

General rules for the provision of Services via Premium SMS and Premium MMS

Code of conduct, version 5.2

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1 INTRODUCTION AND SCOPE OF COMPETENCY

1.1 Purpose

This document is intended to aid Customers (**telephone subscribers**) in understanding the functioning of Provider Services that are ordered, delivered or paid via Premium SMS/MMS. It thus stipulates recommended rules for the operation of Premium SMS/MMS for Providers, Partners/Aggregators and Operators. This document was created by the Association of Mobile Network operators and is based on its experience in the operation of these services in the Czech Republic, and from its experiences with similar services abroad.

1.2 Glossary

APMS	Association of Mobile Network Operators
SMS	Short Message Service;
MMS	Multimedia Message Service;
Services	are services or goods that the Provider provides to Customers and are ordered, delivered or paid via Premium SMS/MMS.
One-off Services	Services based on MO PR SMS/MMS or MT PR SMS/MMS that are of a one-off nature and charged through MO PR SMS/MMS sent once or repeatedly or MT PR SMS/MMS delivered once or repeatedly;
Subscription Services	Services based on MT PR SMS/MMS, where the Customer, by confirming an order, gives their consent to the repeated provision of a Service and which are charged via repeatedly delivered MT PR SMS/MMS;
Premium SMS/MMS	SMS/MMS sent by Customers to certain short codes or delivered to Customers from these codes. Operators charge Customers a stipulated amount for these SMS/MMS. This amount is the same for Customers of all operators and covers the price of a Service (i.e. is normally higher than the tariff price for an SMS/MMS). Premium SMS/MMS (also PR SMS ; PR MMS , or jointly PR SMS/MMS) are further divided between:
MO PR SMS/MMS	so-called Mobile Originated PR SMS/MMS; charged at the moment a message is sent by the Customer;
MT PR SMS/MMS	so-called Mobile Terminated PR SMS/MMS; charged at the moment a message is received by the Customer
Provider	physical person or legal entity that provides Customers with a Service;
Partner/Aggregator	physical person or legal entity that, either through their own public communication network or otherwise, shares in the provision of Services, but is not directly a Provider;
Short code	short codes with the dial code 90z, which can be 5, 7 or 8 digits long and can determine the type of Service, Provider and price of the Service. The administration of short codes is coordinated by APMS – see table 3.4 Number Series of Premium Numbers
Customer	is a physical person or legal entity who uses Services of a Provider and is at the same time a customer (participant) of the Operator, using services of the Operator's public communications network;

Operator	the operator of a public mobile or fixed-line communications network on the territory of the Czech Republic. Operators allow Providers to use their network when providing PR SMS/MMS Services.
Primary administrator	the relevant Operator (see table 3.4 Number Series of Premium Numbers), who allocates free Short Codes to Services Providers and keeps documentation of allocated and free Short Codes.
Virtual prepaid account	A prepaid account administered by Provider. A Customer can use the account exclusively for purchase of services/products offered by Provider or 3 rd party.
MSISDN	Mobile Subscriber ISDN Number - a number uniquely identifying a customer in a GSM or a UMTS mobile network
Basic SMS Application	Routine pre-installed application for SMS sending that is supplied by the supplier of the Customer's equipment operating system
Approved Application	Application software for mobile devices approved for distribution by the Customer's equipment operating system supplier.

1.3 Structure of Short Codes

Premium SMS/MMS are realized on the networks of mobile Operators on special Short Codes. **MO** Premium SMS/MMS are operated in both directions (i.e. to Customers and from them) on 7-digit Short Codes in the format:

90z xy ab z = type of Service, xy = Provider ID number, ab = price in CZK incl. VAT (e.g. 907 13 50 = MO PR SMS/MMS for 50 CZK)

MT Premium SMS/MMS are sent by the Customer on 5-digit Short Codes in the format:

90z xy z = type of Service, xy = Provider ID number

and to the Customer on 8-digit Short Codes in the format:

90z xy abc z = type of Service, xy = Provider ID number, abc = price in CZK incl. VAT
(e.g. 907 13 050 = MT PR SMS/MMS for 50 CZK; 907 13 500 = MT PR SMS/MMS for 500 CZ)

1.4 Accounting and Charging Models for PR SMS/MMS

1.4.1 Mobile Originated PR SMS/MMS

Are charged to the Customer at the moment an order MO PR SMS/MMS is **sent** by the Customer from the Basic SMS application, with the price charged for this order MO PR SMS/MMS being that determined by Short Code. Only one-off Services (e.g. sending MO PR SMS/MMS for voting) can be ordered via MO PR SMS/MMS.

1.4.2 Mobile Terminated PR SMS/MMS

Are charged to the Customer at the moment an MT PR SMS/MMS is **received** by the Customer for an order originally sent by the Customer (via SMS, MMS, WAP, WEB or IVR interface) – for the means of ordering see Paragraph 4.3 of this Codex. A return MT PR SMS/MMS is charged with the price determined by the Short Code and can itself carry the Service ordered. Services based on MT PR SMS/MMS can function as two models:

- a) as a One-off Services model – either in the form of one or more MT PR SMS/MMS delivered consecutively (e.g. charging for dispatch of a logo after delivery)
- b) as a Subscription Services model – in the form of repeated delivery of MT PR SMS/MMS (e.g. delivery of regular daily news, which is charged to the Customer on delivery of every message ordered).

2 PROVISION OF INFORMATION ON SERVICES AND PR SMS/MMS

2.1 General Rules

The provider of a Service is obliged to ensure that the Service, including its means of function as a Premium SMS/MMS, is properly described in all types of media so that Customers or potential Customers are informed correspondingly and truthfully about the Service being offered. The Provider is obliged to give their contact details in relation to the type of media (see Paragraph 2.8). It is especially unacceptable to mislead the Customer or potential Customer through unclear language, ambiguity, exaggeration or failure to provide information.

For example: if it is necessary to send more than one MO PR SMS/MMS to order a Service (see Paragraph 1.4), then it must be clearly specified in promotional or informational material how many MO PR SMS/MMS are required to order the Service. The Customer must always know the total final price of a Service. Likewise with Services via MT PR SMS/MMS, the Customer must be informed of how often and for what price they will receive the Service ordered. If the Customer is offered an MT PR SMS/MMS Service through television or radio advertising, then the Customer must also be informed of this via sound.

