



**BANGLADESH TELECOMMUNICATION  
REGULATORY COMMISSION**  
IEB BHABAN, RAMNA, DHAKA-1000

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**Regulatory Guidelines**  
**For**  
**Issuance of Registration Certificate**  
**For**  
**Providing Telecommunication Value Added Services (TVAS)**  
**In**  
**Bangladesh**

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**1. INTRODUCTION**

- 1.01 The Government has authorized the Bangladesh Telecommunication Regulatory Commission (hereinafter referred to as the “Commission”) to issue the approved Guideline for issuance of registration certificate for providing telecommunication value added services (hereinafter referred to as the “TVAS”) in Bangladesh. As such the Commission has been empowered by and under the Section 31 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) (hereinafter referred to as the “Act”) to issue Registration Certificate for Providing Telecommunication Value Added Services (TVAS) in Bangladesh.
- 1.02 Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the Commission has decided to issue this Regulatory Guidelines for those applicants who intend to obtain registration certificate to provide TVAS in Bangladesh.
- 1.03 Mobile phones serve as one of the most exciting examples we have of the transformational benefits of technology today. As mobile phone technology is utilized within developed and emerging economies alike, the opportunities for improved communication, information-sharing and learning are tremendous. This enhanced ability to be better connected translates directly into enhanced opportunities to improve incomes, livelihoods and economic empowerment in general. In the telecom industry, telecom value added services (TVAS) are offered in addition to Cellular Mobile Phone Operators’ (CMPO) core services of voice, SMS and data. They generally aim to add value to the standard service offering, generate new revenue streams and help CMPOs differentiate from one another while encouraging the subscriber to use core services more. Commercial examples of TVAS include ring back tones (a service that enables users to play a piece of music for their callers to hear while waiting for an answer), music, news and sports content delivered via SMS, USSD, IVR and smart phone apps. Whereas smart phones support all of the above delivery technologies, TVAS for basic and feature phones are primarily delivered via SMS, USSD and IVR. Some feature phones can connect to the mobile web (via WAP technology) and apps can make



use of this; however, the slow speed of access means they are not popular and operators are keen to move customers towards smart phones for the much better user experience of apps using data on more advanced 3G and 4G networks, though cost is still an issue for most end users.

- 1.04 With the growing number of mobile subscribers, any successful new service can generate significant additional Average Revenue Per User (ARPU). In such a scenario, value added service (TVAS) could create a big boon to the field of telecommunications. TVAS is one of the main areas driving additional growth of the market with the introduction of new products. TVAS could be the major source of revenue for mobile network operators as well as for Public Switched Telephone Network (PSTN) and Internet Protocol Telephony Service Provider (IPTSP) operators in Telecommunications sector. However, currently these phones are mainly used for basic services, though the technology and the existing infrastructure can be utilized beyond the basic services for different non-voice value added and data related services. Presently, value added services like Ringtones, Caller Ring Back Tones (CRBT) etc. and some mobile financial services constitute additional revenue for the mobile telecommunications operators. Nevertheless, in different countries, both developed and developing, it has been observed that after the early phase of telecommunication growth, the non-voice services have become the major driver for growth in the sector. There are innumerable application services like gaming, video and audio streaming, stock quotes, news, cricket updates, tele-voting, chatting, etc. that are becoming popular. Each service differs in content, cost and demand and is customized for different segment of consumers. With the introduction of 4G and Broadband Wireless Access (BWA) services the scenario is going to change in a big way as high bandwidth multimedia content services, mobile TV, online gaming and utility applications like e-governance, e-commerce, e-education, e-health are pushing the demand for application services as well as innovations in application services product offerings.
- 1.05 A typical value chain in the TVAS industry encompasses Content Providers/ Content Developers/ Application Developers, Content Aggregators, Technology Enablers, and Access Network Service (ANS) Providers. Each of these main players of TVAS has its own role to play in the industry to provide complete TVAS solutions to customers. The Content Aggregator aggregates contents and applications of Content Providers/ Content Developers (or smaller boutiques) and distribute the applications adapted to suit the customer's needs. The Technology Enabler provides a platform to the aggregator, if required, that connects the Aggregator's platform to the Access Network Service (ANS) Providers. The Technology Enabler's platform manages and maintains the integration of diverse applications, reconciliation of accounts, and also provides billing data, the revenue generated from services is shared among Access Network Service (ANS) Providers, Technology Enabler, Aggregator and Content Owner, as applicable. The revenue sharing is dependent on several factors such as the nature of technology, type of content, and demand etc.
- 1.06 The upcoming fifth generation (5G) of cellular networks is poised to transform communications, applications, digital content and commerce. What was once slow or perhaps bearable in terms of end-user Quality of Experience (QoE) will be lightning fast with 5G. Leading applications that will realize the benefits of ultra-low latency include industrial automation, robotics, and virtual reality. These apps and services are considered next generation as they will embody a completely different QoE for end-users, leading to new feature/functionality and monetization through enhanced capabilities such as Haptic Internet. Unlike LTE /4G, 5G will represent a purpose-built technology, designed and



engineered to facilitate connected devices as well as automation systems. In many ways, 5G will be a facilitator and an accelerator of the next industrial revolution, often referred to as Industry 4.0. There is a need to look beyond smart factories, intelligent products and services towards enterprise as a whole and the unique benefits of high capacity urban wireless applications.

- 1.07 Considering the prospect of Application Services due to rollout of 4G, also the development of 5G in the coming years, there is a need to formulate a forward looking harmonized framework for ushering growth in all the segments of Value Added Services such as content development, content aggregation, technology platform etc. Well-developed guidelines will enable flow of investments in the TVAS industry, benefit consumers, promote entrepreneurship and at the same time create additional revenue stream for all the players.
- 1.08 With due consideration to transparency, fairness, nondiscrimination and all other relevant principles, the Guidelines on Telecommunication Value Added Services (TVAS) are being issued. These Guidelines, along with the terms and conditions of Registration, should be read in conjunction with the Act, any subsequent legislations, and prevalent laws or sector policies framed by the Government, and other rules, regulations, decrees, orders, decisions, guidelines, directives, instructions and documents of general application issued by the Government and/or Commission from time to time.
- 1.09 The Commission has the right and authority to change, update, amend, vary or withdraw any part of these guidelines and also to incorporate new terms and conditions necessary from time to time for interest of national security, or public health, or statutory, or Court orders, or any other reasons whatsoever.

