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Kenyataan Media

Press Release

For Immediate Release

Promotional and SPAM SMS: MCMC Compounds 12 Companies RM260,000-00

Cyberjaya: 8 February, 2013 --- The Malaysian Communications and Multimedia Commission (MCMC) has served compounds to 12 companies for breaching their licence conditions, yesterday. The total amount of compound is RM260,000-00.

Failure to comply with the Mandatory Standards for Mobile Content Services (MCS) is a breach of the licence conditions under article 2.2 of the standards set by the Application Service Provider Class Licence (ASP(C)).

MCMC has previously issued numerous warnings to the licence holders to improve their quality of service including those on the issue of dropped calls and promotional SMS messages. Unfortunately complaints from consumers regarding the quality of service kept on increasing as the telcos are still unable to satisfactorily resolve the problem.

Actions taken by MCMC are based on the breaches of the following Mandatory Standards:

- (a) Para 35: "All MCS providers shall include the price information at the beginning of each SMS, for a chargeable content or a SMS which is sent at no cost to the customer."
- (b) Para 50: "All MCS providers shall provide in all its MCS promotional materials with information which is sufficient, clear, true, up-to-date and in a simple and straight forward language."

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(c) Para 69: "If the marketing SMS is an SMS which solicits acquisition or subscription, the relevant price shall be provided in the marketing SMS itself."

(d) Para 70: "All MCS providers shall include as part of the marketing SMS their company name."

(e) Para 71: "All MCS providers shall not promote the MCS in an inappropriate way."

(f) Para 73: "In any promotional SMS sent, all MCS providers shall include a notification that the customer can opt out from receiving further promotional SMS by sending an "OUT" or "KELUAR" keywords to the MCS provider. Upon receiving these keywords, the MCS provider shall immediately cease sending out any further marketing SMS to this customer, using any short code(s) by the MCS providers, even if the customer has an active subscription."

Examples of SMS promotional messages that failed to comply with the Mandatory Standards for Mobile Content Services are as follows:

- *"RM0 Perhatian funny video clip sensasi baru anda sedang menunggu sila tekan ON GP send to 3XXXX untuk menerima VIDEO anda. FREE daftar. Terima kasih."*
- *"RM0.00 Cepat lihat aksi panas yang anda tak percayai apa sy dpt dari hp teman pramugari!SMS REG VI ke 3XXXX skrg! STOP ke 3XXXX utk berhenti XXXXXXXXXX."*
- *"RM0.00: 01XXXXXXXXXX Happy bestday! Taip ON THU dan hantar ke no 3XXXX skrg dan terima hadiah percuma! Pelan SMS mobile content yg terbaru utk phone anda. Enjoy"*
- *"RM0.00: Gambar2 panas lagi sensai! Model2 anggun Indonesia yg pasti membuatkan hati brdebar lebih kencang! Taip ON CEWEK ke 3XXXX (RM0.50/sms) utk gmr2 ini!"*

Non-compliance of article 2.2 of the ASP(C) standard licence conditions is an offence under **Section 242 of the Communications and Multimedia Act**

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1998. If found guilty by the court, they could be compounded for not more than **RM100,000-00** or jailed for not more than two years or both.

The list of companies and the amount of compounds are as follows:

NO	COMPANY	COMPOUND
1	iSENTRIC Sdn Bhd	RM 30,000
2	Everest Mobile Sdn Bhd	RM 50,000
3	MCM Messaging Sdn Bhd	RM 10,000
4	MCOM Media Technology Sdn Bhd	RM 20,000
5	Zed Mobile Sdn Bhd	RM 10,000
6	D Tech Gateway Sdn Bhd	RM 10,000
7	D Tech Gateway Sdn Bhd	RM 10,000
8	Ice Mobile Sdn Bhd	RM 30,000
9	Million Progain Sdn Bhd	RM 10,000
10	Mexcomm Sdn Bhd	RM 50,000
11	Celcom Axiata Berhad	RM 10,000



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NO	COMPANY	COMPOUND
12	Celcom Axiata Berhad	RM 20,000

[End]

Notes to Editor:

If your organisation wishes to include a quote from Malaysian Communications and Multimedia Commission (MCMC) in an article or news item, kindly attribute the quote to our organisation (MCMC) rather than an officer of the organisation, unless a designated spokesperson from MCMC is specified in the Press Release or reply to Press.

About Malaysian Communications and Multimedia Commission (MCMC)

The primary role of MCMC is to implement and promote the Government's national policy objectives for the communications and multimedia sector. MCMC is also charged with overseeing the new regulatory framework for the converging industries of telecommunications, broadcasting and on-line activities, in accordance with the national policy objectives set out in the Communications and Multimedia Act 1998 (CMA), as well as postal services and digital certifications. The CMA provides that MCMC undertakes a policy implementation role, while policy decision-making is vested with the Minister. The Minister may also give policy directions to the Commission.

For more information visit <http://www.skmm.gov.my>

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