



Commission for
Communications Regulation

Guidelines

Guidelines and Sample Application Form for a Premium Rate Services Licence

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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1 Introduction

The licensing of Premium Rate Services (“PRS”) is governed by the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2010, S.I. 338 of 2010 (“the Regulations”). The Regulations detail, amongst other things, the terms and conditions under which a licence is granted. The Commission for Communications Regulation (ComReg) administers the issue of licences for PRS under the Regulations.

This document (“the Guidelines”) sets out ComReg’s guidelines and a sample application form to assist persons wishing to apply for a PRS licence.

ComReg encourages all potential applicants to read the Guidelines carefully if they are considering submitting an application.

Any queries regarding these guidelines or the licensing process can be directed to ComReg’s **PRS Licensing Team**:

Telephone: + 353 (0)1 8049600

E-mail: prs@comreg.ie

ComReg may revise the Guidelines and Application Forms from time to time.

2 Statutory Regulations

A Premium Rate Services (PRS) licence is required under Section 6 of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act, 2010 (“the Act”) to promote and operate certain classes, or types of PRS namely, “*Specified Premium Rate Services*”. ComReg has set out in Regulation 3 of the Regulations those classes, or types, of PRS that are *specified* and therefore required to be licensed.

The specific Regulations governing the issue of licences for PRS is the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2010 - S.I. 338 of 2010, which is contained on our website at <http://comreg.ie/fileupload/publications/SI338of2010.pdf>

Applicants should be aware that a PRS Licence does not absolve the Licensee from complying with any other statutory obligations (e.g. the obligations of an Electronic Communications Service or Electronic Communications Network Operator to obtain an authorisation under the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 S.I No. 306, as amended, and the requirements provided for in the Data Protection legislation).

3 General Information

A Premium Rate Services (PRS) Licence is required for the promotion and operation of specified PRS.

A PRS Licence must be kept current at all times and the provision of specified PRS, without holding a valid PRS licence, is an offence under the Act.

Those providers of specified PRS, who were authorised by RegTel prior to the transfer of regulatory functions to ComReg on 12 July, 2010 are deemed to be licensed for a period of 6 months, that is until 12 January, 2011. Anyone who holds a Rgetel authorisation and wishes to continue to provide specified PRS after 12 January, 2011 must be in possession of a PRS Licence issued by ComReg.

Details of the Licence conditions attached to a PRS Licence are contained in Regulation 5 of the Regulations. Applicants are advised to familiarise themselves with these conditions as non-compliance with any of these conditions may render the Licensee liable to an enforcement action by ComReg.

4 Licence Information

In accordance with the Act and the Regulations, all providers of specified PRS must have a PRS licence.

ComReg is subject to Irish and EU rules on the treatment and handling of confidential information, is a 'Public Body' for the purpose of the Freedom of Information Act 1997, and is bound by this Act in relation to the release of information.

Any personal information provided to ComReg will be treated in accordance with the Data Protection Acts, 1988 & 2003.

4.1 The Licensee

A Licensee must be a provider of the specified PRS and be a legal entity i.e. an individual or a registered company.

4.2 The Licence

A PRS Licence does not confer any special rights on the Licensee other than to provide PRS. It allows for the provision of specified PRS in accordance with the conditions of the specified PRS Licence.

4.3 Licence Duration

Save for those Licences, which were obtained as a result of the holder being authorised by RegTel prior to 12 July, 2010, ComReg PRS Licences are issued for a period of one (1) year.

It is the responsibility of the Licensee to ensure that their Licence details remain valid and updated and, in this regard, Licensees are required to confirm to ComReg in writing each and every year, on renewal of the Licence, that their Licence details are still correct.

4.4 Licence Fees Payable

The granting of a PRS Licence is subject to payment of the following prescribed fees (Licence fees must be submitted with the application forms):

- New Licence: €100
- Amendment or Transfer: €50

4.5 Amendments to a Licence

In accordance with Section 6 (9) of the Act, a Licence amendment occurs when the details on the Licence document are no longer correct and therefore need to be updated. Some examples of this may include:

- the address of the Licensee has changed; and / or
- any other details indicated on the Licence documentation requires amendment.

Under the Regulations, it is the responsibility of the Licensee to inform ComReg of any amendments as soon as they occur but in all circumstances no later than 28 days later. Failure to do so may result in suspension or revocation of the Licence.

4.6 Transfer of a Licence

In accordance with Regulation 5(10) a Licensee may not transfer, let or lease a PRS Licence, or any of the rights conferred by it, to another party, without first obtaining prior written consent from ComReg.

4.7 Cancellation of a Licence

A PRS Licence should, generally, only be cancelled if the holder is intending not to be involved, in any way, in the provision of PRS.

A PRS Licence may be cancelled at the written request of the Licensee. However, there is no entitlement to any refund of Licence fees in the event of cancellation.

