



Commission for
Communications Regulation

Suspension of Premium Rate Service Licence

Infaze Service Ltd.

Information Notice

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

Context and Background

1. Infaze Service Ltd. (“Infaze”) was a licensed premium rate service (“PRS”), provider in Ireland, in accordance with Section 6(1) of the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (the “Act of 2010”) and Regulation 4 of the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2012.
2. Infaze’s Yaboost PRS was a subscription service whereby end users were primarily offered the chance to win various different prizes, such as, vouchers, cash and an iPhone. The subscriber could also claim rewards, play games or send web texts. The service cost €4 per week through two reverse-billed¹ SMS at €2 per message. The subscriber was granted virtual currency which could then be used to enter competitions or to avail of other content.

Investigation

3. Following an investigation into the Infaze Yaboost PRS, on 28 May 2015², ComReg notified Infaze of findings³ that it had not complied with certain provisions of the Code of Practice⁴ for PRS providers (“the Code”) and the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2012⁵ and, therefore, was in breach of conditions of its PRS licence⁶;
 - a. ComReg found that Infaze did not operate the “double opt-in” mechanism, for its Yaboost PRS, which would have afforded end users the opportunity to review their decision to subscribe to the PRS and also have provided verifiable evidence that the end users did, in fact, subscribe.
 - b. ComReg found that Infaze sends some regulatory information messages, which contain material information related to the PRS, in a WAP formatted message (as opposed to a standard SMS that can be received and accessed by all mobile handsets). As a result, end users whose mobile handsets are not WAP-enabled or WAP-capable will not receive this information.

¹ “Reverse-billed” SMS, sometimes referred to as “mobile terminated” or “MT”-billed SMS are SMS for which the recipient incurs a charge when receiving an SMS.

² In accordance with Section 17(1) of the Act, 2010

³ In accordance with its powers at Section 9 of the Act of 2010

⁴ http://www.comreg.ie/_fileupload/publications/ComReg1445.pdf

⁵ http://www.comreg.ie/_fileupload/publications/SI_111_of_2012.pdf

⁶ Infaze Service Ltd. is a licensed PRS provider in Ireland, in accordance with Section 6(1) of the Act of 2010 and Regulation 3 of the Communications Regulation (Licensing of Premium Rate Services) Regulations, 2010

4. The Findings of Non-Compliance were published on www.phonesmart.ie and, Infaze was required to remedy the non-compliance in respect of the breach of the Code by 29 June 2015, and to make the refunds to end users connected to the non-compliance within the timeframe set out by ComReg.

Revocation of Premium Rate Service Licence

5. Infaze failed to remedy the non-compliance within the specified timeframe. Therefore, ComReg, in accordance with Section 10(2) of the Act of 2010, has suspended the Infaze Service Ltd. Yaboo PRS licence until such time as Infaze meets the requirements of the Non-Compliance for its Yaboo PRS. In addition, the end-user refunds required to be made by Infaze have not yet been completed.

Further Information

6. Infaze Service Ltd. Findings of Non-compliance can be found at the following link <http://www.phonesmart.ie/uploads/files/15001%20Case%20summary.pdf>
7. PRS Licence amendments, suspensions and revocations can be found at the following link http://www.phonesmart.ie/Code_of_Practice/133#.VnfgzWcnyHt