## **2. OBJECTIVES**

- 2.01 This guideline is intended to provide an overview of the registration and regulatory framework for Applicant(s) seeking to obtain a Registration Certificate to provide and operate Telecommunication Value Added Services (TVAS) in Bangladesh.
- 2.02 The Registration is intended:
  - 2.02.01 To provide Legal and Regulatory Framework for Telecommunications VAS;
  - 2.02.02 To provide safe, useful, efficient, ubiquitous and affordable Telecommunications VAS to the common people;
  - 2.02.03 To encourage entry into the telecom industry by investors, which promotes competition and ensures better services to subscribers and additional revenue to operators as well as national exchequer;
  - 2.02.04 To provide impetus to local Telecommunication/ICT entrepreneurs to venture for diverse and innovative telecommunications business;
  - 2.02.05 To create a competitive market for the Telecommunications TVASPs with level playing field;
  - 2.02.06 To promote software/application development entity and transfer of technology;
  - 2.02.07 To enhance export of telecommunication based IT enabled Services from Bangladesh and to create market for those services at home too;
  - 2.02.08 To ensure enhanced growth of data communication services in the Telecommunications/ICT sector of Bangladesh;



- 2.02.09 To create environment of revenue sharing for the TVASPs in due manner for any telecommunication service offered by any provider at home and/or abroad without having TVASP Registration Certificate under these guidelines but using local TVASPs' network;
- 2.02.10 To protect the right of the customers using TVAS and maintain a congenial environment in this market for unobstructed growth;
- 2.02.11 To ensure that customers have a convenient, fair and efficient means of resolving complaints arising in respect of TVAS.
- 2.02.12 To protect intellectual property right of all types in accordance with prevailing laws.
- 2.02.13 To boost the local innovation.

### **3. INTERPRETATIONS AND DEFINITIONS**

The interpretations and definitions of the terms used in these guidelines are annexed herewith as Schedule-1.

### **4. TITLE**

These Regulatory Guidelines shall be called the “Regulatory Guidelines for Issuance of Registration Certificate for Providing Telecommunication Value Added Services (TVAS) In Bangladesh” and the registration certificate issued through this Guideline to be termed as “Registration Certificate for Providing Telecommunication Value Added Services (TVAS) In Bangladesh”.

### **5. APPLICATION AND COMMENCEMENT**

- 5.01 These Guidelines shall be applicable to Telecommunications VAS Providers (TVASPs) in processing, granting and dealing with registration, and in establishing, maintaining and providing telecommunications related Value Added Services in Bangladesh.
- 5.02 These Guidelines are approved by the Government and shall come into effect from the date of issuance by the Commission.

### **6. LEGAL REQUIREMENTS**

The legal statutes governing the telecommunication industry in Bangladesh which will be applicable to all applicants and TVAS Registration Certificate holder is given below:

- (a) The Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (b) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters which are not covered by the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (c) Any Act of Parliament or Ordinance and any Rules or Regulation(s) made or to be made by the government.
- (d) The Rules/Regulations/Guidelines/Directives/Orders/Instructions and Decisions issued or to be issued under the Act by the Commission.



## **7. REGISTRATION FOR TELECOMMUNICATION VALUE ADDED SERVICES**

The Registration procedure for TVAS will be an open Registration procedure. Complying with the requirement, eligibility, terms and conditions of these guidelines the Commission will issue Registration Certificate for TVASP to the Applicants.

## **8. DURATION OF REGISTRATION**

The duration of the Registration, shall initially be for a term of 5 (Five) years. Upon expiry of the initial term, the TVASP may be renewed for subsequent terms, each of 5 (five) years in duration, subject to the approval from the Commission, payment of necessary fees and charges, and to such terms and conditions, as may be specified herein and/or by the Commission at the time of each renewal.

## **9. ELIGIBILITY**

- 9.01 The Joint Venture entities having Foreign Shareholding (consortium and companies/ partnerships farms registered under 'Joint Stock of Companies and Firms' under the law(s) of Bangladesh) are eligible to apply for Telecommunication Value Added Services (TVAS) Registration Certificate. However, Bangladeshi entity may have NRB and/or foreign entity as partner. A partnership/consortium of NRB and/or foreign entity without Bangladeshi partner(s) is not eligible. In case of consortium, the entity shall have to form a company under the law(s) of Bangladesh before issuing the certificate.
- 9.02 In case of foreign entity applying together with Bangladeshi partner, foreign equity is limited to maximum 70% (Seventy percent). In case of any reputed foreign partner the Commission may increase the foreign equity if required. The foreign partner shall invest in foreign currency directly equal to his percentage of ownership and no bank loan from any Bangladeshi Scheduled Bank/ Financial institution/ Leasing Company shall be raised for the foreign part of the investment
- 9.03 In case of NRB applying together with Bangladeshi partner, there is no limitation on the quantity of foreign equity. NRB shall invest directly in foreign currency and no bank loan from any Bangladeshi Scheduled Bank/ Financial Institution/ Leasing Company shall be raised for his part of the investment.
- 9.04 According to the license conditions of CMPO they are eligible for providing TVAS. After issuing this guideline they will also be entitled as "CMPO-TVASP" and are allowed to provide Telecommunication Value Added Services within their own network only, following all terms & conditions mentioned in this guideline.
- 9.05 Bangladeshi entities (consortium, partnerships and companies registered under 'Joint Stock of Companies and Firms' under the law(s) of Bangladesh) or Any Bangladeshi entity holding valid trade license are eligible to apply for TVASP Registration Certificate. However, Bangladeshi entity may have NRB and/or foreign entity as partner. A partnership/consortium of NRB and/or foreign entity without Bangladeshi partner(s) is not eligible.