It is forbidden to use Premium SMS numbers for charity purposes as well as to communicate such a service on Premium SMS number as a charity service (eg. Donor SMS service, DMS etc.).

It is strongly forbidden to use unfair commercial practices (misleading or aggressive practices or misleading the Customer) in communication related to the Service (Marketing Promotion of the Service), especially, but not exclusively, artificially creating a time impediment in which Customer is required to confirm the order of the Service.

Further required information according to type of communications media is given in the following Paragraphs.

2.2 Information on types of Services (One-off Services/Subscription Services)

When advertising Services, Providers must clearly inform customers whether they are One-off Services (via MO PR SMS or MT PR SMS) or Subscription Services, with the repeated delivery of charged MT PR SMS/MMS – see Paragraph 1.4.

In the case of Subscription Services, i.e. Services with the repeated delivery of charged MT PR SMS/MMS, the Customer must be informed as to how often and to which maximum amount they can receive MT PR SMS/MMS. Information on the frequency of dispatch of MT PR SMS/MMS must be related either to 1 day, 1 week or one particular event (for text see Paragraph 4.3).

2.3 Price information

The Customer must always know the final price of the Service. The Provider shall ensure that under all circumstances all Customers buying the Provider's services are clearly and transparently informed about the Service, irrespective of the manner of acquiring information about the Service, before the provision of the Service.

The total price for a Service and the price of an individual PR SMS/MMS, should the total price be the total price of several partial PR SMS/MMS, must be clearly stipulated in all media so that it is obvious how much a Service will cost the Customer.

The written price information must always be placed at (a) the Service Short Code, (b) button "Zaplatit pomocí SMS" („PAY by SMS") (see item 2.9.3). The font type must be selected in a way that it is easily legible, clear, horizontally situated, and in such manner that does not require further examination, i.e. for example scrolling the web sites or the references to the Service conditions located in a different page than the Service promotion, etc.

The font size of the price information must not be smaller than 80% of the font size used for the communication of the Short Code Service. If the button "Zaplatit pomocí SMS" („PAY by SMS") is used, the font of the price information must not be smaller than 80% of the font size used for the text on the button Pay via SMS.

Spoken pricing information must be easily audible and discernible.

Prices are always given as final, i.e. inclusive of VAT.

2.4 Activation/deactivation of a Service

The Provider of a Service is obliged to inform the Customer of the means of ordering a Service or of activating Subscription Services. When ordering a Service, the Customer must be informed of the means of deactivating the given Service (for activation and deactivation see Paragraph 4.3)

2.5 Information on Service Provider and helpdesk

Every Provider is obliged to provide a telephonic, SMS (see Paragraph 4.3.4), email and postal helpdesk for its Customers. The telephonic helpdesk, with human support, must be available on working days between 9:00 and 17:00. At other times, the Provider is obliged to ensure that there is, at minimum, an electronically-managed telephonic helpdesk, with a recording service, available.

The Provider is obliged to resolve customer queries and claims without due delay so that the good name of the Operators and Services is not damaged.

2.6 Customer care information at Provider website

If set in Art. 2.9, the Provider is obliged to quote in the Service communication the Internet site with the customer care details (online communication and or e-mail, phone number), explanation guide How to order service, price info and in case of subscription services How to deactivate the service.

Above mentioned requirement will come into force for electronic communication on 21. 10. 2017 and for other media (e.g. print) on 1. 1. 2018.

2.7 Access to services in Operators' public communication networks

In the event that the Service is not provided to Customers in the networks of all operators on the territory of the Czech Republic (in the networks of Telefonica, T-Mobile, Vodafone, U:fon, and in the networks of virtual operators), then the Customers must be informed in whose networks the Service is accessible.

Information on mobile phones compatibility.

In the event that any individual Service is intended only for certain types of mobile phone and equipment, the Provider of Services is obliged to provide notification of this fact in printed promotional materials. When promoting Services on the Internet or WAP, the Provider is obliged to provide notification of the above facts in the form of a list of mobile phones or other equipment supported.

2.8 Accordance with the valid legal code

All Providers and Partners must ensure that Services offered (and their content) and operated by them or their contractual partners via PR SMS/MMS are provided in accordance with the valid legal code, and chiefly with legal regulations governing protection of intellectual property (regulations governing the handling of published works, protected trademarks, patents and utility models), protection of personal data (see Paragraph **Error! Reference source not found.**), protection against the dispatch of unsolicited commercial messages (law on some services in an information society), consumer protection and in the case of lotteries, marketing competitions or other similar games, also in accordance with the law on lotteries.

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, then the Provider of Services (and through the Provider also its the Partners/Aggregators) may, without prior warning, suffer suspension of the possibility of using these services to Customers.

Similarly, it is possible to suspend the possibility of provision of Services in the event that any mobile Operator learns of the suspicion that Services are being abused or could be abused for the legalization of proceeds from criminal activity and the financing of terrorism in the sense of the valid legal amendment on some measures against the legalization of proceeds from criminal activity and the financing of terrorism.

2.9 Examples of required information in relation to utilized media

When providing Services, the Provider is obliged to observe the following rules for the offering of Services.

In the case of Services of a lottery nature, APMS reserves the right to amend, with immediate effect, the informational obligations of the Provider so that they are, amongst others, in accordance with the valid and effective Lotteries Act. The APMS is obliged to inform the Service provider of such an amendment without due delay.

