFORMATION ON SERVICES AND PR SMS/MMS

2.1 General Rules

The provider of a Service is obliged to ensure that the Service, including its means of function as a Premium SMS/MMS, is properly described in all types of media so that Customers or potential Customers are informed correspondingly and truthfully about the Service being offered. The Provider is obliged to give their contact details in relation to the type of media (see Paragraph 2.9). It is especially unacceptable to mislead the Customer or potential Customer through unclear language, ambiguity, exaggeration or failure to provide information.

For example: if it is necessary to send more than one MO PR SMS/MMS to order a Service (see Paragraph 1.4), then it must be clearly specified in promotional or informational material how many MO PR SMS/MMS are required to order the Service. The Customer must always know the total final price of a Service. Likewise with Services via MT PR SMS/MMS, the Customer must be informed of how often and for what price they will receive the Service ordered. If the Customer is offered an MT PR SMS/MMS Service through television or radio advertising, then the Customer must also be informed of this via sound.

Further required information according to type of communications media is given in the following Paragraphs.

2.2 Information on types of Services (One-off Services/Subscription Services)

When advertising Services, Providers must clearly inform customers whether they are One-off Services (via MO PR SMS or MT PR SMS) or Subscription Services, with the repeated delivery of charged MT PR SMS/MMS – see Paragraph 1.4.

In the case of Subscription Services, i.e. Services with the repeated delivery of charged MT PR SMS/MMS, the Customer must be informed as to how often and to which maximum amount they can receive MT PR SMS/MMS. Information on the frequency of dispatch of MT PR SMS/MMS must be related either to 1 day, 1 week or one particular event (for text see Paragraph 4.3).

2.3 Price information

The total price for a Service and the price of an individual PR SMS/MMS, should the total price be the total price of several partial PR SMS/MMS, must be clearly stipulated in all media so that it is obvious how much a Service will cost the Customer. Prices are always given as final, i.e. inclusive of VAT.

2.4 Activation/deactivation of a Service

The Provider of a Service is obliged to inform the Customer of the means of ordering a Service or of activating Subscription Services. When ordering a Service, the Customer must be informed of the means of deactivating the given Service (for activation and deactivation see Paragraph 4.3)

2.5 Information on Service Provider and helpdesk

Every Provider is obliged to provide a telephonic, SMS (see Paragraph 4.3.4), email and postal helpdesk for its Customers. The telephonic helpdesk, with human support, must be available on working days between 9:00 and 17:00. At other times, the Provider is obliged to ensure that there is, at minimum, an electronically-managed telephonic helpdesk, with a recording service, available.

The Provider is obliged to resolve customer queries and claims without due delay so that the good name of the Operators and Services is not damaged.

2.6 Access to services in Operators' public communication networks

In the event that a Service is provided to Customers in the network of only one or two Operators on the territory of the Czech Republic, then the Customer must be informed of which Operator networks the Service is accessible. In the

event that a Service is accessible from the networks of all Operators, then the provision of this information is not mandatory.

2.7 Information on mobile phone compatibility

In the event that any individual Service is intended only for certain types of mobile phone and equipment, the Provider of Services is obliged to provide notification of this fact in printed promotional materials. When promoting Services on the Internet or WAP, the Provider is obliged to provide notification of the above facts in the form of a list of mobile phones or other equipment supported.

2.8 Accordance with the valid legal code

All Providers and Partners must ensure that Services offered (and their content) and operated by them or their contractual partners via PR SMS/MMS are provided in accordance with the valid legal code, and chiefly with legal regulations governing protection of intellectual property (regulations governing the handling of published works, protected trademarks, patents and utility models), protection of personal data (see Paragraph **Chyba! Nenalezen zdroj odkazů.**), protection against the dispatch of unsolicited commercial messages (law on some services in an information society), consumer protection and in the case of lotteries, marketing competitions or other similar games, also in accordance with the law on lotteries.

In the event 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, then the Provider of Services (and through the Provider also its the Partners/Aggregators) may, without prior warning, suffer suspension of the possibility of using these services to Customers.

Similarly, it is possible to suspend the possibility of provision of Services in the event that any mobile Operator learns of the suspicion that Services are being abused or could be abused for the legalisation of proceeds from criminal activity and the financing of terrorism in the sense of the valid legal amendment on some measures against the legalisation of proceeds from criminal activity and the financing of terrorism.

