



Code of Ethics

For SMS & MMS Premium services

*English translation by af2m**

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SMS+ Charters applicable as at the 15 February 2017

Changes:

Article modified	Nature of the modification	Date of application
Set of Rules Applicable to Communication on the Service – Article 1.B	Change	1 st April 2017
Set of Rules Applicable to Communication on the Service – Article 1.C	Change	15 February 2017
Set of Rules Applicable to Communication on the Service – Article 2	Change	15 February 2017
Set of Rules Applicable to Design of the Services – article 11	Change	15 February 2017

RECOMMENDATIONS ON ETHICS APPLICABLE TO SMS+/MMS+ SERVICES

The Editor of the service by SMS / MMS, hereinafter the Editor, must comply with these rules applicable to SMS+ / MMS+ services (hereinafter the "Services"). Moreover, compliance with these rules does not relieve the Editor from compliance with laws, regulations and decisions of the competent authorities in effect at the time of delivery of the Service.

PREAMBLE: APPLICATIONS

An application corresponds to a typology of Service.

Applications of category 1 permit, through the Service Platform of the Editor, a User sending an SMS or an MMS:

- To obtain a content or participate in an event in a limited and announced number of SMS / MMS exchanges.
- To discuss bilaterally with a facilitator.

Applications of category 2 allow a User to exchange indirectly SMS and MMS messages with other registered and identified Users of the Service. Exchanges of SMS and MMS between Users must be made via the Service Platform of the Editor.

Applications of category 4 enable a previously registered User to receive on his mobile terminal surcharged SMS-MT and MMS-MT from the Service Platform of the Editor.

All Services delivered on the same SMS+ Short Number can only correspond to a single category of Application.

ARTICLE 1 - INFORMATION TO USERS

The Editor of Service must communicate to the User or make available to him, clearly and unequivocally by any suitable method, and in accordance with the communication and design charters:

- The information referred to in Article 6 III of the LCEN dated 21 June 2004 ¹
- The pricing information referred to in Article L.113-3 of the Consumer Code
- The essential features of the Service
- The essential conditions necessary for delivering the Service
- All details that can enable a person to express a claim (Chatel Law, Article 29, LME Article 87) and to exercise his rights. ²

In addition, Editor shall include, in the SMS-MT and MMS-MT necessary for delivering his Service that he sends to Users:

- In the header of the message, the trade name of the Service
- The tariff references specified in Article 1 A) of the Charter of communication

¹ In the case of an individual, contact details (name, first name, address, telephone number and the RCS if applicable). In the case of a corporation, the legal notices. In both cases, the name of the publication director.

² These two articles are coded as Articles L.113-5 and 121-18 of the Consumer Code.

- Whenever the consumption of the User within the same service crosses a limit of five Euros incl. VAT, or for every five Euros incl. VAT, in the case of services in categories 1 and 2
- In the first SMS-MT, in the case of services belonging to category 1, when the maximum number of exchange of SMS or MMS necessary for the delivery of Service is known by the Editor and if the total amount of the cost of Service exceeds 5 Euros incl. VAT
- In the first SMS-MT, in the case of services belonging to categories 1 and 2, when the Service requires multiple exchanges of SMS or MMS, in numbers not known to the Editor
- In each SMS-MT of the Editor, in the case of services with access code or interaction as defined in the design charter.

In the case of services in category 4, the pricing details are incorporated into the monthly informational alerts disseminated by the Operator.

The Editor ensures that the User is aware of the frequency of updating or management of the Service, notably providing the date and/or time when these are necessary to complete the information to the User.

When the Service requires the use of personal data or private information or when the User may be encouraged to communicate (e.g. services that connect users), the Editor informs the User of the use that may be made of such information (Chapter 5 of the French Information and Liberties Act).

When the Service is subject by its nature to particular restrictions, the Editor shall alert the User.

ARTICLE 2 - LOYALTY OF SERVICE

2.1 Loyalty towards Users

The Editor offers loyal service. This being so, the User shall in no way be misled as to the content, prices, options or modalities of delivering the proposed service.

The Service shall be delivered in full at the price proposed to the User. In the event that the Service requires several exchanges of SMS / MMS, all these exchanges must be made on the same Short Code SMS+. Moreover, a premium rate SMS+/MMS+ service shall in no case require or involve another payment method.

It is forbidden to start providing a service without the express and informed consent of the User, especially in the case of interactions (as defined in the SMS+/MMS+ Charter of Design + SMS / MMS)

All advertising messages within the Service must be identified as such.

The Editor shall not use the contact details of a User, particularly his phone number without his express consent and will comply with recommendations of the National Commission on Computers and Liberties (CNIL).

Similarly, in the case of the purchase or lease of files, the Editor shall ensure that his supplier complies with the laws and regulations in force in France, the responsibility of the Editor remaining engaged.

The Editor should never collect personal information from the User without the express permission of the User.

The Editor shall modify or withdraw immediately from his Service the personal information of a User when the User complains that such information was listed on the Service without his consent.

Beyond personal information, the Editor shall not require the User to send via SMS-MO information that is not necessary for the provision of the Service or having no direct connection with it, either in kinematics of

the Service or in its communication.

The Editor, on the basis of information supplied by the User or the Operator shall not initiate or continue a service that cannot be delivered to the User for any reason whatsoever, and where appropriate, inform the User.

2.2 Loyalty towards professionals

In general, the Editor shall not infringe in any manner whatsoever the image, the reputation of institutions, organisations involved in setting the rules governing this activity.

It is forbidden to use a trademark or a company name to promote his service without the express permission of the copyright owner entity.

2.2.1 Loyalty towards competing Editors

The Editor shall:

- Compete fairly and undertakes not to intervene on a Service with the intent to impair its proper operation, to harm a competitor or Editor or to divert Users
- Perform preliminary research so that the name and the access number of the Service cannot be confused with existing ones, or infringe the rights of third parties
- Refrain from any practice likely to mislead, even potentially, or create any confusion between himself and a competing Editor or between his Service and the Services of competing Editors.

2.2 Loyalty towards Operators

The Editor agrees not to infringe in any manner whatsoever the image or reputation of the Operators.

He must:

- Respect the objective of his Service as it was declared upon signing the contract or subsequent amendments to this contract,
- Refrain from any practice likely to mislead, even potentially, or create any confusion between himself and the Operators or between his Service and the Services of Operators.

2.2 Loyalty towards beneficiaries

The Editor shall offer a service that may not harm or infringe any patent, trademark, copyright or other intellectual property rights.

