

**Board of Directors  
Telecommunications Regulatory Authority**

**Resolution No. 1 of 2011 regarding the Bulk Messaging Regulation**

The Telecommunications Regulatory Authority (the "Authority") Board of Directors,

Pursuant to the Telecommunications Law No. 48 of 2002 particularly Articles (3) and (35) thereof,

Decree No. (47) of 2008 with respect to the Re-formation of the Board of Directors of the Telecommunications Regulatory Authority, and

On the basis of the proposal submitted by the Acting General Director of the Authority and after the approval of the Authority's Board of Directors thereof,

Has resolved as follows:

**Article 1**

The provisions of the Bulk Messaging Regulation attached herewith shall apply.

**Article 2**

This Resolution and the Regulation attached herewith shall be published in the Official Gazette and shall come into force on the day following the date of publication.

Dr Mohammed Ahmed Al Amer  
Chairman of the Board of Directors

Issued on: 20 Rabiea Al Awwal 1432 H  
Corresponding to: 23 February 2011

## Regulation

### Bulk Messaging

#### Article 1 - Definitions

For the purposes of this Regulation, any word or expression shall have the meaning given to it in the Telecommunications Law, and the following terms and expressions shall have the following meanings, unless the context otherwise requires:

**Bulk Message**

means short text messages (“**SMS**”) or multimedia messages (“**MMS**”) sent or intended to be sent to hundred (100) or more Recipients in the Kingdom of Bahrain at one time via short message or multimedia systems over a Licensed Operator’s public mobile telecommunications network for one of the following purposes:

Offering to supply goods, services or business opportunities; Advertising or promoting goods, services, events or business opportunities; or any other purpose designated by the Authority from time to time by a determination issued by the General Director of the Authority.

This shall include any Bulk Messages sent by the Licensed Operator with the purposes of offering to supply or promote the Licensed Operator’s goods, services, events or business opportunities.

**Solicited Bulk Message**

means a Bulk Message sent to Recipients that have requested that message and permitted the source of the Bulk Message to send to them as Recipients.

**Unsolicited Bulk Message**

means a Bulk Message sent to Recipients that did not request that message and did not permit the source of the Bulk Message to send to them as Recipients.

**Source**

means any licensed operator or bulk messenger or artificial or natural person that sends a Bulk Message over

telecommunications networks.

**Bulk Messenger**

means any Person that is entitled by virtue of a contract with a Licensed Operator to send Bulk Messages or send Bulk Messages on behalf of the Source over Licensed Operators' networks.

**Recipient**

means any User of or Subscriber to a mobile telecommunications service in the Kingdom of Bahrain.

**Article 2 - Scope of Regulation**

This Regulation applies to all Licensed Operators sending Bulk Messages with the exception of the following:

- a. Public Security Announcement ;
- b. Public Announcement from Government Ministries or Government Agencies;
- c. Network Fault Events report or notice;

**Article 3 – Opt-out Procedures from Receiving List**

1. Licensed Operators shall provide a free-of-charge opt-out option from the receiving list of any Bulk Message which is nationally or internationally originated from any source that is identified by numbers or alphanumeric codes, regardless of whether the Bulk Message is solicited or unsolicited
2. Licensed Operators shall provide this option either through a free-of-charge SMS or a toll free number.
3. Licensed Operators shall make available all information and guidance relating to the Bulk Messages Opt-out option procedures on the Licensed Operator's websites and outlets and call centres.

**Article 4 – Sending of Bulk Messages for Contracted Source**

When sending Solicited Bulk Messages by a contracted source for the purpose of sending Bulk Messages, Licensed Operators shall comply with the following:

- a) A Licensed Operator shall only send Bulk Messages to Recipients that have expressly consented to the receipt of Bulk Messages.
- b) The consent mentioned in Paragraph (a) above shall be acquired by the Source or the Licensed Operator and the Licensed Operators shall maintain this consent in the Licensed Operator's records.
- c) Solicited Bulk Messages shall only be sent between the hours of 09:00 a.m. and 08:00 p.m. according to the Kingdom of Bahrain's timing.
- d) Unless expressly agreed otherwise with the Recipient, one Solicited Bulk Message shall be sent per day to any single Recipient on behalf of any single Source.
- e) Each Solicited Bulk Message shall specify the identity and contact details of the Source on whose behalf the Solicited Bulk Message is being sent. Specifying the source's details in any Bulk message shall include, as a minimum, a valid telephone number or email address of the Source.
- f) Each Solicited Bulk Message shall specify the details of the opt-out option procedures described in Article 3.2 above.
- g) The cost of responding to Solicited Bulk Messages as well as the cost of services, goods or events the subject of the Message – if any – shall be specified in each Solicited Bulk Message.

#### **Article 5 – Sending of Bulk Messages for Non-contracted Source**

1. Without prejudice to the Telecommunications Law and Licences granted to Licensed Operators, Licensed Operators shall take all appropriate procedures to reduce the number of Unsolicited Bulk Messages which are sent over their networks by Non-contracted Sources for the purpose of sending Bulk Messages.
2. When sending Bulk Messages by a Non-contracted Source for the purpose of sending Bulk Messages, Licensed Operators shall comply with the following:
  - a) Bulk Messages by a Non-contracted Source shall only be sent between the hours of 09:00 a.m. and 08:00 p.m. according to the Kingdom of Bahrain's timing.
  - b) one Bulk Message by a Non-contracted Source shall be sent per day to any single Recipient on behalf of any single Source.

#### **Article 6 - Enforcement**

Without prejudice to the Authority's powers provided for in Article 35 of the Telecommunications Law, the Authority may, in the event that a Bulk Message is sent in a manner violating the provisions of this Regulation, order the Licensed Operator to immediately stop sending Bulk Messages and take any other appropriate procedures.

The breach of any provisions of this Regulation by the Licensed Operator shall also be deemed to constitute a material breach of its Licences and the provisions of the Telecommunications Law.

#### **Article 7 – Right of Appeal**

Orders issued by the Authority in accordance with the provisions of this Regulation, shall be subject to the right of appeal in accordance with the provisions of Articles (36) and (66) of the Telecommunications Law.

#### **Article 8 – Harmonization of Circumstances**

Each Licensed Operator shall make necessary amendments to its Standard Subscriber Agreement to enforce the provisions of this Regulation in accordance with the procedures set out in its Telecommunications Licences.