

General Rules of Provision of Premium Services

Premium SMS, Premium MMS

Codex version 4.1



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1 SCOPE AND APPLICABILITY

1.1 Purpose

This document contains rules for Premium SMS and Premium MMS services Providers cooperating with operators of public mobile telephone networks in the Czech Republic (mobile operators). These rules are based on experience gained during operation of these services in the Czech Republic and also experience with similar services provided abroad.

1.2 Applicability

These recommendations apply to Premium SMS and Premium MMS services where outgoing (MO) as well as for incoming (MT) messages are charged for. These services are provided at Short codes which are a combination of numbers. Short code administration is coordinated by APMS (Association of Mobile Networks Operators) – see table 3.4.1. Premium service number ranges.

1.3 Glossary

SMS	Short Message Service
MMS	Multimedia Message Service
MO services	So-called Mobile Originated services, i.e. charged at moment of sending by Customer (further also MO premium services)
MT services	So-called Mobile Terminated services, charged at moment of receipt by Customer (further also MT premium services)
One-time immediate services	Services based on MO or MT when a customer orders a one-time service by sending a key word
Prepaid services	Services based on MT, where the Customer agrees with repeated invoicing of services via premium services on the basis of initial agreement. (further as Prepaid or Subscription Services)
Premium SMS / MMS	SMS and MMS Services with premium prices (further as premium services). The price for premium services is identical for Customers of all Operators. The premium price is normally higher than the tariff SMS/MMS price.
Service provider	Legal entity or person offering and providing Customers Premium SMS/MMS services utilizing Operator infrastructure (further as Provider)
Short code	Short codes via which Premium services are provided. Short codes can reach 5, 7 and 8 numbers and it is possible to clearly define on their basis the given type of service, Operator and service price
Customer	Operator user, who utilizes Premium SMS/MMS services of the Provider
Operator	Operator of a public mobile or fixed line communications network within the Czech Republic
Primary administrator	respective operator (see Table 3.4.1 documenting division of 90z prefixes) which assigns free 90z prefix codes to the Service Providers and maintains records of assigned and free 90z prefix codes

1.4 Billing methods and Premium Services charging

From 1 March 2007 all Premium services offered within the networks of all operators are provided via the so-called "factoring" model, i.e. as Micropayments, when Operators intermediates collection of financial means for the third parties – the Service Providers. In the "factoring" model the Service Provider is responsible for the VAT tax payment.

1.4.1 Mobile Originated Service (MO Services)

This is a service when the service or content is paid for immediately after an order SMS/MMS (MO) is sent by a Customer, a premium price being charged for this order message. MO Services can only operate in the one-time module (for example voting SMS).

1.4.2 Mobile Terminated Services (MT Services)

This is a service when the service or content is paid for immediately after the Customer receives and SMS/MMS (MT) responding to an order originally submitted by the Customer (via SMS, MMS, WAP, WEB or IVR interface) – method of ordering as per Para. 4.2 of this Codex. The return SMS/MMS (MT SMS/MMS) is charged at a premium price and in itself can bear the ordered service or content. MT based Services can operate in two models:

- a) One-time immediate delivery – both in the form of one or more SMSs (for example, charging a logo sending)
- b) Prepaid service, i.e. services ordered in advance (for example regular daily news, that the Customer is charged for after a single ordered piece of news is delivered), again in the form of delivery of one or more SMSs.

2 COMMUNICATION OF PREMIUM SERVICES

2.1 General rules

Premium Service Provider is responsible for ensuring a proper service description in all types of media so that users, or potential users, of a service are appropriately and truthfully informed about the service offered. The Provider must include its contact data depending on the type of medium used (see Article 2.9). It is especially unacceptable to deceive a Customer or potential Customer with inaccurate and ambiguous information, hyperbole, or omission of information.

For example, if it is necessary to send more than one Premium MO SMS to order a content service (see Article 1.4.1), the promotional or informational material should clearly specify how many MO SMS are required to order the service. Customers must always be informed about the final price of the service. The same applies to MT Services – the Customer must be informed how frequently they will be receiving the ordered service and for what price. If a Customer is offered a MT SMS/MMS service within a TV or Radio advertisement, the Customer must be informed about this information via audio.

Additional information applicable to individual types of communication media is set out in the paragraphs below.

2.2 Communicating the difference between Premium services (one-time immediate/prepaid services)

When advertising their Premium services Providers must duly inform the Customers whether the service is a one-time immediate service (MO or MT) or Prepaid service (Subscription services) with repeated delivery of MT SMS/MMS messages that are charged for (see Article 1.4).

In case of a Subscription service when repeated MT SMS/MMS messages that are charged for are delivered, the Customer must be informed about how frequently the MT SMS/MMS will be delivered, and what the maximum number of messages is that can be delivered. The frequency information must be specified either for 1 day, 1 week or for a specific event (see Article 4.2 for texts).

