

## **Guidelines for Telemarketer**

Any person or legal entity engaging in the activity of telemarketing is required to register itself and comply with the following guidelines:-

### **1. Definitions** ( In this part, unless the context otherwise requires) :-

- (i) 'Telemarketing' - Transmission of any message through telecommunication services for the purpose of soliciting or promoting any commercial transaction in relation to goods, investment or services.
- (ii) 'Telemarketer' - Person/ legal entity engaged in the activity of telemarketing.
- (iii) 'Telemarketing Centre' - The telemarketing facility at a location in India used by the Telemarketer for providing the telemarketing services.
- (iv) 'Telecom Resource' - Telecom facilities provided by licensed telecom service provider.
- (v) 'Remote Location' – A point of presence from where Telemarketer collects and carries the non-voice traffic relating to telemarketing activities.

### **2. General:**

- (i) Telemarketer shall apply for registration to the Department of Telecommunications (DOT) or any other agency authorized by DoT.
- (ii) Telemarketer can have multiple registrations.
- (iii) Each Telemarketing Centre shall be registered separately location-wise.
- (iv) Processing fee of Rs. 1000/- payable per Telemarketing Centre
- (v) The validity of the registration shall be 10 years and renewable.
- (vi) Telemarketer shall inform DoT of any change in the information furnished within 15 days.

### **3. Technical Conditions for Operation of Telemarketer Centre**

- (i) The Telemarketer shall obtain the Telecom Resources from a Licensed Telecom Service Providers only.
- (ii) Telemarketer is permitted to have both way (incoming/outgoing) PSTN connectivity for Telemarketing activities.

- (iii) Telemarketer may have connectivity through leased lines/Internet/VPN for non voice applications to a remote location { clients /National Do Not Call registry (NDNC)}
- (iv) The Telemarketer shall not misuse the Telecom Resources for any other activity and shall be responsible for the same.
- (v) Telemarketer shall ensure complete separation between PSTN lines used for the purpose and any other Telecom resource being used in the same premises.
- (vi) Interconnection between Telemarketing Centres is not permitted.

#### **4. Compliance to Directions/Orders:**

The Telemarketer shall comply with:

- (i) Guidelines for Telemarketer
- (ii) Orders/Directions issued by DoT
- (iii) Orders/Directions/Regulations issued by TRAI on Unsolicited Commercial Communication (UCC)

#### **5. Restrictions on 'Transfer of Registration**

The Telemarketer shall not, without the prior written consent of DoT, either directly or indirectly, assign or transfer this Registration in any manner whatsoever to a third party or enter into any agreement for sub-Leasing and/or partnership relating to any subject matter of the Registration to any third party either in whole or in part i.e. no sub-leasing/partnership/third party interest shall be created.

#### **6. Requirement to furnish information:**

The Telemarketer shall furnish to DoT, on demand in the manner and as per the time frames such documents, accounts, estimates, returns, reports or other information in accordance with the rules/ orders as may be prescribed from time to time.

## **7. Security Conditions:**

(i) The Telemarketer shall make available on demand to the person authorized by DOT, full access to their equipments for technical scrutiny and for inspection, which can be visual inspection or an operational inspection.

(ii) The Telemarketer will ensure that their equipment installations should not become a safety hazard and is not in contravention of any statute, rule or regulation and public policy.

(iii) The Telemarketer shall be required to provide the call data records of all the specified calls handled by the system at specified periodicity, as and when required by the security agencies.

(iv) Wherever considered appropriate, DoT may conduct any inquiry either suo-moto or on complaint to determine whether there has been any breach in compliance of the guidelines for Registration by the Telemarketer and upon such inquiry the Telemarketer shall extend all reasonable facilities without any hindrance.

## **8. Prohibition of certain Activities by the Telemarketer.**

(i) The Telemarketer shall not engage on the strength of this Registration in the provision of any Service other than telemarketing and/ or requiring separate Licence / permission.

(ii) The Telemarketer shall take necessary measures to prevent objectionable, obscene, unauthorized or any other content, messages or communications infringing copyright, intellectual property etc., in any form, consistent with the established laws of the country. Once specific instances of such infringement are reported to the Telemarketer by the enforcement agencies, the Telemarketer shall ensure that the carriage of such material is prevented immediately.

(iii) Telemarketer will not infringe on the jurisdiction of Licensed Telecom Service Providers and they shall neither provide switched telephony nor use telecom resources as Public Call Office (PCO).

## **9. Suspension, Surrender or Termination of Registration**

(i) The Department of Telecommunications, Ministry of Communications & Information Technology reserves the right to suspend the operation of this Registration at any time, if, in the opinion of DoT, it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the TELEGRAPH. If situation so warrant, it shall not be

necessary for DoT to issue a notice for seeking comments of the Telemarketer for this purpose and the decision of DoT shall be final and binding.

(ii) Telemarketer may surrender the Registration, by giving 30 days notice to DoT.

(iii) Registration may be terminated for any failure to comply with the guidelines for Registration of Telemarketer.

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