## **10. DISQUALIFICATIONS**

- 10.01 An applicant shall be disqualified from obtaining a Registration Certificate, if-

- 10.01.01 In the case of an individual-
- 10.01.01.01 he is an insane person;
  - 10.01.01.02 he has been sentenced by a Court under any law, other than this Act, to imprisonment for a term of minimum 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
  - 10.01.01.03 he has been sentenced by any Court for committing of any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
  - 10.01.01.04 he has been declared bankrupt by any Court and has not been discharged from the liability of bankruptcy;
  - 10.01.01.05 he has been identified or declared by the Bangladesh Bank or by a Court or by a bank or financial institution as a defaulter loanee of that bank or institution;
  - 10.01.01.06 his License has been cancelled by the Commission at any time during the last 5 (five) years;
- 10.01.02 The applicant being a partnership firm or company or corporation or society or other organization: -
- 10.01.02.01 any provision of Sub-Clause (9.01.01.01) to (9.01.01.05) of Clause (9.01.01) above is applicable to its owner, or to any of its shareholder directors or partners; or
  - 10.01.02.02 Sub-Clause (9.01.01.06) of Clause (9.01.01) above is applicable to it.

10.02 No entity shall be eligible to apply if it has any outstanding dues to the Commission and has failed to pay within the time period mentioned in the final notice unless the matter is pending for any judicial adjudication;

## **11. CHANGES IN MANAGEMENT STRUCTURE**

11.01 The Registrant shall seek written approval of the Commission before making any change in its ownership or shareholding except those traded in the secondary market. Any change in the ownership or shareholding shall not be valid or effective without the prior written approval from the Commission.

11.02 The Registrant shall neither transfer any share nor issue new shares without prior written permission of the Commission.

11.03 Any breach of the above conditions contained in these Guidelines shall result in cancellation of the Registration Certificate.

## **12. AVAILABILITY OF THE REGISTRATION GUIDELINE**

12.01 This guideline is available in the BTRC website: [www.btrc.gov.bd](http://www.btrc.gov.bd) for information only.

12.02 The Guideline which includes prescribed Application Form, Generic form of Registration and application information instructions will be available in the website of the Commission.





### **13. APPLICATION FORM**

The applicant shall submit Application for “Registration Certificate for Telecommunication Value Added Services Provider” to the Commission in the prescribed Form duly filled in, signed and sealed, together with all the necessary documents and information. The detailed requirements for submission of documents along with the prescribed Application Form are appended with this Guideline as APPENDIX -1.

### **14. SUBMISSION OF DOCUMENTS**

- 14.01 The application in applicant’s letter head pad shall include duly completed Application form (APPENDIX-1) with supporting documents along with an Affidavit duly attested by Notary Public as per attached format. Each page of the application along with Guidelines and all other supporting documents shall be signed by the applicant’s authorized personnel.
- 14.02 The applicant shall submit the application/processing fees of Tk. 5,000/- (five thousand) (excluding VAT & TAX) payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.
- 14.03 The applicant(s) shall submit 2 (two) copies of its application with all relevant documents of which 01 (one) shall be original. The applicant(s) shall also submit soft copy of all the documents in portable drive to the Commission.
- 14.04 The Commission reserves the right and authority to reject the application if it is found that the information or documents provided for in the application is untrue, inaccurate or incomplete.

### **15. GENERIC FORM OF REGISTRATION CERTIFICATE**

The Generic form of “Registration Certificate for Telecommunication Value Added Services Provider” is appended with this guideline as APPENDIX-3.

### **16. PROCESSING OF APPLICATIONS**

- 16.01 An evaluation committee will be form by the commission to evaluate the application submitted by the applicant. The evaluation committee will submit their recommendation to the Commission. Considering the recommendation of the committee the Commission will issue the Registration Certificate.
- 16.02 In the event the Commission requires additional information from the applicant(s), the Commission may request for such information, by writing to the applicant(s). The information requested for is to be forwarded to the Commission within a stipulated time to be decided by the Commission.

### **17. SYSTEMS AND SERVICES**

- 17.01 The technical and operational systems shall comprise broadly the combination of telecommunication apparatus that are used to access and/or provide and/or deliver the service and/or content of the Service Provider to the subscriber. Therefore, a typical Technology Provider usually consist of SMSC, OBD and VOBD platform, WAP portal, IVR platform, USSD gateway, NOC, data center, payment gateway, charging platform, prototype-product testing system, content store, streaming server, IP multimedia sub-



system, LBS, Media and Resource Servers, Data Communication Systems, Different Related Database Systems, Centralized Operation and Maintenance Centre (OMC), Customer Service Centre, Power Supply System etc. shall be installed within the country. The end-user shall be connected through access network. The systems shall have Lawful Interception (LI) and to be LI compliant. However, due to the nature of the existing and future VAS service, The Registrant can secure Infrastructure as a service by connecting to offshore infrastructure or platform for services such as and not limited to: cloud-based environment, Storage, backup and recovery management, Analytic & High-performance computing, web hosting, Software and applications through API etc. The end-user shall be connected through access network. All the onshore and offshore systems shall have Lawful Interception (LI) and to be LI compliant.

- 17.02 To deliver TVAS to the subscribers, a TVASP shall connect to ANS through either of the ways below:
- 17.02.01 TVASP having minimum required technical arrangement may directly access to ANS operator to deliver any TVAS to subscribers.
- 17.02.02 TVASP with no technical arrangement may connect to ANS operator through any other TVASP having minimum required technical arrangement/CMPO-TVASP to deliver service to subscribers.
- 17.03 The Following are the Telecommunication Value Added Services (TVAS) for TVASPs/CMPO-TVASPs:
- 17.03.01 The TVASPs/CMPO-TVASPs are entitled to provide the following Value Added services but not limited to: e-health, e-Education, Music Station, e-agriculture, Caller tune, Call Block, Missed call alert, weather forecast, Sports alert, breaking news/news update, jokes, astrology, quiz, online gaming, Video on Demand etc.
- 17.03.02 However any value added service being offered is subject to prior approval from commission. The Commission will define and publish the list of TVASPs/CMPO-TVASPs from time to time.
- 17.04 The TVASP shall be able to have access to ANS operator and provide approved service in accordance with Service Level Agreement (SLA) between them. ANS operators shall remain unbiased, fair and transparent in terms of providing access.
- 17.05 Either ANS or TVASP, or both shall maintain the billing system in a manner which will be capable of reconciliation/ reimbursement of revenue in a manner as acceptable to the Government/Commission and maintain usage details, download quantity, user base, user and usage statistics etc. for transparency of its service and billing.
- 17.06 The TVASP entering into agreement with any other TVASPs under these Guidelines will follow revenue sharing model as per mutual agreement or any other direction given by Commission from time to time.
- 17.07 Services involving financial transactions, air-time bill collections or remittance through any ANS shall comply with the rules and regulations of Bangladesh Bank and other concerned authorities. For any TVAS or element thereof that requires consent from other competent authority, prior permission shall be obtained from the relevant authority.