2.9.1 Required information in relation to utilized media – MO/MT PR SMS/MMS One-off services

Type of Media	Required Information	Example
TV, Billboard/ Outdoor	Short Code, price and name of Provider and website address.	Send an SMS with “logo_12345” to 9071330. Price 30 CZK. Service operated by SMS Info s.r.o. (list of supported telephones and further information at www.logosms.cz)
Radio	Short Code and price	Send an SMS with “logo_12345” to 9071330. Price 30 CZK.
Food packaging	Short Code, price and name of Provider	Send an SMS in the form “brick_name_address” to 9071303. Price 3 CZK per SMS. Service operated by SMS Info s.r.o.
Internet	All information: Short code, price (information on VAT), name of Provider of Service, helpline and/or webpage is also mandatory. When ordering content also list of mobile phones supported. Customer care website (e.g. www.customercare.cz) is a mandatory information.	Get a unique logo for your phone. Send an SMS with “logo_12345” to 9071330. The price is 30 CZK incl. VAT per SMS sent. Service operated by SMS Info s.r.o. List of supported phones and customer care information at our helpline 222111444 or www.merchantscustomercare.cz
Printed Media, Other	All information: Short code, price (information on VAT), name of Provider of Service, helpline and/or webpage is also mandatory. When ordering content also list of mobile phones supported. Customer care website (e.g. www.customercare.cz) is a mandatory information.	Get a unique logo for your phone. Send an SMS with “logo_12345” to 9071330. The price is 30 CZK incl. VAT per SMS sent. Service operated by SMS Info s.r.o. List of supported phones and customer care information at our helpline 222111444 or www.merchantscustomercare.cz
Print – line advertising in print	All information: Short code, price (information on VAT), name of Provider of Service, helpline and/or webpage is also mandatory. When ordering content also list of mobile phones supported. Customer care website (e.g. www.customercare.cz) is a mandatory information. This information, if they are equal for more ads in the line advertising, can be placed separately in the box that will be placed on beginning / before advertising (more advertisements must be clearly demarcated by the frame).	<div>Service provider s.r.o, Price 30 CZK incl. VAT per SMS, helpline 222111444 or www.merchantscustomercare.cz</div> <div>I feel sad, write me an SMS X5 and text to 9071330.</div> <div>I’m fun, write me an SMS X5 and text 9071330.</div> <div>Magic Signs - Capricorn. Send SMS KR to 9071330.</div> <div>want to know what you expect this week? Write SMS KUK name surname, where instead name enter your first name and last name. And send to 9071330.</div>

Prices are given as final prices, i.e. incl. VAT.

2.9.2 Required information in relation to utilized media –MT PR SMS/MMS Subscription Services

Type of Media	Required Information	Example
TV, Billboard/ Outdoor	Short Code, price, frequency of messages, name of Provider and web address, instructions for activation and deactivation of Service. Customer care website (e.g. www.customercare.cz) is a mandatory information.	Send an SMS with "enews reports" to 90713 and receive fresh info every day from the e-sphere. You can receive max. 15 SMS messages per week. Price per received SMS is 3 CZK. Service operated by SMS Info s.r.o. Further information at www.smsinfo.cz , www.merchantscustomercare.cz
Internet	All information: Short Code, price, message frequency, name of Provider and web address, telephone helpdesk, SMS instructions for activation and deactivation of service, SMS help. Customer care website (e.g. www.customercare.cz) is a mandatory information.	Receive SMS news reports on your mobile. You will receive actual information from e-World every day. Price per received SMS is 3 CZK. You can receive max. 15 SMS messages per week. Service operated by SMS Info s.r.o. Customer care information at our helpline 22211444 or www.merchantscustomercare.cz To cancel the Service, send an SMS with the words "STOP news reports" to 90713. For more information, send an SMS in the form "HELP" to 90713. www.merchantscustomercare.cz
Printed Media, Other	All information: Short Code, price, message frequency, name of Provider and web address, telephone helpdesk, SMS instructions for activation and deactivation of service, SMS help. Customer care website (e.g. www.customercare.cz) is a mandatory information.	Receive SMS news reports on your mobile every day. Send an SMS with "enews reports" to 90713 and receive fresh info every day from the e-sphere. You can receive max. 15 SMS messages per week. Price per received SMS is 3 CZK. Service operated by SMS Info s.r.o. Customer care information at our helpline 22211444 or www.merchantscustomercare.cz . To cancel the Service, send an SMS with the words "STOP enews reports" to 90713. For more information, send an SMS in the form "HELP" to 90713. www.merchantscustomercare.cz
Print – line advertising in print	All information: Short code, price (information on VAT), frequency of messages, name of Provider of Service, helpline and/or webpage is also mandatory. When ordering content also list of mobile phones supported. Customer care website (e.g. www.customercare.cz) is a mandatory information. This information, if they are equal for more ads in the line advertising, can be placed separately in the box that will be placed on beginning / before advertising (more advertisements must be clearly demarcated by the frame).	<div>Receive SMS news reports on your mobile every day. Service provider s.r.o, Price 30 CZK incl. VAT per SMS, You can receive max. 3 SMS messages per week. www.provider.cz, www.zakaznickapeceobchodnika.cz</div> <div>Erotic jokes directly to your mobile. Write an SMS X5 and text to 9091330. You can receive max. 2 SMS messages per week. www.provider.cz, www.zakaznickapeceobchodnika.cz</div> <div>Regular weekly horoscope for you. Write SMS KUK name surname, where instead name enter your first name and last name. And send to 9071330. You receive weekly 1 SMS with your personal horoscope for next week. www.provider.cz, www.zakaznickapeceobchodnika.cz</div>

Prices are given as final prices, i.e. incl. VAT.

The listing of further mandatory details (e.g. details on Service activation and deactivation, details of supported phone types, supported mobile Operators, that a Service is only for those 18 or older etc.) is not a demonstrative listing as given in Paragraphs 2.9.1 to 2.9.2 inclusive, i.e. this information must be given by the Provider in the event that they are not given in the tables in paragraphs 2.9.1 to 2.9.2.

2.9.3 Transparency upon the order cycle initiation on the Internet

In order to prevent situations when the Customer initiates the order cycle via Internet (WEB or WAP or Approved Application)) unknowingly or erroneously, the Provider must clearly indicate the step that would result in the initiation of the order, by inserting the icon **ZAPLATIT pomocí SMS** (Czech text must be used !!! – translation is: PAY by SMS) unless the Customer ensures this protection in other, fully comparable, manner.

The icon “ZAPLATIT pomocí SMS” shall be placed next to the field where the Customer fills in his/her MSISDN; only in justified cases it can be placed elsewhere.

2.9.4 Transparency regarding automatic preparation of SMS for sending

If the Service Provider, Partners/Aggregators or their contractors offer the Service ordering through the Approved Application, program or website in a mobile phone or other terminal device, Premium SMS/MMS may be automatically prepared for sending only in Basic SMS Application. The Premium SMS/MMS prepared in such a manner must be displayed to the Customer in the Basic SMS Application before it is sent and the Customer must always actively send it.

