

Guidelines for Telemarketers

Any person or legal entity engaging in the activity of Telemarketing is required to register itself with Telecom Regulatory Authority of India (TRAI) and comply with the following guidelines:-

1. Definitions (In this part, unless the context otherwise requires):-

- (i) „Telemarketer“ means a person or legal entity engaged in the activity of transmission of commercial communications.
- (ii) „Commercial communications“ means any message, voice or SMS, made through telecommunications service, which is transmitted for the purpose of informing about, or soliciting or promoting any commercial transaction in relation to goods, investment or services.
- (iii) „Telemarketing Centre“ - The telemarketing facility at a location in India used by the Telemarketer for providing the telemarketing services.
- (iv) „Telecom Resource“ - Telecom facilities provided by licensed telecom service provider.
- (v) „Remote Location“ – A point of presence from where Telemarketer collects and carries the non-voice traffic relating to telemarketing activities.

2. General:

- (i) Telemarketer shall register itself with TRAI and obtain a registration number.
- (ii) Every Telemarketer would have only single registration for all his telemarketing centres throughout India.
- (iii) Registration Fee of Rs 5000/- only.
- (iv) The validity of the registration shall be 3 years w.e.f. date inscribed, unless revoked earlier.
- (v) Telemarketer shall inform TRAI of any change in the information furnished within 15 days of effect of such change.
- (vi) Telemarketer shall, before applying for any telecom resource to an Access Provider enter into a standard agreement with the Access Provider, as specified in Schedule-IV to the “Telecom Commercial

Communications Customer Preference Regulations, 2010”, for the purpose of promotional message.

- (vii) Telemarketer shall, before applying for any telecom resource with an Access Provider enter into a standard agreement with the Access Provider, as specified in Schedule-V to the “Telecom Commercial Communications Customer Preference Regulations, 2010”, for the purpose of transactional SMS.
- (viii) The telemarketer shall ensure that the promotional SMS belonging to a category defined in Schedule-I of “Telecom Commercial Communications Customer Preference Regulations, 2010” shall contain information only related to specified category and shall not mix any other information with it.
- (ix) The telemarketer shall maintain complete confidentiality of the data downloaded from the National Customer Preference Register portal.

3. Technical Conditions for Operation of Telemarketer Centre

- (i) The Telemarketer shall obtain the Telecom Resources from a Licensed Telecom Service Provider only.
- (ii) Telemarketer shall make necessary arrangements to download National Customer Preference Register (NCPR) data from website www.nccptrai.gov.in
- (iii) The Telemarketer shall not misuse the telecom Resources for any other activity and shall be wholly responsible.
- (iv) Telemarketer shall ensure that telecom resources allocated to them for voice calls are only used for making any telemarketing calls.
- (v) Telemarketer shall ensure that the telecom resources received for sending transactional message are not used for sending promotional message or vice versa.
- (vi) The telemarketer shall not send any commercial communications to any subscriber whose telephone number appears on the National Customer Preference Register, except for sending SMS in respect of categories of preference opted by the customer.
- (vii) Telemarketers shall also ensure use of correct header for sending promotional or transactional message, as the case may be, in accordance with the agreement entered into with Access Provider.
- (viii) Every registered telemarketer shall be provided dump of total NCPR data by their respective Access Provider on execution of agreement and subsequent updation of the data shall be done by telemarketer

from website www.nccptrai.gov.in using login credentials allotted to him while registration.

- (ix) The telemarketers shall update their national customer preference data with the updated delta data every Tuesday and Friday. In order to ensure synchronization of data, the delta data updated and downloaded on Tuesday will be used from 0000 Hrs of Wednesday to 2359 Hrs of Friday and the delta data updated and downloaded on Friday will be used from 0000 Hrs of Saturday to 2359 Hrs of Tuesday.
- (x) The telemarketer, before sending any SMS or making a telemarketing call to a telecom subscriber, shall scrub the telephone number of such subscriber with the updated data base downloaded from the National Customer Preference register website www.nccptrai.gov.in .
- (xi) The telemarketer shall ensure that the no commercial communication is made between 2100 Hrs to 900 hrs to any subscriber irrespective of the fact that such subscriber is registered on NCPR or not.

4. Compliance to Directions/Orders:

The Telemarketer shall comply with:

- (i) Guidelines for Telemarketers
- (ii) Orders/Directions issued by TRAI from time to time.

5. Restrictions on 'Transfer of Registration'

The Telemarketer shall not, without the prior written consent of TRAI, either directly or indirectly, assign or transfer this registration in any manner whatsoever to a third party or enter into any agreement for sub-Leasing and/or partnership relating to any subject matter of the registration to any third party either in whole or in part i.e. no sub-leasing/partnership/third party interest shall be created.

6. Requirement to furnish information:

The Telemarketer shall furnish to TRAI, on demand in the manner and as per the time frame such documents, accounts, estimates, returns, reports or other information in accordance with the rules/ orders as may be prescribed from time to time.

7. Security Conditions:

- (i) The Telemarketer shall make available on demand to the person authorized by TRAI, full access to their equipments for technical scrutiny and for inspection, which can be visual inspection or an operational inspection.
- (ii) The Telemarketer will ensure that their equipment installations should not become a safety hazard and is not in contravention of any statute, rule or regulation and public policy.
- (iii) The Telemarketer shall be required to provide the call data records of all the specified calls handled by the system at specified periodicity, as and when required by the security agencies.
- (iv) Wherever considered appropriate, TRAI may conduct any inquiry either suo-motu or on complaint to determine whether there has been any breach in compliance of the guidelines for registration by the Telemarketer and upon such inquiry the Telemarketer shall extend all reasonable facilities without any hindrance.

8. Prohibition of certain Activities by the Telemarketer.

- (i) The Telemarketer shall not engage on the strength of this registration in the provision of any Service other than telemarketing and/ or requiring separate Licence / permission.
- (ii) Telemarketer will not infringe on the jurisdiction of Licensed Telecom Service Providers and they shall neither provide switched telephony nor use telecom resources as Public Call Office (PCO).

9. Suspension or Termination of Registration

- (i) Telecom Regulatory Authority of India (TRAI) reserves the right to suspend the operation of this registration at any time, if, in the opinion of TRAI, it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the TELEGRAPH. If situation so warrant, it shall not be necessary for TRAI to issue a notice for seeking comments of the Telemarketer for this purpose and the decision of TRAI shall be final and binding.
- (ii) Registration may be terminated for any failure to comply with the guidelines for Registration of Telemarketer.