2.9 Examples of required information in relation to utilised media

When providing Services, the Provider is obliged to observe the following rules for the offering of Services. In the case of Services of a lottery nature, APMS reserves the right to amend the informational obligations of the Provider so that they are, amongst others, in accordance with the valid and effective Lotteries Act. The APMS is obliged to inform the Service provider of such an amendment without due delay.

2.9.1 Required information in relation to utilised media – PR SMS/MMS voting

Type of Media	Required Information	Example
TV, Billboard/ Outdoor	Short Code, price and name of Provider and website address.	Send an SMS in the form “brick_ name_address” to 9071303. Price 3 CZK. Service operated by SMS Info s.r.o. (more at www.hrajteozlatoucihlu.cz)
Radio	Short Code and price	Send an SMS in the form “brick_ name_address” to 9071303. Price 3 CZK per SMS.
Internet, Printed Media, Other	All information: Short code, price (information on VAT), name of Provider of Service, helpline and/or webpage is also mandatory. www.premiumservices.cz must always be given.	take part in a competition for a golden brick. Send an SMS in the form “brick_ name_address” to 9071303. Price per SMS sent is 3 CZK incl. VAT. Service operated by SMS Info s.r.o. More information at www.hrajteozlatoucihlu.cz , helpline 222111444, www.premiumservices.cz

Prices are given as final prices, i.e. incl. VAT.

The listing of www.premiumservices.cz is mandatory from 1. 1. 2010.

2.9.2 Required information in relation to utilised media – Logo (Content & application)

Type of Media	Required Information	Example
TV, Billboard/ Outdoor	Short Code, price and name of Provider and website address.	Send an SMS with “logo_12345” to 9071330. Price 30 CZK. Service operated by SMS Info s.r.o. (list of supported telephones and further information at www.logosms.cz)
Radio	Short Code and price	Send an SMS with “logo_12345” to 9071330. Price 30 CZK.
Internet, Printed Media, Other	All information: Short code, price (information on VAT), name of Provider of Service, helpline and/or webpage is also mandatory. When ordering content also list of mobile phones supported. www.premiumservices.cz must always be given.	Get a unique logo for your phone. Send an SMS with “logo_12345” to 9071330. The price is 30 CZK incl. VAT per SMS sent. Service operated by SMS Info s.r.o. List of supported phones and further information at www.logosms.cz or on our helpline 222111444, www.premiumservices.cz

Prices are given as final prices, i.e. incl. VAT.

The listing of www.premiumservices.cz is mandatory from 1. 1. 2010.

2.9.3 Required information in relation to utilised media –MT PR SMS/MMS Subscription Services

Type of Media	Required Information	Example
TV, Billboard/ Outdoor	Short Code, price, frequency of messages, name of Provider and web address, instructions for activation and deactivation of Service.	Send an SMS with “enews reports” to 90713 and receive fresh info every day from the e-sphere. You can receive max. 15 SMS messages per week. Service operated by SMS Info s.r.o. Further information at www.smsinfo.cz .
Radio	Short Code, price, frequency of messages	Send an SMS with “enews reports” to 90713 and receive 3 current reports every day from the e-sphere. Price per SMS received is 3 CZK.
Internet, Printed Media, Other	Required price information is to be published either in every ad featuring a PRSMS number, or is given on every page on the top left-hand corner including an analysis of the PRSMS number, so that the Customer can calculate the price of a Service from these instructions. Minimum 10-pt. font to be used. Short Code, price, message frequency, name of Provider and web address, telephonic helpdesk, SMS instructions for activation and deactivation of service, SMS help. www.premiumservices.cz must always be given.	Receive SMS news reports on your mobile every day. Send an SMS with “enews reports” to 90713 and receive fresh info every day from the e-sphere. You can receive max. 15 SMS messages per week. Price per received SMS is 3 CZK. Service operated by SMS Info s.r.o. Further information at www.smsinfo.cz or on our helpline at 222111444. To cancel the Service, send an SMS with the words “STOP enews reports” to 90713. For more information, send an SMS in the form “HELP” to 90713. www.premiumservices.cz

Prices are given as final prices, i.e. incl. VAT.

The listing of www.premiumservices.cz is mandatory from 1. 1. 2010.