2.3 Pricing information

The total price for using Premium services and the price of individual messages, should they differ from the overall price must be clearly communicated in all types of media so that there is no doubt as to how much Customer is going to pay for the service. The prices shall always be quoted as the final price, i.e. including VAT.

2.4 Service Activation/deactivation

Providers of Premium services must inform the Customer about how a service can be ordered, or activated in the case of Prepaid services. When ordering a message Customer must also be informed about how to deactivate a given service (for information about activation and deactivation see Article 3.5).

The total price for using the Premium SMS/MMS services must be clearly stated in all media so that there is no doubt as to how much the Customer is going to pay for the service. The prices shall always be quoted as the final price, i.e. including VAT.

2.5 Information about service Provider and helpdesk

All Providers must provide helpdesk services to their Customers via telephone, SMS (see Article 4.3.2), e-mail and in written form. The telephone helpdesk with live operators must be available on business days between 9 a.m. and 5 p.m. The rest of the time the Provider must at least offer an electronically operated telephone helpdesk equipped with a voice box.

Providers must address Customer enquiries and claims without unnecessary delay to prevent any harm to the image of Premium services.

2.6 Service availability in GSM networks

If a Premium service is provided to Customers in the network of only one or two operators in the Czech Republic, information about the networks where the service is available must be included. If the service is available in the networks of all operators, such information is not compulsory.

2.7 Communication of mobile telephone compatibility

Premium service Providers must specify in printed promotional materials information about each single service or content designed only for selected types of mobile handsets and devices. If services are advertised on the Internet or via WAP, the Provider is obliged to communicate the aforementioned information in the form of a list of enabled mobile handsets or other devices.

2.8 Compliance with the valid legislation

All Premium service Providers must commit themselves, and confirm this commitment by contract, that all the services and content that they or their partners operate via Short code Premium services are provided in accordance with valid legislation, primarily with the regulations governing protection of intellectual property rights (legislation applicable to works subject to copyright, trademarks, patents and utility design), personal data protection (see Article 5.5), protection against unsolicited commercial messages (the act regulating some services of an informational society) protection of consumers and in the case of lotteries, marketing competitions or similar games that they shall also be subject to The Lottery Act.

Should there occur any or there be even threat of potential disputes, related to any breach of the valid legislation, or should any of the mobile operators uncover or have suspicions that valid legislation is being breached by provision of a service or content, the Premium service Provider's (and through the Provider also their partners) use of these services may be suspended without any prior notification, therefore, also leading to suspension of the provision of the offered services or content to Customers.

Similarly, it is also possible to suspend the use of Premium services should any mobile operator learn about suspicions that the services or content provided through Premium services are abused, or may be abused, to legalize gain from criminal activities as specified by the valid legislation regulating measures adopted to prevent legalization of yield from criminal activity.

2.9 Examples of required communication depending on the type of media used

For offering Premium services the Provider must uphold the following rules for their communication. As concerns Premium services of a lottery nature the APMS reserves the right to modify the responsibilities of Providers pertaining to communication in such a manner that they are also in accordance with the valid Lottery Act. Should such a modification arise, the APMS is bound to inform Premium service Providers without delay.

2.9.1 Information required depending on the type of media used – SMS voting

Media type	Required information	Example
TV, Billboard/ Outdoor	Short code, price and Provider's name and website	Send SMS „brick_name_address“ to 9050103. Price CZK 3. Responsible for service: SMS Info s.r.o. Praha (more at www.wingoldbrick.cz)
Radio	Short code and price	Send SMS in format „brick_name_address“ to 9050103. The SMS price is CZK 3.
Internet, press, other	Complex information: Short code, price (incl. VAT info), name of a service Provider, information about info line and/or website is compulsory.	Take part in the competition for a gold brick. Send SMS in format “brick_name_address” to 9050103. The price for sending the SMS is CZK 3 including VAT. Responsible for service: SMS Info s.r.o. Praha For more information visit www.wingoldbrick.cz , info line 222111444.

Final price will always be quoted, i.e. including VAT.

2.9.2 Required information depending on the type of media used: Logo (Content & application)

Media type	Required information	Example
TV, Billboard/ Outdoor	Short code, price and Provider's name and website	Send SMS "logo_12345" to 9050130. Price CZK 30. Responsible for service: SMS Info s.r.o. Praha (for a list of supported phones and more information visit www.logosms.cz)
Radio	Short code and price	Send SMS in format "logo_12345" to 9050130. Price charged per SMS is CZK 30.
Internet, Press, Other	Complex information: Short code, price (incl. VAT info), name of a service Provider, information about info line and/or website is compulsory, if content is to be ordered, list of supported mobile devices	Get a unique logo for your handset. Send SMS in format "logo_12345" to 9050130. Price charged per SMS is CZK 30 incl. VAT. Responsible for service SMS Info s.r.o. Praha. For a list of supported phones and more information visit www.logosms.cz or call info line at 222111444.

