



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# District Court Prosecution

## Update from 13 February 2023

### Information Notice

**Reference:** ComReg 23/18

**Date:** 01/03/2023

## Section 13(1) of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (“the Act”)

1. On 13 February 2023, the Dublin District Court heard a case taken by ComReg against Kaleyra UK Ltd (“Kaleyra”) in relation to 22 counts of charging customers for premium rate services in circumstances where they were not requested by the customer.
2. The prosecutions were brought under Section 13 of the Act, which provides as follows:

*13.— (1) A premium rate service provider shall not impose, or purport to impose, in respect of a specified premium rate service, a charge—*

*[...]*

*(b) for supplying a premium rate service to an end user that was not requested by the end user, or*

*[...]*

*(2) A premium rate service provider that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding €5,000.*
3. In January 2022, a serious incident relating to Kaleyra’s 57710 and 57127 premium rate short code numbers came to ComReg’s attention where, during the period between August 2021 and January 2022, Kaleyra imposed charges on a significant number of customers of Three for the supply of a PRS in circumstances where these customers had not requested that PRS.
4. ComReg’s Consumer Care Team had received a number of customer contacts from customers who alleged that they had been charged for a PRS and they had not interacted with or requested the PRS. In some cases, the handset was not in use at the time of the PRS charge. These customers stated that they did not have a record of the mobile originated SMS (“MO SMS”) requesting a PRS on their mobile handset and in some cases that they were charged to a device that is not capable of interacting with a PRS (e.g., a mobile broadband dongle, or a machine-to-machine (“M2M”) device).
5. During ComReg’s investigation it was established that in each case the customers’ numbers were “spoofed” in that it was crafted with the necessary signalling messages to effectively spoof the text messages to look somewhat like a valid subscription request message sent by the customer but it did not originate from the customer’s handset.

6. As a result of the investigation, ComReg identified over 9,000 customers who were affected by this incident. All affected customers have now been fully refunded.
7. The outcome of this case against Kaleyra is detailed below:
  - i. Kaleyra pleaded guilty to 22 counts brought against it.
  - ii. The Dublin District Court applied the Probation of Offenders Act 1907 and required Kaleyra to make charitable donations in the total amount of €5,000.
  - iii. Kaleyra contributed to ComReg's costs, as agreed between parties.
8. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Section 13 of the Act and other relevant regulatory obligations.
9. Any customers impacted by the issues in this case or who may have questions may contact Three on 1913 or use ComReg's online [Service Checker](#) to establish the provider that charged them and find out the contact details of that company.

## Consumer advice on Premium Rate Services

10. If you receive a text message and don't know who it's from, don't delete it. Read it carefully as it may contain important information (such as a helpline number for the company who has sent the message).
11. If the message comes from a five-digit short code, you can use ComReg's online [Service Checker](#) to find out the name of the service and the name of the company providing that service i.e. the premium rate service provider as well as their contact details.
12. If the message does not help you to identify the sender, and there is no identifiable short code, call your mobile phone company to see if they have any information on the sender and whether it cost you anything to receive the message.
13. If you were charged for the text and don't think you agreed to receive it, contact the premium rate service provider using the phone number in the text message to raise the issue with them.
14. For further information on premium rate services, please click [here](#).