The Editor shall be responsible for obtaining the necessary approvals for the reproduction and dissemination of works or excerpts from works used in connection with the Services from the concerned Societies of Authors and to settle compensation due in respect of rights of reproduction as well as public disclosure of such works or excerpts of works (fees due to the Society of Authors, Composers and Editors of Music (*Société des Auteurs, Compositeurs et Editeurs de Musique - SACEM*) or other copyright societies).

ARTICLE 3 - CONTENT OF SERVICES

The Editor assumes full responsibility for the content or service delivered.

Some content or Services are subject to specific rules that the Editor must follow.

3.1 Counselling Services

The Editor must indicate to the User that the information / advice given as part of his Service are for information purposes only and shall contain the name of the authors.

3.2 Distance selling Services

The service of repayment provided by the Operator to the Editor should not be, as such, used as payment for material goods or services other than Services provided by SMS or MMS.

3.3 Services connecting registered Users with each other

The Editor of a Service such as chat, messaging, etc., must identify the Users (by any means whatsoever) and must monitor the public contents.

He must inform the public in any way appropriate of the medium used, the rules of behaviour consistent with these recommendations.

Direct exchanges and simultaneous or near simultaneous SMS and MMS between Users not identified with certainty is prohibited.

The exchange of SMS and MMS indirectly between a User and other Users identified and registered with the service (Chat) is authorised only within the Applications of category 2.

3.4 Service of competitions with prize winning and lotteries

In accordance with articles L. 322-2 and L. 322-2-1 of the Internal Security Code -1, competition games with the promise of gain which would only be acquired as a result of chance, instant wins and lotteries are forbidden. According to article L. 322-2-2 of the said code, this prohibition would not cover advertising operations when they take the form of promotional operations as described at article L 121-36 of the Consumer Code and are not unfair within the meaning of article L. 120-1 of the said code.

Furthermore, in accordance with article L. 322-7 of the Internal Security Code, competition games with the promise of gain and lotteries organised within the context of televised programmes and programmes broadcast on the radio, as well as press publications defined at article 1 of the law no 86-897 of 1st August 1986 are allowed when the possibility for the participants to obtain reimbursement of the costs incurred is envisaged by the rules of the game and the participants are informed of this in advance, it being specified that these games and competitions may only constitute a complement to the said programmes and publications.

In the context of the category 4 Applications, competition games with the promise of gain and lotteries are forbidden.

Whatever the functioning of the contest, the number of exchanges between the User and the Editor should be limited and announced to the User, in accordance with Article 1 C) of the Charter Communication.

3.5 Classified Advertisement services

The Editor shall:

- Check the veracity of advertisements
- Provide the necessary updates.

3.6 Stock market information services

The Editor shall comply with the information of the Financial Markets Authority (AMF) including:

- The recommendation intended to enable the public to assess the scope and reliability of information that is accessed through a service ³
- The recommendation regarding the online dissemination of financial information by listed companies, meant for supplementing the previous recommendation. ⁴

3.7 Services appealing to public generosity

³ Recommendation No. 87-01

⁴ Recommendation No. 93-01

Services used in order to appeal to the generosity of the public should not under any circumstance use the function of repayment provided by the Operator to the Editor as an intrinsic means of collecting donations

3.8 Services using a bonus system

Whatever the service, the principle of direct or indirect subsidy in any form whatsoever (e.g. lot, purchase voucher, access to another service, promise of a better hope of gain under the competitions with prize notification and lotteries, etc.) and directly related in whole or part to the number of SMS or MMS messages sent or received is prohibited.

3.9 Services enabling to access a financial counterpart

The Services enabling the User to access a financial counterpart, however small it may be, direct or indirect, certain or almost certain, to send or receive one or several SMS or MMS, are prohibited.

As an example, within the framework of a competition Service with the promise of a gain, the financial counterpart is in particular considered as certain or almost certain when the two following conditions are fulfilled:

- Absence of real competition with other players,
- Real absence of fate or absence of real difficulties (relating to logic, knowledge, address, agility or ruse).

3.10 Services using coordinators

When the Service uses facilitators (persons or machines), the Editor shall so state in the description of his service and shall so inform the Users.

ARTICLE 4 PROTECTION OF USERS, YOUTH AND MINORS

4.1 Principles with regard to all Users

The Editor shall not use or imply representation of activities contrary to the laws and regulations and in particular shall not make available to the public messages and content:

- By their nature likely to undermine respect for the human person and his dignity, equality between women and men and the protection of children and adolescents
- Encouraging the commission of crimes and / or offenses or encouraging the consumption of prohibited substances or suicide
- Inciting discrimination, hatred or violence.

Accordingly, the Editor shall constantly monitor information to be made available to the public, so as to eliminate, before dissemination, messages that may be contrary to the laws and regulations in force.

The Editor agrees not to infringe the privacy of others by capturing, recording or transmitting, without the consent of their author, words or writings of a private or confidential nature. ⁵

The Editor shall guarantee to the User confidentiality of data and the exercise of his right of withdrawal or amendment as provided by the CNIL.

The Editor must protect his files against any fraudulent attack on his data processing system. ⁶

The Editor must not encourage the User to increase excessively the number of SMS or MMS sent under the Service.

⁵ Article 226 - 1 to 226-2 of the Penal Code

⁶ Article 323-1 and following of the Penal Code.

4.2 Principles in respect of youth

Services for young people especially must not include any item, any message or advertisement:

- That may offend the sensibilities of young children and minors
- Presenting in a favourable light any behaviour usually considered reprehensible or
- Encouraging young children and minors to consult other paid online services
- Of a violent or pornographic nature

The Editor is also prohibited from addressing to young children and minors advertising for services at a higher cost.

4.3 Services for adults

The Editor may offer, exclusively on a non-premium level, Services of the 'Adults Only' category as defined in the recommendation of the Internet Rights Forum on the classification of mobile multimedia content published on October 17, 2006 (available at www.afmm.fr) and if declared as such with the Association SMS+.

The allocation and activation of the Editor Short Code and access to the Services by Users in the "Adults Only" category are conditioned by the implementation by an operator of a mobile physical or virtual network (MVNO) in a process control of their majority, the Editor should not make available to the public any text or pornographic content before the above process.

APPENDIX 3: RULES APPLICABLE TO THE COMMUNICATION ON THE SERVICE

The Editor shall respects the laws and regulations in force, and where applicable the recommendations of authorities such as the Audio-visual High Council, the Professional Advertising Authority, as well as the present Charter of communication, upon any communication or support operation for the promotion of the Service.

In the particular case of a Service that would not be available simultaneously in all or part of the networks of at least three member Operators of the Association SMS+, the Editor:

- Is prohibited from using the trademark SMS+ (name and SMS logo) and must comply with all other elements of this Charter of Communication
- Must state clearly and legibly the name of the operators from whom the service is available in whole or in part in any communication relating to his SMS+ Short Code.