Final price will always be quoted, i.e. including VAT.

2.9.3 Required information depending on the type of media used – Prepaid MT SMS services

Media type	Required information	Example
TV, Billboard/ Outdoor	Short code, price, frequency of messages, Provider's name and website, order to activate and deactivate service	Send SMS in format "e-news" to 90501 to receive hot news from the E-world every day. You will receive maximum 15 SMS messages per week. One received message is charged CZK 3. Responsible for the service SMS Info s.r.o. Praha, for more information visit www.smsinfo.cz .
Radio	Short code, price, message frequency	Send SMS in format "e-news" to 90501 to receive up to 3 E-world hot news a day. One received message is charged CZK 3.
Internet, Press, Other	Short code, price, frequency of messages, name of a service Provider, website, telephone helpdesk, SMS order to activate and deactivate service, SMS help.	Have SMS news delivered to your telephone every day. Send SMS in format "e-news" to 90501 to receive hot news from the E-world every day. You will receive maximum 15 SMS messages per week. One received message is charged CZK 3. Responsible for service SMS Info s.r.o. Praha, for more information visit www.smsinfo.cz or call info line at 222111444. To cancel the service, send SMS in format "STOP e-news" to 90501. To obtain more information send SMS in format "HELP" to 90501.

Final price will always be quoted, i.e. including VAT.

The statement of other obligatory information (for example information about activation and deactivation of service, about supported handset types, mobile operators enabling a service, service specification, i.e. for users over 18 years of age, etc.) is not affected in any way by the examples shown above in Articles 2.9.1 to 2.9.3, i.e. Premium service Provider must include the information even though it is not expressly mentioned in Articles 2.9.1 to 2.9.3.

2.10 Peak events

These are activities of a Premium service Provider or its partners that, as can be reasonably assumed, will for a certain limited period of time generate higher use of the Premium SMS or Premium MMS services by Customers exceeding the load usual in the mobile telephone networks of the mobile operators (for example when Customers are invited to cast their votes during a TV show, or when they are invited to order goods by a TV advertisement, etc.). Providers of Premium services must announce these activities to mobile operators at least 2 weeks before the planned event; the Providers shall use the form attached as an appendix herein.

In case of Premium services the price of which is lower than CZK 30 in programmes of TV stations whose market share exceeds 5% (in June 2008 – TV Nova, TV Prima, ČT 1, ČT 2), the service provider is obliged to use 906 number series which is determined for SMS peak services (see Article 3.4.1).

3 ALLOCATION OR CANCELLATION OF SHORT CODE - NUMBERING

3.1 Process of Short code allocation to Provider

Allocation of a new Short code to a Provider shall be subject to the procedure below:

- a) applicant makes a selection according to the table in Article 3.4.1 according to the type of service that is to be provided and following that an untaken Provider ID,
- b) pursuant to the table in Article 3.4.1 the applicant sends a prefix allocation request to the relevant mobile operator (primary prefix administrator)
- c) mobile operator receives the request from Provider; the operator has 15 days to respond to the request
- d) mobile operators share information together about new Short code allocation requests,
- e) allocation of a Short code in the networks of other operators is subject to consent of the primary prefix administrator.

The new Short code may be assigned to the Provider automatically in the form of web interface - www.premiumservices.cz..

3.2 Raising objections against allocated Short code

If a Provider wishes to raise an objection against an allocated Short code, the objection is to be submitted to the mobile operator who allocated it and the objection must be based on material grounds. The relevant operator will respond to the objection within 15 days of its receipt. The requestor may object against the response in writing to the APMS Board (contact: Asociace provozovatelů mobilních sítí – Association of Mobile Networks Operators, Dr. Ivan Novotný – APMS, Václavské náměstí 64/807, 110 00 Prague 1) within 15 days at latest after the operator who allocated the Short code responded.

This objection will be discussed at the next APMS Board meeting. In order for the objection to be included on the agenda of the next meeting of the Board, it must be delivered to the Association's headquarters 15 days prior to the proper meeting of the Board at the latest. The Board issues its response to a timely submitted objection within 15 days after the Board meeting where a decision is made. Once the decision is arrived at by the Board, there is no other review possible, the decision is in the full discretion of the Board.

3.3 Process of Short code cancellation

Takes place in accordance with the contractual terms and conditions stipulated with individual operators. After a Provider cancels a Short code, it is reserved for 3 more months and can only be allocated to another party after this period expires.

If a requestor does not start using the allocated Short code for offering services within 30 days of its allocation and does not come to an alternative arrangement with the operator or does not raise any objections against the Short code in accordance with Article 3.2, the operator allocating the Short code shall be authorized to cancel the Short code immediately without duty to reserve it.

