



Attention: Senior Regulatory Affairs Manager
Office of the Communications Authority
25/F, Wu Chung House,
213 Queen's Road East,
Wanchai
Hong Kong

11th April 2013

Dear Sirs,

Unsolicited Electronic Messages Section

The Asia Internet Coalition (AIC) wishes to make the following comment and proposed revision to the Proposed Revisions on the Code of Conduct

Comment CoP § 8.7(c) - the definition of “commercial electronic message” has been expanded to include “other short message,” which would include “any short message conveyed via a variety of on-line messaging platforms available for smartphones.” This means that any messaging app available for smartphones would have to comply with the unsubscribe requirements CoP § 8.7(c). However, there are messaging apps that operate across devices (e.g., operating on smartphones, tablets and computers) and the current draft of the CoP would require the messages of such messaging apps to comply with the unsubscribe requirement even if the messages were not conveyed to a smartphone. There needs to be language to make clear that only messages sent to a smartphone would be required to comply with the CoP requirements

Proposed Revision 1

Change the proposed definition of “other short message” to “any short message conveyed to a smartphone via a variety of on-line messaging platforms available for smartphones.”

Comment CoP § 8.7(d) and CoP § 10 - AIC agree that records should be kept but we think it is impracticable to require companies to store the webpage at which the unsubscribe request is made “in its original format” or in such a restricted way as “that can be demonstrated to represent accurately” the information received . It should suffice that proper and accurate records of the request are kept, including date and time the request was made. This concern extends to SMS and other short messages as well. For both

emails/hyperlinks and SMS/other short messages, AIC recognize the need to maintain accurate records of unsubscribe requests. However, so long such accurate records of unsubscribe requests are maintained, companies should have the ability to make business decisions regarding the best method for maintain the record of the unsubscribe requests.

Proposed Revision 2

Replace in CoP § 10 the words: “a record of the request is retained in the format in which it was originally received or in a format that can be demonstrated to represent accurately the information originally received”

With: “a record of the request in a format that accurately represents the information originally received ...”

Yours sincerely



Executive Director