



GUIDELINES ON SHORT CODE OPERATION IN NIGERIA

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**THE NIGERIAN COMMUNICATIONS COMMISSION
NIGERIAN COMMUNICATIONS ACT 2003**

GUIDELINES ON SHORT CODE OPERATION IN NIGERIA

1. Introduction

- 1.1 In exercise of the powers conferred upon it by Sections 70 and 128 of the Nigerian Communications Act, 2003 and all other enabling powers in that behalf, the Commission hereby make these Guidelines.
- 1.2 These Guidelines are principally intended to prescribe a standard of practice for providers of short code services and to provide a framework for the provision of these services.
- 1.3 The Commission shall issue in bulk, the short codes in 3, 4 or 5 digit numbers to Network Operators and Content Aggregators.
- 1.4 The Commission may at its discretion constitute an industry group to regulate activities of short codes including monitoring, compliance and enforcement of these Guidelines. The industry group to be created will in the interim play an advisory role

2. The Objectives of these Guidelines are to:

- 2.1 Prescribe a regulatory frame work for the provision of a minimum standard of practice for providers of short code services and to provide procedure for the provision of these services.
- 2.2 Provide guidance on the standard and procedure which network operators and content aggregators are expected to adhere to in the provision of the Short Code Services.

- 2.3 Ensure a well developed and organized short codes market in Nigeria with appropriate legal frame work that meets international best practice.

3. Scope and Operation

- 3.1 These Guidelines are made to provide a frame work for the operation of short codes, licensing of Content Aggregators and for the protection against misuse.
- 3.2 These Guidelines are also intended to apply to Network Operators, Content Aggregators and Content Service Providers.
- 3.3 Short codes assigned for emergency services to the Nigerian Police, Fire Service Brigade, and Hospitals or any other agency for Government dealing with security and intelligence matters shall be common to all operators and will not attract any fees or charge usage by the consumer. All other categories of short codes shall be classified as premium and the operator in conjunction with the service provider will determine applicable fees and charges.
- 3.4 The following categories of message shall not be classified as premium; any SMS containing help or error or messages requesting for information or stopping a service; the network operator shall not charge the End User.

4. Application Process

- 4.1 The Commission or the Industry Group may upon an application by a network operator or content aggregator grant authorization for use of the Short Code in a non discriminatory manner.

- 4.2 Such authorization does not entitle a content aggregator to own a Network for the purpose of distributing content, and neither does it entitle it to distribute content directly to End Users.
- 4.3 The Commission or Industry Group shall allocate bulk short codes free of charge and Network operator/Content Aggregator shall also assign to service providers free of charge subject to the following criteria:
 - a. Fairness and transparency in assignment
 - b. Proper usage/proper purpose
- 4.4 The network operators or content aggregators shall ensure proper usage of the numbers and assign the codes, in a fair and transparent manner. They will also ensure that codes are used for the purpose for which they were assigned.
- 4.5 Revenue sharing arrangement/agreements as may be determined between Network Operators, Content Aggregators and Service Providers are strictly commercial agreements. However such charges should be cost based and fair, in cases where a dispute arises, such cases shall be referred to the Commission or the industry group to resolve such disputes.

5. Code of Practice/Operational Guidelines

- 5.1 Network operators and content aggregators must comply with the following code of practice.
- 5.2 Network operators and content aggregators will be primarily responsible for the contravention of any of the provision of these Guidelines and will face appropriate sanctions where applicable.

- 5.3 Network operators and content aggregators must ensure that service providers give the highest level of service to the consumer and those consumers:
- a. have sufficient information to enable them make informed decisions about using Short Codes.
 - b. have a convenient, fair and efficient means of resolving complaints arising in respect of content services using the availability of an independent complaints handling mechanism.
 - c. are sufficiently informed of the nature, prices, terms and conditions of using the Short Codes at the time of sale, in advertising and while using the services.
 - d. can distinguish content considered suitable only for adults or which should not be made available to children.
 - e. can readily access unsubscribe mechanism for each content service, to discontinue a service and avoid incurring further charges, without undue delay. Where refund is considered the licensee shall make the refund via the same medium or mode through which the amount was received.
- 5.4 No content service shall be promoted as being “free” if it is obtainable only by the use of premium rate service involving a charge to the customer.
- 5.5 Text messages sent to short codes and received by consumers must be stored by the network operators and service providers for a period of six (6) months or any period determined to be reasonable by the service provider; but not less than six (6) month.
- 5.6 All subscription terms and billing interval must be specified and there shall be no hidden charges, any associated charges for services rendered shall be disclosed.

