

What do you want Ofcom to keep confidential?:

Keep name confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Question 1.1: What are the implications of market change for mobile and wireless services?:

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Question 1.2: How are citizens and consumers affected by developments in the mobile sector?:

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Question 1.3: What are the purposes of mobile regulation, and where should its focus lie?:

The primary changes needed are to protect users from abuse of the charging mechanisms, in particular the ease with which premium rate services can add users' numbers without any closed-loop signup mechanism. The onus is then on the user to de-register or report the charge as fraud, while trying (normally in vain) to have any charges recovered from the premium service, which is normally located overseas and set up in a disposable fashion, and will never pay any fines imposed by UK regulatory authorities.

Question 1.4: What is the scope for deregulation, competition and innovation in the mobile sector?:

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Question 3.1: What do you think are the features of a well-functioning mobile market? What evidence do you see that those features are present in the UK market?:

Innovation and competitive pricing. The UK market is doing ok, although these are probably not the key issues that now need to be addressed.

Question 3.2: What measures are most appropriate to assess whether the mobile sector is performing well for citizens and consumers?:

Monitoring price and customer surveys.

Question 3.3: How will market dynamics change as a result of trends such as availability of new spectrum, mobile broadband and new ways of delivering voice services?:

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Question 4.1: What is your experience, as an individual consumer or an organisation that uses mobile services?:

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Question 4.2: How should regulators and policy-makers respond to signs of rising consumer concern? :

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Question 4.3: What are the important factors to consider in striking a balance between protecting mobile consumers and enabling markets to work flexibly? Have we got this balance right in today's mobile market?:

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Question 5.1: How does the use of mobile services affect our participation as citizens in society?:

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Question 5.2: What factors should we take into account in thinking about access and inclusion issues in mobile markets?:

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Question 5.3: What factors should we take into account in thinking about new services, and how those services may affect issues like protection of children, privacy and security?:

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Question 5.4: Have you been affected by issues about coverage or 'not spots'? How has it affected you?:

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Question 7.1: What do you see as the most influential trends and features of mobile and wireless markets in future?:

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Question 7.2: What new policy and regulatory challenges could the trends identified in this section bring? Which policy and regulatory challenges could they address?:

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Question 8.1: Should Ofcom do more to promote competition in mobile and wireless markets?:

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Question 8.2: Ofcom's strategy in telecommunications is to promote competition at the deepest level of infrastructure that is effective and sustainable. How might this strategy be applied, given future developments in the mobile sector? Under what circumstances, if ever, would it make sense to consider access regulation for mobile platforms?:

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Question 8.3: What role can competition play in ensuring that future development of the mobile internet provides an open and flexible environment for a wide range of services? Should Ofcom explore open access requirements to ensure opportunities for innovation? What role might 'net neutrality' play in the mobile sector?:

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Question 8.4: What role might competition play in addressing questions about transparency of prices, services and contractual conditions offered to consumers of mobile and wireless services? What role should regulation play in addressing these questions?:

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Question 8.5: What is the best way to promote content standards and ensure privacy protection for increasingly complex content and

transaction services? How will privacy issues fare in a world where services are more personal and more complex?:

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Question 8.6: Will the mobile termination rate regime need to evolve or change more fundamentally? What is the best approach to adopt?:

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Question 8.7: If competition does not reduce international roaming charges sufficiently, how should regulators respond, if at all?:

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Question 8.8: How might universal service and universal access need to adapt in a world where we increasingly rely on mobile services? What role might mobile play in universal access delivery in future?:

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Question 8.9: Can markets and commercial agreements address issues such as ?not spots? and emergency access?If not, what role might be played by a regulator to address these issues?:

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Question 8.10: How might access for particular groups (such as the elderly and disabled users) need to evolve in future? What role can competition play in addressing these questions?:

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Question 8.11: Do you have any comments regarding our proposed way forward and the objectives of the next phase of this Assessment?:

The primary weakness now in the mobile system in general is the poor security for users with regard to premium rate text services.

Such services, once a user signs up, incur a cost to each user each time a text is sent.

Unbelievably, it is possible for a premium rate provider to add users phone numbers to its system, and hence text to them and collect revenue, without any express authorization by the customer. It is then left for the customer to contact their network, who invariably simply refers them to whichever fly-by-night outfit is doing the scam. ICSTIS is not up to the job of dealing with such issues, as the most strict punishment it can impose is a fine against the operators, who are nearly always based overseas using a disposable company that will simply never pay the fine.

Additional comments:

In order to maintain the integrity of customers' accounts, two measures will be required:

- institute some kind of closed loop confirmation mechanism, where any user signing up to such a premium rate text service is required to provide some kind of electronic confirmation via their phone. The system would need to ensure that a response could not be faked by an unscrupulous outfit. A central database of the premium text sign ups would prevent anyone who had not expressly consented to the premium text message service and charges from receiving, or being charged for, these premium texts.

The mobile operators are the ones who deduct the charges (ranging from pennies to pounds) from users in order to pay the premium text provider, therefore it should be possible for them each to maintain a database of their own users themselves if a cross-network system encompassing all operators is not feasible or desirable.

In other words, if Orange is going to be the one deducting premium rate charges for each text I receive from some service I supposedly signed up to, the onus could be on them to provide their own verification that I did indeed signup. For example, their system sends me a text message saying "You signed up for XYZ service which costs 1.50 per text, please reply to this message with YES if you approve membership of this service". They then hold my response on their database. They block all premium texts to me from any service not approved in this fashion, so I don't get billed and the sender gets no money for sending them.

If it is not technically possible to verify the response came from my mobile number, the confirmation mail could instead ask that I text a code to signup, something random to prevent anyone else but my being able to sign me up.

Without such a confirmation system, it will continue to be possible for unscrupulous premium text services to sign up users without their consent and continue to harvest funds, safe in the knowledge that ICSTIS is toothless and can only apply fines which will never be paid.

More info on the continuing problems with SMS scams here:

<http://www.grumbletext.co.uk/page.php?pn=gtsosmsstop>