

In-Market Monitoring and the Mobile Premium Services Industry Code Highlights

- 1. Q:** Does the in-market monitoring programme look specifically at all aspects of the Mobile Premium Services (MPS) Industry Code? Alternatively, does it focus on particular components or hotspots?

A: Most importantly, the in-market monitoring programme is evaluating mobile premium services and associated advertising, service messages, and helplines against Telstra and VHA's own advertising, message flow, and helpline audit standards. In developing their audit standards, both carriers have drawn on the MPS Industry Code rules and their own specific requirements. Where audits are concerned, the individual carriers' interpretations of the Industry Code take precedence. It is imperative that content providers, when operating any mobile premium service, observe the spirit as well as the letter of all applicable laws, regulations, standards, content requirements, and industry codes of conduct in relation to their promotion, including the

 - Trade Practices Act 1974 (Cth),
 - Privacy Act 1998 (Cth),
 - Broadcasting Services Act 1992 (Cth),
 - Telecommunications Act 1997 (Cth),
 - Interactive Gambling Act 2001 (Cth),
 - Spam Act 2003 (Cth),
 - Do Not Call Register Act (Cth),
 - Content Services Code 2008, and
 - MPS Industry Code 2009.

- 2. Q:** Do both content providers and aggregators receive audit notices?

A: Where WMC Global detects breaches of the audit standards, both the content provider and the relevant aggregator receive a compliance notification via email containing a link or links to their audit notices.

- 3. Q:** Are separate audit notices issued to a single content provider for the same infringements across each carrier network? If so, is there a way to decrease the amount of input and review required to address the same infringement or infringements across multiple carriers?

A: Yes, on behalf of each carrier, separate audit notices with links are issued in an audit notification email message, and a separate response to each via Market Monitor is required. For audits that apply to multiple carriers, nonetheless, content providers will see results for each carrier in a table at the top of the audit notice. Content providers can leave comments for each carrier on the audit notices. Importantly, individual carriers will only see comments that apply to them.

When a content provider has corrected an infringement cited for the same ad on the same shortcode across multiple carrier networks, the content provider can save time and effort for all parties and speed audit closure by notifying the WMC Global Support Team of the correction. Then, the Support Team is aware of which additional audits require retesting, and, if applicable, they can close all of them simultaneously.

Market Monitor Basics

- 4. Q:** What is Market Monitor?

A: Market Monitor is WMC Global's one-stop-shop for compliance auditing, enforcement, and partner management in a dynamic, easy-to-use interface. It was developed to help you better manage compliance

of your programmes and associated ads and service messages. Here, you can access audit notices, view notifications, and communicate with the WMC Global Support Team.

5. Q: How do I access Market Monitor?

A: If you've an active account in Market Monitor already, navigate to auportal.wmcglobal.com/ims and login using your existing credentials. For new users, you'll need to create your own account at auportal.wmcglobal.com/ims. If you're creating your own account, you must enter your name, contact information, and company information. An administrator reviews your account and activates it within two business days. Alternatively, contact our support team at au.support@wmcglobal.com, and we'll create an account for you. If you've forgotten your password, contact our support team at au.support@wmcglobal.com, and we'll send you a password reset email.

6. Q: How do I access an audit notice?

A: You can access your audit notices in two ways:

1. Follow the link or links in the audit notification email you receive from noreply@wmcglobal.com when we issue audits to your company; or
2. Log into Market Monitor at auportal.wmcglobal.com/ims, view the dashboard, and browse through your audit notices. Multiple search and filter options are available on the dashboard.

7. Q: How can I communicate with the WMC Global Support Team?

A: If you've a general question, you can contact the WMC Global Support Team at au.support@wmcglobal.com. For questions regarding a specific audit, log into Market Monitor and leave comments on the audit notice itself. You receive an email message when a support team member replies.

8. Q: When do I receive audit notifications?

A: You receive audit notifications automatically via email from noreply@wmcglobal.com when your audits are published, when a published audit notice changes status, and when an administrator leaves a comment on an audit notice. Whitelist noreply@wmcglobal.com to ensure you receive all communications. Although you receive audit notification email messages from noreply@wmcglobal.com, you can no longer reply to them to communicate with the WMC Global Support Team about open audits. You must log into Market Monitor and leave comments on the audit notice itself or contact the WMC Global Support Team at au.support@wmcglobal.com.

9. Q: Has anything changed about the audit process?

A: No, the audit process remains the same. Ads and associated service messages are captured and audited Monday through Friday, and corresponding audits are published the following week.

Audit Notice Details

10. Q: What data do the audit notices include? How do I navigate the notices?

A: At the top of the audit notice are audit results listed by carrier, a unique form ID and the profile details, enforcement status, overall severity, and program ID (e.g., shortcode or 190 number) as well as the notice date and the cure date.