17.08 The TVASP shall be allocated, if required, short code(s) as per the Short Code Allocation procedure by the Commission, which may be accessible from all the subscribers of different ANS.

17.09 If any TVASP/CMPO-TVASP wants to offer TVAS in Bangladesh, which is owned by any foreign entity, then prior approval shall have to be obtained from the Commission.

## **18. OBLIGATIONS**

18.01 The TVASP/CMPO-TVASP shall build, operate and maintain the Telecommunications Value Added Services and Systems in Bangladesh as provided in these Guidelines.

18.02 The TVASP/CMPO-TVASP shall have a registered, operational office along with official website [of applicable Generic Top Level Domain (gTLD)/ Country Code Top Level Domain (ccTLD)], phone number and e-mail address for official correspondence. The TVASP shall keep the Commission informed of any change in its address.

18.03 The TVASP/CMPO-TVASP shall maintain proper documentation of its equipment, works, and clients for future reference.

18.04 The Commission may, by order in writing, direct any inspector to inspect the TVASP/CMPO-TVASP's workshop/store/office/laboratory/site, etc. from time to time without prior notice. On demand of the inspector, the TVASP/CMPO-TVAS shall produce all related documents and the registers maintained for inspection and shall permit the inspector to take copy (both hard/soft version) or extract thereof.

18.05 The TVASP/CMPO-TVASP shall submit the complete list of the devices he or it wants to install (import/buy out) along with the necessary technical information/documents including manufacturer's handbook/specification sheet & functional block diagram where the device will be fitted and/or installed.

18.06 The TVASP/CMPO-TVASP shall comply with the relevant provisions of all act of parliament and any subsequent legislations, and prevalent laws or sector policies framed by the Government, and other rules, regulations, decrees, orders, decisions, guidelines, directives, instructions and documents of general application issued by the Government and/or Commission from time to time.

18.07 The TVASP/CMPO-TVASP shall not engage in any anti-competitive conduct nor shall discriminate nor create any inconvenience to any other operator licensed/ Registration Certificate under the Act or any subscriber of any such TVASP.

18.08 The TVASP/CMPO-TVASP shall perform under the registration with due diligence, willingly, conscientiously, faithfully and to the best of its professional skill and ability which must be satisfactory to the Government or Commission.

18.09 The TVASP/CMPO-TVASP shall have to take prior approval for Service & Tariff along with the revenue sharing model as per the provisions of the Bangladesh Telecommunication Regulation Act, 2001 (as amended). The Commission will publish Tariff and Service directive for providing TVAS. All approved tariffs shall have to be available in the TVASP and CMPO-TVASP's website.





- 18.10 If any TVASP/ CMPO-TVASP/ ANS, either parties intends to discontinue the services as specified in the mutual agreement between them, for commercial or any other reason, Intimation to the Commission shall be needed to do so.
- 18.11 The TVASP/CMPO-TVASP shall have to take prior approval from the Commission to renew/update its service, when changed from the approved one.
- 18.12 The TVASP/CMPO-TVASP shall have to create, launch and operate a dynamic website with required customer care service facilities e.g. complaint and query with ticketing system and a report on customer service related activity shall have to be made available to the Commission.
- 18.13 Within the 6 (six) months of acquiring the registration certificate, the TVASP shall have to commence its service.
- 18.14 The TVASP/CMPO-TVASP under these guidelines shall not violate any Intellectual Property Rights of any person, body or association and shall be held responsible for any such violation under the relevant laws of the land.
- 18.15 The TVASP/CMPO-TVASP shall be responsible for any unauthorized charging, fraudulent activities etc.
- 18.16 The TVASP/CMPO-TVASP/ANS shall have the technical capability for reporting the customers' activation, deactivation, charging related log and/or records as and when necessary.
- 18.17 ANS operators may provide business intelligence data of the subscribers to TVASP/CMPO-TVASP as and when required by them to facilitate end to end service without compromising the safety and privacy of subscribers.
- 18.18 The roles and responsibility including communications, customer services etc. of a particular TVAS/CMPO-TVASP will be determined in accordance with SLA between ANS operators and TVASP/CMPO-TVASP.
- 18.19 The TVASP/CMPO-TVASP shall have to ensure required forms of activations and scenarios like Outbound Dialing (OBD), Interactive Voice Response System (IVRS), Wireless Application Protocol (WAP), Mobile Internet, Unstructured Supplementary Service Data (USSD), SMS, Tele-calling and any other mode of activation.
- 18.20 The TVASP/CMPO-TVASP shall have to provide a system that takes double consent approved by the Commission from the customer before providing a value added service through any means like OBD, IVRS, WAP, Mobile Internet, USSD, SMS, Tele-calling or any other mode of activation. The requested service shall not be activated without getting the 2nd confirmation from the subscriber.
- 18.21 In case of wrong activation of a TVAS on TVASP/CMPO-TVASP's behalf, the amount shall be refunded within 24 hours of the customer's request.
- 18.22 The TVASP/CMPO-TVASP shall submit the report on activations, de-activations and complaints received along with the redressal report as required by the Commission time to time. TVASP/CMPO-TVASP shall have to preserve necessary information and log data.





