

Draft Decision Report
on
Vanity Number Framework

DATED AS OF: January 2019

PREPARED BY



Posts and Telecommunications Department
Ministry of Transport and Communications
The Republic of the Union of Myanmar

Preface

- A. Pursuant to the Operating License Clause 13.5(d), which states that “The Licensee shall not charge its End Users for the assignment of Numbers, unless specifically permitted to do so by the Regulator”, the Department provides its initial view of a Draft Vanity Number Framework within this Draft Decision Report (DDR) under which Licensees would be permitted to charge for Vanity Numbers and ask with this Public Consultation of the DDR all effected stakeholders for feedback.
- B. The Department invites all stakeholders to submit their view on the Draft Vanity Number Framework. This DDR provides the initial proposal for the legal framework of the Vanity Number Framework.
- C. Submissions are welcome on the Draft Vanity Number Framework on all items of this DDR stakeholders might consider relevant. All submissions should be substantiated with reasons and, where appropriate, evidence or source references. Stakeholder should provide written submissions as soft copy in English language to the Department in full by 08.02.2019. A Myanmar language submission shall only be considered if also a full English translation of the Myanmar version is provided.
- D. Submissions should be addressed to:
 - Director General
 - Posts and Telecommunication Department
 - Ministry of Transport and Communications
 - The Republic of the Union of Myanmar
 - Building No. 2
 - Nay Pyi Taw, Myanmar
 - Email: resource@ptd.gov.mm
- E. The Department intends to make submissions received available to the public. Any confidential information shall be provided under a separate cover clearly marked “CONFIDENTIAL”. For any party who wishes to make a confidential submission, a “public” version of the submission shall also be provided where confidential information is redacted.
- F. The Department thanks interested parties upfront for their participation in this consultative process and looks forward to receiving submissions with the industry feedback.

Vanity Number Framework

Draft

Section I – Title, Extent, Commencement, Variation and Legal Effect

1. Short title, extent and commencement:

- a. This Framework shall be called "Vanity Number Framework".
- b. The Framework shall cover the definition of Vanity Numbers, the allocation of Vanity Numbers by Licensees including pricing, the transferability of Vanity Numbers and reporting obligations of Licensees in relation to Vanity Numbers.
- c. This Framework shall come into effect from the date it is issued and shall continue for such time until revised, varied or replaced by the Department.

2. Variation and Revocation: The Department may at any time review, add to, vary or revoke this Framework in whole or in parts in accordance with the provision of Chapter 7 of the Law.

3. Legal effect of this Framework:

- a. This Framework shall be applicable for all Licensees and other entities that apply for and are entitled to use numbers in accordance with the Numbering Rules.
- b. If any provision of this Framework is held to be unlawful, all other provisions will remain in full force and effect.

Section II – Definitions

4. **Definitions:** In this Framework, unless the context otherwise requires:

- a. “**Department**” means the Posts and Telecommunications Department under the Ministry.
- b. “**Law**” means the Telecommunications Law of the Republic of the Union of Myanmar, 2013.
- c. “**Licensee**” shall have the meaning as defined in the Law and in the Licensing Rules.
- d. “**Ministry**” means the Ministry of Transport and Communications (MOTC) of the Republic of the Union of Myanmar.
- e. “**Numbering Rules**” means Numbering Rules of the Republic of the Union of Myanmar as of 03.12.2015.
- f. “**Subscriber Number**” shall have the same meaning as defined in the Numbering Rules.
- g. “**Vanity Number**” means a Subscriber Number in accordance with the Numbering Rules that, fulfills at least one of the following six characteristics:
 - i. The Subscriber Number contains at least four (4) consecutive digits which are equal (e.g., 565083333).
 - ii. The Subscriber Number contains at least three (3) consecutive digit pairs which are equal (e.g., 564121212)
 - iii. The Subscriber Number contains at least two (2) consecutive combinations of three (3) digits and both combinations are equal (e.g., 56 4501501)
 - iv. The Subscriber Number contains two (2) consecutive combinations of 4 digits and both combinations are equal (e.g., 562356238)
 - v. The Subscriber Number contains at least 5 consecutive increasing digits where the modulus of the difference between two consecutive digits shall be equal to one (1) (e.g., 563934567)
 - vi. The Subscriber Number contains at least 5 consecutive decreasing digits where the modulus of the difference between two consecutive digits shall be equal to one (1) (e.g., 560265432)

Section III – Assignment, Use, Transfer, Suspension and Cancellation of Vanity Numbers

5. Assignment of Vanity Numbers:

- a. Licensees which were allocated Numbers shall be entitled to assign Vanity Numbers on a permanent basis for the use in the Union of the Republic of Myanmar or abroad via international roaming by trade based on a fixed price which shall be published minimum four weeks prior to the trade process in their internet presence or via auctions where the reserve price and the auction rules shall be published minimum four weeks prior to the auction in their internet presence.
- b. Licensees shall assign Vanity Number only to eligible end-user.
- c. To be eligible for being assigned a Vanity Number, the end-user shall meet at least one of the following criteria:
 - i. An individual of eighteen (18) years of age or above and holder of a valid passport or national identity card of the Republic of the Union of Myanmar;
 - ii. An individual of eighteen (18) years of age or above living outside of the Republic of the Union of Myanmar and holding a valid passport or national identity card of the Republic of the Union of Myanmar;
 - iii. A foreign individual of eighteen (18) years of age and above holding a valid passport with proof of residence in the Republic of the Union of Myanmar;
 - iv. A Foreign or Myanmar company incorporated under the relevant law of the Republic of the Union of Myanmar;
 - v. A professional firm, such as law, audit, architect and real estate firms registered under the relevant law of the Republic of the Union of Myanmar either with or established in accordance with the respective statute or body governing that professional firm;
- d. The assignment of Vanity Numbers by Licenses which were allocated Numbers to end-user shall be conducted in a fair, reasonable, equitable and non-discriminatory manner and end-user shall be assigned with unique Vanity Numbers. In case Licenses which were allocated Numbers define roles and responsibilities in relation to use of assigned Vanity Numbers, then these roles and responsibilities shall be fair, reasonable, equitable and non-discriminatory.
- e. Licensees allocated with Numbers shall neither brand Vanity Numbers, nor associate Vanity Numbers with a given Licensee.
- f. In accordance with the provisions of the Numbering Rules, neither the Licensee allocated with Numbers nor end-user assigned with Vanity Numbers shall have any ownership rights over the Vanity Numbers allocated by the Department.

6. Conditions of Use:

- a. Licensees which were allocated Numbers in accordance with the Numbering Rules shall comply with the following conditions of use as set out in Clause 6b subject but not limited to any other conditions referred in this Direction.
- b. The use of any Vanity Number shall be subjected to the following conditions:
 - i. The use of any Vanity Number shall be subject to this Framework;
 - ii. The Vanity Number issued shall not be charged, sold, auctioned, traded or transferred otherwise than as permitted under this Framework;
 - iii. Comply with the conditions imposed by the Numbering Rules, the Law and any other laws, rules and regulation as the case may be; and
 - iv. Vanity Numbers that have been assigned to end-users shall not be suspended or cancelled by the Licensee except:
 - (a) where the end-user who was assigned with the Vanity Number has not complied with defined roles and responsibilities of the Licensee to which the Vanity Number relates, including timely payment of charges associated with the service;
 - (b) where the Vanity Number has not been directly or indirectly via national or international roaming connected to the network of the Licensee or any other Licensee for more than one hundred eighty (180) consecutive days in such a way that any third party connected to the network of the Licensee could have reached the Vanity Number;
 - (c) in compliance with instructions from the Department; or
 - (d) upon the request of the end-user who was assigned with the Vanity Number.

7. Transfer of Vanity Numbers:

- a. Vanity Numbers shall not be transferable. Licensees shall not transfer an assigned Vanity Number from one end-user to a second end-use but shall terminate the Vanity Number if evidences were received that a Vanity Number was transferred.
- b. Licensees shall clearly inform end-user prior to an auction of a Vanity Number or a trade of a Vanity Number at fixed price in accordance to Section 5a of this Framework that end-user are not permitted to sell, auction, trade or transfer an assigned Vanity Number to any other end-user.

Section IV – Retention of Information and Retrospective Effect

8. Retention of Information:

- a. Licensees which were allocated Numbers, and which assign Vanity Numbers on a permanent basis by trade or by auction shall maintain a database with the following information:
 - i. the Vanity Number;
 - ii. the name and address of the end-user who was assigned the Vanity Number;
 - iii. the method the Vanity Number was assigned;
 - iv. the price paid for the Vanity number; and
 - v. a reference to the Licensees subscriber registration database where further data of the end-user are stored.
- b. The Department may request Licensees which were allocated Numbers, and which assign Vanity Numbers on a permanent basis by trade or by auction to submit information in accordance with Clause 8a to the Department manually or electronically or as otherwise directed by the Department.

9. No Retrospective Effect:

- a. The provisions of this Framework except of Clause 7 shall not have retrospective effect and shall not nullify any valid assignment of Vanity Numbers, unless the assignment was obtained dishonestly or in bad faith.