- Consult the audit notice to view a complete list of infringements associated with that shortcode and to learn what the content provider must do (action or actions required) to bring the advertising into compliance with the carrier's audit standards. Above the list of

infringements and actions required are thumbnail images of each unique piece of advertising creative on that shortcode captured during the review period.

- Clicking on the thumbnail list takes you to a full-size screenshot or video clip of the creative as it appeared in market on the capture date. For online ads, the Intercept location link takes you to the actual website where the creative appears.

11. Q: What do the severity levels associated with the infringements listed on audit notices mean?

A: Three severity types may appear on audit notices. The overall severity represents the most serious severity cited on the audit notice. Individual severities are associated with each infringement and indicate the seriousness of the infringement. Both Telstra and VHA set the cure dates¹ by severity as follows: one business day for overall Severity 0 audit notices to be corrected and three business days for overall Severity 1 and 2 audit notices.

12. Q: Why have I received more than one audit notice within a single month for a print ad on my shortcode?

A: Print ads that appear in daily newspapers, for example, or weekly magazines are audited more frequently. Because they often change weekly or even daily, ads in these publications can be audited for the same shortcode on a weekly or daily basis. This practice is no different than intercepting and auditing any ad that displays different keywords or unique advertising creative on the same shortcode in the same month.

13. Q: Why am I receiving duplicate audit notices citing the same online ad or ads on the same shortcode in successive weeks? In addition, these apparent duplicate audits sometimes cite different infringements. How is such a thing possible?

A: Each unique URL is regarded as a unique interception and, as such, is subject to audit and enforcement. So, although it might appear that your audits are duplicates, they actually apply to similar or identical creative intercepted on multiple different URLs. Moreover, ads that at first glance appear to be identical often have subtle differences. A close reading of the infringements cited on the audit notices and the actions required to correct them can help you locate those differences among similar creative and understand the audits.

Response Essentials

14. Q: How do I respond to an audit notice?

A: Entering a comment on the individual audit notice is the best way to respond. You've two options to enter comments:

1. Follow the link or links in the audit notification email you receive from noreply@wmcglobal.com when we issue audits to your company and enter your comments; or
2. Log into Market Monitor at auportal.wmcglobal.com/ims, view the dashboard, and browse through your audit notices to locate the one in question and enter your comments. If you're unable to enter comments on the audit notice itself, contact the WMC Global Support Team directly at au.support@wmcglobal.com.

15. Q: Is a response to the original audit notification required? Advertising is retested on schedule anyway, so why communicate at all in the interim?

¹ Cure dates are static.

A: Communicating with the WMC Global Support Team to alert them that advertising infringements have been resolved benefits the content provider because the audit or audits may be closed immediately instead of during the next review cycle. You can no longer respond directly to the audit notification email. For comments regarding a specific audit, log into Market Monitor and leave comments on the audit notice itself. You receive an email message when a support team member replies.

16. Q: **Who should communicate with the WMC Global Support Team and leave comments on the audit notices—the aggregator or the content provider? Or, do we just juggle these responsibilities between ourselves?**

A: Ensuring content provider compliance on the Telstra and VHA networks is the aggregator’s responsibility, but the content provider owns the advertising that has been cited for infringements. The two of you must decide together which party communicates with the WMC Global Support Team regarding audits and then follow through to correct the infringements.

17. Q: **Do content providers respond in the same way to an audit notice for a message flow audit as they do for an advertising audit?**

A: Responding to a message flow audit notice is similar to responding to an audit notice for a print or TV ad. To prepare for retesting message flows, content providers must present a complete copy of their corrected message flow by pasting it into the comments field on individual audit notices or by emailing the WMC Global Support Team at au.support@wmcglobal.com. An enforcement specialist reviews the copy for corrections. Only message flows that have been deemed compliant in the copy are retested live in preparation for closing the audit, as appropriate. When the message flow copy submitted remains noncompliant, the enforcement specialist advises the content provider that infringements remain by leaving a comment on the audit notice, generating an email to the content provider automatically. No message flow is retested live unless the WMC Global Support Team receives a complete message flow that is first verified as compliant.

18. Q: **I received a Helpline Audit notice. How do I respond and resolve my infringements so the audit may be closed?**

A: Content providers must correct the infringements associated with their helpline service promptly. The first step is to respond to the WMC Global Support Team with a specific fix date, preferably in the format dd/mm/yyyy, by COB on or before the cure date. Entering a comment on the individual audit notice is the best way to respond. You’ve two options to enter comments:

1. Follow the link or links in the audit notification email you receive from noreply@wmcglobal.com when we issue audits to your company and enter your comments; or
2. Log into Market Monitor at auportal.wmcglobal.com/ims, view the dashboard, and browse through your audit notices to locate the one in question and enter your comments.