The Short code cancellation may be automated in the form of web interface - www.premiumservices.cz..

3.4 Numbering of services

Special Short codes are used to provide Premium services (SMS/MMS) in the networks of mobile operators. Services charged for as **MO** messages are operated in both directions (i.e. to and from Customer) at 7-digit Short codes in the following format:

90z xy ab z = type of Premium SMS/MMS Service, xy = Provider's ID number, ab = price in CZK including VAT (for example 905 05 50 = MT message for CZK 50)

Services charged for as **MT** messages are operated in the direction from Customer at 5-digit Short codes in the following format:

90z xy z = type of Premium SMS/MMS Service, xy = Provider's ID number

and in the direction to Customer at 8-digit Short codes in the following format

90z xy abc z = type of Premium SMS/MMS Service, xy = Provider's ID number, abc = price in CZK 0.10...incl. VAT (for example 905 05 055 = MT SMS charged CZK 5.50), see Section 3.4.2.

3.4.1 Premium service numbering ranges

Numbering range (90z)	Primary administrator	Premium service*
900	T-Mobile	Premium service
901	O2	Premium service
902	O2	Special services based on Premium SMS
903	T-Mobile	Premium service
904	APMS	Booked unused
905	APMS	Booked, unused
906	O2	Peak services (e.g. TV voting)
907	Vodafone	Premium service
908	Vodafone	Premium service From 1.07.2007 reserved exclusively for lottery type services
909	O2	Erotica - Soft and Hard, Chat, Charged access to erotic services

87777	APMS	Donor SMS operations are subject to special conditions stipulated by the Donors Forum (www.darcovskasms.cz)
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3.4.2 Available price levels and their utilization

With respect to the technical solution of number allocation to services, Premium SMS/MMS can be in general used with price levels in the range between a minimum CZK 1 and maximum CZK 99 per one MO premium message and CZK 1.00 and CZK 99.50 per one MT premium message (the prices shall be always quoted including the current VAT rate valid in the Czech Republic).

Commonly available price levels for MO services 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, 59, 60, 69, 79, 80, 89 a 99 Kč.

Commonly available price levels for MT services are as follows: 1.50, 2, 2.50, 3, 3.50, 4, 5, 6, 7, 8, 9, 10, 12, 15, 20, 20.5, 26.5, 30, 35, 40, 50, 55, 69, 79, 80 a 99 Kč.

Other price levels can be implemented upon an agreement with mobile operators but certain period of time will be necessary for implementation and testing, or for elimination of other relating problems.

The Service Provider may provide only such Premium services where the price of one service does not exceed CZK 600. The Operator is entitled to allow the Service Provider to provide a service the price of which exceeds CZK 600, however such permit relates only to the network of the Operator concerned.

When offering Premium MO and MT SMS/MMS services the Provider must not divide the payment into more premium messages, unless the price exceeds 99 CZK with VAT. If the price of service exceeds CZK 100 incl. VAT, the Provider is obliged to allow such combination of premium messages (i.e. price levels) so that the Customer may order /pay the service with the minimum number of messages as possible.

4 SYNTAX OF PREMIUM SERVICES

4.1 Key words

It is possible to order/activate the service with the sending of a first level key word (except for those words listed below in this paragraph) to the relevant Short code service. For a given key word the Provider can assign a second level key word, which will characterize the given type of Service.

Operators shall support all key words without diacritical marks, with the following limitations:

- Key words must not contain the following characters * and #
- Key words containing the word **STOP** are reserved as a universal order used to cancel service, and cannot be used for any other purposes. See Article 4.3.1
- Key words **HELP** and **POMOC** are reserved for help functions. See Article. 4.3.2
- Key word **ANO** is reserved for confirmation of activation of Premium MT services
- For first & second level key words the rule applies, that they must not be of an offensive or immoral nature

Upon a prior consent, the Providers may also operate services/applications that do not contain any key words. If such a service is to be provided, it has to be on a Short code (price level), where no other service is provided.

4.2 Activation of Subscription - MT SMS/MMS (subscription services)

The Subscription services are the services that a Customer orders by reply and confirmation responding to an informational SMS sent by Provider, after the confirmation SMS is delivered the Provider sends the Customer MT SMS/MMS either at regular intervals, or based on the latest development (for example in case of the so-called “events” – for example sports championships, etc.).

The Customer generates the ordering of a MT premium service by submitting a request (order) to a service Provider. This request can be submitted via initiation SMS, MMS, WAP, WEB or IVR interface. If the service is being ordered via initiation SMS/MMS, the Customer must send a message to a Short code in the format 90x yy

From this 5 digit Short code the Partner sends to the Customer an informational SMS describing the type of service with the following minimum information:

- price per 1 SMS/MMS,
- information about frequency of SMS distribution,
- information whether the service will be delivered repeatedly,
- information about the Help function.