The listing of further mandatory details (e.g. details on Service activation and deactivation, details of supported phone types, supported mobile Operators, that a Service is only for those 18 or older etc.) is not a demonstrative listing as given in Paragraphs 2.9.1 to 2.9.3 inclusive, i.e. this information must be given by the Provider in the event that they are not given in the tables in paragraphs 2.9.1 to 2.9.3.

2.10 Sudden-impact activities (Peak Events)

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 PR SMS/MMS by Customers within a limited time-period, leading to greater demands being placed on Operators' mobile networks than usual within a certain time-frame (e.g. voting which will involve Customers during the course of a television programme, ordering of a Service by Customers due to television adverts etc.). The Provider is obliged to declare these activities to Operators no less than 14 days prior to planned realisation via a form, which is attached as an appendix to this Codex.

In the event that a Service costing less than 30 CZK is offered in programmes of television stations with a market share exceeding 5% (in July 2009 – TV Nova, TV Prima, ČT 1, ČT 2), the Provider of a Service is obliged to use the 906 number series, which is intended for sudden-impact SMS Services (see Paragraph 3.4.)

3 ALLOCATION OR NUMBERING OF SHORT CODE - NUMBERING

3.1 Short Code allocation process for Providers

The process of allocating a Short Code to a Provider must be carried out via web interface - www.premiumservices.cz. The following procedure may be used as a supplemental/reserve process:

- a) The applicant selects, according to the table in Paragraph 3.4, a prefix according to the type of Service they intend to provide and subsequently an available Provider ID,
- b) sends a request for allocation of a prefix, according to the table in Paragraph 3.4, to the relevant Operator (primary prefix administrator),
- c) the mobile Operator receives the application from the Provider and has 15 days to respond to the application,
- d) mobile Operators inform each other of new applications for allocation of a Short Code,
- e) Short Codes are allocated in the networks of other mobile Operators is under condition that consent is given by the primary prefix administrator.

3.2 Process for objection to allocated Short Code

In the event that an applicant wishes to submit an objection to an allocated Short Code, then they can do so with the mobile Operator who has allocated it to them. A reason must be given for the objection. The relevant mobile Operator has 15 days to respond to the objection following its receipt. The applicant may submit an objection to this response, in writing, to the Board of APMS (contact: Asociace provozovatelů mobilních sítí, Dr. Ivan Novotný – APMS, Václavské náměstí 64/807, 110 00 Praha 1) no later than 15 days following dispatch of the response by the mobile operator who allocated the relevant Short Code.

This objection will be discussed at the next subsequent meeting of the APMS Board. In order for the objection to be included in the agenda of the Board, it must be delivered to the Association's registered address no later than 15 days prior to the proper date of the Board meeting. In such an event, the Board will respond to an objection submitted on time within 15 days following the end of the Board meeting at which a decision is made on the matter. There no further possibility for review of this Board decision, and it is fully within the competency of the Board to decide as it wishes in this matter.

3.3 Short Code Cancellation process

The Short Code cancellation process proceeds according to contractual relationships with individual Operators. Following its cancellation, a Short Code is reserved by the Operator for a further 3 months, and may only be assigned to another party following expiry of this period.

Should an applicant not start using a Short Code allocated for provision of a Service within 30 days of its allocation and should no alternative agreement be made with the Operator, and if no objection has been raised against the Short Code within the time-period as per Paragraph 3.2, then the mobile Operator that allocated the Short Code may cancel the Short Code allocation immediately and without an obligation to reserve the Code.

The Short Code cancellation process on the part of an applicant must be carried out via web interface - www.premiumservices.cz.

3.4 Number series of Premium Numbers

<i>Number series Prefix - 90z</i>	<i>Primary Administrator</i>	<i>Provider Service</i>
900	T-Mobile	Services
901	O2	Services
902	O2	Special Services

903	T-Mobile	Services
904	APMS	Reserved, unused
905	Vodafone	Reserved for multiples (10x) of price levels
906	O2	Peak Services (television voting)
907	Vodafone	Services
908	Vodafone	Services Reserved from 1.7.2007 exclusively for services of a lottery nature
909	O2	Erotica - Soft and Hard, chat, charged access to erotic Services
8777	APMS	Donor SMS – subject to special conditions set by the Czech Donors Forum (www.darcovskasms.cz)

3.5 Available price levels and their use

In view of technical issues concerning the allocation of numbers to Services, the general use of a Service via Premium SMS/MMS is possible in a range between a minimum price level of 1 CZK and a maximum of 99 CZK for one MO PR SMS/MMS and 1.00 CZK and 99 CZK for one MT PR SMS/MMS (prices are always given including the current rate of VAT, as valid in the Czech Republic).