4.8 Amendment, Suspension and Revocation of a Licence

In accordance with Sections 9 and 10 of the Act, ComReg may amend, suspend or revoke a Licence where, ComReg determines following an investigation that there is non-compliance by the Licensee with the conditions of the PRS Licence.

5 Applying for a Licence

All applications for new or amended PRS Licences must be made on the PRS Application Form, a completed sample of which is contained in Section 6 of the Guidelines.

5.1 Submitting an Application

1. The application form must be completed in full and in accordance with these Guidelines.
2. The Declaration Form (Part 3 of the application form) must be signed.
3. The appropriate fee must be enclosed with the application form:
 - New Application €100
 - Licence Amendment €50
4. To ensure a PRS Licence can be issued by the required date, it is recommended that all applications be submitted a minimum of 2-3 weeks prior to the requirement date.
5. Applications may be submitted by:
 - post to -
Premium Rate Services Licensing
The Commission for Communications Regulation
Abbey Court
Irish Life Centre
Abbey Street
Dublin 1, or
 - facsimile to 01 8049665, or
 - e-mail (in .pdf format) to prs@comreg.ie.

PREMIUM RATE SERVICES LICENCE APPLICATION - GUIDELINES

6 Applying for a Licence – The Licence Application Form

Part 1: General Details

Type of Application	New <input type="checkbox"/>	Amendment <input type="checkbox"/>
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Items marked with an asterisk (*) will be published by the Commission for Communications Regulation (ComReg) on the public register of PRS providers.

Applicant Details:

a. Company/Personal Details

<p>* Full Name of the Company or Person in whose name the licence is sought <u>Mandatory Field</u></p>	<p>This should be the name of the company, if incorporated, or the natural person. Trading names should not be used. i.e. <i>Mr. A O'Brien</i> or <i>A O'Brien Ltd.</i> are acceptable entries; <i>O'Brien Services</i> is not. Sample entry: A O'Brien Ltd.</p>
<p>*Full Postal Address i.e. Business Address for Regulatory Contact <u>Mandatory Field</u></p>	<p>Enter the address to which members of the public should direct correspondence. Sample Entry: Unit 4, ABC Business Park, Sligo.</p>
<p>*Registered Office Address (if different to Business Address) <u>Mandatory Field (for registered companies)</u></p>	<p>The registered address should always be shown in the case of a company. This address will be used by ComReg for the delivery of statutory notices</p>
<p>Company Registration Office Number (or foreign equivalent) <u>Mandatory Field (for registered companies)</u></p>	<p>Where the company is not registered at the Irish Companies Registration Office, the number and the company registry should be shown e.g. 123456 (Companies House, London)</p>
<p>Current Trading Name(s):</p>	<p>Enter the trading name or names as used by the enterprise. Note that where ComReg enters details of a trading name, this is without prejudice to whether the requirements of the Companies Acts relating to Business Names have been complied with. Sample entry: O'Brien Services</p>
<p>Previous Trading Name(s):</p>	<p>Enter the trading name or names previously used by the enterprise.</p>

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b. Regulatory Contact Details

Regulatory Contact Name:	This should be the name of the individual who will be contacted by ComReg should there be a need to do so.
Position held:	This should be the title of the individual named in the box above.
Contact Phone Number:	This should be a direct telephone number, not a general switch number, for the Regulatory Contact.
Contact E-mail Address:	This should be a specified e-mail address for the Regulatory Contact and not a general company e-mail address.

c. Customer Service Contact Details

*Customer Service Contact Phone Number <u>Mandatory Field</u>	This should be the telephone number/s that customers can call if they need to contact your company.
*Customer Service Contact email address <u>Mandatory Field</u>	This should be the e-mail address that customers can write to if they need to contact your company.
*Customer Service Contact website address <u>Mandatory Field</u>	This should be the website address for customers if they need to contact your company.
Does the Applicant intend to provide Customer Service from within its own resources or outsource	Tick one box below Internal <input type="checkbox"/> Outsourced <input type="checkbox"/>
If Outsourced, Company Name:	This should be the name of the company who provides Customer Services on your behalf.
Full Postal Address i.e. Postal Address for Outsourced Customer Services:	Enter the address of the company to whom your Customer Services are outsourced.
Does the provider of Customer Services on behalf of the Applicant hold a PRS Licence? (This is not a mandatory requirement)	Tick one box below Yes <input type="checkbox"/> No <input type="checkbox"/>
If "Yes" state the Licence Number	Enter the PRS Licence Number of the company or individual providing Customer Services on behalf of the Applicant.

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Part 2: Category of Licence Required by the Provider

Every entity involved in the provision of specified PRS must be licensed. In the past only those to whom premium rate numbers (or shortcodes) had been assigned were required to obtain an authorisation from RegTel. Since the enactment of the Act and the Regulations, all parties, including Network Operators who may not have directly contracted with the holder of the premium rate number (or shortcode), are required to be licensed.