The binding text of the informational SMS sent by the Provider for orderings a service by the Customer through MO SMS/MMS is as follows:

o „**Predplatne** XXKc/interval. **Posli ANO sluzba pro objednani na 90zxy**. Popis sluzby... **Vice info** TTTTTT **nebo sms HELP na 90zxy**“

(Czech text must be used!!! – translation is: Subscription XXCZK/interval. Send YES to order at 90zxy. Service description... More information TTTTTTTT or sms HELP at 90zxy)

Bold parts of the message cannot be replaced in the message. It is not possible to change their order or to leave off any part of the message

- | | |
|--------------------------|---|
| - XX | - price of subscription for the respective interval including VAT |
| - interval | - day, week, month, event |
| - service | - The Provider may disclose in the Confirmation SMS the type of service (<i>optional information</i>) |
| - description of service | - space for commercial information of the Provider |
| - TTTTTT | - Customer Helpdesk telephone number |
| - zxy | - Premium service short code |

4.2.1 Price SMS with Prepaid – MT SMS/MMS (subscription service)

If the MT premium message price exceeds CZK 10 incl. VAT, the Provider is obliged to inform the Customer about the SMS/service price, method of the subscription termination and helpdesk contact. This information may be either included in the MT premium message or if it is not possible, with regard to the SMS length, the Provider shall send the Customer another free "SMS price information" containing the information about the MT premium message price, the method of the service termination and helpdesk contact. It is not possible to divide the information into more SMSs.

- a) The form of the information for the Customer within one paid MT premium message shall be as follows:
- o „Cena zpravy XX Kč s DPH za službu SSSSSS. Pro zrušení posli SMS ve tvaru STOP služba na číslo 90zxy. Více info posli sms HELP na 90zxy“
(Czech text must be used!!! – translation is: Message price CZK XX with VAT for service SSSSSS. To cancel the service send SMS in the form STOP at 90zxy. For more info send sms HELP at 90zxy)

Bold parts of the message cannot be replaced in the text of the message. It is not possible to change the order or to leave off any part of the message

- XX - price of the subscription for the respective interval including VAT
- SSSSSS - the Provider will detail the type of the service
- zxyabc - Premium service short code, including price level
- service -The Provider may disclose in the Confirmation SMS the service type (*optional*)
- zxy - Premium service short code

- b) If with the Prepaid service it is not possible to use the above version of sending the information in one SMS, the Provider is obliged to send the price info SMS message no later than within 30 seconds after the MT premium message was sent. The text of the info SMS message must have the following format:

- o „Predchozi zprava prijata z cisla 90zxyabc stala XX Kč s DPH. Pro zrušení služby posli SMS ve tvaru STOP služba na číslo 90zxy. Více info posli sms HELP na 90zxy“
(Czech text must be used!!! – translation is: Previous SMS received from number 90zxyabc cost XX CZK with VAT. To cancel the service send SMS in the form STOP at 90zxy. For more info send sms HELP at 90zxy)

Bold parts of the message cannot be replaced in the text of the message. It is not possible to change the order or to leave off any part of the message

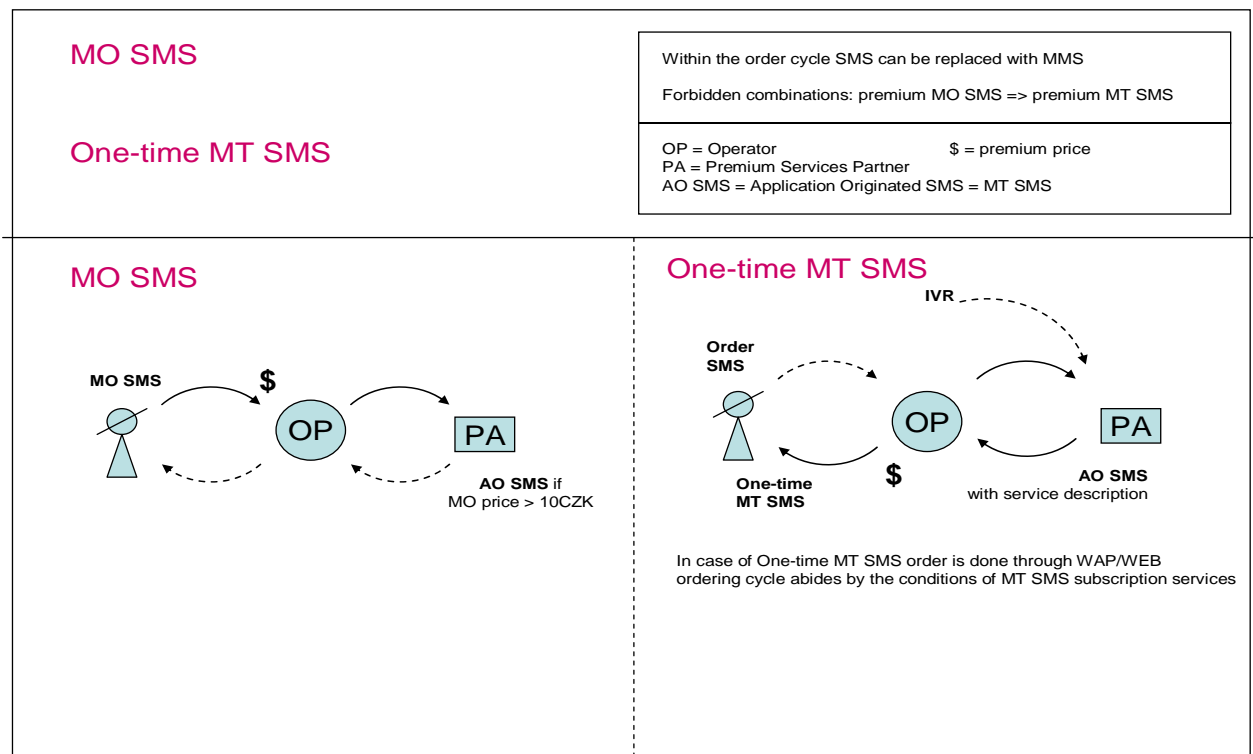
- XX - price of the subscription for the respective interval including VAT
- zxyabc - Premium service short code, including price level
- service -The Provider may disclose in the Confirmation SMS the type of service (*optional information*)
- zxy - Premium service short code