The normally available price levels for Services via MO and MT SMS are as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 20, 25, 26, 30, 35, 39, 40, 45, 50, 55, 59, 60, 69, 79, 80, 89 and 99 CZK.

Other price levels may be implemented following agreement with mobile operators; however these will require a certain time-period for implementation and testing or the elimination of any further related problems. Prices counted in hellers and tens of hellers are not available in Operator networks.

The Provider of a Service may only provide Service where the price of a Service does not exceed 60 EUR. An Operator is entitled to grant a Provider permission to provide a service with a value exceeding 60 EUR. Such permission only relates to the network of that Operator.

When providing Services via MO PR SMS/MMS and MT PR SMS/MMS, a provider may not divide payment between several PR SMS/MMS if the price of the Service does not exceed 99 CZK incl. VAT. If the price of a Service exceeds 100 CZK incl. VAT, the Provider is obliged to select such a combination of PR SMS/MMS (i.e. price levels) that the Customer is able to order the Service using the lowest possible number of PR SMS/MMS.

4 SYNTAX OF SERVICES VIA PR SMS/MMS

4.1 Keywords

It is possible to order/activate a Service by sending a first-level keyword (not including words listed below) to the relevant Service Short Code. The provider can assign a second-level keyword to the keyword in question. This second-level keyword will specify the given type of service.

Mobile Operators will support any keyword without diacritics, with the following limitations in place:

- Keywords may not contain the characters * and #
- Keywords containing **STOP** are reserved exclusively for the universal instruction to cancel a Service and may not be used for other purposes. See Para. 4.3.3
- The keywords **HELP** and **POMOC (HELP)** are reserved for instructional functions. See Para. 4.3.4
- The keyword **ANO (YES)** is reserved for confirmation of the activation of a Subscription Service
- First- and second-level keywords may not include components of an insulting or immoral nature

With prior consent, Providers may also provide Services/applications without a keyword. In the event that such a Service is provided, then it must be on a Short Code, on which no other Service is provided.

4.2 Services via MO SMS/MMS

These are Services where the Customer orders a one-off Service by sending a keyword (or keywords) to a 7-digit Short Code. The Service is charged when an MO message is sent by the Customer. The Provider is obliged to do this 30 seconds after the Service had been ordered.

In the case of the MO PR SMS accounting model, at least one return SMS must be sent, free of charge, for every MO PR SMS message from the same Short Code if the price of an MO PR SMS message does not exclude 10 CZK incl. VAT. Every mobile Operator has the option of making an exception for the non-sending of a return SMS for an MO PR SMS/MMS exceeding 10 CZK only if the MO PR SMS/MMS is sent to prefix 906 (see Paragraph 3.4)

4.3 Services via MT PR SMS/MMS

4.3.1 MT PR SMS/MMS – Subscription Services

Subscription Services are Services where the Customer makes a binding order confirming responses to the Provider's informational SMS. Following delivery of this confirmatory SMS, the Provider sends the Customer MT PR SMS/MMS messages either at regular intervals or based on current events (e.g. in the case of so-called 'events' – e.g. sports championships etc.).

The Customer starts the order of a Subscription Service by sending a request (order) to the Provider of the Service. This request can be sent via an initial SMS, MMS, WAP, WEB or IVR interface. When ordering via initial PR SMS/MMS, the Customer must send a message to a Short Code starting 90z xy. For every specific service (One-off or Subscription) based on MT PR SMS/MMS, the Provider must receive a specific order from the Customer. The Provider may not link several Services to one order on the basis of MT PR SMS/MMS.

The Provider sends the Customer an informational SMS from this 5-digit Short Code describing the type of Service, containing the following minimum information:

- price of 1 PR SMS/MMS,
- how regularly the message is distributed,
- if it is a repeating Subscription Service,
- information on the Help function.

