

June 17, 2010

The Chairman,
Association of Licensed Telecommunications Operators of Nigeria,
15th Floor, NECOM House,
15 Marina,
Lagos.

Dear Sir,

RE: MEETING WITH OPERATORS ON ADVERTISEMENTS AND PROMOTIONS

The Commission on June 11, 2010 held a meeting with network operators to discuss and determine the way forward regarding unsolicited messages, promotions and lotteries being carried on in the industry.

The issues discussed at the meeting include the following:

- The definition of the term 'Lottery' vis-à-vis 'Promotion'
- The pros and cons of unsolicited messages
- The need to address the content, timing and frequency of unsolicited messages

The Commission finds it unacceptable that Operators are engaged in lotteries under the guise of promotions. Any activity carried on by an Operator which has the characteristics of luring the Consumers to take a risk in which he may suffer pecuniary loss is classified as a Lottery. Consequently, all promotional activities carried on by operators should be in accordance with the Commission's Guidelines on Advertisements and Promotions, already published on the Commission's website.

While the Commission notes the beneficial aspect of unsolicited messages, and reluctance of operators towards restricting of same, Operators are to re-evaluate the content, timing and frequency of such messages. In so doing, such messages are henceforth to include a clause notifying Consumers of an Opt-In or Opt-Out choice regarding receipt of such messages.

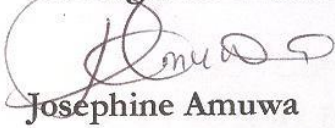
After taking into consideration all the issues raised at the meeting, the Commission is constrained to issue out to Operators and the general public a notice on these matters. A is attached for your necessary action.

Whilst we acknowledge the important role innovative products and services play in the industry, we urge operators to be responsive to Consumer complaints and strive to protect Consumers' interest.

Thank you.

Yours faithfully,

PP: Nigerian Communications Commission



Josephine Amuwa

Director, Legal and Regulatory Services

For: Executive Vice Chairman/CEO



Nigerian Communications Commission

Public Announcement

ADHERENCE TO GUIDELINES ON PROMOTIONS BY TELECOMMUNICATIONS NETWORK OPERATORS

The Nigerian Communications Commission pursuant to the powers conferred on it by relevant provisions of the Nigerian Communications Act ("the Act"), 2003 to make and publish Guidelines on any matters as are necessary for giving full effect to the provisions of the Act and for the due administration of the Act has published the **Guidelines on Advertisements and Promotions** and it is available at www.ncc.gov.ng

The Guidelines set minimum requirements and standards for advertisements and promotions by licensed telecommunications operators in Nigeria.

Premised on its statutory responsibility to protect the interests of consumers against unfair practices and consequent upon incessant complaints received from various stakeholders about telecom operators engaging in lottery activities and unsolicited SMS; the Nigerian Communications Commission hereby notes as follows:

1. Telecommunications operators are licensed by the Commission to carry out telecoms services and in this regard may carry out promotions as defined in the Guidelines.
2. Promotions as defined in the Guidelines do not include lotteries where the consumers do not receive commensurate service or value for money spent.

All Telecom Operators and the general public are invited to be guided as follows:

1. All promotions carried on by telecom operators must be in accordance with the Guidelines on Advertisements and Promotions published by the Commission.
2. No Telecom Operator is allowed to carry-out any lottery activity as defined above under the License issued by the Commission
3. Operators are also advised to take due care in the timing, frequency and content of their multi-cast messages to subscribers to reduce nuisance associated with these messages.
4. Sending of SMS prompting telecom subscribers to participate in lotteries is suspended until further notice.
5. Operators should desist from charging premium rates for non-premium services.

All Network operators are to ensure strict compliance with this Notice, as appropriate sanctions in accordance with the Act and the Enforcement Regulations, 2005 shall be applied to erring operators.

Dated the 15th day of June, 2010

DAVE IMOKO
Director, Public Affairs

Nigerian Communications Commission
Plot 423, Aguiyi Ironsi Street, Maitama, Abuja.
Tel: 09 – 4617000 – 29. Fax: 09 - 2344589