



25 May 2010

Dear Simon

Mobile Entertainment Forum (MEF) response to the PhoneyPayPlus Registration Scheme for Premium Rate Services – An Interim update

We welcome this opportunity to respond to the PhoneyPayPlus Registration Scheme for Premium Rate Services – An Interim update, published in advance of a full consultation on the new draft Code. This consultation response has been submitted on behalf of the MEF Membership.

Introduction to MEF

MEF is the global trade body of the mobile media industry. It represents the leading companies throughout the entire mobile entertainment value chain, and works on behalf of its diverse membership to facilitate industry growth, shape regulation and deliver competitive advantage to its members. With headquarters in London and regional chapters covering Asia, EMEA, LATAM and North America, MEF is a member community with global reach, local representation and strong leadership to drive market change, with currently over 160 members¹. Established in 2000, MEF provides a consistent and powerful voice for the foremost mobile media businesses and entrepreneurs.

General response to the PhoneyPayPlus Registration Scheme for Premium Rate Services

MEF welcomes the continued open discussion between PpP and industry on both the introduction of a PpP Registration Scheme and the draft new Code, the background of which are well documented.

The key objectives of the new draft Code, including the introduction of a mandatory PpP registration scheme, stemming from the recommendations set out in the Ofcom Statement on the scope of PRS Regulation in October 2009 and the work undertaken by PpP on its new draft Code during 2009, are clear and in principle, supported by MEF.

As PpP has acknowledged in this interim consultation on the Registration Scheme, there are still significant questions to be answered concerning the implementation, management and onus placed on different parties in the premium rate value chain. However, MEF agrees with Ofcom's recommendation that PpP is best placed to govern and manage a registration scheme.

Initial feedback received from Members within the premium rate value chain, namely Mobile Network Operators, service providers (Level 1 providers) and information providers (Level 2 providers), indicate support for the need for PpP to be able to find and enforce its Code against the party which may be causing consumer harm. The registration of all providers of premium rate services should aid PpP in locating relevant parties as necessary, extending PpP's current powers beyond the service provider (Level 1 provider).

¹ A full list of our members can be found at <http://www.m-e-f.org>.

Some of proposals set out in the new draft Code cannot easily be separated from the introduction of the Registration Scheme, such as the distribution of responsibility for addressing consumer harm along the value chain and due diligence undertakings by the different parties. Detailed consideration to the full Registration Scheme Proposal will therefore be made as part of MEF's response to the full consultation on the new draft Code, published on 29 April 2010.

Response to the PhonepayPlus Registration Scheme for Premium Rate Services – Specific question

Q. Do respondents agree that PhonepayPlus should continue with the implementation of the Scheme to meet the timing requirements detailed above?

In line with the Ofcom statement on the scope of premium rate services, the work already undertaken by PpP, and as reflected in initial feedback from our Membership, it is clear that there is industry support for a registration scheme.

MEF would like to thank PpP for its contribution to recent Member events to discuss the registration scheme, namely, a webinar on 6 May and a workshop on 19 May where feedback from those answering the question of whether PpP should continue with the implementation of the Scheme was overwhelmingly positive.

MEF notes that there is a chance that the proposed new Code, which includes the implementation of the registration scheme, may not be approved by Ofcom. It is also noted that halting work on the proposed registration scheme pending formal approval of the proposed Code by Ofcom will mean that it is no longer aligned with the scheduled introduction of the new Code in 2011, so impacting on the principal objectives of the new draft Code.

MEF agrees, in principle, that PpP should continue with the implementation of the Scheme to meet the timing requirements set out in the interim consultation document.

However, there are still some key questions to be answered in respect of the implementation, management and onus placed on parties in the value chain. MEF will continue to work with its Members to determine the impact of the proposed changes on the UK premium rate services industry. MEF would like to continue to work with PpP during the consultation on the new draft Code to test the proposals.

MEF will be submitting a consensus response in collaboration with its Members to the consultation on the new draft PpP Code of Practice by 8 July 2010, which will address the broader points set out in Part 1 of the interim consultation, namely the objectives, principles, scale, registration form, governance and the development of a Registration Scheme which provides a cost effective solution that is fit-for purpose.

Contact

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