It is not permitted that any Approved Application, program or website prepares for sending or sends Premium SMS/MMS in other manner than specified in this Article. Especially, the Premium SMS/MMS may not be sent from a terminal device without the Customer’s knowledge, thus without active confirmation of the Premium SMS/MMS sending by the Customer in the Basic SMS Application.

Premium SMS/MMS using in other than in the Approved Application is not permitted.

2.10 Sudden-impact activities (Peak Events)

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 PR SMS/MMS by Customers within a limited time-period, leading to greater demands being placed on Operators’ mobile networks than usual within a certain time-frame (e.g. voting which will involve Customers during the course of a television program, ordering of a Service by Customers due to television adverts etc.). The Provider is obliged to declare these activities to Operators no less than 14 days prior to planned realization via a form, which is attached as an appendix to this Codex.

In the event that a Service costing less than 30 CZK is offered in programs of television stations with a market share exceeding 5% (in October 2012 – TV Nova, TV Nova Cinema, TV Prima Family, TV Prima Cool, ČT 1, ČT 2, ČT Sport, TV Barrandov), the Provider of a Service is obliged to use the 906 number series, which is intended for sudden-impact SMS Services (see Paragraph 3.2.)

3 ALLOCATION OR NUMBERING OF SHORT CODE - NUMBERING

3.1 Short Code allocation process for Providers

The process of allocating a Short Code to a Provider must be carried out via web interface - www.platmobilem.cz. A request to activate/deactivate the Short Code must be entered via the interface available to the Aggregators at www.platmobilem.cz at least 15 days before the required date of a change

3.2 Number series of Premium Numbers

Number series Prefix - 90z	Provider Service (EU VAT 2015 regulatory effective from 1. 1. 2015)	Examples of Provider Services
900	Voting and competitions	Consumer competitions
901	Multimedia Content	E-books, e-magazines, music and video streaming
902	Payments for goods and services	Travel tickets; Parking fees; Entry fees; Goods as magazines, DVDs, eshops; discount vouchers, Access to Wifi hotspots
903	Applications, games, social networks/credits for social networks	Online gaming, games/credits/microtransactions, social networks credits
904	Multimedia Content	Logos, ringtones, pictures, horoscopes, esoterics
905	Reserved, unused	
906	Voting and competitions (PEAK)	TV Voting, Consumer Competitions (PEAK)
907	Payments for access and leasing of virtual and media space	Access to secure or VIP sections on the Internet, paid content, registers (vehicle register, land register, SOLUS...); data storage, advertising.
908	Services	Reserved from 1.7.2007 exclusively for services of a lottery nature
909	Erotica	Erotica - Soft and Hard, chat, charged access to erotic Services Access to the premises, facilities or events where the access of persons under a certain age is prohibited by the operator or organizer or by law
87777	Donor SMS	Subject to special conditions set by the Czech Donors Forum (www.darcovskasms.cz)

Providing of the Premium Services goes upon Number Series of Premium Numbers mentioned in chapter 3.2 (effective from 1. 1. 2015).

3.3 Available price levels and their use

In view of technical issues concerning the allocation of numbers to Services, the general use of a Service via Premium SMS/MMS is possible in a range between a minimum price level of 1 CZK and a maximum of 99 CZK for one MO PR SMS/MMS and 1 CZK and 600 CZK for one MT PR SMS/MMS (prices are always given including the current rate of VAT, as valid in the Czech Republic). Prices counted in hellers and tens of hellers are not available in Operator networks.

When providing Services via MO PR SMS/MMS and MT PR SMS/MMS (One-off and Subscription Services), a provider may not divide payment between several PR SMS/MMS. The Provider has to use a price level that corresponds to the price of a Service.

4 SYNTAX OF SERVICES VIA PR SMS/MMS

4.1 Keywords

It is possible to order/activate a Service by sending a first-level keyword (not including words listed below) to the relevant Service Short Code. The provider can assign a second-level keyword to the keyword in question. This second-level keyword will specify the given type of service.

Mobile Operators will support any keyword without diacritics, with the following limitations in place:

- Keywords may not contain the characters * and #
- Keywords containing **STOP** are reserved exclusively for the universal instruction to cancel a Service and may not be used for other purposes. See Para. 4.3.3
- The keywords **HELP** and **POMOC** (HELP) are reserved for instructional functions. See Para. 4.3.4
- The keyword **ANO** (YES) is reserved for confirmation of the activation of a Subscription Service
- First- and second-level keywords may not include components of an insulting or immoral nature

With prior consent, Providers may also provide Services/applications without a keyword. In the event that such a Service is provided, then it must be on a Short Code, on which no other Service is provided.

4.2 Services via MO SMS/MMS

These are Services where the Customer orders a one-off Service by sending a keyword (or keywords) to a 7-digit Short Code. The Service is charged when an MO message is sent by the Customer. The Provider is obliged to do these 30 seconds after the Service had been ordered.

In the case of the MO PR SMS accounting model, at least one return SMS must be sent, free of charge, for every MO PR SMS message from the same Short Code if the price of an MO PR SMS message does not exclude 10 CZK incl. VAT. A return SMS must include price information of the Service incl. VAT. Every mobile Operator has the option of making an exception for the non-sending of a return SMS for MO PR SMS/MMS exceeding 10 CZK.

In the case when the run of Service allows sending MO PR SMS with more than 160 letters (w/o diacritics) (e.g. when using long text messages during SMS chats), a Provider is obliged to charge every 160 letter individually in the price of MO PR SMS. Provider is obliged to communicate this pricing to Customers.

4.2.1 Rules for providing SMS chat

Customer verification must be done before the initiation of SMS chat. The verification process is done by sending an activation code, which customers receive from SMS chat provider.

Customer can start the SMS chat Service either by:

- a) Sending an initial MO SMS
- b) Or (on the web page) by filling in the activation code received by SMS from Service provider.

The SMS chat Service cannot be provided to customer, unless one of the abovementioned procedures are applied. The binding formulation of an SMS sent by the Provider for the ordering of a Service by a Customer on a web page is as follows:

- „Dobry den, **na tuto SMS NEODPOVÍDEJTE. Vas kod pro aktivaci sluzby “nazev sluzby” je “kod”.**

(Czech text must be used!!! – translation is:

- „Please, do not answer on this SMS. The kod for SMS chat Service “Service name” activation is “code”.“)

It is not possible to change the text of parts of the message in **bold**

4.3 Services via MT PR SMS/MMS

4.3.1 MT PR SMS/MMS One-off

- These are Services where the customer orders a one-off Service by sending a keyword (or keywords) to a 5-digit Short Code. A charge is made for the Service when the MT PR SMS/MMS is delivered to the Customer. The Provider is obliged to carry this out within 30 seconds following ordering of the Service. There is a possibility to prolong a MT PR SMS sending up to 30 calendar days on prefix 902. This unique use-case must be proved by Operator in advance.
- The Provider may send, for a single order of a one-off Service via MT PR SMS/MMS, the maximum number of charged MT PR SMS/MMS as stipulated in Paragraph 3.5.
- When ordering a one-off Service based on MT PR SMS from WAP/WEB environment/Approved Application, the ordering cycle is governed by the rules of Subscription Services.
- The Customer must be clearly informed in advance – i.e. prior to ordering the Service – of the fact that it is a One-off Service, charged on receipt of the MT PR SMS/MMS, and the total price of the Service, price of individual MT PR SMS/MMS and number of MT PR SMS/MMS. Order SMS are charged with the Customer's standard tariff for the relevant mobile operator.

4.3.1.1 MT PR SMS/MMS One-off exceeding 100 CZK

When ordering a One-off Service exceeding 100 CZK, the ordering cycle is governed by the rules of Subscription Services (this rule does not apply to Services: SMS public transport tickets and SMS parking. Both service types are provided on Premium SMS numbers with prefix 902).

The Customer starts the order of a One-off Service by sending a request (order) to the Provider of the Service. This request can be sent via an initial SMS, MMS, WAP, WEB or IVR interface. When ordering via initial PR SMS/MMS, the Customer must send a message to a Short Code starting 90z xy. For every specific service based on MT PR SMS/MMS, the Provider must receive a specific order from the Customer. The Provider may not link several Services to one order on the basis of MT PR SMS/MMS.

The Provider sends the Customer an informational SMS from this 5-digit Short Code describing the type of Service, containing the following minimum information:

- price of 1 PR SMS/MMS,
- information on the Help function.

The binding formulation of an informational SMS sent by the Provider for the ordering of a Service by a Customer via an initial SMS/MMS is as follows:

- o „**Cena služby XX Kc. Posli ANO služba pro objednání na 90zxy. Popis Služby... Více info TTTT nebo sms HELP na 90zxy**“

(Czech text must be used!!! – translation is:

- o „**Price of service XXCZK. To order, send YES service to 90zxy. Description of Service... More info at TTTT or sms HELP to 90zxy**“

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- | | |
|--------------------|---|
| – XX | - price of One-off Service incl. VAT |
| – service | - Provider may specify type of Service in confirmatory SMS (<i>not mandatory</i>) |
| – desc. of service | - space for Provider's commercial message |
| – TTTT | - telephone number of Customer Helpdesk |
| – zxy | - Short Code of Service |

One-off services

SMS can be replaced by MMS within the order cycle

Banned combinations: MO PR SMS => MT PR SMS

OP = Operator

PA = Partner

AO SMS = Application Originated SMS = Info SMS or MT PR SMS

\$ = premium price

MO PR SMS



MT PR SMS



The ordering cycle is governed by the rules for Subscription services when ordering a one-off service, based on MT PR SMS, from WPA/WEB Environment and MT PR SMS price is higher than 100 CZK.

4.3.2 MT PR SMS/MMS – Subscription Services

Subscription Services are Services where the Customer makes a binding order confirming responses to the Provider's informational SMS. Following delivery of this confirmatory SMS, the Provider send the Customer MT PR SMS/MMS messages either at regular intervals or based on current events (e.g. in the case of so-called 'events' – e.g. sports championships etc.).

The Customer starts the order of a Subscription Service by sending a request (order) to the Provider of the Service. This request can be sent via an initial SMS, MMS, WAP, WEB or IVR interface. When ordering via initial PR SMS/MMS, the Customer must send a message to a Short Code starting 90z xy. For every specific service (One-off or Subscription) based on MT PR SMS/MMS, the Provider must receive a specific order from the Customer. The Provider may not link several Services to one order on the basis of MT PR SMS/MMS.

The Provider sends the Customer an informational SMS from this 5-digit Short Code describing the type of Service, containing the following minimum information:

- price of 1 PR SMS/MMS,
- how regularly the message is distributed,
- if it is a repeating Subscription Service,
- information on the Help function.

The binding formulation of an informational SMS sent by the Provider for the ordering of a Service by a Customer via an initial SMS/MMS is as follows:

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

(Czech text must be used!!! – translation is:

- o „**Subscription XXCZK/interval. To order, send YES service to 90zxy. Description of Service... More info at TTTT or sms HELP to 90zxy**“

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- XX – price of Subscription Service for given interval incl. VAT
- interval – day, week, month, event
- service – Provider may specify type of Service in confirmatory SMS (*not mandatory*)
- desc. of service – space for Provider's commercial message
- TTTT – telephone number of Customer Helpdesk
- zxy – Short Code of Service

It is forbidden to communicate instructions to finish the order to the Customer other way than via this informational SMS.

4.3.2.1 Price SMS for MT PR SMS/MMS - Subscription Services

When sending any MT PR SMS/MMS whose price exceeds 10 CZK incl. VAT, the Provider is obliged to inform the Customer of the price per SMS/Service, means of terminating subscription and the helpdesk. This information can be included directly in the charged MT PR SMS/MMS; if this is not possible due to the length of SMS, then the Provider must send the Customer a free “Price Info SMS” containing information on the price of the MT message, means of terminating the Service and helpdesk. It is not acceptable to split this between several SMS messages.

- The format of Customer information for one charged MT message must be as follows:
 - o „**Cena zpravy XX Kc s DPH za sluzbu SSSSSS. Pro zruseni posli SMS ve tvaru STOP sluzba na cislo 90zxy. Vice info posli SMS HELP na 90zxy**“

(Czech text must be used!!! – translation is:

- o “**Price of message XX CZK incl. VAT for service SSSSSS. To cancel, send an SMS with text STOP service to 90zxy. For more info send SMS HELP to 90zxy**”

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- XX – price of Subscription Service for given interval incl. VAT
- SSSSSS – Provider specifies type of Subscription Service
- zxyabc – Short Code of Service including price level
- service – Provider can specify type of Service in Price Info SMS (*not mandatory*)
- zxy – Short Code of Service

- In the event that a Subscription Service does not allow the use of the preceding option for sending information in a single SMS, the Provider is obliged to send information in the form of a free Price Info SMS max. 30 seconds after sending an MT PS SMS/MMS. The text of a Price Info SMS must be as follows:

- o „**Predchozi zprava prijata z cisla 90zxyabc stala XX Kc s DPH. Pro zruseni sluzby posli SMS ve tvaru STOP sluzba na cislo 90zxy. Vice info posli sms HELP na 90zxy**“

(Czech text must be used!!! – translation is:

- o “**The preceding message received from number 90zxyabc cost XX CZK incl. VAT. To cancel the service, send an SMS with text STOP service to 90zxy. For more info send SMS HELP to 90zxy**”

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- XX – price of Subscription Service for given interval incl. VAT
- zxyabc – Short Code of Service including price level
- service – Provider can specify type of Service in Price Info SMS (*not mandatory*)
- zxy – Short code of Service

Subscription services

SMS can be replaced by MMS within the order cycle

Banned combinations: MO PR SMS => MT PR SMS

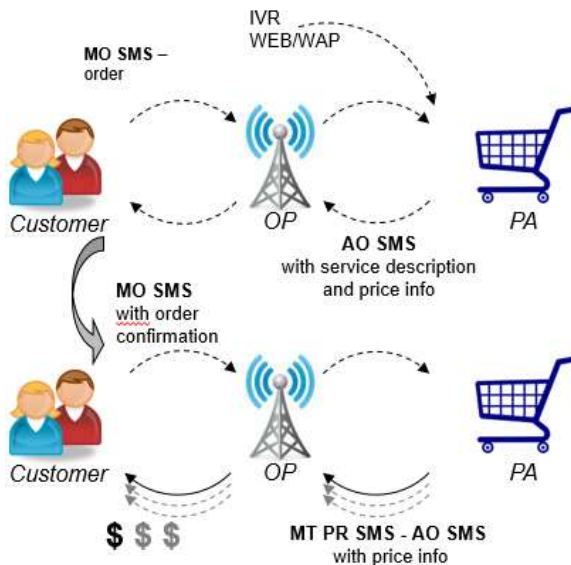
OP = Operator

\$ = premium price

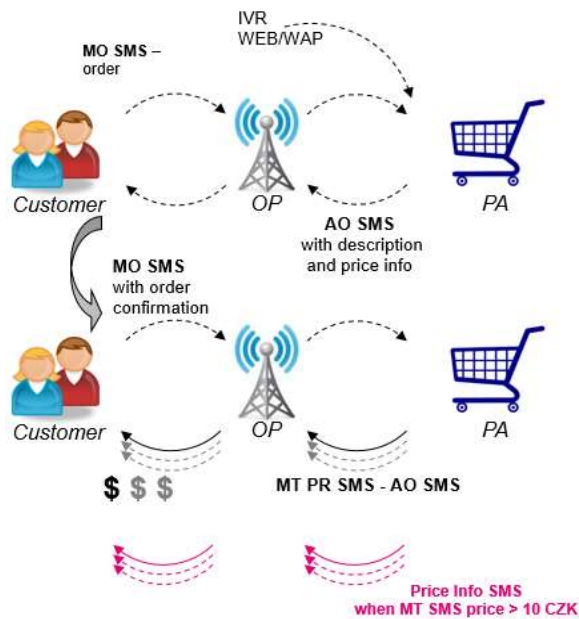
PA = Partner

AO SMS = Application Originated SMS = Info SMS or MT PR SMS

Informační a cenová SMS v jedné SMS



Informační a cenová SMS zvlášť



4.3.3 Universal SMS instruction for cancellation of Services delivered via MT PR SMS/MMS (STOP)

The Customer can deactivate a specific Service by sending an SMS to the relevant 5-digit Short Code in the form "STOP SERVICE". The Customer can deactivate all Services provided to a given prefix by sending an SMS in the form "STOP ALL" or simply "STOP" to the relevant 5-digit Short Code.

The Provider is obliged to confirm deactivation of Service/Services by sending a return SMS confirming deactivation of the Service/Services. This SMS is free-of-charge for the Customer and must not contain advertising text.

4.3.4 Informational (HELP) SMS

Should the Customer send an SMS with the keyword HELP to the relevant 5-digit Short Code, the Provider undertakes to inform the Customer, at minimum, of how to cancel the Service. The recommended text of such an SMS is as follows:

- "Stop SMS charged at moment or receipt by sending SMS in the form STOP SERVICE or STOP ALL to 90zxy. For more info, see www.xxxxxx.cz or call zzzzzzzzz" (NB. Replace SERVICE with keyword)

When sending an SMS, the Customer is charged by their standard tariff with the relevant mobile operator. The return HELP SMS is free-of-charge for the Customer.

4.3.5 Limitations on Services via MT PR SMS/MMS

The Provider can help the Customer limit the number of MT PR SMS/MMS through a daily maximum limit. In this case, the Customer has the option of sending an order SMS to the relevant 5-digit Short Code, in which, following the relevant keyword and a space, they enter the number of MT PR SMS/MMS being ordered daily.

Example: Customer sends order SMS to Short Code 90z xy in the form: WEATHER_10. The Customer is then sent 10 MT PR SMS/MMS per day on the weather, unless the Customer terminates this by sending the Stop instruction.

The Provider may only provide MT PR SMS / MMS Subscription Services where the price for a period is not higher than shown in the table below (maximum permitted period is one month):

Period	Week	Month
Max. Service price	99.- CZK	199.- CZK

The Provider has the option of sending the Customer, via a single MT PR SMS/MMS, “applications” (i.e. Subscription Services via MT PR SMS/MMS on one Short Code and one first-level keyword) only Services to a maximum value of 2000. - CZK. Once this amount has been reached, the Provider must deactivate the Service for the Customer. The Provider can send the Customer a free Renewal SMS together with the deactivation, informing the Customer that the Service limit has been reached and of the option to continue receiving the subscription Service. It is not acceptable to split the information between several SMS messages. The text of the message must be as follows:

- o „Byl dosazen limit Predplatne Sluzby SSSSSS (XXXKc/interval). Pro pokracovani zasli SMS ve tvaru ANO sluzba na 90zxy. Vice info na ZZZZZZZZ“

(Czech text must be used!!! – translation is:

- o You have reached the limit for **Subscription Service SSSSSS (XXXCZK/interval). To continue, send an SMS with the words YES service to 90zxy. More info at ZZZZZZZZ“**)

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- SSSSSS - name of Service
- XXX - price of Subscription Service per interval, including VAT
- interval - day, week, month, event
- service - Provider can specify type of Service in Renewal SMS (*not mandatory*)
- zxy - Short Code of Service
- ZZZZZZZZ - telephone or Internet Customer contact for provider

The Provider of Subscription Services via MT PR SMS/MMS is obliged to deactivate a Service in the event that delivery of an MT PR SMS/MMS fails on 3 consecutive attempts.

The Provider should stipulate a suitable validity period (expiration) for Subscription Services via MT PR SMS/MMS. This period should not, for individual types of Service content, exceed the values given in the following table:

Type of Service content	Max. period of validity of MT PR SMS/MMS (in hours)
Transport	6
News	6
Chat	1
Sport	6
Fun	24
Erotica	24
Competitions	24
E-mail. notifications	72
Other content	
current	6
non-current	24
Other	24

4.4 Virtual prepaid accounts

Virtual prepaid account a prepaid account administered by Provider. A Customer can use the account exclusively for purchase of services/products offered by Provider or 3rd party (hereinafter "Account"). Paragraphs 4.3.6, 4.3.6.1 and 4.3.6.2 are not applied for Special Services (see Paragraph 3.4).

4.4.1 MT PR SMS/MMS

The Provider is obliged to use MT PR SMS/MMS in the case, when using Premium SMS/MMS as a payment method for an Account recharging. One virtual account can be recharged from five MSISDN as maximum.

The Customer starts the order of a Service (Account recharging) by sending a request (order) to the Provider of the Service. This request can be sent via an initial SMS, MMS, WAP, WEB or IVR interface. When ordering via initial PR SMS/MMS, the Customer must send a message to a Short Code starting 90z xy. For every specific service of an Account recharging based on MT PR SMS/MMS, the Provider must receive a specific order from the Customer, see below.

The binding formulation of an informational SMS sent by the Provider for the ordering of a Service by a Customer via an initial SMS/MMS is as follows:

- o **Pro nakup (dobiti) popis služby posli: ANO služba xxx na 90zxy. Cena služby (dobiti) je XX Kč včetně DPH. Více info TTTT nebo sms HELP na 90zxy.**

(Czech text must be used!!! – translation is:

- o **To buy (recharge) service description, send: ANO service xxx to 90zxy. Price of service (recharging) XX CZK incl. VAT. More info at TTTT or SMS HELP to 90zxy".**

It is not possible to change the text of parts of the message **in bold**. It is not possible to change the order they are in or to leave out:

- | | |
|-----------------------|---|
| - service description | - Provider may specify type of Service (e.g. URL) |
| - service | - name of Service (not mandatory) |
| - xxx | - number /code of an Account (not mandatory) |
| - XX | - Service price incl. VAT |
| - TTTT | - phone Helpdesk |
| - zxy | - Short code of the Service |

The informational SMS text example:

Pro dobítí Tveho účtu na www.nejakyweb.cz o 50 kreditu posli: „ANO KREDIT“ na 90zxy. Cena za dobítí je 40 Kč včetně DPH. Více info 1234 nebo sms HELP na 90zxy.

A Customer's Account can be recharged only after fulfillment of all conditions above.

4.4.2 MO PR SMS/MMS

MO PR SMS/MMS mode for an Account charging is **NOT allowed**

5 CUSTOMER PROTECTION

5.1 Explanatory messages

Explanatory messages are SMS sent by the Provider as advice or instructions, but are not, in themselves, a paid part of a Service. An Explanatory SMS would, for example, be a message explaining how a Service works – with its content not being actual provision of the Service. Such messages are free-of-charge to the Customer.

5.2 Information on erotic Services offered

Providers and Partners are obliged to ensure that all information on Services with erotic content are given properly in accordance with generally binding legal regulations effective on the territory of the Czech Republic (see appendix to this Codex).

Any kind of communication (voice-based, visual or otherwise) involving the provision of all “permitted” categories of Service (or product) with erotic content must contain the message that the content of the Service is intended only for persons older than 18 years. This notification will be given also with e.g. so-called WAP Push Services, where the Customer orders access to erotic WAP pages via PR SMS/MMS. The Provider is fully responsible for proper notification as well as any damage or risk that this entails. Mobile Operators providing Customers only with publicly-available communications networks are not responsible for Providers fulfilling their obligations, nor otherwise for the content of Services.

5.3 Unsolicited messages

The Provider of a Service must gain, no later than at the moment of activation of a Service, the consent of a Customer to the sending of Services via MT PR SMS/MMS. The Provider of a Service must further ensure that unsolicited Services are not sent to the Customers of Operators through this. These chiefly concerns Services provided via MT PR SMS/MMS.

5.4 Services offered to children

Services offered to children, so-called “Children’s Services”, are Services targeted towards the under-15 age group (“children”). These Services, and all communication related to them, may not contain anything that could, in any way, threaten the moral development of, or otherwise harm, a child, or anything that could be used or abused by a child in any way with regard to their lack of experience or which could be in conflict with generally binding legal regulations valid in the Czech Republic.

5.5 Data protection

All Providers of Services must ensure that a Service conforms to all legal conditions stipulated by Czech and EU law related to the protection of personal data. The Provider may not provide data gained through communication with a Customer to a third party (advertising agency etc.).