- 18.23 The TVASP/CMPO-TVASP shall maintain respective QoS and GoS strictly as per the agreed SLA. The Commission shall monitor and regulate the QoS and GoS and will take necessary steps to ensure the same from time to time.
- 18.24 The TVASP/CMPO-TVASP shall provide with necessary access and extend all cooperation to the officer of Detective or Intelligence Branch, National Security Intelligence, Investigating Agency or Law Enforcing Agency (LEA) for Lawful Interception (LI) as and when authorized by the Government under The Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- 18.25 In the event of any differences or disputes with other telecommunications service providers and failure to resolve the differences or disputes among themselves, the TVASP/CMPO-TVASP may refer the matter to the Commission for resolution of the same. The Commission may decide as it considers appropriate to resolve the dispute as per the provisions of The Bangladesh Telecommunications Regulation Act, 2001 (as amended).
- 18.26 The Registrant shall follow the provisions of the Act and the Bangladesh Telecommunication Regulatory Commission (Interconnection) Regulations, 2004 (BTRC Regulations No. 2 of 2004) for the matters related to interconnection.
- 18.27 The Registrant shall furnish to the Commission on a quarterly basis the information on the types of all activated service, the number of active subscribers, the number of deactivation, Quality of Service (QoS) reports etc. The Registrant shall also be required to furnish any information on Systems and Services any time if asked for by the Commission.

## 19. FEES AND CHARGES

- 19.01 TVASP/CMPO-TVASP shall be required to pay necessary fees, contribution and charges to the Commission. The following table summarizes the fee structure. The fees are excluding of fees, charges, VAT and taxes imposed by any other competent authority of the Government.

Application Fee/Processing Fee	Tk.5,000.00 (Taka Five Thousand) .
Registration Fee for 5 (five) years	Tk.50,000.00 (Taka Fifty Thousand) only.
Gross Revenue Sharing	0% for 1 <sup>st</sup> & 2 <sup>nd</sup> year 5.5% (five point five percent) of annual audited gross revenue from 3 <sup>rd</sup> year
Social Obligation Fund	0% for 1 <sup>st</sup> & 2 <sup>nd</sup> year 01% (one percent) of annual audited gross revenue from 3 <sup>rd</sup> year

- 19.02 The Registrant shall pay all the required fees within the stipulated time frame given hereafter. All fees, charges etc. paid by the Registrant are non-refundable and are payable in favour of Bangladesh Telecommunication Regulatory Commission in the form of bank draft or pay order from any scheduled bank of Bangladesh.
- 19.03 **Application/Processing fee:** The Application fee/Processing fee shall be Tk. 5 (Five) thousand. The application fee shall be payable in the form of pay order/bank draft issued



from any scheduled bank of Bangladesh in favor of the Bangladesh Telecommunication Regulatory Commission shall have to be paid with each application.

- 19.04 **The Registration Fee:** The Registration Fee for Telecommunication Value Added Service Provider (TVASP) shall be Tk.50,000.00 (Taka Fifty Thousand) only. The Registrant shall pay Registration Fee and 15% (fifteen percent) VAT thereon in BDT to the Commission within 30 (Thirty) Gregorian calendar days from the notification date.
- 19.05 **Revenue Sharing between ANS and TVASP/CMPO-TVASP:** The ratio of revenue sharing depends on service modality, contribution of stakeholders in the TVAS value chain, scale of operation, geographic and demographic characteristics of target market segment etc. Hence revenue sharing model may vary for different services and also may vary ANS to ANS. Considering the commercial freedom, the range of the Revenue Sharing between TVASP/CMPO-TVASP and ANS operator will be within the range of 40% to 60%.
- 19.06 The TVASP, after the payment of the Registration fee at the time of issuance of certificate, shall, for the second and subsequent years of operation, pay annual fees comprising of the,
- 19.06.01 **Gross Revenue Sharing with the Commission:** From 3<sup>rd</sup> year, 5.5% (five point five percent) of the annual audited gross revenue shall be paid as revenue sharing with the Commission on a quarterly basis within the first 10 (ten) Gregorian calendar days at the end of each quarter. The total variable component shall be reconciled on an annual basis based on the TVASP's audited accounts for that year. If there has been any underpayment, the balance must be paid within 90 (ninety) Gregorian calendar days of the financial year-end of the Registrant. In the event of any overpayment by the Registrant, the Registrant may set off the excess amount against quarterly payments in the next year with prior permission from the Commission. The percentage of revenue to be shared may be changed from time to time by the Government;
- 19.06.02 **Social Obligation Fund:** From 3<sup>rd</sup> year, 1% (one percent) of the annual audited gross revenue shall be paid on a quarterly basis as social obligation within the first 10 (ten) Gregorian calendar days at the end of each quarter. The total variable component shall be reconciled on an annual basis based on the TVASP's audited accounts for that year and if there has been any under payment, the balance must be paid within 90 (ninety) Gregorian calendar days of the financial year-end of the Registrant. In the event of any over payment by the Registrant, the Registrant may set off the excess amount against quarterly payments in the next year with prior permission from the Commission. The percentage of subscription to Social Obligation Fund (SOF) may be changed from time to time by the Government.
- 19.07 **Delay in Payment of Fees:** The fees and charges as described in Clause No. 19 shall have to be paid within the stipulated time. The due amount may be paid within 60 (sixty) days after the due date by paying late fee as fine at the rate of 15% (fifteen percent) per annum as compensation to the Commission. If the amount is not paid within the 60 (sixty) days as stipulated, necessary actions shall be taken by the Commission as per the provisions of the Registration Certificate and the Act.



## **20. CANCELLATION AND SUSPENSION OF REGISTRATION CERTIFICATE**

20.01 The Commission may cancel, suspend the registration and impose fine. The TVASP/CMPO-TVASP shall also be liable for action as per the Bangladesh Telecommunication Regulation Act, 2001 (as amended) on the following grounds: if-

- 20.01.01 any information furnished for obtaining the Registration Certificate found incorrect/ false;
- 20.01.02 it is detected that the applicant obtained the Registration Certificate suppressing any disqualification specified in 8 above;
- 20.01.03 any share is transferred or issued or without prior written permission of the Commission;
- 20.01.04 any of the conditions of the guidelines and/or instant Registration Certificate is violated;
- 20.01.05 the TVASP/CMPO-TVASP has disclosed or is involved with the disclosure or leakage of any information to anybody involved with any illegal activities detrimental to the security, integrity, sovereignty or stability of Bangladesh or its relation with other state or maintaining of public peace or law and order;
- 20.01.06 the TVASP/CMPO-TVASP is liquidated, bankrupt or insolvent, or that an application for declaration of bankruptcy or similar declaration or order is filed by the TVASP/CMPO-TVASP itself or a third party against the TVASP/CMPO-TVASP;
- 20.01.07 the TVASP/CMPO-TVASP ceases to carry on business under the Registration;
- 20.01.08 that the TVASP/CMPO-TVASP hides any information for any tariff package, or any financial earnings to furnish revenue sharing to the Commission, or any relevant information to its subscribers and/or the Commission; or furnishes any false or wrong information to the Commission; or conduct any fraudulent activities;
- 20.01.09 the TVASP/CMPO-TVASP violates or purports to violate any sections/terms and/or conditions under the Act/ any Regulations/ Rules/ Guidelines/ Bye-laws/ Directives/ Instructions/ Orders/ Circulars/ Decisions of the Government or, as the case may be, the Commission.