4.2.2 One time MT SMS/MMS

- Are those when the Customer orders a one-time service by sending a key word (or words) to a 5 digit Short code. The service is charged upon receipt of the MT message by the Customer. The Provider is bound to do so within 30 seconds of the ordering of the Service.
- Within the scope of one order of one-time MT premium service the Provider may send no more charged MT premium SMS than determined in Article 3.4.2.
- The Customer must be intelligibly beforehand – i.e before ordering the service – about the fact that this is a one-time service charged upon receipt including the total price of the service, price of individual SMSs and number of SMS. The ordering messages are charged according to standard tariff of the Customer of the respective mobile operator.

4.3 Ordering MO premium services

- Are those where the Customer orders a one-time service via the sending of a key word (or words) to a 7 digit Short code. The service is charged during the sending of the MO message to the Customer. The Provider is bound to do so within 30 seconds after the ordering of the Service.
- In case of the model of charging MO there must always be sent free at least one return MT message for each MO message from the same Short code should the price of the MO message be higher than 10 CZK (incl. VAT).



MT SMS

Subscription services

Within the order cycle SMS can be replaced with MMS

Forbidden combinations: premium MO SMS => premium MT SMS

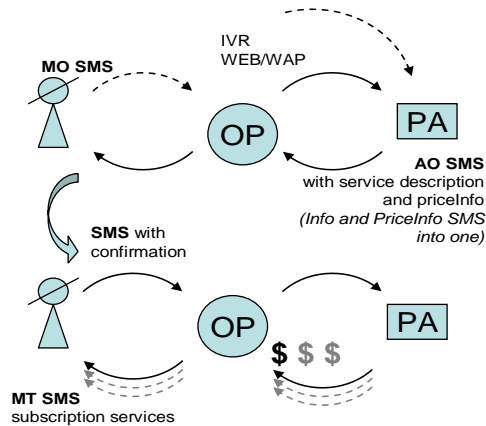
OP = Operator

PA = Premium Services Partner

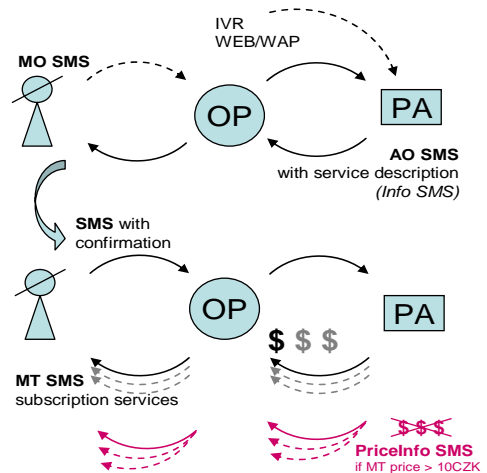
AO SMS = Application Originated SMS = MT SMS

\$ = premium price

Info SMS and PriceInfo SMS in one SMS



Info SMS and PriceInfo SMS extra



4.3.1 Universal SMS order to cancel the MT premium service (STOP)

Customer deactivates a specific service by sending SMS containing text “STOP SERVICE” to a relevant 5-digit Short code.

Customer deactivates all services provided at a given prefix by sending SMS containing text “STOP ALL”, or just “STOP” to a relevant 5-digit code.