The binding formulation of an informational SMS sent by the Provider for the ordering of a Service by a Customer via an initial SMS/MMS is as follows:

- „**Subscription** XXCZK/interval. **To order, send YES service to 90zxy.**
Description of Service... **More info at TTTTT or sms HELP to 90zxy**“

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- XX - price of Subscription Service for given interval incl. VAT
- interval - day, week, month, event
- service - Provider may specify type of Service in confirmatory SMS (*not mandatory*)
- desc. of service - space for Provider's commercial message
- TTTTT - telephone number of Customer Helpdesk
- zxy - Short Code of Service

Price SMS for MT PR SMS/MMS - Subscription Services

When sending any MT PR SMS/MMS whose price exceeds 10 CZK incl. VAT, the Provider is obliged to inform the Customer of the price per SMS/Service, means of terminating subscription and the helpdesk. This information can be included directly in the charged MT PR SMS/MMS; if this is not possible due to the length of SMS, then the Provider must send the Customer a free “Price Info SMS” containing information on the price of the MT message, means of terminating the Service and helpdesk. It is not acceptable to split this between several SMS messages.

a) The format of Customer information for one charged MT message must be as follows:

- “**Price of message XX CZK incl. VAT for service SSSSSS. To cancel, send an SMS with text STOP service to 90zxy. For more info send SMS HELP to 90zxy**“

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- XX - price of Subscription Service for given interval incl. VAT
- SSSSSS - Provider specifies type of Subscription Service
- zxyabc - Short Code of Service including price level
- service - Provider can specify type of Service in Price Info SMS (*not mandatory*)
- zxy - Short Code of Service

b) In the event that a Subscription Service does not allow the use of the preceding option for sending information in a single SMS, the Provider is obliged to send information in the form of a free Price Info SMS max. 30 seconds after sending an MT PS SMS/MMS. The text of a Price Info SMS must be as follows:

- “**The preceding message received from number 90zxyabc cost XX CZK incl. VAT. To cancel the service, send an SMS with text STOP service to 90zxy. For more info send SMS HELP to 90zxy**“

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- XX - price of Subscription Service for given interval incl. VAT
- zxyabc - Short Code of Service including price level
- service - Provider can specify type of Service in Price Info SMS (*not mandatory*)
- zxy - Short code of Service

4.3.2 MT PR SMS/MMS One-off

- These are Services where the customer orders a one-off Service by sending a keyword (or keywords) to a 5-digit Short Code. A charge is made for the Service when the MT PR SMS/MMS is delivered to the Customer. The Provider is obliged to carry this out within 30 seconds following ordering of the Service.
- The Provider may send, for a single order of a one-off Service via MT PR SMS/MMS, the maximum number of charged MT PR SMS/MMS as stipulated in Paragraph **Chyba! Nenalezen zdroj odkazů..**
- The Customer must be clearly informed in advance – i.e. prior to ordering the Service – of the fact that it is a One-off Service, charged on receipt of the MT PR SMS/MMS, and the total price of the Service, price of individual MT PR SMS/MMS and number of MT PR SMS/MMS. Order SMS are charged with the Customer's standard tariff for the relevant mobile operator.

One-off Services

An SMS can be replaced by an MMS in an ordering cycle

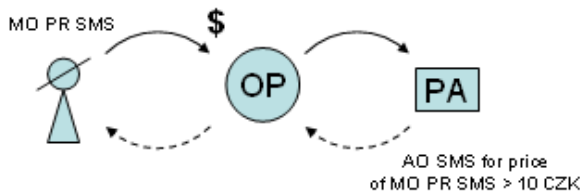
Banned combination: MO PR SMS => MT PR SMS

OP = Operator
PA = Partner

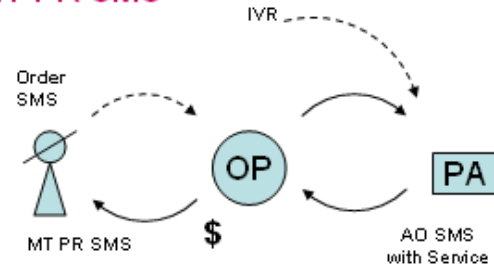
\$ = Premium Rate

AO SMS = Application Originated SMS = Info SMS or MT PR SMS

MO PR SMS



MT PR SMS



When ordering a one-off Service based on MT PR SMS from a WAP/WEB Environment, the ordering cycle is governed by the rules of Subscription Services.