ComReg understands that some parties may play more than one role in the provision of PRS and therefore, it is possible to indicate which roles these may be by ticking the appropriate boxes.

Applicants should be aware that providers of specified PRS are only required to hold one (1) PRS Licence but if they intend to provide, **or are involved in the provision**, of an Authorised Services, as set out in Regulation 7, they must ensure that there is an Authorised Service Certificate in respect of each such service.

***The applicant may indicate a requirement for more than one type of licence*

Please indicate the category of licence required for the purposes of providing “*Specified Premium Rate Services*” as provided for at Regulation 3 of the Communications Regulation (Premium Rate Services) Regulations, 2010.

<p>Content Provider (CP)</p> <p>This means a person who does any or all of the following for gain:</p> <ul style="list-style-type: none">• provides the contents of a premium rate service, or• exercises editorial control over the contents of a premium rate service.	<input type="checkbox"/>
<p>Aggregator Provider (AP)</p> <p>This means a person who does any or all of the following for gain:</p> <ul style="list-style-type: none">• packages together the contents of a premium rate service for the purpose of facilitating its provision,• makes available a facility as part of a premium rate service, or• transfers a premium rate service from a content provider to one or more electronic communications networks.	<input type="checkbox"/>

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Network Operator

This means a person who does any or all of the following for gain:

- provides the electronic communications service over which a premium rate service is provided, or
- provides the electronic communications network over which a premium rate service is transmitted.

Please specify one, or both, of the following:

- End Users Network Operator (*EUNO*) i.e. the end users billing network
- Terminating Network Operator (*TNO*) i.e. the revenue-sharing network operator which contracts with the Aggregator Provider or the Content Provider

Types or Class of Service that Require Authorised Service Certificates

Note: ComReg requires Licensees to obtain individual certificates in respect of the following Authorised Services:

Note the provisions of Regulation 7(3): where there are more than one Premium Rate Service provider involved in the provision of the Authorised Services, then only one (1) certificate will be issued in respect of that proposed service.

- Chatline Services (Live or Virtual),
- Services for the benefit of a charitable organisation or non-profit organisation,
- Sexual Entertainment Services,
- Subscription Services,
- Internet Dialler software operated,
- Quiz Television Services.

To obtain an Authorised Service Certificate, the Licensee must complete a separate form available on ComReg's website www.comreg.ie.

PREMIUM RATE SERVICES LICENCE APPLICATION - GUIDELINES

Part 3: Declarations

Part 3 of the Licence Application form requires the Applicant to provide information in respect of previous performance in the industry, specifically if there were any prosecutions registered against the applicant under the Act or under the Data Protection Regulations.

The declaration must be signed and dated by or on behalf of the notifying person.

In completing this section, the applicant is declaring that:

- (a) The information provided is accurate and complete,
- (b) The documents listed have been reviewed, and
- (c) The notifying person shall comply with any lawful directions of ComReg.

As noted earlier completed documents should be forwarded by post to:

Premium Rate Services Licensing

Commission for Communications Regulation,
Abbey Court,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

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Part 4: Fees and Method of Payment

The Licensee should select the appropriate method of payment (do not forget to sign in the case of payment by debit or credit card).

4A: PRS Licence Fee (Please tick the appropriate box):

Fees to be paid for this PRS Licence are:

New Application €100

Amendment or Transfer €50

4B: Method of Payment:

Cheque / Postal Order	Cheques / Postal Orders should be crossed and made payable to <i>The Commission for Communications Regulation</i>
Credit Card	Credit card payments can be accepted by completing the Credit Card payment form below For existing ComReg account holders accepted, payments can made: <input type="radio"/> By telephone - contact accounts at 01 8049618; or <input type="radio"/> On-Line, using www.licensing.comreg.ie

Credit Card Payment Form:

Type of Card: Visa Access / MasterCard Laser

Card Number : _ _ _ _ / _ _ _ _ / _ _ _ _ / _ _ _ _

Cardholder's Name: _____

Cardholder's Address: _____

Expiry Date: ____ ____ / ____ ____

Signature: _____ Date: _____

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For Existing Account Holders only:

Bank Transfer / Electronic Funds Transfer (EFT)	<p>Transfers to ComReg's account should be made to: Bank of Ireland, 6 Lower O'Connell Street, Dublin 1. Account Number: 17806887 Sort Code: 90-00-33 BIC Code: BOFIE2D IBAN No: IE62 BOFI 9000 3317 8068 87.</p> <p>If making a bank transfer/EFT, please ensure that:</p> <ul style="list-style-type: none">· your bank quotes your Account Number and "Aircraft Radio Application" in making the transfer to ComReg; and· you forward details of the date of and amount of payment to our Accounts Department (accounts@comreg.ie).
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