ARTICLE 1 - INFORMATION TO USERS

In any form of promotion of the Service, the Editor must respect the following rules.

Are regarded as promotional material the SMS-MT or MMS-MT containing a URL redirecting to a web page promoting a Service. Banners or advertising links are also considered as promotional material.

A) Pricing information

1. Details of rates

In any communication relating to the SMS+ / MMS+ Short Code which is assigned to him, the Editor must clearly mention the following details on pricing:

- For Applications of category 1, where the provision of the Service requires a single exchange or multiple exchanges of SMS or MMS in a number known to the Editor one or two mentions of the following pricing details at the discretion of the Editor:
 - o " *X EURO par service + n SMS* " (X EURO per service + n SMS) or " *X EURO par service + n MMS* " (X EURO per service + n MMS) where X is the total price of the Service incl. VAT and n the number of exchanges required to complete the delivery of Service. The term "service" can be replaced by a term describing the nature of the Service more precisely and explicitly (e.g. « *X EURO par téléchargement* » (X Euros per download), « *X EURO par vote* » (X Euros per vote), « *X EURO par code* » (X Euros per code), etc.).
 - o "*n x X EURO + prix SMS* " where X is the total price of the Service incl. VAT and n the number of exchanges required to complete the delivery of Service.

In the particular case of contests when only the maximum number of exchanges is known to the Editor, the Editor may have preceded in the pricing details the mentions "maximum" or "jusqu'à" (up to).

- For Applications of category 1, where the provision of the Service requires multiple exchanges of SMS or MMS, in numbers unknown to the Editor (for example, in the case of a discussion with a facilitator), or for applications of category 2, the pricing detail "*X EURO par SMS + prix SMS* " (X Euros per SMS + SMS price) or "*X EURO par MMS + prix MMS*" (X Euros per MMS + MMS price) where X is the price of the Service incl. VAT.

- The terms " prix SMS " or " prix MMS " can be replaced by " coût SMS " (SMS cost) or " coût MMS " (MMS cost)
 - In this case, the term "SMS" can be replaced by a term describing the nature of the Service more precisely and explicitly (e.g. " X EURO par question ").
- For Applications of category 4, in the case of so-called recurrent services, i.e. when the premium SMS-MT for delivery Service are sent at intervals known in advance, the pricing detail " Abonnement : X EURO par [périodicité] " (Subscription: EURO by X [intervals]) where [périodicité] (intervals) is day, week, month and X the price of Service incl. VAT
 - For Applications of category 4, in the case of so-called random services, i.e. when the premium SMS-MT for delivery Service are sent at intervals known in advance, the pricing detail " Abonnement : X EURO par SMS reçu " (Subscription: X EURO per SMS received), where X is the price of Service incl. VAT.
 - In this case, the term "SMS" can be replaced by a term describing the nature of the Service more precisely and explicitly (e.g. " Abonnement : X EURO par alerte recue " - Subscription: X EURO per alert received.)

In all above cases, the mention EURO or EUROS must be written in words. The symbol € can also be used when it is displayed correctly on the communication medium.

As an exemption, in the particular case where the communication medium is an SMS-MT, a web advertising link in text format not exceeding 100 characters, or a web banner ad with a width less than or equal to 240 pixels:

- The terms EURO or EUROS can be replaced by EUR
- The term "par" (per) may be replaced with a "/"
- The term "Abonnement" (Subscription) may be replaced with the term "Abo"

As an exception to the foregoing, in the case of a communication on a printed medium, when an SMS+ short number with a subscription is mentioned several times within a single advertisement, and to the extent where the space of this medium is very limited, the replacement of the word "Abonnement" (Subscription) by the word "Abo" is tolerated for secondary displays of the short number (i.e. of a size smaller than the main display of the short number).

Furthermore, the Editor must clearly show:

- The price of re-direction if the SMS-MT or MT-MMS sent to the User proposes a re-direct to a telematic service accessible from a mobile terminal,
- The paying character of the WAP or http connection if the delivery of the Service requires the establishment of such connections. This paying character must be confirmed by SMS during the delivery of the URL
- The pricing details of any new service promoted by the Editor in an SMS-MT or MMS-MT of response to the User.

2. Format and location of pricing details

2.a) All mentions of Short Code must be accompanied by the pricing details. Pricing details should always be bracketed with the Short Code. Pricing details may not be referred to by an asterisk or any other cross-reference.

The size of pricing details should be similar or at least a third of the font size used for the Short Code.

Illustration:

88234

Abonnement: 3 € par semaine

2.b) The pricing details must be legible, clear and unambiguous in all circumstances.

- The font used must be one of the following fonts: Arial, Calibri, Verdana, Helvetica
- The case used (upper / lower case) for pricing details in Article 1 A) 1. must be respected
- The contrast between the colour of the pricing details and the background against which these details are positioned must be greater than or equal to 80%
- The background on which are affixed the pricing details must be plain, without any other character or graphic element around the pricing details at a distance at least equivalent to the size of the pricing details
- The colour used for pricing details must be the same for all characters in the pricing details
- Pricing details must be shown in the horizontal direction
- The spaces between the different pricing details must be respected.

2.c) In the particular case of Applications of category 4, if it is not a registration by SMS:

- In the case of a registration by entering the MSISDN on a website, the size of pricing details should be similar or at least a third of the font used for entering the phone number of the User initiating a registration for the Service. In this case, the pricing details should always be positioned immediately below the inset of entering the phone number. Pricing details may not be referred to by an asterisk or other cross-reference.