Provider must confirm deactivation of service/services by delivering a response SMS confirming that the service/services have been deactivated. Customers are not charged for this SMS.

4.3.2 Information (HELP) SMS

If an end user sends a SMS containing the key word “HELP” to a relevant 5-digit Short code, Provider shall be committed to inform user at least about how to cancel such a service. The recommended text of the SMS is as follows:

- o „SMS zpoplatnene pri zasilani zastavite zaslanim SMS ve tvaru STOP SLUZBA nebo STOP ALL na cislo 90xyz. Vice na www.xxxxxx.cz nebo na tel. zzzzzzzzzz“

(Czech text must be used!!! – translation is: “To cancel SMS charged at delivery send SMS with text STOP SERVICE or STOP ALL to 90xyz. For more information see www.xxxxxx.cz or phone zzzzzzzzzz.” - note: the word SLUZBA/SERVICE stands for the key word)

The SMS sent by Customer is charged pursuant to the standard tariff of a relevant mobile operator, the response HELP SMS is free of charge for Customer.

4.3.3 Limitations applicable to MT premium services

Partner may help Customer set restrictions on the number of MT SMS/MMS by specifying a daily maximum limit. In such a case Customer will be able to specify the number of ordered MT SMS per day in the order SMS sent to the relevant 5 digit Short code; the number of MT SMS/MMS shall be specified by entering the number of messages to be delivered per day after a relevant key word and space.

Example: an end user submits an order SMS to the Short code 90z yy in format: WEATHER_10. The end user will receive 10 MT SMS containing weather info. per day, unless the end user cancels the order by submitting the STOP instruction.

The Provider may send a Customer via one MT SMS/MMS application (i.e. via Prepaid MT premium services on one Short code and one first level key word) only services in maximum value of **CZK 2000**. After this amount is reached, the Provider must deactivate the service for the respective Customer. At the same time, the Customer must be sent a free of charge Renewing SMS by the Provider informing that the limit has been reached and that it is possible to prolong the subscription. It is not permissible to divide the information into more SMSs. The SMS must have the following form:

- o „**Byl dosazen limit sluzby SSSSSS predplatneho SMS (XXKc/interval). Pro pokracovani zasli SMS ve tvaru ANO service na 90zxy. Vice info na ZZZZZZZZZ**“

(Czech text must be used!!! – translation is: Limit of the service SSSSSS has been reached provided within SMS subscription (XXCZK/interval). To prolong the subscription send SMS in the form YES at 90zxy. More information at ZZZZZZZZZ)

Bold parts of the message cannot be replaced in the message. It is not possible to change order or to leave off any part of the message

- SSSSSS - service name
- XX - price of the subscription of the respective interval including VAT
- interval - day, week, month, event
- service - The Provider may distinguish in the Renewal SMS the type of service (optional information)
- zxy - Premium SMS short code
- ZZZZZZZZ - telephone or web Customer contact to the Provider

Provider should define appropriate expiration time of MT messages. The time should not exceed the below specified values for individual content categories:

Content category	Max. validity of MT SMS/MMS (in hours)
Traffic	6
News	6
Chat	1
Sport	6
Entertainment	24
Erotica	24
Contests	24
E-mail. notification	72
Other content (content)	
Hot news	6
Regular information	24
Other	24

5 CUSTOMER PROTECTION

5.1 Illustrative messages

Illustrative messages are SMS sent by Provider, they contain advice or instructions and do not represent a service that would be charged for. Illustrative SMS message for example explains how service works, but does not provide any service content. Customers are not charged for this type of messages.

5.2 Communicating of erotic services

APMS requests that all services with erotic content are properly communicated by Providers in accordance with the generally valid legal regulations effective in the Czech Republic (see Appendix herein).

Any communication (visual, audio, etc.) of all “permitted” erotic content service (or product) categories must include a warning that the content is intended for persons over 18 years of age. This warning must be included also in case of wap push services when Customer orders access to erotic wap sites by the means of SMS. Service Provider shall be held fully liable for proper warning as well as for any damage and risks. Operators providing Premium SMS services shall not be responsible for performance of duties by the Providers, or service content in any way.

5.3 Unsolicited messages

The service Provider must receive consent to deliver MT messages from the target Customer at the moment of service activation at the latest. The Service Provider must also make sure that it will not be used to deliver unsolicited messages to Customers of GSM service providers in the Czech Republic. This applies primarily to Premium MT services.

5.4 Services for children

Services for children are aimed at the age group below 15 years of age (hereinafter referred to as “children”). These services as well as any related communication must not contain anything that could in anyway harm the moral development of a child or in any other way be harmful to children, or that could use/abuse child in any way due to child’s inexperience, or that could violate generally binding legal regulations effective in the Czech Republic

5.5 Data protection

All Premium services Providers must make sure that the service meets all the legal requirements as stipulated by the Czech law and the law of the EU applicable to personal data protection. Provider must not provide the data obtained during communication with Customers to any third party (not even to an advertising agency, etc.).

