



Code of Conduct

Overview

The Mobile Marketing Association (“MMA”) believes that strong consumer privacy standards are essential to the success of mobile marketing by protecting mobile users from unwanted communications on their mobile devices.

It is only through industry support of strong privacy guidelines that the power of mobile marketing can reach its full potential.

Current internet marketing and privacy standards do not adequately address the specific challenges faced by marketers when marketing through the mobile channel. Strong mobile industry privacy principles will protect the mobile channel from abuses by unethical marketers, and limit consumer backlash and additional regulatory scrutiny.

Therefore, the following privacy principles (this “MMA Code of Conduct”, or “the Code”) are intended to guide companies within the mobile ecosystem, including but not limited to: advertisers, aggregators, application providers, carriers, content providers, and publishers, (collectively, “Mobile Marketers”), so that they can effectively, and responsibly, leverage the mobile channel for marketing purposes. The Code is designed to provide guidelines that all Mobile Marketers should consider and build their mobile programs around.

Note: The Code is not intended to regulate a wireless carrier’s ongoing proprietary communication with its current base of Subscribers which are already regulated by the FCC.

Summary

This MMA Privacy Code of Conduct updates the original MMA Code of Conduct created in 2003 and aligns The Code with the MMA Consumer Best Practices Guidelines as well as generally accepted privacy principles.

The Code describes privacy principles for Mobile Marketers that choose to use user information to market their products and services to those users via mobile devices.

The Code has five categories: Notice, Choice & Consent, Customization & Constraint, Security, and Enforcement & Accountability.

Notice

Mobile Marketers provide users with Notice. Notice is an easily understandable and quickly discoverable description of the terms and conditions of a marketing program. Notice should include information sufficient to permit a user to make an informed decision about his or her choices on how that information is used for that marketing program.

Notice is the fundamental principle in the MMA Privacy Code of Conduct: Mobile Marketers must inform the user of both the marketers’ identity or products and services offered, and the key

terms and conditions that govern an interaction between the marketer and the user’s mobile device.

Choice & Consent

Mobile Marketers respect the right of the user to control which mobile Messages they receive.

Mobile Marketers ask for and obtain consent by obtaining an explicit opt-in from the user for all mobile Messaging programs. This can be accomplished via an SMS or MMS opt-in process, a voice response, website registration, other MMA recognized methods as outlined in the MMA Consumer Best Practices Guidelines, or other legitimate methods.

Mobile Marketers must implement consent (opt-in) for a specific Messaging program. Consent is not carried into other programs unless the user has consented to such communications either 1) when they consented to the initial program or 2) upon the commencement of a subsequent Messaging program.

Mobile Marketers must implement a simple termination (opt-out) process so that users can stop receiving Messages, and users must be able to exercise their opt-out choice from any Message. This opt-out must be functionally equivalent to the method used to obtain the opt-in and must be easily discoverable by users. Explanations on how to opt-out of multiple messaging programs must be provided on a reasonably frequent basis.

Customization & Constraint

Customization

Marketing through the mobile channel is most effective when appropriately targeted, and user information collected for marketing purposes should be used to tailor such marketing to the interests of the user when available.

Constraint

Mobile Marketers should target and limit mobile Messages to that which users have requested. Mobile Messages should provide value to the user. Value may be delivered in multiple ways, including: product and service enhancements, reminders, sweepstakes, contests, requested information, entertainment, or discounts.

Security

Mobile Marketers must implement reasonable technical, administrative and physical procedures to protect user information collected for mobile marketing programs from unauthorized use, alteration, disclosure, distribution, or access.

Enforcement & Accountability

The MMA expects its members to comply with the MMA Privacy Code of Conduct and have incorporated the Code into the MMA Consumer Best Practices (“CBP”) Guidelines.

Until such time as the Code can be enforced effectively by a third party enforcement organization, Mobile Marketers are expected to use evaluations of their practices to certify compliance with the Code.

Who We Are

About the Mobile Marketing Association

The Mobile Marketing Association (MMA) is the premier global non-profit association established to lead the growth of mobile marketing and its associated technologies. The MMA is an action-oriented organization designed to clear obstacles to market development, establish mobile media guidelines and best practices for sustainable growth, and evangelize the mobile channel for use by brands and content providers. The 500+ global member companies include agencies, advertisers, hand held device manufacturers, wireless operators, aggregators, technology enablers, market research firms and all companies focused on marketing via the mobile channel. The Mobile Marketing Association's global headquarters are located in the United States and has representatives in over forty countries across the globe. It recently formed the Europe Middle East & Africa (EMEA) and Asia Pacific (APAC) divisions. The Latin American (LATAM) division will be launched Q4 2007.

For more information, please visit www.mmaglobal.com

MMA Privacy & Preference Committee

The MMA Privacy and Preference Committee was established to develop a set of privacy principles for Mobile Marketing. The Privacy and Preference Committee, chaired by Chapell & Associates, developed the Code in collaboration with representatives from the following member companies:

Privacy & Preference Committee	
Ad Infuse	Procter & Gamble
AOL, LLC	Safecount
AT&T Mobility	TxtGroups, Inc.
Chapell & Associates	U.S. Cellular Corp.
iLoop Mobile, Inc.	VeriSign, Inc.
InfoSpace	Verizon Wireless
ipsh!	Wired Assets
Microsoft (MSN & Windows Live)	Yahoo!
Neustar, Inc.	Zoove

References

The following documents provide additional sources of information and reference:

- CAN-SPAM (<http://www.fcc.gov/cgb/policy/canspam.html>)
- Common Short Code Administration (<http://www.usshortcodes.com>)
- COPPA (<http://www.ftc.gov/ogc/coppa1.htm>)
- FTC Guide Concerning Use of the Word "Free" and similar representations site defining 'free' (www.ftc.gov/bcp/guides/free.htm)
- MMA Short Code Primer (<http://www.mmaglobal.com/shortcodeprimer.pdf>)
- Telephone Consumer Protection Act (<http://www.the-dma.org/guidelines/tcpa.shtml>)
- MMA Off Portal - An Introduction to the Market Opportunity (<http://www.mmaglobal.com/offportal.pdf>)
- TRUSTe (<http://www.truste.org/>)
- Understanding Mobile Marketing Guide (<http://www.mmaglobal.com/mobilemarketing102.pdf>)

Contact Us

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Glossary of Terms

The MMA maintains a nomenclature glossary for all terms within MMA guidelines, education documents and research. The glossary is available at <http://www.mmaglobal.com/glossary.pdf>



The Mobile Marketing Association (MMA) is the premier global non-profit association that strives to stimulate the growth of mobile marketing and its associated technologies. The MMA is a global organization with over 500 members representing over forty countries. MMA members include agencies, advertisers, hand held device manufacturers, carriers and operators, retailers, software providers and service providers, as well as any company focused on the potential of marketing via mobile devices.