Subscription services

An SMS can be replaced by an MMS in an ordering cycle

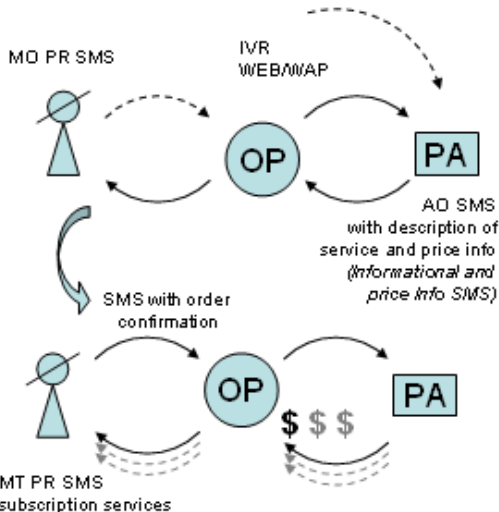
Banned combination: MO PR SMS => MT PR SMS

OP = Operator
PA = Partner

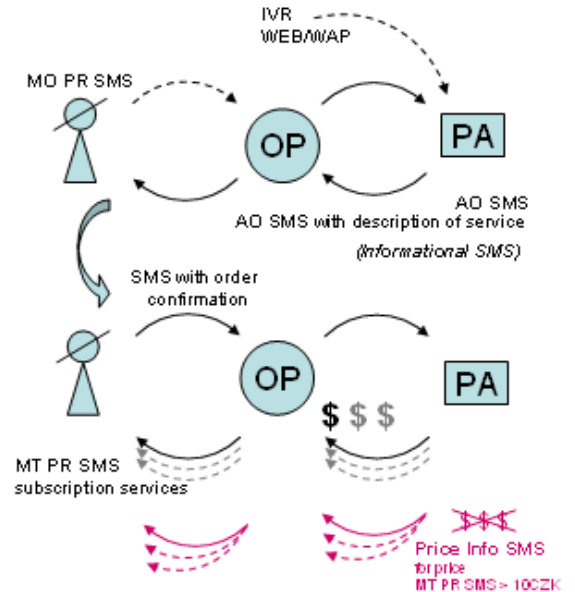
\$ = Premium Rate

AO SMS = Application Originated SMS = Info SMS or MT PR SMS

Informational and Price Info in one SMS



Informational and Price Info in SMS - separate



4.3.3 Universal SMS instruction for cancellation of Services delivered via MT PR SMS/MMS (STOP)

The Customer can deactivate a specific Service by sending an SMS to the relevant 5-digit Short Code in the form "STOP SERVICE". The Customer can deactivate all Services provided to a given prefix by sending an SMS in the form "STOP ALL" or simply "STOP" to the relevant 5-digit Short Code.

The Provider is obliged to confirm deactivation of a Service/Services by sending a return SMS confirming deactivation of the Service/Services. This SMS is free-of-charge for the Customer.

4.3.4 Informational (HELP) SMS

Should the Customer send an SMS with the keyword HELP to the relevant 5-digit Short Code, the Provider undertakes to inform the Customer, at minimum, of how to cancel the Service. the recommended text of such an SMS is as follows:

- o "Stop SMS charged at moment or receipt by sending SMS in the form STOP SERVICE or STOP ALL to 90zxy. For more info, see www.xxxxxx.cz or call zzzzzzzzz" (NB. Replace SERVICE with keyword)

When sending an SMS, the Customer is charged by their standard tariff with the relevant mobile operator. The return HELP SMS is free-of-charge for the Customer.

4.3.5 Limitations on Services via MT PR SMS/MMS

The Provider can help the Customer limit the number of MT PR SMS/MMS through a daily maximum limit. In this case, the Customer has the option of sending an order SMS to the relevant 5-digit Short Code, in which, following the relevant keyword and a space, they enter the number of MT PR SMS/MMS being ordered daily.

Example: Customer sends order SMS to Short Code 90z xy in the form: WEATHER_10. The Customer is then sent 10 MT PR SMS/MMS per day on the weather, unless the Customer terminates this by sending the Stop instruction.

The Provider has the option of sending the Customer, via a single MT PR SMS/MMS, "applications" (i.e. Subscription Services via MT PR SMS/MMS on one Short Code and one first-level keyword) only Services to a maximum value of 2000. - CZK. Once this amount has been reached, the Provider must deactivate the Service for the Customer. The Provider can send the Customer a free Renewal SMS together with the deactivation, informing the Customer that the Service limit has been reached and of the option to continue receiving the subscription Service. it is not acceptable to split the information between several SMS messages. The text of the message must be as follows:

- o You have reached the limit for **Subscription Service** SSSSSS (XXCZK/interval). **To continue, send an SMS with the words YES** service to 90zxy. **More info at** ZZZZZZZZZ"

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- SSSSSS - name of Service
- XX - price of Subscription Service per interval, including VAT
- interval - day, week, month, event
- service - Provider can specify type of Service in Renewal SMS (*not mandatory*)
- zxy - Short Code of Service
- ZZZZZZZZ - telephone or Internet Customer contact for provider

The Provider of Subscription Services via MT PR SMS/MMS is obliged to deactivate a Service in the event that delivery of an MT PR SMS/MMS fails on 3 consecutive attempts.

The Provider should stipulate a suitable validity period (expiration) for Subscription Services via MT PR SMS/MMS. This period should not, for individual types of Service content, exceed the values given in the following table:

Type of Service content	Max. period of validity of MT PR SMS/MMS (in hours)
Transport	6
News	6
Chat	1
Sport	6
Fun	24
Erotica	24
Competitions	24
E-mail. notifications	72
Other content	
current	6
non-current	24
Other	24

5 CUSTOMER PROTECTION

5.1 Explanatory messages

Explanatory messages are SMS sent by the Provider as advice or instructions, but are not, in themselves, a paid part of a Service. An Explanatory SMS would, for example, be a message explaining how a Service works – with its content not being actual provision of the Service. such messages are free-of-charge to the Customer.

5.2 Information on erotic Services offered

Providers and Partners are obliged to ensure that all information on Services with erotic content are given properly in accordance with generally binding legal regulations effective on the territory of the Czech Republic (see appendix to this Codex).

Any kind of communication (voice-based, visual or otherwise) involving the provision of all “permitted” categories of Service (or product) with erotic content must contain the message that the content of the Service is intended only for persons older than 18 years. This notification will be given also with e.g. so-called WAP Push Services, where the Customer orders access to erotic WAP pages via PR SMS/MMS. The Provider is fully responsible for proper notification as well as any damage or risk that this entails. Mobile Operators providing Customers only with publicly-available communications networks are not responsible for Providers fulfilling their obligations, nor otherwise for the content of Services.

5.3 Unsolicited messages

The Provider of a Service must gain, no later than at the moment of activation of a Service, the consent of a Customer to the sending of Services via MT PR SMS/MMS. The Provider of a Service must further ensure that unsolicited Services are not sent to the Customers of Operators through this. This chiefly concerns Services provided via MT PR SMS/MMS.

5.4 Services offered to children

Services offered to children, so-called “Children’s Services”, are Services targeted towards the under-15 age group (“children”). These Services, and all communication related to them, may not contain anything that could, in any way, threaten the moral development of, or otherwise harm, a child, or anything that could be used or abused by a child in any way with regard to their lack of experience or which could be in conflict with generally binding legal regulations valid in the Czech Republic.

5.5 Data protection

All Providers of Services must ensure that a Service conforms to all legal conditions stipulated by Czech and EU law related to the protection of personal data. The Provider may not provide data gained through communication with a Customer to a third party (advertising agency etc.).

5.6 Operators’ reserved rights

Operators may, at any time, alter this Codex, chiefly so that it is in accordance with the legal code of the Czech Republic or with other professional codices. All Providers of a Service must ensure that a Service and its promotion conform to all conditions stipulated by Czech and EU law.

6 APPENDIX NO. 1 – RULES FOR THE PROVISION OF EROTIC SERVICES

Erotic Services, i.e. Soft- and Hard-core erotica, erotic chats and the charging of access to erotic Services may be provided only on Short Codes with the prefix 909 (see Paragraph 3.4)

6.1 Rules for the provision of erotic services; Division of erotic services into “soft” and “Hard”; Banned Services Content

The erotic content of Services includes everything contained in images of naked body-parts of men or women, and this of an area greater than 50% of naked body area in proportion to the total area of the entire human body, or if it fulfils the conditions given below.