Votre numéro de téléphone

Abonnement: 3 € par semaine

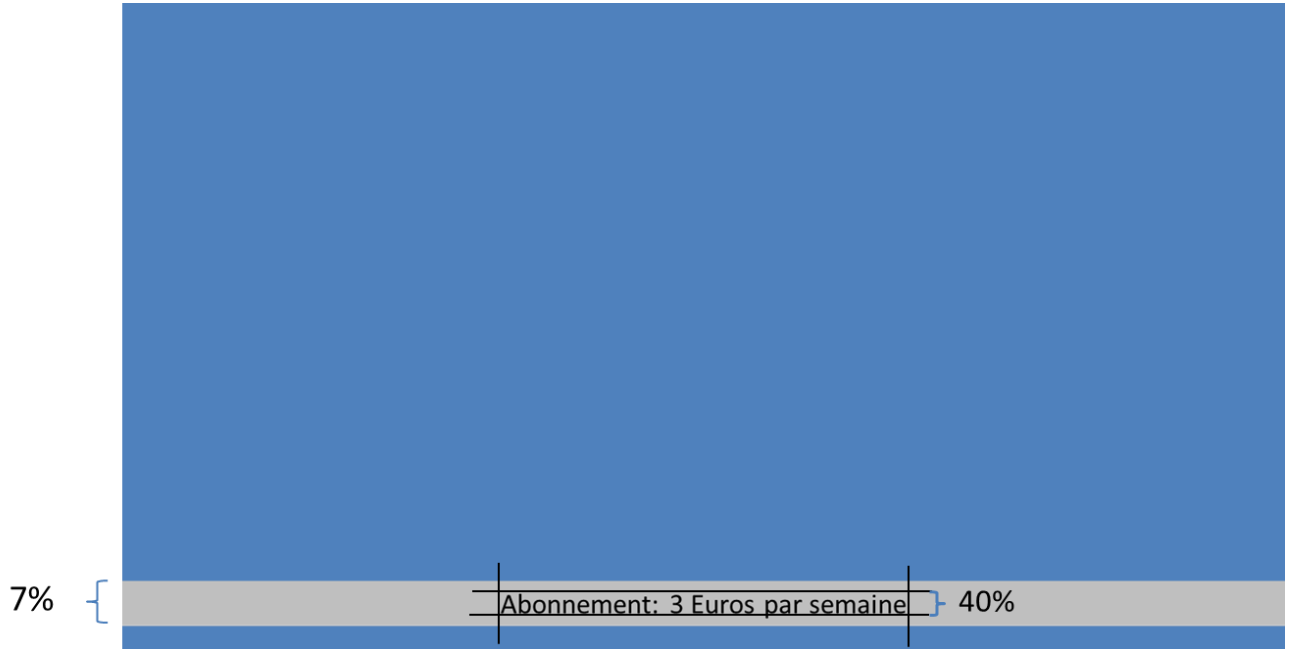
- In the case of registration on a website and through a link to the subscription validation page of the mobile operator, the pricing details should be bracketed with a link or button to access the website on subscription validation page of the operator.

2.d) In the case of promotional or advertising messages in print, the minimum size of pricing details is 2 mm. In case the font size of Short Code is less than 2 mm, the size of tariff entries must be the same as the Short Code.

2.e) In the case of promotional or advertising messages on television or theatre (movies), the pricing details may be included in a fixed band, to the exclusion of any other information. This band must cover at least

7% of the height of the screen and the entire width of the screen. It is located in the lower part of the screen and must appear throughout the entire duration of the advertisement. Pricing details should be centred within this band; their size should be 40% of the height of the strip and meet the requirements of paragraph 2.b).

Illustration:



2.f) In the case of promotional or advertising messages on radio, the pricing details should be audible. They must be mentioned consecutively with the last mention of the Short Code.

2.g) In the specific case of communications on an Internet site, when the User is invited to continue sending SMS to a Short Number, within the framework of the Service or the subscription to the Service, without said Short Number being mentioned, the price indications must be next to the indications inviting the User to send an SMS. In this case, the size of the price indications must be at least equal to half the size of the characters used for the indication inviting to send an SMS.

Examples:

Application of category 4: "Reply OK to the SMS you have just received"

Application of category 1 (competitions): "Reply 1 or 2 to the question you have just received by SMS"

2.h) The specific case of SMS+ Interactions is described in Article 6 of the Design Charter.

B) Information relating to the identification of the Service and Editor

In all communication on his Service, the Editor shall:

- Designate the service by the trade name that was registered to the Association SMS+ at time of booking of the Short Code
- Mention in the header of the SMS-MT or MT-MMS sent from the Short Code SMS+ which was assigned to him, the trade name registered to the Association SMS+ at time of reservation of this Short Code.

The trade name of the Editor Service must be sufficiently distinctive to allow its identification. It shall therefore not consist of a generic name, usual or necessary for the Service provided to Users.

The Association SMS+ and each of its Operator members reserve the right to refuse the trade name of a Service, notably:

- A name reproducing a well-known mark, except with a formal proof of authorisation from rights owners
- A name with a "+" or "plus", except where the Editor is entitled to prior rights to the SMS+ brand name on the name of service declared and in the case of well-known marks
- A name that reproduces the Short Code SMS+ assigned to the Editor or any other name reproducing a sequence of five numerical digits.

In all communication on his Service, the Editor shall:

- Avoid confusion between himself and the Association SMS+ and its member Operators
- Inform the public of his identity as specified in the contract signed with the Operators, so that service Users can assert their rights directly with him regarding any claim
- Incorporate either the keyword "CONTACT" adding that sending it to Short Code of Service enables the User to obtain all useful information, especially to exercise his rights as part of a claim, or the contact details of the service Assistance to Users.

In the particular case where an Editor associates a partner to the communication on his Service, the Editor shall:

- Indicate the words "édité par" (Published by) followed by the name and RCS number of the Editor
- Mention in the header of each SMS-MT or MMS-MT sent from the Short Code SMS+, the name of the Service as presented to Users in all communication on the Service, which may be different from that declared by the Editor to the Association SMS+.

The information relative to the identification and description of the Service and of the Publisher are permanently indicated and updated on the extranet provided for this purpose and accessible at the following address: <http://extranet.afmm.fr>.

C) Essential features of the Service

The essential characteristics of the Service must be presented in a clear, legible, intelligible, transparent and exhaustive manner. They may not be indicated solely in the legal notices or the notes as the foot of the page.

The communication of the Service must focus on the content delivered through the Service, regardless of the medium.

The performance of SMS or MMS media does not provide a service in " temps réel" (real time). Thus, the Editor shall not communicate on the instantaneous character of the Service.

- Applications of category 1 or 2 requiring prior registration or qualification of the User

As part of the Applications category 1 or 2, relating to the Services that require prior registration or qualification of the User, the Editor shall specify the number of SMS required for this registration or qualification, regardless of the delivery of Service (for example "2 SMS pour l'inscription") 2 SMS for registration).

- Applications of category 4:

The Editor shall mention in a clear and explicit manner:

- The fact that it is a Service with subscription. As such, the Editor shall use the term "abonnement" (subscription) or derivative (abonne, abonné, etc - subscriber, subscribed, etc.). In the case where the registration channel does not use SMS, this information should appear clearly and visibly in the communication of the Editor. The Editor may incorporate in his communications the concept of "sans engagement" (without obligation) specific to the

kinematics of category 4 Applications

- The frequency of sending in the case of a recurring service, or the event that triggers the sending of SMS or MMS with regard to a random service
- The possibility for the User to terminate his subscription to the Service at any time by sending the keyword STOP via SMS-MO to the Short Code of the Editor.

In addition, the Editor must refer to the website www.infoconso-multimedia.fr in all communications on fixed Internet media by including a hypertext link to the URL of the website.

Some advertising operations highlight the ability to upload or access a content offer or more generally a promotion (free period, for example). They are not possible unless the pricing details described in Article 1 A) 1. are bracketed with the mention highlighting this possibility, with:

- A size greater than or equal to one third of that mention and in the format of pricing details defined in Article 1 A) 2.
- In the particular case of printed media, of a size greater than or equal to 2 mm. In this case, if the font size of the promotional details is less than 2 mm, the size of pricing details must be the same as that of the promotional detail

The delivery of another content or the access to another service provided by the Publisher or by a third party publisher may not be made conditional upon, linked or subordinated to the subscription to a Service. Thus, processes consisting of inciting the User to subscribe to a Service, in order to participate in a prize draw, to know his winnings, to find out the results of a test, to access other contents or services, etc. are forbidden, even if the Service is actually delivered once the registration request is authorised. In particular, the so-called practice of "content locking", or tied selling is forbidden.

- Service giving access to contents inside an Editor's catalogue

If the Service consists in accessing several contents within a catalogue of the Editor, the User must be clearly informed within the communication, as well as the number of contents accessible, by period in the case of Services belonging to category 4. These main characteristics must be clear, legible, intelligible and transparent. They may not be indicated only in the legal notices or footnotes.

- **Services with download as primary purpose (Wallpapers, Photos, Music, Ringtones, executable content, videos, etc.) within the Applications of categories 1 and 4:**

In all communication regarding the Services belonging to Applications of category 1 and 4 having as primary purpose an act of downloading, the Editor must explicitly indicate to the User that the Service consists of downloading one or more contents. Moreover, under the Applications of category 1, orders for the content cannot be sent except by sending a keyword specified by the Editor via SMS-MO or MMS-MO-MO.

- **Competition Service**

In all communication regarding competition Services, the Editor must explicitly indicate to the User the number of exchanges, fixed or maximum, needed to have a chance of obtaining the gain mentioned in the communication. With regard to this information, providing a cross-reference to the competition regulations is not sufficient.

- Service giving access or enabling to download contents for mobiles

When the Service consists in accessing or downloading one or several contents which can be used only on a mobile telephone, and the communication media is an Internet site but is not a mobile telephone, the Editor must clearly indicate that these contents are available only for mobile telephones. There should be no ambiguity about the fact that these contents might also be available on another device.

D) Essential conditions necessary for delivering the Service

The Editor shall inform in a clear and explicit the User of all essential restrictions that may prevent or limit the performance of the Service.

- Services not compatible with all devices:

When the promotion medium is such that it does not allow the Editor to have the characteristics of the User's device, and the Service is not compatible with all devices, the Editor will then invite the User to verify the compatibility of his device before sending an SMS-MO or to subscribe to a category 4 application, and makes a compatibility verification tool available to him.

- On Internet media, this tool is accessible in all the Internet pages in which the SMS+ short number appears or the MSISDN entry box, in the specific case of category 4 applications when the subscription is carried out following the entry of an MSISDN, directly or via a link. In the last case, the link is positioned outside of the legal notices or footnotes;

- On printed or televisual media, the Editor indicates the address of the Internet site enabling the User to verify the compatibility of his device;

- On radio media, the Editor indicates the address of the Internet site enabling the User to verify the compatibility of his device.

The Editor places near the link (for Internet media), as well as the compatibility verification tool, and on the televisual and printed media, one of the pictograms proposed on the website www.afmm.fr, in which appears the words "Is my mobile compatible?", it being specified that only the pictogram incorporating the Internet address can be used on televisual and printed media.

The compatibility verification tool must be easy to use and operate by selection within a list of choices, and/or by recognition of visuals. For example, the User will be invited to first select the brand of his device, then the model. The Editor will endeavour to the extent possible to match the common and technical names of devices.

The reply provided by the compatibility verification tool must relate to a content or a typology of contents having homogeneous behaviour on all devices. Within the framework Services belonging to category 4 applications, the User must be able to verify the compatibility of his device for a content or typology of contents having homogeneous behaviour on all devices.

When the promotion medium is such that it enables the Editor to have the characteristics of the User's device (for example, in the case of mobile devices, the User Agent), the Editor will only offer Services or contents which are compatible with the User's device.

- Services delivered as a link:

If the service is delivered in the form of a link, the Editor shall:

- Provide access, without surcharges, to the precise and exhaustive list of compatible handset models,
- Inform the User of the need to ensure in advance from the operator that his device has a WAP or HTTP configuration compatible with the Service.

In the case where the communication medium is an SMS-MT, the Editor shall first ensure that the User's terminal is compatible with the Service, notably while using the information provided by Operators under the previous exchanges.

ARTICLE 2 - ADVERTISING AND PROMOTION OF SERVICES

All advertisements for a service must be identified as such ⁷ and must comply with all legal requirements and recommendations of the ARPP. . In particular:

⁷ Article 9 of the Code of the International Chamber of Commerce

- The explicit identification of the advertiser and of the commercial communication;
- This identification "may be done by any clearly perceptible means permitting the advertising nature of the message to be made immediately and unequivocally clear to the consumer".

The Editor shall respect the rules in force, particularly in communication to children in accordance with the principles set forth in Articles 18 and 19 of the [Code de la Chambre de Commerce Internationale \(CCI\)](#) (Code of the International Chamber of Commerce) and the [Recommandation Enfant de l'ARPP](#) (Children's Recommendation, ARPP)

The Editor, in any form of promotion of the Service, should not mislead Users about the content, prices, options or modalities of delivering the proposed Service.

The Publisher in particular undertakes not to favour confusion between its internet communication media whatever they may be (banners, click to action, etc.) and the context in which they are positioned - both regarding their formulation and their position on the page where they are present. For example, the process consisting of positioning a button on or in proximity to a video, on a video streaming site, allowing the user to think that he will be able to view that video, whereas in fact this button links to the Publisher's Service, is forbidden.

According to the recommendations of the ARPP:

- The advertisement must not contain statements or visual presentations contrary to propriety standards commonly accepted.
- Advertising should not condone any form of discrimination, including discrimination based on race, national origin, religion, sex or age, nor should it in any way undermine human dignity.
- Advertising must not contain any incitement or appear to condone or encourage unlawful or reprehensible behaviour.

The Editor shall not make direct or indirect advertising for a Service contrary to these recommendations.

He must comply with all laws and rules governing communication on products, services or regulated content.

The Editor can only communicate on SMS+ Short Codes belonging to the "Adults Only" category on advertising media reserved strictly for adults.

Any promotion within a Service, for another paying service or content, must clearly be separated and positioned after the content(s) or service(s) corresponding to the delivery of a Service.

Case of Services in the "not recommended for persons under the age of 16" category

The promotion and the presentation of a Service belonging to the "not recommended for persons under the age of 16" category, as defined by the recommendation of the Internet Rights Forum relating to the classification of mobile multimedia contents published on October 17, 2006 (available on the website www.afmm.fr), must not include:

any content belonging to the "Reserved for Adults" category, as defined by this same recommendation, regardless of the nature thereof (images, videos, text, etc.);
or any elements:

o referring to a pornographic universe (examples: "Porn video", "X-rated film");

o referring to the necessity to be an adult to access the service (examples: "adults only", "prohibited to minors", etc.);

o suggesting that the service contains pornographic content (examples: placing of a visual showing the word "censored" or symbols which suggest that the images hidden and/or dissimulated by these elements are of a pornographic nature).

When an Internet page contains elements promoting the Service (ex.: advertising banner), as well as other elements which do not concern the Service, the Editor will ensure that these other elements do not contain any content belonging to the "Adults Only" content, regardless of the nature thereof (images, videos, texts, etc.), and in particular in the Internet pages preceding the payment procedure, so that there is no ambiguity possible for the User as to the nature of the Service.

On all Internet media containing the Short Number, excluding those falling within audiovisual communication, the Editor will affix the following logo, accompanied by the words "This service offers content not recommended for persons under the age of 16."



ARTICLE 3 - SPECIFICITIES RELATED TO DIRECT CANVASSING

3. A) The Editor shall not engage in aggressive commercial practices as defined in Articles L.122-11 and L.122-11-1 of the Consumer Code.

Thus, the Editor of service is prohibited from:

- Engaging in repeated or unwanted solicitations by any means of remote.
- Giving the impression that the User has already won, will win, or will win on performing a particular act, a prize or other equivalent benefit, when in fact:
 - Either there is no prize or other equivalent benefit
 - Or, the completion of an action in relation to claiming the prize or other equivalent benefit is subject to the requirement for the User to pay money or incur a cost.
- To impersonate an individual in a personal capacity.

The Editor must respect the provisions of Article L. 34-5 of the Post and Electronic Communications Code, notably:

- The Editor is prohibited from direct canvassing by any means whatsoever, in any form whatsoever, using the personal data of an individual who has not given his prior consent to receive direct canvassing in this manner
- Direct canvassing is allowed:
 - If the recipient information was collected directly from him, in compliance with law on computers and liberties.
 - On the occasion of a sale or service delivery, whether for direct marketing of similar products or services supplied by the same person or entity and if the recipient is offered, in an explicit manner without ambiguity, the possibility of refusing, without incurring costs, except those related to the transmission of this refusal, and easily, to use the contact details when they are collected and each time an action of canvassing is addressed to him

In any event, the frequency of solicitation for purposes of direct marketing must be reasonable and should not be a nuisance to the User.

Furthermore, the Editor, in accordance with the recommendations of the CNIL, will not use the personal data collected from prospects and will delete them no later than one year after the last contact from their side or if they have not responded to two successive solicitations.

3. B) Self-promotion

If the content of self-promotion is associated with the delivery of the Service subscribed by the User, the

Editor must ensure that this content is positioned after the content corresponding to the delivery of service (i.e. according to the mode of delivery of the Service, the content of the Service or the link allowing access to the Service).

Apart from delivering the Service, sending a self-promoting content from a Short Code to a User is allowed if the Editor meets the following conditions:

- Sending can take place only from Monday to Saturday from 8:00 a.m. to 10:00 p.m., excluding holidays, or failing that in the hour following the sending of the last SMS-MO by the User;
- The SMS-MT or MMS-MT should be free for the User.

For Services belonging to categories 1 and 2, the content of self-promotion can be sent only after the complete delivery of content ordered by the User.

For Services in category 4, the content of self-promotion must be sent obligatorily after the delivery of at least one content to the User.

The Editor shall not send to each User more than three (3) SMS-MT of self-promotion content per week after the last SMS-MO sent by the User.

In addition, the SMS-MT of self-promotion content must be sent within 60 days after the act of purchase or end of a subscription made by the User or, without purchase, which follow the expression of his consent to receive such messages.

The nature of the advertising message of self-promotion must be clearly identified as such. The name of the Editor or trade name of the Service as reported to the Association SMS+ must be indicated in the header of the self-promotion text content. The self-promotion content should contain only promotional or advertising content on the Service consumed by the User or similar services published by the same Editor, accessible from a mobile device. When the service promoted is not the Service of the Editor but of a third party, the transfer of personal data of the User must be expressly authorised by him.

The content of self-promotion should only contain promotional or advertising content for all public or for an audience of age less than or equal to that which the User has previously used, these age groups are determined in accordance with the recommendation of "Classification of mobile multimedia content" of the Internet Rights Forum. Any text or content that is pornographic or violent is prohibited.

The Service promoted in the self-promotion content must be in a format compatible with the User's device. If the content of self-promotion contains a URL, the Editor shall indicate in the self-promotion content that this message is free, subject to any costs of connection.

The content of self-promotion must inform the User, in the SMS-MT, of the possibility to exercise his right to object and to stop receiving the self-promotion content of the Editor, by sending the keyword STOP to the Short Code of the Service. If the self-promotion content contains a URL, the target URL must contain an explicit link allowing the User to stop receiving the self-promotion content.

The self-promotion content must comply with all rules of ethics, communication and design.

ARTICLE 4: KIT FOR USE OF SMS+ MARKS

The Editor respects the kit for the use of SMS+ marks for all visual communications relating to any Service open to all mobile operators members of the Association SMS+. The kit for the use of SMS is available from the Association SMS+ (www.afmm.fr).

APPENDIX 4: RULES APPLICABLE TO THE DESIGN OF SERVICES

The Editor can send premium SMS-MT or MMS-MT-MT as part of his Service exclusively in response to a request from a User, made via SMS-MO or MMS-MT (in the case of Applications of category 1 and 2) or when the User has previously registered, regardless of the media used for registration (in the case of Applications of category 4).

In the framework of category 1 Applications, each SMS-MO sent must be subject to an SMS-MT from the Editor.

ARTICLE 1: CONFIGURATION OF SPECIFIC KEYWORDS

1/ STOP

For each SMS-MO sent by a User to the Short Codes of the Service and containing the keyword STOP, the Editor shall:

- a) For category 4 applications:
 - Terminate the User's subscription;
 - Send an SMS-MT to the User informing him that he is no longer subscribed to the Service. No other messages, including promotional, shall be included in the SMS-MT
- b) In all other cases:
 - Send an SMS-MT to the User informing him that he will no longer receive messages, from the Service.
 - Stop sending any SMS-MT or MMS-MT, with or without premium charges, to that User and this until the User sends a new SMS-MO or MMS-MO to the Short Code(s) of the service or until the User himself makes a new request for registration within Applications of category 4.

2/ CONTACT

The Editor, in response to sending an SMS-MO or MMS-MO with the keyword CONTACT, sends an SMS-MT containing the mention "published by" necessarily followed by his name, his RCS number and the contact details of his help desk for Users.

The Editor shall indicate that this SMS or MMS will be charged without surcharge.

3 / Keywords prohibited

The Editor shall not use the following keywords or derivatives (whatever the case) as a keyword of service order by the User: STOP, CONTACT, OK, RENOUV, NON, NOK, OUI.

ARTICLE 2: REGISTRATION OF USERS (category 4 Applications)

Each request for registration by a User to the Editor can match one and only one request for registration sent by the Editor to the Operators. Therefore, the "Editor"

- Should not renew the request for registration for a User if he does not respond within the time provided to the SMS-MT request for registration confirmation administered by the Operators;
- Is formally forbidden to send to Operators a request for registration for a User who has not explicitly expressed his willingness to register for the Service.

In case a User does not respond within the time provided for this purpose to the SMS-MT request for registration confirmation administered by the Operators, the Editor is authorised to remind the User once via SMS.

The obligatory confirmation request, administered by the Operators, following a request for registration made by a User to the Editor must contain the following information, in the same order:

- The trade name of the Service or the Short Code used
- The necessity of confirming by replying OK via SMS
- The fact that it is a subscription service (with the term "**abonnement**" (subscription) or derived: **abonné, abonne** (subscriber, subscribed), etc.)
- The price of the service in accordance with Charter of Communication.

Any other service information should appear after this information.

ARTICLE 3: PRICES OF SMS-MT AND MMS-MT FOR THE USER

The following SMS-MT or MMS-MT should be free for Users:

- SMS-MT or MMS-MT response to one of the following keywords "STOP", "CONTACT"
- SMS-MT or MMS-MT whose content is not directly related to the subject of the Service subscribed by the User (in particular, SMS-MT or MMS-MT containing only self-promotional or advertising content)
- SMS-MT or MMS-MT indicating that the User cannot access the Service (in case of error, incompatibility, malfunction of the Service, etc.)
- SMS-MT or MMS-MT meant for configuring the terminal
- SMS or MMS-MT-MT in response to an incorrect keyword.

ARTICLE 4: TERMS OF SERVICE ACCESS

The Editor shall keep the User explicitly and frequently informed on how to access his Service, in case it cannot be delivered at the premium SMS-MT rate.

To this end, the premium SMS-MT rate must:

- Either contain the Service for which the User pays the premium rate
- Or contain the non-premium terms of access to this Service.

When the SMS-MT or MMS-MT contains a link to the desired content to be viewed or downloaded on the mobile by technological means other than SMS or MMS (Wap connection, http), the User must always intervene voluntarily prior to initiating a connection. As such, the Editor is not authorised to make WAP Push in SL (Service Loading) mode.

The Editor shall indicate systematically the trade name of the Service or the Short Code in the SMS-MT or MMS-MT containing the link.

Once the connection is established on the site of the Editor, the page displayed by the Editor must include the following non-premium rate links:

- A link to instructions to be followed by the User for a correct delivery of that Service
- A link back to his telephone number or those of his customer care department

- For applications of category 4, a link to a page containing the instructions to be followed by the User to unsubscribe from the Service.

To overcome possible connection failures, the Editor shall allow multiple connection attempts for a period of at least one hour.

ARTICLE 5: DEVICE COMPATIBILITY

When the Editor does not detect an incompatibility of the User's device with the Service or the content promoted within the framework of the Service, it will clearly inform the User.

- In the case of category 4 Services consisting in accessing or downloading content within a catalogue of the Editor:

When the Editor's catalogue contains contents, similar or the same, compatible with the User's device, the compatible content, and only these, are offered within the framework of the Service to the User. When the Editor's catalogue, within the Service, does not contain any or practically no contents, similar or the same, compatible with the User's device, the Editor invites the User to unsubscribe, clearly indicating the unsubscription procedure (sending of the key word STOP to a specified Short Number), on each Internet page of the service, in an explicit and visible manner.

ARTICLE 6: INTERACTION SMS+ / MMS+

1. Definition: Interaction means a service initiated by:

- Sending an SMS/MMS from an executable content (program consisting of instructions and data that can be processed by the mobile phone)
- Or preparing for sending an SMS/MMS from a website (display, when clicked on a link to the website, the interface of the mobile phone to compose and send an SMS)

2. Limitation of interactions: Interactions take place within the limit of specific modalities set out in Article 10 "specific modalities".

Only one SMS+ session can be used for an interaction Moreover, only a single interaction should be required for the complete delivery of the Service.

Executable content or the website, and specifically the interaction, must comply with the SMS+ Charters.

SMS+ / MMS+ Interactions are only possible within the framework of category 1 applications.

3. Information - User's prior consent: In accordance with Article 2.1 of the Code of Conduct, an interaction cannot be initiated without the prior consent of the User.

The User must systematically validate the triggering of the Interaction by clicking on a button (the "Button") containing an explanatory note. This explanatory note must represent at least 40% of the height of the Button. It may not in any event be a promotional indication (for example: "offered", "gift", "free", etc.).



Only a click on the button will trigger the Interaction.

The price indications must be just next to the Button, below it, and of a size at least equal to one third of the height of the Button, as shown below.



In the event where the Interaction is initiated from an executable content, the User must be informed, on the page in which the Button is located, that he will be charged the price of the Service in his mobile telephone bill or his prepaid mobile account.

The User must be clearly informed in advance, within the framework of the executable content or of the Internet site concerned, of the information specified in Article 1 of the Communication Charter.

In cases where the interaction is initiated from executable content, the SMS-MT should always be accessible by the User in the message of his phone. In accordance with the Charter of Communication (Article 1) and the Code of Ethics (Article 1), this SMS-MT shall contain the pricing details.

In case of failure in sending the SMS-MO, the Editor shall inform the User, at no cost to the latter; any further attempts should be initiated and validated exclusively by the User.

For the same executable content or website using interactions, a maximum of five (5) Short Codes are permitted; these Codes must have different prices.

ARTICLE 7: SERVICES WITH ACCESS CODE

A SMS+ service with access code allows a User to access, on a digital medium, a content or a Service offered by a Editor, without this content or service being delivered directly to the mobile phone of the User by SMS-MT (text or clickable link).

A Service with a code may be designed exclusively, by one of the following two methods:

- Either the User sends a keyword by SMS-MO (hereinafter the Keyword) allowing him to obtain an access code by SMS-MT, a unique identifier, that he re-enters in a space provided this purpose on the digital media in order to access said content or service.
- Or, the User sends an SMS-MO with the access code, proposed by the Editor on the digital medium (possibly supplemented by a keyword) allowing him to be uniquely identified and to access the said digital content or service. In this case, however, the Editor must send back an SMS-MT acknowledgment to the User.

Only one SMS+ session can be used for a service with access code

In case the access code is supplied by the Editor in the SMS-MT, it cannot take the form of a link giving access to an Internet page. Moreover, only a single access code should be necessary for the acquisition of digital content or service by the User.

It is prohibited to invite a User to enter several access codes without providing him, after entering each access code, the content or the digital service corresponding to the access code, regardless of the reason (promise of an increase in chances of winning in a game, saving time, etc.).

In case the access code is sent by the User via SMS-MO, only a single access code should be necessary for the acquisition of digital content or service by the User.

In accordance with the Charter of Communication (Article 1) and the Code of Ethics (Article 1), the pricing details must be present in each communication on the Service and in each SMS-MT.

Conforming to all premium SMS+ services, an SMS+ service with an access code shall in no case allow access to a content or service belonging to the "Adults Only" category.

The digital content or services offered by the Editor in connection with a service with access code must comply with all obligations of ethical conduct and communication of SMS+/MMS+ services.

In case the access code is supplied by the Editor in the SMS-MT, the Editor shall limit the validity of an access code to 48 hours after its delivery to the User by SMS MT. Moreover, in this case, the access code must be valid for at least one hour after delivery.

Services with access code are permitted only as part of Applications of category 1.

ARTICLE 8: THRESHOLDS OF PROTECTION AGAINST FRAUD AND OVERCONSUMPTION

As part of the SMS+ Services, the Editor shall:

- Limit the total expenditure of the User to 25 Euros incl. VAT per Short Code over a period of 4 minutes
- Limit the total expenditure of the User to 50 Euros incl. VAT per Short Code per User and per calendar day

For services requiring multiple exchanges of SMS or MMS in number known to the Editor or in the case of contests when only the maximum number of exchanges is known to the Editor, the Editor must anticipate the triggering of consumption threshold in such a manner that the User can benefit from the complete delivery of the Service.

Upon reaching this threshold of consumption, the SMS-MT must specify the threshold that was reached in Euros and the point at which the User may use the Service again. There should be no promotion of another premium rate service. This SMS-MT should be free for the User.

ARTICLE 9: SUPPORT SERVICE FOR USERS

The Editor must have a help desk or support service for Users, which can respond to inquiries, complaints and claims regarding the Service. The Editor shall provide the best welcome to Users and handle all requests in French.

This support service should be accessible via:

- A phone number with non-premium rates in the French dialling system, available during working days and hours (outside these times, a recorded message must indicate the working hours.)
- and at least one of the following two means: a postal address in France, an email address.

The support service should provide a response to the User within five business days if the request was made by post or email.

The telephone number and the email or postal address of this support service must be indicated in the SMS replying to the key word CONTACT, in compliance with the design charter, and must appear in all the Service promotion media (excluding SMS-MT) when the latter so allows.

The coordinates of the means of access to this User help service are permanently indicated and updated on the extranet provided for this purpose and accessible at the following address: <http://extranet.afmm.fr>. The Editor is informed that all this information is available to the public on the website www.infoconso-multimedia.fr.

ARTICLE 10: SPECIAL CONDITIONS

A) SPECIAL CONDITIONS FOR TIERS 7 AND 8

Are excluded from tier 7:

- SMS+ Services of discussion between registered Users (chat)
- SMS+ Services of games between registered Users
- SMS+ Services of access to precise and complete listing
- SMS+ Services of bilateral discussion. However, the Services of discussion bilateral and customised with a human facilitator under the responsibility of the Editor are authorised.

Also excluded are tier P7 all SMS+ Services meant for young persons.

Only the following SMS+ Services are authorised in tier 8:

- SMS+ Services having as primary purpose an act of downloading (Wallpapers, Photos, Ringtones, executable content, videos), i.e., giving the opportunity to the User to purchase a Content in WAP connection or mobile Internet, to save it in the memory of his device and access it offline
- Services requiring only one delivery in the form of an "enriched" MMS-MT or one that does not contain text only. If the User does not have an MMS compatible mobile, the Editor agrees to inform him by a non-premium SMS-MT that his phone is not MMS compatible and that he therefore has no access to the service
- Services with access code as described in Article 7 of the Charter of Design,

B) SPECIAL CONDITIONS FOR TIERS 4 TO 8

Services "Adults Only" category as defined by the recommendation of the Internet Rights Forum on the classification of mobile multimedia content published on October 17, 2006 are prohibited on tiers 4 to 8.

ARTICLE 11 : PRICE OF SERVICES

A) Maximum price authorised per exchange (SMS, MMS)

Tiers	Maximum price authorised per exchange (SMS, MMS) (incl. VAT, excl. transport)
P8 (1)	4,50 €
P8 (2)	3 €
P7	0,99 €
P6	0,50 €
P5	0,20 €
P4	0,05 €
P3	0 €

- (1) - Services of downloading games and videos (excluding Application of Category 4)**
 - SMS+ Services with access code except those for accessing services with contests and sweepstakes with promise of gain, or services of discussion between registered Users (chat)
- (2) Other services authorised on tier 8**

B) Maximum number of exchanges authorised to deliver the entire Service to Users

When the provision of the Service requires multiple exchanges of SMS or MMS, the exact number or maximum number of which is known in advance by the Editor, the maximum number of exchanges of SMS or MMS may not exceed 10.

When the provision of the Service requires multiple exchanges of SMS or MMS, the exact number or maximum number of which is not known in advance by the Editor, the maximum number of exchanges of SMS or MMS is unlimited. This is particularly the case for discussion services between registered users or for discussion services with a facilitator.

In the particular case of level 8, the maximum number of exchanges authorised is such that the maximum price of the Service (including VAT, excluding transport) cannot exceed:

- 4.50 € in the case of Services for downloading games or videos,
- 3 € in the case of other Services authorised on level 8.

In the particular case of SMS+ Services with an access code, and in the case of SMS+ Interactions, a single exchange is authorised to deliver the entire Service.