20.02 Cancellation or suspension of Registration Certificate for any reason, whatsoever shall not prejudice any other legal rights or remedies of the Commission conferred by the Act or any other law for the time being in force or the Registration Certificate. Cancellation shall not relieve the TVASP/CMPO-TVASP from any obligations due under any law or the Registration Certificate.

## **21. ACCOUNTING SYSTEM**

21.01 The Commission may issue directions to the TVASP/CMPO-TVASP on any of the following subjects:

- 21.01.01 for the purpose of compliance with the provisions of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) adoption of any method of identifying the cost of providing the services under the



Registration and adoption of any internationally recognized accounting method consistent with the methods prescribed in the Companies Act, 1994;

21.01.02 for the purpose of implementation of the provisions of the Bangladesh Telecommunication Regulation Act, 2001 (as amended), furnishing to the Commission information on such matter, and such periodic reports or other form or manner as the Commission may specify from time to time.

21.02 When it is deemed necessary the Commission may direct the TVASP/CMPO-TVASP to deliver any information and in such case the TVASP/CMPO-TVASP shall be bound under section 84 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended) to comply with such direction in such manner or form and within such time as the Commission may specify in the direction.

21.03 All financial transactions relation to the Registrant shall have to be maintained through scheduled bank mentioned in the Bangladesh Bank Order, 1972.

## **22. MONITORING SYSTEM**

The Registrant shall install online monitoring terminal to the premises of the Commission through which the Commission shall have access to the monitoring system. The Commission may inspect these systems at any time without giving any prior notice. The Commission may direct the TVASP/CMPO-TVASP to submit the relevant information to the Commission from time to time. The decision of the Commission in this regard shall be binding to the Registrant.

## **23. TECHNICAL AND FINANCIAL AUDIT**

The Commission may take initiative for annual technical and financial audit of the Registrant at any time. The audit team authorized by the Commission shall have the right for auditing technical and financial position of Registrant for any year. The Registrant shall comply and shall furnish all relevant information and documents as sought by the audit team. The Registrant shall preserve all the relevant data/information for technical and financial audit. The Commission will issue directives to the Registrant in this regard.

## **24. MISCELLANEOUS**

24.01 The Registrant shall comply with the provisions of the Rules/ Regulations/ Policies/Directives/ Guidelines/ Instructions/ Orders/ Circulars/ Decisions etc. regarding Internet of Things (IoT) and Over the Top (OTT) issued by the Commission from time to time. The decision of the Commission in this case is binding on the Registrant.

24.02 The Registrant shall take prior written permission for formation of any company/joint venture entity/partnership entity in Bangladesh for providing any type of telecom related services. The Registrant shall also have to take prior written permission for holding share in or being a partner of the existing entity who is providing any telecom service in Bangladesh.

24.03 The Commission and/or any other Government departments shall not be liable for any loss, damage, claim, charge, expense which may be incurred as a result of or in relation to the activities of the Registration Certificate, its employees, agents or authorized representatives.





- 24.04 All directions issued by the Commission shall remain confidential and the Registrant shall not disclose the same unless with the prior approval of the Commission.
- 24.05 Notwithstanding anything contained elsewhere or in this Registration Certificate the Commission reserves the right at its discretion to make the terms and conditions of this Registration publicly available in any media and format whether on the Commission's or any other official Government website, in any manner it deems fit and proper.
- 24.06 The Registrant shall pay the necessary fees and charges, and furnish the necessary documents in a timely manner.
- 24.07 The Registrant shall take prior written permission from the Commission before outsourcing any of its services.
- 24.08 All correspondence from the Commission shall be in writing and shall be sent to the Registrant's official place of business.
- 24.09 None of the provisions of this Registration Certificate shall be deemed to have been waived by any act of or acquiescence on the part of the Commission, but only by an instrument in writing signed/issued by the Commission. No waiver of any provision of this Registrant shall be construed as a waiver of any other provision or of the same provision on another occasion.
- 24.10 Any dispute, controversy or claim arising out of, or in connection with, this Proposals/Offer, or the breach, termination or invalidity thereof, shall be settled by the Commission and its decision shall be final and binding.
- 24.11 Reporting of the TVASP/CMPO-TVASP will not be limited to the Commission, if it falls under the jurisdiction of any other regulatory authorities in Bangladesh; in that case it shall remain liable to follow the concerned rules and regulations.
- 24.12 The Schedules annexed herewith shall form integral part of these Guidelines.
- 24.13 No suit, prosecution or any other legal proceedings shall lie against the Commission or any member or employee of the Commission in respect of anything done or intended to be done by the Commission in good faith in connection with this guideline.
- 24.14 Unless otherwise stated –
- (i) all headings are for convenience only and shall not affect the interpretation of the provisions of this Guidelines;
  - (ii) the words importing the singular or plural shall be deemed to include the plural or singular respectively;
  - (iii) any expression in masculine gender shall denote both genders;
  - (iv) any reference in this Guidelines to a person shall be deemed to include natural and legal persons;
  - (v) all references to legislation or guidelines or directions issued by the Commission shall include all amendments made from time to time;



- (vi) the term 'or' shall include 'and' but not vice versa;
- (vii) any reference in this guideline to "writing" or "written" includes a reference to official facsimile transmission, official e-mail, or comparable means of communication;
- (viii) references to Clauses, Sub-Clauses, Annexure, Appendix and Schedule of guidelines are to Clauses, Sub-Clauses, Annexure, Appendix and Schedule to this Registration Certificate, respectively.

24.15 These guidelines shall be governed by and construed in accordance with the laws of Bangladesh.

24.16 These guidelines are in English language only, which language shall control and prevail over any version or translations which may hereafter be made.

24.17 These guidelines are issued with the approval of the Government.

## 25. **DISCLAIMER**

Questions or requests for clarification on the contents of this guideline may be raised. The Commission reserves the right not to reply to questions. However, to the extent that it does, it will publish/reply the question and the answer in written or at the BTRC website [www.btrc.gov.bd](http://www.btrc.gov.bd) unless confidentiality has been requested. The identity of those asking the questions will not be published without the questioner's permission.

## 26. **ADDRESS FOR CORRESPONDENCE**

All correspondence relating to this guideline, submission of Application documents, issuance of Registration Certificate duly marked "**Issuance of Registration Certificate for Providing Telecommunication Value Added Services (TVAS)**" should be addressed to:

Director (Licensing)  
Bangladesh Telecommunication Regulatory Commission  
IEB Bhaban, Ramna, Dhaka-1000, Bangladesh  
Phone: +880 2 9554489  
Fax: +880 2 9556677  
E-mail: [taleb.hossain@btrc.gov.bd](mailto:taleb.hossain@btrc.gov.bd)





**APPENDIX-1**

**BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION**

**Application Form**

**For Regulatory Guidelines for Issuance of Registration Certificate for Providing Telecommunication Value Added Services (TVAS) In Bangladesh**

**Information Requirement**

SL.	Document	Attached (Tick if document attached)	No. of Pages	Remarks
1.	Letter of Application (in letterhead pad).			
	Name, date and place of incorporation from Registrar of Joint Stock Companies (RJSC).			
	Business Address and Registered Office Address and telephone number, facsimile number, e-mail and website details.			
2.	<b>Application Fees/Processing fee:</b> Tk. 5 (five) Thousand payable to the Commission in the form of pay order/bank draft from any Scheduled Bank of Bangladesh.			
3.	Company Information (Certified true copies to be provided by new entrant only)			
	A. Certificate of Incorporation/registration			
	B. Memorandum and Articles of Association			
	C. List of Directors with details of their shareholdings, and relation to other Operators and applicants for a License/Registration Certificate			
	D. Shareholders with details of equity/ownership			
	E. List of Shareholder Affiliates that are Operators or applicants for a License and description of relation to Applicant			
	F. National Identity Card (for Bangladesh National)/passport (for foreign nationals) and other antecedents of the Directors and authorized representatives of the company			

4.	Provide undertaking for the following.			
A.	That the Company or its Directors have never been declared insolvent by a court of law.			
B.	That the Directors of the company have never been convicted by a court of law for major offences or unethical/immoral turpitude (other than minor offences)			
C.	That neither the applicant company nor its group/consortium members are defaulter(s) of the Commission.			
5.	Tax Identification Number (TIN) with Income Tax clearance certificate (if any)			
6.	Updated Trade License			
7.	Bank Solvency Certificate			
8.	Certificate on original letterhead from the Group/Join venture/Consortium members that they are the authorized participants for TVAS providers in Bangladesh through the applicant company.			
9.	Resolution of the Board of Directors of the Applicant authorizing the person who submits and signs the Letter of Application.			
10.	Special Power of Attorney granted to the person who submits and signs the Letter of Application.			
11.	Brief Description of Telecommunications Qualifications and Experience of the Applicant, its key management personnel and its shareholders.			
12.	Capital Cost of service/project for the first year and the sources of finance in the form of equity and debt.			
13.	Technical Plan and system configuration.			
14.	Any other matter which Applicant(s) consider the disclosure or non-disclosure of which might materially affect the Commission's decision to award the license/Registration Certificate.			
15.	Applicant's pending legal issues with the court (if any)			
16.	Affidavit as mentioned in Appendix-2			
17.	Letter of Authorization and Declaration			

**E. Declaration:**

1. Has any application for any license of the applicant/any share holder/partner been rejected before? [ ] Yes [ ] No



If yes, please provide date of application and reasons for rejection:

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2. Do the Applicant/any Share Holder/Partner hold any other Operator License/ Registration Certificate from the Commission?  Yes  No

If yes, please give details

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3. Has any other License/ Registration Certificate of the Applicant/any Share Holder/Partner been rejected before?

Yes  No

If yes, please provide date of application and reasons for rejection:

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4. Were the Applicants/its owner(s)/ any of its director(s)/ partner(s) involved in any illegal call termination?  Yes  No

If yes, please provide the following details:

(i) Period of Involvement in illegal activities: \_\_\_\_\_

(ii) Case No (If Applicable): \_\_\_\_\_

(iii) Administrative fine paid to the Commission (If Applicable):

(a) Amount (BDT): \_\_\_\_\_

(b) Cheque No./ Bank Draft No.: \_\_\_\_\_

(iv) Undertaking given to the Commission:  Yes  No

*Signature*

I/we declare that all the information furnished in this application form are true and correct. I/we understand that approval from the Commission for this application is based on information as declared in this application. If any of the information as declared be incorrect, then any Registration Certificate granted by the Commission may be cancelled.

I/we also declare that I/we have read, understood and undertake to comply, with all the terms and conditions outlined or referred to, in the Commission document entitled Regulatory Guidelines for Issuance of Registration Certificate for Providing Telecommunication Value Added Services (TVAS) In Bangladesh, and those terms and conditions in the Guidelines if this application is approved by the Commission.

Date:

Place:

Signature  
Name of the Applicant/Authorized  
Signatory with Seal





**APPENDIX-2**

**AFFIDAVIT**

The undersigned, \_\_\_\_\_, of legal age, and residing at  
(Name of Official/Individual Applicant(s))

\_\_\_\_\_ after having been duly sworn deposed states:

(Address)

1. That he/she is the \_\_\_\_\_

(Official Capacity)

of

\_\_\_\_\_,  
(Name of company/corporation/partnership/society/individual (the Applicant(s)))

duly organized under the laws of \_\_\_\_\_.

(Name of Country)

OR

That he/she is the Applicant(s) for the Registration referred to below (the Applicant(s)), a  
citizen of

the People's Republic of Bangladesh.

2. That personally, and as \_\_\_\_\_ for and on behalf

(Official Capacity)



of the Applicant(s) he/she hereby certifies:

- a) That all statements made in the Applicant(s)'s application for Issuance of Registration Certificate for Providing Telecommunication Value Added Services (TVAS) In Bangladesh and in the required attachments to that application are true and correct;
- b) That this certification is made for the expressed purpose of an application by \_\_\_\_\_ (name) \_\_\_\_\_ for a Registration Certificate for Providing Telecommunication Value Added Services (TVAS) In Bangladesh from the Bangladesh Telecommunication Regulatory Commission;
- c) The Applicant(s) will make available to the Commission or any other of its authorized agencies any information they may find necessary to verify any item in the application or regarding its competence and general reputation;
- d) That any of its directors or partners (where the Applicant(s) is a company):
- (i) is not an insane person,
  - (ii) has not been sentenced by a court under any law, other than the Act, to imprisonment for a term of 2 (two) years or more, and a period of 5 (five) years has not elapsed since his release from such imprisonment;
  - (iii) has not been sentenced by a court for committing any offence under the Act and a period of 5 (five) years has not elapsed since his release from such imprisonment;
  - (iv) has not been declared bankrupt by the Court and has not been discharged from the liability of bankruptcy;
  - (v) has not been identified or declared by the Bangladesh Bank, by the court or by a bank or financial institution as a loan defaulter of that bank or institution;
  - (vi) any license/ Registration Certificate of his has not been cancelled by the Commission at any time during the last 5 (five) years.
  - (vii) has not any outstanding dues to the Commission;
- e) That the undersigned is the Applicant(s) or is duly authorized by the Applicant(s) to make these representations and to sign this affidavit.

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Director/Secretary/Partner/Duly Authorized Representative/Attorney

as or on behalf of the Applicant





Witnesses

1. \_\_\_\_\_ 2. \_\_\_\_\_

Subscribed and sworn before me

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

*Handwritten signature*

APPENDIX-3

[Generic Form of Registration Certificate for Telecommunication Value Added Services Provider]



**BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION**  
IEB BHABAN, RAMNA, DHAKA-1000

***Registration Certificate  
For  
Telecommunication Value Added Services Provider in Bangladesh***

<b>Registration No.</b>
<b>Date:</b>
<b>Name of the Registered Entity:</b>
<b>Address of the Registered Entity:</b>
<b>Duration of the Registration:</b> From..... to.....

In exercise of the powers conferred by the Bangladesh Telecommunication Regulation Act, 2001 the Bangladesh Telecommunication Regulatory Commission (BTRC) upon consideration of the application dated: ..... is pleased to issue Registration Certificate in favour of ..... The registered entity has to abide by all the terms and conditions mentioned in the Regulatory Guidelines for Issuance of Registration Certificate for providing Telecommunication Value Added Services (TVAS) In Bangladesh vide No.: xx.xx.xxxx.xxx.xx.xxx.xx.xxx, dated: xx-xx-xxxx (enclosed herewith).The Registration Certificate is issued with the approval of the appropriate authority.

**Director  
Legal and Licensing Division  
BTRC**




## SCHEDULE-1

### INTERPRETATION, DEFINITION AND ABBREVIATIONS

Unless the context otherwise requires, the different terms and expression used in the Guideline shall have the following meaning assigned to them.

1. “**Access Network Service (ANS) Provider**” means the telecommunication licensee who is placed at the third layer, i.e. the consumer serving layer in the ILDTS Policy. These are the licensees with whom the consumers shall have direct interaction and through whom the consumers shall get access to different telecommunication services.
2. “**Act**” means the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
3. “**Application form**” means a form prescribed for applying for Telecommunications VAS Provider Registration Certificate.
4. “**Application Developer**” means any kind of entity who develops Value Added Services, Contents and Applications related with Telecommunications/ ICT.
5. “**Application Services**” are enhanced services, in the nature of non-core services, which either add value to the core telecommunications services or can be provided as standalone application services through telecommunications network, the core services.
6. “**Content Provider**” means any kind of entity who provides Value-Added Services, Contents, and Applications related with Telecommunications/ ICT.
7. “**Content/ Application Aggregators**” mean the companies that aggregate content/ applications obtained from various content owners/ application providers, convert it into the digital or any other suitable format and make it available to technology enablers or ANS Providers.
8. “**Commission**” means the Bangladesh Telecommunication Regulatory Commission (BTRC) established under section 6 of the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
9. “**e-commerce**” means any financial or financial like transaction taking place through any telecommunications network using any device e.g. mobile phone, computer etc.
10. “**Government**” means the Government of the People’s Republic of Bangladesh.
11. “**Interconnection**” means interconnection defined in section 2(2) of the Act.
12. “**Infrastructure**” means all telecommunications related equipment (Hardware and Software).
13. “**Operator**” means Telecommunications service provider.
14. “**PSTN**” means Public Switched Telephone Network licensed by the Commission.
15. “**Regulation**” means, regulations made by the Commission under the Act.
16. “**Subscriber**” means any person or legal entity that avails the service from the Registration Certificate.
17. “**Technology Enablers**” mean entities that provide the technology layer for the telecommunications networks, which in most of the cases also perform the task of Content aggregator and the technology layer often includes an application platform, application development & hosting, MIS & reporting tools, operator billing, collection & payment settlement engine.
18. “**Telecommunications**” means telecommunication defined in section 2(11) of the Act.
19. “**Telecommunication Service**” means telecommunications services defined in section 2(15) of the Act, 2001.

20. **“Telecommunication System”** means Telecommunications System defined in section 2(13) of the Act, 2001.
21. **“Tariff”** means tariff defined in section 2(16) of the Act, 2001.
22. **“TVAS”** means those telecommunication services, other than the core services (e.g. voice, sms, data etc.), which use and add value to the core telecommunication services; and are electronically consumable and deliverable through any ANS using Direct Operator Billing (DOB) and/or any approved payment method by Central Bank. Examples of TVAS include m-health, Caller Ring Back Tone (CRBT), Location Based Services (LBS) etc. The Commission will declare and publish the list of both core and value added services from time to time as technology evolves.

  
31.05.18