5.6 Operators’ reserved rights

Operators may, at any time, alter this Codex, chiefly so that it is in accordance with the legal code of the Czech Republic or with other professional codices. All Providers of a Service must ensure that a Service and its promotion conform to all conditions stipulated by Czech and EU law.

5.7 Operators’ reserved rights

In accordance with the Article 2.8. of this Code of Conduct and in order to minimize the impact of potentially harmful campaigns which are aimed to benefit from Customers oversight caused either by Customers carelessness and or by use of social engineering, the Partners / Aggregators are required to provide their contact to hotline surveillance team (reachable 24/7) who watch over Services launched via Premium SMS Shortcodes. The Partner / Aggregator is required to immediately suspend the provision of the Service on a particular Shorcode and key word which will be requested through that hotline in case of a serious suspicion / finding of such a harmful campaign.

The Operators shall immediately terminate the routing of the specified Shortcode of the Service in order to minimize the negative impact on the Customer in case that the above mentioned hotline will not be reachable and / or it will not be technically possible to terminate that particular service.

However, this provision does not in any way relieve the Customer of the obligation to proceed with the use of Premium SMS in a prudent manner and in accordance with the terms and conditions and recommendations for the safe use of the Pay by Mobile services which are listed at www.platmobilem.cz.

The Partners / Aggregators are required to distribute and keep updated hotline contacts to each Operator.

6 APPENDIX NO. 1 – RULES FOR THE PROVISION OF EROTIC SERVICES

Erotic Services, i.e. Soft- and Hard-core erotica, erotic chats and the charging of access to erotic Services may be provided only on Short Codes with the prefix 909 (see Paragraph 3.4)

6.1 Rules for the provision of erotic services; Division of erotic services into “soft” and “Hard”; Banned Services Content

The erotic content of Services includes everything contained in images of naked body-parts of men or women, and this of an area greater than 50% of naked body area in proportion to the total area of the entire human body, or if it fulfills the conditions given below.

The erotic content of Services is generally split into soft-core and hard-core. Operators have the right to assess Services and assign them to the relevant category or change the assignment of Services. In such an event, providers of Services are obliged to act in accordance with the instructions of operators. Should a breach occur in the behavior of the Provider, Operators are authorized to initiate the appropriate steps towards correcting the situation, or act in accordance with valid contracts with the Provider or valid laws of the Czech Republic.

6.2 IMAGES (photo, animation, sketches, caricatures, etc.)

6.2.1 *Soft-core – Services via PR SMS/MMS to Short Code with prefix 909*

Soft-core erotica contains lighter forms of erotica.

- The depiction of naked persons is permitted.
- It is not possible to depict male genitalia.
- It is not possible to depict women in positions where their genitalia are depicted in their open form.
- It is not possible to depict the sexual act.
- It is not possible to depict masturbation or oral sex or a hint of this, and this in the form of depiction of the stimulation of male or female sexual organs.
- It is not possible to suggest that the participant(s) are children or minors.

Soft-core erotica therefore contains e.g.:

- Women in non-transparent underwear (lower and upper parts).
- Women wearing only the lower part of non-transparent underwear or revealing only the upper part of their bodies (waist upwards).
- Unclothed women in a position (whole body) from which it is not possible to see their sexual organs in detail.
- Half-naked men (body naked from waist upwards; the lower part of the body must be covered either by non-transparent underwear or otherwise).
- Unclothed men in a position from which it is not possible to see their sexual organs in detail, or an entire unclothed man, seen from behind.

6.2.2 *Hard-core – Services via PR SMS/MMS Short code with prefix 909*

The erotic content of Services that does not fulfill requirements for soft-core erotica, but is not illegal, is known as Hard-core erotica. This includes e.g. fully-unclothed figures seen from the front, or sexual positions, acts and symbols, and sexual organs or their details. Services containing Hard-core erotica can be provided on condition that the content and means of presentation of hard-core erotica is not in conflict with generally binding legal regulations of the Czech Republic, or good morals.

6.2.3 *Illegal content of Services with erotic content*

This section contains everything that is in conflict with generally binding legal regulations in effect in the Czech Republic or with good morals. This **may not** include chiefly the following subjects:

- Sex with minors (under 15 years) or with a person clearly posing as a minor,
- sex between direct relatives or siblings (e.g. mother and son, brother and sister),

- an offer to trade in people for the purpose of sexual relations,
- sexual relations with animals (i.e., for example, touching or other sexual activities involving a human + animal combination),
- 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),
- masturbation on human remains (and their desecration) and genocide (racially-motivated sexual or other humiliation of persons depicted),
- depiction of human excretions in connection with sexuality (e.g. description of urine and stools, blood etc.),
- weapons, drugs, alcohol given to minors, murder, rape, dealing in hostages and further criminal offences connected with the sexual content offered.

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.

These rules can be further specified according to the development of legal regulations, good morals and the market.

6.3 VIDEO

- The same rules apply to video as given above in Paragraph 6.2.
- The "hard-core" category will specifically include everything e.g. depicting a sexual act or preparation for a sexual act, oral sex, masturbation and everything containing visible figures naked from the waist down.

7 APPENDIX NO. 2 – REGISTRATION FORM FOR PEAK EVENTS

Registration Form for Premium Rate SMS PEAK Events

Peak events must be registered 14 days in advance!!!

Operator contacts:

premium_sms@O2.com

premium@t-mobile.cz

premium@vodafone.cz

premium@airtelecom.cz

Date of registration

PR SMS Partner (company)

Contact – commercial

Contact - technical

Contact – during event

Date of event

PR SMS Access Short codes

Audiotext

Type of programme

Name of programme/event

Name of media

Total MO PR SMS

AO SMS Response

Online promotion

Prior promotion

Further info on registered event:

Name and surname Email Mobil/tel.

Voting from

Voting until

Keywords:

Live transmission – other

(all
networks)

Max. SMS peak (min.)

Peak times

No. of AO SMS per 1 MOPR SMS

Sending delay

Number

Number

Number

Number

8 APPENDIX NO. 3 – GENERAL RULES FOR BRAND „PLAŤ MOBILEM“ USAGE

Valid version on www.platmobilem.cz