If you’re unable to enter comments on the audit notice itself, contact the WMC Global Support Team directly at au.support@wmcglobal.com.

If you’ve contracted with your aggregator to operate a helpline for your service or services, that aggregator assumes this responsibility. Aggregators also can access Market Monitor to respond to an audit notice directly.

Content providers and aggregators that have had services cited only for “helpline number displayed inconsistently” needn’t submit a fix date when the associated ad is online, although the responsible entity

must take the actions necessary to ensure the helpline number displayed in the ad matches the helpline number displayed at www.19sms.com.au. When correcting a helpline number on a print or TV ad, however, you must attach a compliant copy of the new creative to the audit notice and confirm the fix date.

- 19. Q: Do aggregators and content providers have the same level of access to Market Monitor?**
A: Aggregators can log into Market Monitor directly and view all infringements on shortcodes associated with the content providers they manage. Content providers also can log into Market Monitor but only to view their own audit information. They access the details of their shortcode infringements by clicking the links in the compliance notification email, entering their unique username and password when prompted, and clicking on the appropriate thumbnail images and links in the audit notice, taking them to the relevant section of Market Monitor or to the Internet.
- 20. Q: How do aggregators know when a content provider has corrected an infringement?**
A: Aggregators receive an email message from Market Monitor notifying them that the audit has been closed at the same time the content provider and the carrier receive that message.
- 21. Q: As an aggregator, if one of my content providers has already responded to an audit, can I see that response via Market Monitor?**
A: Yes. You receive email communication whenever anyone associated with an audit comments on the audit notice and when the audit notice's status changes. To see all the communication for each audit notice, navigate to the History Log at the bottom where all comments, including all enforcement communications the content provider might have exchanged with the WMC Global Support Team, are recorded. In addition, aggregators can enter comments about the audit, which also are recorded in the log.
- 22. Q: The Market Monitor Dashboard indicates that one of my audits is "Pending Retest." What does this status mean?**
A: The status Pending Retest, which usually applies to print, TV, helpline, and sometimes message flow, means the audit currently resides in a queue and is retested in due course. Content providers and aggregators need not communicate with the WMC Global Support Team while an audit is pending retest, unless they have additional information that might affect retesting. Ads, helplines, and service messages that fail a retest are subject to escalation in real time, meaning their audits move from Pending Retest status to Escalated status. With this status change, the responsible content provider or aggregator must communicate with the WMC Global Support Team if they wish to make a genuine good faith effort to resolve their infringements before the audit is brought to the relevant carrier or carriers' attention. Contact the WMC Global Support Team at au.support@wmcglobal.com.
- 23. Q: What happens when a content provider is unable to resolve an infringement by the cure date on an audit notice (e.g., the infringement occurs in a magazine ad or TV commercial)?**
A: Telstra and VHA understand that media such as print and TV have a longer run cycle and, therefore, advertising in these media cannot be remedied as quickly and easily as online advertising. In such cases, the content provider should advise the WMC Global Support Team of the "reasonable estimated fix date" and submit, within 30 days of receiving the audit notice, a JPG file or video clip of the corrected ad. On receiving an in-market fix date as well as a corrected JPG or video clip that brings the ad into compliance, the Team closes the audit. However, the Team subsequently retests on the fix date to confirm the ad in market matches the approved creative. Ads intercepted in market on the fix date that fail to match the approved creative and, hence, fail to pass the retest are escalated immediately to the carriers.

Infringement Details

- 24. Q:** Why did I receive an audit notice in which an ad for a chat service was cited for “unclear unsubscribe information?” The unsubscribe information “send STOP to cancel” was perfectly clear and the Mobile Premium Services (MPS) Industry Code does not require non-subscription services to display unsubscribe information.
- A:** Telstra and VHA concur with the MPS Industry Code that “a Content Supplier must ensure that ads for Mobile Premium Services are not confusing, misleading, or deceptive, having regard to the intended audience.” Although an experienced user probably would understand “send STOP to cancel,” the majority of customers new to mobile premium services almost certainly would be confused. The carriers require that content providers consider their entire audience when communicating an offer. The action required to correct this infringement is “associate unsubscribe command with shortcode and preface with Send, Text, SMS, or Reply (e.g., Send STOP to 19XXXX).” When an ad for a product or service displays a basic disclosure (e.g., pricing, subscription disclosure, charge period, unsubscribe information) in a way that is confusing, misleading, or deceptive, it is subject to citation.
- 25. Q:** My helpline was audited, and I received an audit notice citing “IVR system unavailable outside normal business hours.” What is an IVR system?
- A:** An interactive voice response (IVR) system is an automated answering service that presents callers with options to queue for a live agent, for example, to unsubscribe from a subscription service, or to leave a voicemail message that the content provider can return during normal business hours. You were cited for this infringement because our media analysts called your helpline number between 5:00 P.M. and 9:00 A.M. AEST and received neither a response from a live agent nor an IVR system allowing them to leave you a message or to unsubscribe from a subscription service.

Enforcement Process Details

- 26. Q:** How does “enforcement” work?
- A:** The term “enforcement” simply refers to the process by which the WMC Global Support Team works with aggregators and content providers to help them resolve outstanding audits by the noted cure date. On receipt of audit notices, content providers who have concerns may engage in Q&A with the Support Team. Questions may be submitted by entering comments on the audit notice itself. You’ve two options to enter comments:
1. Follow the link or links in the audit notification email you receive from noreply@wmcglobal.com when we issue audits to your company and enter your comments; or
 2. Log into Market Monitor at auportal.wmcglobal.com/ims, view the dashboard, and browse through your audit notices to locate the one in question and enter your comments.

If you’re unable to enter comments on the audit notice itself, contact the WMC Global Support Team directly at au.support@wmcglobal.com.

Content providers and aggregators should appreciate that Q&A is a courtesy extended to them solely for the purpose of entertaining good faith questions and helping them understand how they may bring their advertising into compliance. Audit notice comments, support email, and telephone support are not a venue for arguing about the Mobile Premium Service (MPS) Industry Code or carrier audit standards or for winding down the clock. Therefore, Market Monitor users should refrain from pasting sections of the MPS Code into, or attaching documents to, email.

The Support Team responds to content provider concerns based strictly on the actions carriers require to correct any given published infringement. The Team is unable to address creative design issues, for example, or offer advice on how to lay out a Webpage so it would meet requirements for placement of critical information such as pricing and subscription disclosure. Nor do the carriers or the Team review and approve revised advertising creative.

They do, however, assist in any way they can to guide content providers and aggregators in correcting their creative, service messages, and helplines so their audits may be closed. For example, should a content provider, in correcting an infringement in an ad, inadvertently commit a different infringement, the Team closes the audit. At the same time, an enforcement specialist advises the content provider of the new infringement, and, in this way, the content provider has ample opportunity to correct this infringement before the ad is re-intercepted and is cited again.

Ultimately, aggregators retain responsibility for engaging with the content providers they manage to resolve audits. The only audits escalated to carriers are audits that remain unresolved after the cure date or, in the case of print and TV advertising, by the reasonable estimated fix date.

27. Q: Should content providers disagree with an audit, what recourse do they have?

A: Content providers who feel they have a legitimate claim may appeal an audit by responding appropriately to au.support@wmcglobal.com within 48 hours of receiving an audit notice. The email message should state explicitly why the content provider deems the audit incorrect and should include proof to validate this claim. The WMC Global Support Team assumes primary responsibility for handling such challenges as it does for compliance monitoring and routine enforcement. Per carrier policy, the Support Team reviews the audit challenge to determine whether mitigating circumstances might apply. Should the Team find that the challenge is invalid, it notifies the content provider that the audit is upheld and that the infringement or infringements must be corrected without further delay. If, however, the Team believes the content provider has presented a valid case, it forwards to the relevant carrier or carriers the appeal details for further discussion. The outcome of the appeals process is validated on a by-audit basis at carrier discretion. Within five business days of receiving the appeal details, the carrier or carriers issue a www ruling, either upholding or denying the appeal.

28. Q: How do challenges to audits and subsequent escalations affect subsequent audits on the same advertising?

A: Market Monitor continues to issue audit notices on outstanding audits; but Telstra and VHA determine the nature of penalties and whether and when they are applied.

Other Details

29. Q: Does WMC Global offer an additional service whereby content providers can submit advertising material for compliance review before programme launch?

A: Yes, WMC Global offers pre-launch service approval audits for content providers.

30. Q: How can I obtain information regarding a compliance issue unrelated to a particular infringement or audit?

A: Compliance queries unrelated to a particular infringement or audit may be emailed to the WMC Global Support Team at au.support@wmcglobal.com.

- 31. Q:** Shortcodes can move among content providers managed by a single aggregator, or they might even move among aggregators. What processes exist for updating shortcode listings for each aggregator and for updating content provider shortcodes and email addresses?
- A:** Aggregators and content providers need only email such changes to au.support@wmcglobal.com, where the WMC Global Support Team incorporates the updates as appropriate. Ultimately, aggregators are responsible for ensuring that the Support Team receives accurate information promptly regarding the content providers they manage (i.e., the shortcodes and email addresses associated with those content providers). The carriers are working gradually, through each of the aggregators, to improve information that has been entered into Market Monitor. The ultimate goal is to build a master database for the entire industry with accurate, up-to-date information on all shortcodes, managed and accessible from a centralised location.