5.6 Reserve raised by operators

Operators are authorized to amend these Rules to comply with the legal environment in the Czech Republic as well as other self-regulatory codices. All service Providers must make sure that the service as well as advertising of the service meets all the requirements prescribed by the Czech law and the law of the European Union.

6 APPENDIX NO. 1

RULES FOR PROVIDING EROTIC SERVICES

Erotic services i.e. Soft and Hard erotica, erotic chats and charging for access to erotic services may be provided solely on Short codes with the 909 prefix (see Article 3.4.1).

6.1 Recommendations for providing of erotic content; Division between “soft” and “hard” erotic content; prohibited content

Erotic content includes any material containing pictures of naked male or female bodies showing more than 50 % of the entire human body naked, and/or it meets the conditions specified below.

Erotic content is in general divided as soft and hard. Operators are entitled to assess content and place it in the relevant category, and possibly also change the content category. In such a case the content Providers must act in accordance with instructions of the operators. Should a Provider violate the instructions, the operators shall be entitled to make relevant steps to remedy the situation, or act pursuant to the valid contracts entered into with the Providers, and as the case may be, pursuant to the valid Czech legislation .

6.2 PICTURES (photos, animations, drawings, caricatures, etc.)

6.2.1 *Soft erotica – located at Short codes with 909 prefix*

Soft Erotic category presents soft erotic content.

- It is permitted to show naked people.
- It is not allowed to show male genitals.
- It is not allowed to show female genitals in positions where the genitals are shown in “open form”.
- It is not allowed to show sexual intercourse.
- It is not allowed to show masturbation and/or oral sex or suggest them, not even in a form of arousing of female or male genitals
- It is not allowed to show content that would evoke a feeling, that the pictured persons are children or the young.

Soft erotic contains, for example:

- Women in non-transparent lingerie (panties and top)
- Women sporting only non-transparent panties, or showing just the upper part of their body naked (from waist up)
- Naked women (entire body) in a position where details of genitals cannot be seen
- Naked upper part of male body (upper half of the body naked, the lower half of the body must be covered by non-transparent lingerie, or otherwise)
- Naked males in a position where details of genitals cannot be seen, or naked male bodies shown from behind

6.2.2 *Hard erotica (hard core) – located at Short codes with 909 prefix*

Erotic content that does not meet the requirements for soft content, and is not illegal, is marked as hard erotica. It includes for example naked bodies shown in front view, or sexual positions, acts and symbols and genitals or their details. Provisioning of this type of hard erotic content and its presentation is subject to the generally binding legal regulations valid in the Czech Republic and must observe good manners.

6.2.3 *Illegal content*

This area includes everything that violates the generally binding regulations valid in the Czech Republic and/or good manners. Especially the following **must not** be presented:

- Sex with juveniles (under 15 years of age), or a person whose appearance evidently suggests s/he is younger than 15 years,
- sex with a next of kin (for example mother and son, brother and sister),
- human trafficking in order to offer sex
- sexual intercourse with animals (i.e. this includes petting or other sexual activities human + animal)
- torture and violence (against the will of shown persons; this includes also all forms of SM practices that could result in an injury and serious damage to health)
- satisfying oneself on dead human bodies (as well as their dishonoring), and genocide (racist motivated sexual, or other, humiliation of shown persons)
- displaying of human excrements in relation with sexuality (for example showing of urine, stool, blood, etc.)
- weapons, drugs, alcohol served to persons under age, murder, rape, keeping hostages and other criminal offences associated with offered sexual content

SM practices will be assessed individually; in case there is humiliation shown or suggested (for example sexual practices using tying), the content shall be considered illegal.

These recommendations may be further amended depending on the market development.

6.3 VIDEO

- The rules specified in article 6.2 apply also to video.
- The “hard” category will include everything where sexual intercourse, or preparation for sexual intercourse, oral sex or masturbation is shown, and also any material where shown persons are naked from waste down.

7 APPENDIX NO. 2 – PEAK EVENT NOTICE

Premium Rate SMS PEAK Event Notice

All peak events must be announced two weeks in advance!!!

Operator contact data:

premium.sms@02.com

premium sms@t-mobile.cz

premium@vodafone.cz

Date of notice

PR SMS partner (company)

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Name and surname

Email

Mobile/phone

Business contact

Technician - contact

Contact during event

Date of event

Voting from

Voting until

Access PR SMS numbers

Audiotext

YES/NO

Key words

Type of event

Live broadcast - other

Show/event title

Name of station

Total MO SMS

(all networks)

Max SMS peak (min)

Peak times

Responsible O SMS

YES/NO

Number of AO SMS per 1 MO

SMS

Idle period

On-line advertising

Number

Number

Number

Number

Previous advertising

Other details about the event: