

General Rules for the Provision of Services via Audiotextual Lines



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1 INTRODUCTION AND SCOPE OF COMPETENCY

1.1 Purpose

This document (ATX Codex) serves Customers (consumers) using Audiotextual Lines and helps them comprehend the functioning of these lines and services provided through them. The ATX Codex further serves Providers, Partners/Aggregators and Operators as a recommended set of rules for the operation of Audiotextual Lines in the Czech Republic.

The document was created through cooperation of the Association of Mobile Network Operators (“APMS”) with the Association for Information Technology and Telecommunications (“ICTU”). These recommendations are taken from the experience of ICTU and APMS members (“Operators”) in the operation of these services in the Czech Republic, and from their experiences with similar services abroad.

The aim of the document is to define a transparent and also non-discriminatory environment for the provision of services via Audiotextual lines, with an emphasis on consumer protection and the long-term improvement of the reputation of these services on the market.

1.2 Glossary

Audiotextual Links (ATX)	premium-rate lines intended for the operation of content- and voice-based services provided on numbers and number ranges reserved for these services by a valid Numbering Plan
APMS	Association of Mobile Network Operators
ATX Codex	recommendations for the operation of Audiotextual Lines
Customer	end-user calling on Audiotextual Line, final consumer of a Service
Czech Telecommunication Office (ČTÚ)	central administrative body for State administration in matters governed by law, including market regulation and the stipulation of terms and conditions for trading in the field of electronic communications and postal services as defined by Act no.127/2005 Coll., on electronic communications and the amendment of related laws
ICTU	Association for Information Technology and Telecommunications
Informational messages	a free of charge automatic message played to the Customer after dialing the Audiotextual line, preceding the actual providing of paid service.
Numbering Plan	Numbering Plan for public telephone networks, stipulating binding rules for the numbering of public telephone networks and services or access to electronic communications services
Operator	trading entity, within whose public communication network Customers call Audiotextual Lines
Partner/Aggregator	an entity that, either through its own public communications network or otherwise, shares in the operation of Audiotextual Lines, but is not directly a Provider
Provider	an entity that provides Customers with content- and voice-based Services via an Audiotextual Line
Service	content- and voice-based services provided via Audiotextual Lines
ZoEK	Act no.127/2005 Coll., on electronic communications and the amendment of related laws (law on electronic communications), as amended

1.3 Types of Audiotextual Line

The ATX Codex is valid for Audiotextual Lines as defined in the following text.

1.3.1 Structure of numbers used for Audiotextual Lines

Audiotextual lines are generally provided on nine-digit numbers in the form: **90X AB CD ZZ**, - where:

- X** determines the nature of Service provided and can have a value from 0-9 in accordance with the Numbering Plan
- AB** determines, in accordance with the Numbering Plan, the price of the Service for the Customer (incl. VAT, should the service in question be subject to VAT) per minute or for one connection
- CD ZZ** is stipulated when a number is allocated by the Czech Telecommunication Office

1.3.2 Audiotextual lines of an informational, content-based, specialist and entertainment nature (non-lottery, non-erotic and non-voting Services)

Services of an informational, content-based, specialist and entertainment nature (e.g. horoscopes, weather, entertainment chat, specialist advice etc.), whose content is not in conflict with valid legal regulations of the Czech Republic, may be provided on these lines.

1.3.3 Audiotextual lines of an erotic nature

Services of an erotic nature (see also paras. 2.3 and 5), whose content is not in conflict with the valid legal code of the Czech Republic, may be provided on links with the dial code 909.

1.3.4 Audiotextual lines of a gambling and lottery nature

Services of a lottery and gambling nature may be provided on these lines when a Customer registers via telephone, further supplying a deposit for gambling or to enter a lottery. Services of this type are provided in accordance with the Lottery Act in accordance with the Provider's valid Gambling Code, which must be approved in advance by the Ministry of Finance of the Czech Republic. Services of a lottery nature must be provided exclusively in accordance with the approved rules and terms and conditions.

1.3.5 Audiotextual lines of a voting nature

Services may be provided on these lines whereby a Customer participates through voting in a pre-defined competition or survey. Length of call is set by the Provider; it is not possible to use the Service for a longer period than that stipulated by the Provider, Partner/Aggregator or Operator. In the event that this voting service forms part of a television programme, the Provider is obliged to determine in advance whether this is a so-called sudden-impact service (see para. 4.3).

1.3.6 Audiotextual lines with time charges

These are lines on which Services provided are charged to the Customer based on price per time-unit. The following pricing levels are available: 6, 8, 10, 11, 14, 16, 17, 18, 20, 23, 26, 30, 34, 38, 42, 46, 50, 55, 60, 65, 70, 80, 90, 95 CZK/min. Prices are given incl. VAT, should the given service be subject to VAT. The end-price of a Service includes the price of connection and is determined in relation to length of call, price per time-unit, minimum charged length of call and the time interval at which the call is calculated.

Example: A call to the Audiotextual Line 906 30 1111 lasts 1 minute and 20 seconds, with the minimum charged length of call being 60 seconds and a time interval of 60 seconds for measuring the call. The final price for the Service provided is 60. - CZK.

1.3.7 Audiotextual lines with a one-off charge

These are lines on which Services provided are charged to the customer on a one-off basis per call. The following pricing levels are available: 6, 8, 9, 10, 16, 20, 30, 40, 50, 55, 60, 70, 79, and 95 CZK. Prices are given incl. VAT, should the given service be subject to VAT. The end-price of a Service includes the price of connection.

Example: A call to the Audiotextual Line 908 30 1111 lasts 20 seconds. The final price for the Service provided is 30. - CZK.

2 SERVICES PROVIDED ON AUDIOTEXTUAL LINES AND CUSTOMER PROTECTION

2.1 General Stipulations

The Provider is obliged to ensure that a Service and its functioning via Audiotextual Line are clearly described in all media so that Customers or potential Customers are informed, in a corresponding and true manner, about the Service being offered. The Provider is obliged to give their contact details in relation to the type of media in question.

It is unacceptable to mislead the Customer or potential Customer through unclear language, ambiguity, exaggeration or failure to provide information. It is likewise unacceptable to provide required information illegibly, be it through the use of small, illegible print or a non-contrasting background.

All Providers must ensure that a Service provided on an Audiotextual Line conforms to the requirements stipulated by generally binding legal regulations of the Czech Republic and EU law, chiefly with regard to personal data protection and consumer protection. The Provider may not provide data gained through communication with a Customer to a third party (advertising agency etc.) without a Customer's explicit consent.

2.2 Services Provided on Audiotextual Lines

When transmitting Services in the media, the Customer must be clearly and unambiguously informed in the relevant advert of the final price of the Service, including value-added tax and further facts, as described below.

The Provider of a Service is obliged to retroactively demonstrate this to the Partner/Aggregator or to the Czech Trade Inspection Authority during a check by this authority, as defined in the relevant law.

When promoting information and services provided by them via electronic means (i.e. in the form of voice, text and visual messages sent through a public electronic communications network), the Provider is obliged to observe all conditions stipulated by the "Act on Some Services in an Information Society and Amendments to Some Laws" no. 480/2004 Coll., as amended, and to chiefly have the consent, demonstrably acquired in advance, of a physical person or legal entity with this form of promotion via electronic means.

2.2.1 Information on type of service according to time-period charged

When advertising a Service, Providers must clearly inform Customers whether it is:

- a classic service, where there is no time-limit to the length of call for a given service;
- a one-off service:
 - o with a fixed time-limit (e.g. 10-second call, terminated by the Provider), or
 - o with a one-off tariff for a single connection.

2.2.2 Information of type of service according to price charged per unit

The price for use of a Service must be clearly stipulated so that it is obvious how much it will cost the Customer to utilize the Service. The price is set according to the nature of the Audiotextual Line, either as a price:

- o for an appropriate time-period, where it is always necessary, with regard to Customer protection, to also give the price of a Service per minute (erotic, informational, etc.), or
- o per call (e.g. voting)

2.2.3 Information on the price of a Service

The prices of services are always given by the Provider as the final price from the point-of-view of the Customer, in CZK incl. VAY, should the given service be subject to VAT, and if VAT applies, this must be clearly shown. In the case of services of a voting nature that are charged according to time-period, where maximum connection time is fixed by the Provider and is shorter than one minute, then the Provider is obliged to give the maximum price of a call in CZK incl. VAT instead of the price in CZK for the relevant time-period.

The Provider must ensure that all Customers using a Service provided by them are informed of the price of a Service in a manner that is clear and comprehensible, and, under all circumstances, independent of the means of gaining information about the service – and this prior to provision of such a Service.

In the event that the Provider provides Services on any number other than an Audiotextual Line, then they are, amongst other things, obliged to also give the price incl. VAT, should the given service be subject to VAT, of the Service any time they give the telephone number of the Audiotextual Line; this must be listed immediately after the given telephone number of the Audiotextual Line. An example of this is given in point 2.2.5 – Other Voice-Based Advertisements.

In specific cases, the Provider is required to inform of the cost of Service also by means of an Informational message (please refer to the Article 4.2.1).

2.2.4 Information on the Provider, helpdesk, complaints and access

Amongst other things, every Provider must ensure that all users of Services provided by them are informed, in a manner that is clear and comprehensible, and, under all circumstances, independent of the means of gaining information about the service, of:

- the Provider – full name and surname (of physical persons) and company name (of legal entities) under which they are listed in the commercial, trade or other register, business address or P.O. Box
- the helpdesk for Customers, chiefly for the purpose of requesting proper tax documents, resolution of complaints and access to the Service.

The Provider is obliged to resolve customer queries and claims without due delay so that the good name of the Partner/Aggregator and Operator is not damaged. Requests for information and customer complaints are resolved by the Provider at a contact point given in communication with the customer.

In the event that an Audiotextual Line is not accessible to Customers on the network of any Operator, then the Provider is obliged to list in an advertisement which Operator networks the Line is accessible in. In the event that an Audiotextual Line is accessible from the networks of all Operators, then the provision of this information is not mandatory.

The service Provider is bound to ensure that up-to-date information is maintained as required under this article on the information portal www.platmobilem.cz. The Provider may transfer this duty to their possible Aggregator.

2.2.5 Demonstrative listing of required information in relation to utilized media

Type of Media – Service	Required Information	Example
TV - consultation	- Number of Audiotextual Line - Price in CZK/min. incl. VAT - Full name and surname/trading company of Provider - Contact details for Provider (address or P.O. Box) Information must be clearly legible and must remain on screen for a period of 7 seconds.	Got a problem? Call our customer centre on 906 10 00 00. Calls charged at 10 CZK/min. incl. VAT. Max. call length 30 minutes. Operated by Audix Praha s.r.o. , P.O. Box 1234, Praha 1
TV - voting	- Number of Audiotextual Line - Price in CZK/min. incl. VAT or maximum length of call - Full name and surname/trading company of Provider - Contact details for Provider (address or P.O. Box) Information must be clearly legible and must remain on screen for a period of 7 seconds.	To vote in the “Call us” contest, call 906 50 00 00. Max. price of call 10 CZK incl. VAT. Operated by Audix Praha s.r.o., P.O.Box 1234, Praha 1, www.audix.cz
Radio	- Number of Audiotextual Line - Price in CZK/min. incl. VAT - Full name and surname/trading company	Call 906 500 000. 50 CZK incl. VAT per minute. Operated by Audix Praha.
Other voice-based advertisements	- Number of Audiotextual Line - Price in CZK/min. incl. VAT - Full name and surname/trading company	Call 900 10 00 00, calls charged at 10 CZK incl. VAT per minute, max. call length 30 minutes. Operated by Audix Praha s.r.o., P.O.BOX 1234, Praha 1
Internet, Press, Billboards,	- Number of Audiotextual Line - Price in CZK/min. incl. VAT or maximum price of call	Got a problem? Call our customer centre on 906 10 00 00. Calls charged at 10 CZK/min. incl. VAT. Max. call length 30 minutes. Operated

Printed materials, other	- Full name and surname/trading company of Provider - Contact details for Provider (address or P.O. Box)	by Audix Praha s.r.o., P.O.Box 1234, Praha 1.
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Due to Customer protection, the parts highlighted in bold must be included in the text of a message in accordance with the table above.

Where services of a lottery and erotic nature, as well as other services carrying a legal requirement for users to be a minimum 18 years old, are concerned, the following information must be included in all types of media, over and above the examples given above: **“Must be 18 years or older”**.

2.3 Services of an erotic nature

All Services containing eroticism must be properly communicated by the Providers in accordance with the valid legal code of the Czech Republic (for further details, see Appendix no. 1 of the ATX Codex).

Any communication (be it visual, voice-based or otherwise) involving all ‘permitted’ categories of services (or products) with erotic content must contain the warning that the content is intended only for persons older than 18 years of age.

The Provider is fully responsible for proper notification of these Services. The Provider also bears responsibility for any damage and risks involved.

2.4 Services targeted towards youth

Children’s’ services are Services targeted towards the under-15 age group (“children”), e.g. ‘chat’-type services. These Services and all communication related them may not include any content that could harm children or anything that could be used/abused by a child with regard to their mental and moral maturity, or that could be at odds with the valid legal code of the Czech Republic.

3 NUMBER ACTIVATION AND CANCELLATION

3.1 Activation Process for Provider Number in Operator Network

3.1.1 *The activation process for a newly-allocated Provider number is governed by the following procedure:*

- a) The allocation of numbers for Audiotextual Lines is governed by rules stipulated by the appropriate state administration body. The number is allocated on the basis of an application by the Provider or Partner/Aggregator;
- b) Following allocation of the number, the Provider applies to the Operator for activation of the number in question in their network, and this either themselves or through the Partner/Aggregator;

Every application for activation of a number allocated for Audiotextual links must contain chiefly:

- i. Trading company of the Provider
 - ii. Registered address of the Provider
 - iii. Copy of legal authorization from ČTU for use of number allocated
 - iv. Should number access be activated through a Partner/Aggregator, the application must also list the trading company and registered address of the Partner/Aggregator and consent of the Provider to activation
 - v. Contact details of the Provider for the purposes of resolving claims – chiefly the postal address (Provider's registered address or P.O. Box) in the Czech Republic and their telephone or electronic helpdesk for Customers, chiefly for the purposes of requesting proper tax documents
 - vi. Activated service specific description
- c) Should the Provider request the activation of number intended to be used for special purposes (e.g. lottery), then the application for provision of a Service should be accompanied by the necessary permission from the relevant state administration body (e.g. license for the operation of lotteries on a given Audiotextual Line number);
 - d) An application for activation of a number must be submitted to an Operator via web interface – www.platmobilem.cz – a minimum 15 calendar days prior to the activation date;
 - e) In the case of activation of an already-existing tariff, and provided that the condition has been fulfilled that the Provider fulfills the above requirements, the Operator will always activate the number for its clients no later than the 1st or 15th day of the month, with the exception of 1st January. Should the day in question not be a working day, then the number can be activated on the next working day.

3.1.2 *The activation process for a migrated number is governed by the following procedure:*

- a) It is possible to migrate the number of an Audiotextual Line only between Operators and Partners/Aggregators operating their own public communication networks in accordance with the ZoEK.
- b) Following migration, the same procedure is followed as for the activation process for a newly-allocated number, as per point 3.1.1., where the application is supplemented with information on the network from which the number is to be migrated and also the appropriate procedure as stipulated in General Measures no. 10.
- c) The receiving Operator further ensures via standardized procedure the updating of the relevant reference source for information on migrated numbers. With respect to the technical and operational conditions for the provision of services on Audiotextual Lines, it is necessary to set the same date as the activation date for the migrated number as the requested migration date, in accordance with point 3.1.1 e).

3.1.3 Available Phone Number Series and Recommended Utilization of Phone Number Series

The available phone number series and the use specification for access codes to the electronic communications services are subject to applicable legal regulations, notably to the Numbering Plan. As of the authorization date of the ATX Code, the applicable notice is the Public Notice No. 117/2007 Coll., on numbering plans of electronic communications networks and services, with the following classification:

Phone Number Series (90X)	Service Types
900	Voice services – esp. business, specialist, advertisement and competition related services
905	Voice services – a single price for connection
906	Voice services – esp. business, specialist, advertisement and competition related services
908	Voice services – a single price for connection
909	Voice services – adult entertainment services

To ensure a higher predictability and a better protection of the consumer, the use of the following phone number series classification is recommended:

Phone Number Series (90X)	Service Types	Examples
900	Voice services with explicit price – business, specialist and financial services and mediation of employment	Legal, medical and other specialized consultancy services
906	Voice services with explicit price – entertainment Services, phone competitions and games, lonely hearts, advertisement, horoscopes and similar Services	Phone competitions and games, lotteries, lonely hearts, advertisement, horoscopes, charging for website access, and similar services
908	Voice services with explicit price – a single price for connection	Phone competitions and games, lotteries, charging for website access, and similar services
909	Voice services with explicit price – a single price for connection	Erotic chats and lonely hearts, charging for erotic content

The 905 phone number series isn't technologically supported by all Providers and, for this reason; it isn't subject to regulation under this Code.

If using of the 905 phone number series or the 900, 906, 908, and 909 phone number series in ways other than as recommended by the ATX Code is required, Operators, Partners/Aggregators and Providers shall proceed in compliance with applicable legal regulations and individual contractual stipulation without applying rules under the section 3 of the ATX Code.

3.2 Cancellation Process for Provider number on Operator's network

The standard process for the cancellation of a Provider number is governed by the following procedure:

- a) The Provider requests that the Operator cancel access to an Audiotextual Line number in the Operator's given network. The Provider can contact the Operator on the Audiotextual Line with a cancellation request either on its own, or an application can be submitted for it by a Partner/Aggregator;
- b) The Provider or Partner/Aggregator are obliged to always request cancellation if their authorization to use an allocated number or to run lotteries (if required by legal regulations) ends, or if they cease to fulfill conditions for trading in electronic communications;
- c) The Operator is obliged to cancel accessibility of the number of an Audiotextual Line within the deadline stipulated by contract, but no later than 30 calendar days following submission of the request. Should accessibility

have to be cancelled for any reason as given in letter b), the Operator is to cancel accessibility of the number without due delay once it has learned of this fact;

- d) Should any number of an Audiotextual Line be cancelled, or the service is temporarily out of order, then the calling Customer must be informed of such a situation, either through a verbal message or a signal tone (see paragraph 4.2). the Customer may not be charged for such a service.

4 OTHER

4.1 Operators' reserved rights

The Operators and Partners/Aggregators associated in APMS and ICTU may, at any time, alter this ATX Codex, chiefly so that it is in accordance with the valid legal code of the Czech Republic and other professional codices.

4.2 Informational messages

The Provider or Partner/Aggregator is authorized to set a free, informational voice message, to be played prior to connection to an Audiotextual Line, drawing Customers' attention to the price of the Service provided on the number called. The message must not be discriminatory, i.e. it may not be different for different Operators, Providers or partners/Aggregators, preferring one type of connection over another.

All messages are to be primarily in the Czech language. Versions are allowed in other languages as long as the Czech version is always played first.

4.2.1 Required Informational messages

With respect to services provided via 900 and 906 phone number series, the Provider or the Partner/Aggregator is required to always ensure that the Customer is notified of the cost of the Service provided under the dialed number, and this by means of a free-of-charge informational message and before the connection to the Audiotextual line is established.

The duty under the preceding article shall not apply to the following groups of services:

- Business and expert services (excluding financial services, financial service mediation, financial consultancy, and providing or mediation of employment);
- Phone competitions and games;
- Advertisement orders;
- Lonely hearts;
- Horoscopes and esoteric services.

The Article 4.2.1. becomes effective as of the 1st of October 2012.

4.3 Sudden-impact activities

These are activities carried out by the Provider or Partners/Aggregators where there is good reason to suppose that their realization will lead to increased, sudden-impact use of an Audiotextual Line within a limited time-period, leading to greater demands being placed on Operators' telephone networks than usual within a certain time-frame. Such sudden-impact use of Audiotextual Lines by Customers is considered to occur when the number of calls to an Audiotextual Line exceeds 10,000 calls per hour. This chiefly concerns use of Audiotextual Lines for television contests and voting etc. The Provider is obliged to declare these activities to Operators no less than 14 days prior to planned realization via a form, attached as Appendix no. 2 of this Codex.

4.4 Accordance with the valid legal code

All Providers and Partners/Aggregators must ensure that Services offered and operated by them or their contractual partners are provided in accordance with the valid legal code of the Czech Republic, and chiefly with legal regulations governing the protection of intellectual property (regulations governing handling of published works, protected trademarks, patents and utility models), protection of personal data, protection against dispatch of unsolicited commercial messages, consumer protection and in the case of lotteries or other similar games, also in accordance with the law on lotteries, the approved and valid Gambling Code and, last but not least, protection of youth (Services of an erotic nature).

In the event of any kind of dispute, including potential ones, related to the breach of the valid legal code or in the event that any Operator learns of the suspicion of a breach of the valid legal code while providing Services via Audiotextual Lines, then the provider or Partner/Aggregator may, following prior warning, suffer suspension of the possibility of using these services on the Operator's network.

5 APPENDIX NO. 1 - DEFINITION OF BANNED SERVICES AND RULES FOR THE PROVISION OF EROTIC SERVICES

5.1 Recommendations for the provision of services

Providers of content are obliged to act in accordance with instructions of operators and Partners/Aggregators associated in APMS and ICTU. Should there be a breach on the part of the Provider, Operators and Partners/Aggregators associated in APMS and ICTU are authorized to initiate appropriate steps towards a correction of the situation, or act in accordance with valid contracts with providers, and this in accordance with the valid legal code of the Czech Republic.

5.2 Banned content of services

5.2.1 Conditions for running lotteries

The running of lotteries that is in violation of the law or with an unapproved gambling code will be considered illegal activity. The running of competitions with misleading advertising will also be considered illegal.

5.2.2 Services of a misleading and deceptive nature

It is not permitted to provide on Audiovisual Lines the following services, which are clearly intended to artificially increase turnover, whose content clearly does not correspond to the price asked, or services designed to harm the justified interests of the customer. This chiefly, but in no way exclusively, concerns:

- a) automatic dialer (calling shows signs of time progression, mathematical series etc.),
- b) services redirecting the call to other numbers,
- c) repeated messages, circular IVR,
- d) silence,
- e) clearly out-of-date/unnecessary messages,
- f) nonsensical content, sounds,
- g) clearly artificial extension of length of connection prior to gaining of the required information (superfluous IVR sections etc.)

5.2.3 Banned erotic content

This field further contains everything that is in violation of generally binding legal regulations of the Czech Republic or good morals in a general sense. It chiefly concerns the following:

- a) services suggesting the idea of sex with minors (less than 18 years old), or with a person clearly presenting themselves as one younger than 18 years,
- b) sex with direct relatives or siblings (e.g. mother and son, brother and sister),
- c) an offer to trade in people with the aim of sexual relations,
- d) services suggesting the idea of sexual relations with animals (i.e., for example, touching or other sexual activities involving a human + animal combination),
- e) torture and violence (carried out against the will of persons depicted; this includes all forms of sadomasochistic practice that could end in injury with serious consequences to one's health),
- f) sadomasochistic (SM) practices will be assessed individually, although it can be generally assumed that should SM be concerned with humiliation (i.e. sexual practices involving binding), then this content will be considered illegal.
- g) masturbation on human remains (and their desecration) and genocide (racially-motivated sexual or other humiliation of persons depicted),
- h) depiction of human excretions in connection with sexuality (e.g. description of urine and stools, blood etc.),
- i) associations with weapons, drugs, alcohol given to minors, murder, rape, dealing in hostages and further criminal offences connected with the sexual content offered

6 APPENDIX NO. 2 – REGISTRATION FORM FOR A SUDDEN-IMPACT EVENT

Registration Form for a Sudden-Impact Event on an Audiotextual Line

A sudden-impact event must be registered 14 days in advance!!!

Operator contacts: audiotex@o2.com
premium@t-mobile.cz
premium@vodafone.cz
90X-operations@firma.volny.cz
audiotex@gtsce.com

Date of registration

Audiotextual Provider (company)

	Name and surname	Email	Mobil/tel.
Contact - commercial	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact - technical	<input type="text"/>	<input type="text"/>	<input type="text"/>
Contact - during event	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date of event
 Voting from
 Voting until

Access number of Audiotext

Type of programme
 Name of programme/event
 Name of media

Total estimated number of calls (all networks) Max peak (#min)
 Total estimated number of minutes (all networks) Peak times

Online communication	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>
	<input type="text"/>	Number	<input type="text"/>

Prior communication

Further info on registered event: