

Telemarketer Registration Process

On - 19th July 2018, Telecom Regulatory Authority of India has released a new regulation, which will be called the Telecom Commercial Communications Customer Preference Regulations, 2018. The brief of guidelines laid down in this regulation, which, every telemarketing organization has to follow, is as below:

1. No subscriber, who is not registered with the authority as a telemarketer under these regulations, shall make any commercial communication.
2. Registration/Re-registration of Telemarketer:
 - (1) Every telemarketer shall register itself with the Telecom Service Provider in accordance with the procedure and conditions specified in 'Annexure I' and obtain a registration number.
 - (2) A telemarketer who is already registered with the Department of Telecommunications shall also register with the Telecom Service provide as a telemarketer under these regulations.
 - (3) The registration of telemarketer shall be valid for a period of five years unless revoked earlier.
3. Registration/Re-registration Fee:
 - (1) All new telemarketers shall pay Rs 5,000/- as registration fee.
 - (2) Existing telemarketers (already registered with the TRAI) have to apply a fresh for re-registration once the existing license expires.
 - (3) Access Provider will facilitate payment of registration fee by the telemarketers through Offline / online mode.
 - (4) Full registration fee has to be deposited by the telemarketer and no part payment shall be accepted.
4. Provision of telecom resources to the telemarketers:
 - (1) Any telecom resource will be provided to the telemarketer only after verification of the details furnished by the telemarketer in its application form and the registration number issued by the TSP.
 - (2) A standard agreement has to be signed between every access provider and the telemarketer(s), before providing any telecom resource to the telemarketer, for the purpose of promotional communication or transactional communication.
 - (3) Any telecom resources provided to a telemarketer for making voice calls will not have the facility for receiving incoming call and sending of SMS.
 - (4) Any telecom resources provided to a telemarketer for sending transactional message do not have facility for receiving incoming call or SMS.

5. General guidelines:

- (1) Every telemarketer needs to register the headers as well as content templates before any commercial communication occurs (Promotional/ Service/ Transactional).
- (2) Any message/ call will be delivered connected post scrubbing done based on the customer consents and the preferences.

Penalty & Additional Security Deposits:

- (1) Every telemarketer has to deposit an amount of rupees fifty thousand only (Rs. 50,000/-) as refundable security deposit with the respective access provider together with additional security deposit as specified in the agreement signed between the telemarketer and the access provider. The originating access provider shall be entitled to deduct from such security deposit, on issue of each notice for sending unsolicited commercial communication by the telemarketer, an amount as provided under the agreement.
- (2) The TSP shall be entitled to deduct from such security deposit, on issue of each notice for sending unsolicited commercial communication by the Telemarketer, an amount as provided under this agreement.

Value of 'Counts of UCC for one calendar month'	Penalty to be paid (Month 1 of UCC violations)	Penalty to be paid (Month 2 of UCC violations)	Penalty to be paid (Month 3 of UCC violations)	Penalty to be paid (Month 4 of UCC violations)
1-10 valid UCC done by RTM	Rs.1000 per violation	Rs.1000 per violation - warning letter to be issued	Rs.5000 per violation	Rs.10000 per violation and Disconnection of all resources
For all violations after 10 cases and less than 50 cases	Rs.5000 per violation	Rs.5000 per violation	Rs.5000 per violation	Rs.10000 per violation and Disconnection of all resources
For all violations after 50 cases	Rs.10000 per violation	Rs.10000 per violation	Rs.10000 per violation	Rs.10000 per violation and Disconnection of all resources

- (3) The Second Party has agreed that if penalty has been levied in the first month the Telemarketer shall deposit additional security amount of rupees one lakh only (Rs. 1,00,000/-). Upon issuance of a second month penalty, the Telemarketer shall deposit a security of amount of rupees one lakh and fifty thousand only (Rs. 1,50,000/-) in addition to the aforementioned sum of rupees one lakh only (Rs. 1,00,000/-). In the event that a third month of penalty is issued by the Access Provider to the Telemarketer for sending similar unsolicited commercial communication, the telemarketer shall deposit an additional security of amount of rupees four lakh only (Rs. 4,00,000/-).

Annexure 1

Steps to Follow for Telemarketer Registration:

Scenario 1: TM Registered with DOT & has a Valid TRAI ID

- In case of new TM who is already registered with DOT and has a valid TRAI ID, registration to be done as per the current existing process by capturing the existing valid TRAI ID
- No registration fees to be charged
- Validity of these TRAI ID will be as per the registration certificate

Scenario 2: TM Registered with DOT but TRAI ID is expired

- In case of a TM who is already registered with DOT but the TRAI ID has been expired, registration would be done capturing the existing TRAI ID
- One-time non-refundable TM registration fees of Rs 5000 shall be charged as OTC to renew TM ID.
- Validity – Temp TM ID will be valid for 5 years, from the date of renew

Scenario 3: TM who is not registered with DOT

- In case of a TM who is not registered with DOT, registration would be done by capturing Temp TM ID.
- One-time non-refundable TM registration fees of Rs 5,000 shall be charged as OTC and a refundable amount of Rs 50,000 to be deposited as security amount through NEFT, RTGS & DD for TM registration.
- Validity – Temp TM ID will be valid for 5 years, from the date of registration.

Instructions for Telemarketer Registration

1. Address proof and PAN card copy will be mandatory for the TM registration.
2. DD of 50000 as a refundable security deposit is to be submitted.
3. Basis the submitted documents, TM verification and agreement would be executed.
4. Certificate for registration as telemarketer will be provided to Authorized Signatory on email as a PDF copy.