The erotic content of Services is generally split into soft-core and hard-core. Operators have the right to assess Services and assign them to the relevant category or change the assignment of Services. In such an event, providers of Services are obliged to act in accordance with the instructions of operators. Should a breach occur in the behaviour of the Provider, Operators are authorised to initiate the appropriate steps towards correcting the situation, or act in accordance with valid contracts with the Provider or valid laws of the Czech republic.

6.2 IMAGES (photo, animation, sketches, caricatures, etc.)

6.2.1 *Soft-core – Services via PR SMS/MMS to Short Code with prefix 909*

Soft-core erotica contains lighter forms of erotica.

- The depiction of naked persons is permitted.
- It is not possible to depict male genitalia.
- It is not possible to depict women in positions where their genitalia are depicted in their open form.
- It is not possible to depict the sexual act.
- It is not possible to depict masturbation or oral sex or a hint of this, and this in the form of depiction of the stimulation of male or female sexual organs.
- It is not possible to suggest that the participant(s) are children or minors.

Soft-core erotica therefore contains e.g.:

- Women in non-transparent underwear (lower and upper parts).
- Women wearing only the lower part of non-transparent underwear or revealing only the upper part of their bodies (waist upwards).
- Unclothed women in a position (whole body) from which it is not possible to see their sexual organs in detail.
- Half-naked men (body naked from waist upwards; the lower part of the body must be covered either by non-transparent underwear or otherwise).
- Unclothed men in a position from which it is not possible to see their sexual organs in detail, or an entire unclothed man, seen from behind.

6.2.2 *Hard-core – Services via PR SMS/MMS Short code with prefix 909*

The erotic content of Services that does not fulfil requirements for soft-core erotica, but is not illegal, is known as Hard-core erotica. This includes e.g. fully-unclothed figures seen from the front, or sexual positions, acts and symbols, and sexual organs or their details. Services containing Hard-core erotica can be provided on condition that the content and means of presentation of hard-core erotica is not in conflict with generally binding legal regulations of the Czech Republic, or good morals.

6.2.3 *Illegal content of Services with erotic content*

This section contains everything that is in conflict with generally binding legal regulations in effect in the Czech Republic or with good morals. This **may not** include chiefly the following subjects:

- Sex with minors (under 15 years) or with a person clearly posing as a minor,
- sex between direct relatives or siblings (e.g. mother and son, brother and sister),

- an offer to trade in people for the purpose of sexual relations,
- sexual relations with animals (i.e., for example, touching or other sexual activities involving a human + animal combination),
- 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),
- masturbation on human remains (and their desecration) and genocide (racially-motivated sexual or other humiliation of persons depicted),
- depiction of human excretions in connection with sexuality (e.g. description of urine and stools, blood etc.),
- weapons, drugs, alcohol given to minors, murder, rape, dealing in hostages and further criminal offences connected with the sexual content offered.

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.

These rules can be further specified according to the development of legal regulations, good morals and the market.

6.3 VIDEO

- The same rules apply to video as given above in Paragraph 6.2.
- The “hard-core” category will specifically include everything e.g. depicting a sexual act or preparation for a sexual act, oral sex, masturbation and everything containing visible figures naked from the waist down.

7 APPENDIX NO. 2 – REGISTRATION FORM FOR PEAK EVENTS

Registration Form for Premium Rate SMS PEAK Events

Peak events must be registered 14 days in advance!!!

Operator contacts: premium_sms@O2.com
premium@t-mobile.cz
premium@vodafone.cz Date of registration

PR SMS Partner (company)

	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
 Voting from
 Voting until

PR SMS Access Short codes
 Audiotext Keywords:

Type of programme
 Name of programme/event
 Name of media

Total MO PR SMS	<input type="text"/> (all networks)	Max. SMS peak (min.)	<input type="text"/>
AO SMS Response	<input type="text" value="YES/NO"/>	Peak times	<input type="text"/>
		No. of AO SMS per 1 MOPR SMS	<input type="text"/>
		Sending delay	<input type="text"/>

Online promotion
 Number
 Number
 Number
 Number

Prior promotion

Further info on registered event: