



Commission for
Communications Regulation

A Finding of Non-Compliance with the Premium Rate Service (“PRS”) Licence Conditions

Zamano Solutions Ltd.

Information Notice

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Context and Background

1. Following a review of information gathered during compliance monitoring and following a review of consumer complaints received by ComReg in relation to Zamano Solutions Ltd. ("Zamano") and the AppMob once off ("AppMob") premium rate service ("PRS"), ComReg commenced an investigation into the provision of the AppMob PRS in accordance with Section 9 of the Communication Regulations (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010¹ ("the Act of 2010") and Sections 10(1)(d)(ii) and 12(1)(d) of the Communications Regulation Act, 2002, as amended² ("the Act of 2002").
2. ComReg engaged in correspondence with Zamano detailing the alleged breaches of the Code of Practice³ ("the Code").
3. The AppMob PRS is a content PRS that provides end users with access to premium content for a single charge. End users who engage with the PRS will receive a link to retrieve content for example, games, ringtones and wallpapers, to their mobile phone. The total cost of the service is €15 and is charged by way of six reverse-billed messages charged at €2.50 per message.

Finding of non-compliance

4. Following the investigation, ComReg found that the AppMob PRS was not compliant with certain requirements of the Code as detailed below.
5. Accordingly, on 22 May 2017⁴, ComReg notified Zamano of a finding⁵ that it had not complied with the Code for PRS providers and, therefore, was in breach of a condition of its PRS licence⁶.

The PRS Code of Practice

6. ComReg found that Zamano's AppMob PRS was operated in a manner that was not compliant with the relevant provisions of the Code of Practice, including provisions relating to the information that must be provided to end users before they incur any charges. ComReg considers that any end user who engaged with a particular promotion for Zamano's AppMob was entered into the PRS without their prior knowledge or consent. As the promotion failed to

¹ <http://www.oireachtas.ie/documents/bills28/acts/2010/a0210.pdf>

² <http://www.irishstatutebook.ie/pdf/2002/en.act.2002.0020.pdf>

³ <https://www.comreg.ie/csv/downloads/ComReg1445.pdf>

⁴ In accordance with Section 9(1) of the Act of 2010

⁵ In accordance with its powers at Section 9 of the Act of 2010

⁶ Zamano is a licensed PRS provider in Ireland, in accordance with Section 6(1) of the Act of 2010 and Regulation 4 of the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2012

provide pricing information and any material details relating to the PRS, which would allow end users to make an informed transactional decision, consumers who responded to the promotion were misled into entering the service and subsequently incurred charges.

Conclusion

7. Zamano is required to remedy the finding of non-compliance in respect of the breaches of the Code and to refund affected end users by 22 June 2017 pursuant to Section 9 of the Act of 2010.