- 5.7 The terms and conditions of service must outline the refund arrangements where the competition mechanism or voting conditions changes prior to entry.
- 5.8 The Network Operator and Content Aggregators shall submit Service Level Agreement or any other agreement with the networks operators to the Commission or the industry group, whichever is applicable.
- 5.9 Where the types of services contemplated by the service providers require authorization from other government agencies; such authorization shall first be obtained.
- 5.10 The network provider and content aggregator shall maintain a customer support where complaints would be addressed within a reasonable time frame. In a situation where a complaint is not considered, reasons of decision must be conveyed to the complainant within a reasonable period of time.

6. Advertising and Promotions

- 6.1 All advertising and promotional materials must clearly include the name(s) and contact details of network operators and content aggregators.
- 6.2 The system must not be used to disseminate offensive, obscene or seditious information.
- 6.3 All terms and conditions including pricing information must be clearly spelt out and conspicuously displayed.
- 6.4 All advertisements and promotions must clearly indicate whether a service is a subscription or not; terms and condition of programme clearly stated and service pricing information clearly and conspicuously indicated.

- 6.5 All advertising promotional materials, and service help message shall clearly display the consumers right to “opt in” or “opt out” of any promotion, programme or service, whether subscription based or otherwise.
- 6.6 The Network operator shall build safeguard measures to the satisfaction of the Commission to ensure no sexually suggestive or explicit material is transmitted in the course of the service.
- 6.7 Content aggregators shall implement appropriate mechanisms to ensure and make available by appropriate means at least two methods of directly contacting the service provider. In this regard, all advertisement must include the name, telephone numbers and contact details of the relevant content provider.

7. Dispute Resolution

- 7.1 Any dispute arising as a result of the operation of these Guidelines shall be resolved by the Commission or the industry group within a reasonable period of time.

8. INTERPRETATION SECTION

All definitions in the Nigerian Communications Act 2003 are hereby incorporated into these Guidelines.

- 8.1 **Content Aggregator** means a person or a business that gathers Web content (and/or sometimes applications) from different sources for reuse or resale and who holds a license issued by the Commission.
- 8.2 **Licensee** means a person who either holds an individual license or undertakes activities which are subject to a class license granted by the Commission under Chapter IV of the Nigerian Communications Act 2003.

- 8.3 **Industry group** means a private industry, professional organization or group of persons that monitors and analyses industry trends and published industry documents.
- 8.4 **Class licence** means a licence for any or all persons to conduct a specified activity and may include conditions to which the conduct of that activity shall be subject.
- 8.5 **Service Provider** means a person or a business that provides some kind of communications service, storage service or processing service or any combination of the three.
- 8.6 **Network Operators** means a person or a business that provides carrier services (network services) in the wired or wireless arena or a person who monitors and maintains the operation of a communications service.
- 8.7 **Application Service Provider** means a person or a business that provides an application service.
- 8.8 **Content Provider** means a person or a business that provides content. Content means any sound, text, still picture, moving picture or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically.

Issued this 28th day of April 2011

The Nigerian Communications Commission

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NIGERIAN COMMUNICATIONS ACT 2003**

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Explanatory Notes

1. Short Codes are numbers shorter than full numbers which can be used to address wireless SMS and MMS messages and Voice Services from mobile phones or fixed lines.
2. The Numbers are specifically designed to be shorter and easier to remember than normal telephone numbers. The numbers are at the different technological level, unique to each Operator.
3. When these classes of numbers are inter - operator they are called Common Short Codes.
4. The Common Short Codes has its unique characteristics;
 - a. while normal telephone numbers (following the E.164 standard) form a prefix code no numeral used as telephone numbers acts simultaneously as the prefix of another, since conventional land line phones numbers are sent all at once, so the network knows the end of the dialed number.
 - b. On a land line phone, one could not use the short code 12345, since one could not dial the number 1 234 567 8901 or 1 234 500 0000, or any number that shared the prefix 12345, but on a mobile phone there is no such ambiguity.
 - c. The Short Codes function through the End Users, Carriers, Connection, Application Providers and Contents Providers.
 - d. End Users are people or an entity that uses Short Codes for Communication with Application; the carriers provide the Network

infrastructure for the delivery of messages between end users and Connection Aggregators.

- e. Connection Aggregators provide connectivity between Carrier Networks and Application with Application Providers provide the technology platform for service application and Content Providers often license content Application Providers to end users.
5. The Commission may decide to regulate the industry or create an industry group to regulate and ensure compliance. The industry group is expected to transmute to a regulatory body that may regulate the sub-sector in line with the Commission's goal of promoting self regulation.