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## COMMUNICATIONS NEWS

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# "Study Group on Approaches to Dealing with Malicious Communications" Releases Report

MPHPT has been holding the "Study Group on Approaches to Dealing with Malicious Communications" (Chair: Prof. HORIBE Masao, Faculty of Law, Chuo University) since August 2002 in order to deliberate on necessary countermeasures against malicious communications, including the so-called "wangiri" (one-ring) calls. In October 2002, the Study Group compiled its findings as a report. For further information, please refer to the Japanese website:

[http://www.soumu.go.jp/s-news/2002/021007\\_1.html](http://www.soumu.go.jp/s-news/2002/021007_1.html)

## [Outline of the report]

### 1. Current status of malicious calls

#### (1) Countermeasures against malicious calls

To date, although many and various problems have been caused by malicious/nuisance calls, offending and malicious calls are prevented to some extent by efforts made by telecommunications carriers, including "caller ID service," etc. In addition, as one of countermeasures against unsolicited/nuisance e-mails, the "Law Concerning Adjustment, Etc. of Transmission of Specified Electronic Mail" was enacted in April 2002.

#### (2) Emergence of new malicious calls, or "one-ring" (wangiri) calls (a massive number of unwanted calls)

##### a. Emergence of "one-ring" calls

Since around November 2001, a social problem appeared that scams known as "one-ring" calls that originate a massive number of incomplete offensive calls, to lure the called parties into placing calls to a telephone number in the received call history from an unknown telephone

number. If the called parties callback the unknown telephone number, the calls are connected to unwanted pay services. According to a telecommunications service monitor survey conducted by MPHPT, 84% of the respondents feel that "one-ring" calls are causing troubles to ordinary consumers. Many consumers are requesting that telecommunications carriers provide well-prepared countermeasures against "one-ring" calls and that the government control and regulate such malicious calls.

Furthermore, in July 2002, "one-ring" scams originated a huge number of incomplete calls on two occasions that caused traffic congestions on networks of Nippon Telegraph and Telephone West Corp. (NTT West), resulting in undue inconvenience and damages on about five million telephone circuits in Osaka Prefecture, etc.

##### b. Countermeasures to date against "one-ring" calls

In August 2002, NTT East and NTT West changed their tariffs in order to suspend use of telecommunications circuits and terminate contracts, etc. toward persons who willingly transmitted a huge amount of incomplete calls that may cause traffic congestions. After the change of tariffs, NTT East and NTT West have been actually taking actions to suspend use of telecommunications circuits, etc.

Mobile communications carriers are implementing countermeasures such as i) provision of information on self-defense enabling subscribers to set at their terminals ("blocking of specified telephone numbers, "step-tone," etc.), and ii) automatic charging of calls originated

from telephone numbers which is registered by victims of "one-ring" calls as malicious content providers.

#### (3) Steps toward new types of malicious communications

New types of malicious communications, such as unsolicited e-mails and "one-ring" calls, harm ordinary people's day-to-day lives being led in peace. In addition, fears arise that the general public could not use telecommunications services because normal communications has been interfered with by traffic congestions on switches and servers. Of these new types of malicious communications, countermeasures against unso-

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olicited e-mails have been implemented through legislation, etc. Thus, countermeasures against "one-ring" calls shall comprehensively be studied and developed as urgent tasks.

## 2. Overseas trends in countermeasures against malicious communications

No exclusive regulations on "one-ring" calls have been reported. A considerable amount of regulations are found that regulate acts that automatically transmit voices, etc. using "automatic dialers" (equipment or software that automatically store or generate many telephone numbers and place calls to those numbers).

### (1) The U.S.

In November 1991, the Telephone Consumer Protection Act of 1991 (TCPA) was enacted to amend section 227 of the Communications Act of 1934 to prohibit, in principle (except cases where prior consent was obtained, or FCC rules allow such transmission), the use of a messaging system (including automatic dialers as telemarketing equipment or software) capable of providing unsolicited commercial messages, including recorded voices, to residential telephones.

### (2) EU

Of the EU Directives, the EU Privacy Protection Directive, etc. stipulate that, upon using automatic means (including automatic dialers) for the purpose of direct marketing, prior consent of recipients shall be required. In compliance with the Directive, etc., the U.K., France and other Member States are preparing domestic regulatory frameworks.

## 3. Steps for the future

### (1) Direction of deliberations

#### a. Scope of communications to be considered

Generally speaking, "one-ring" call scams mechanically originate calls to many and unspecified called parties using computers, which are connected to circuits and installed software dialers that disconnect circuits from originator sides immediately after ringing tones are confirmed. The three requirements to be recognized as "one-ring" call scams are i) to mechanically originate calls to many and unspecified called parties us-

ing computers, ii) to place calls other than for the purpose of communications, and iii) to place calls for the purpose of leaving records in called party's received call history.

#### b. Concept for developing countermeasures

In order to effectively implement countermeasures against "one-ring" calls, it is vital to comprehensively implement measures applicable to all the networks. Of envisioned measures, available measures shall be introduced as soon as possible, considering their effectiveness.

#### c. Matters to be noted

It is appropriate to quickly take countermeasures against malicious communications upon occurrence of necessity for social regulations. To this end, this time countermeasures exclusively against "one-ring" calls shall be developed, then, in cases where new problems arise, new countermeasures shall immediately be developed.

### (2) Possible countermeasures

#### a. Measures utilizing tariffs, etc. focusing on the calling party side

Efficiently and effectively utilizing tariffs of NTT East and NTT West after changes, with the viewpoint of preventing occurrence of traffic congestions on networks, there is a need to consider a rule that require persons who intend to connect equipment, which transmit mechanical incomplete calls, with networks to report as such in advance.

#### b. Measures utilizing tariffs, etc. focusing on the called party side

##### (a) Technical countermeasures at terminals of the called parties

With the viewpoint of protecting life of peace from "one-ring" calls, terminals of the called party side shall include i) functions of not activating ringing tones when incoming-call durations last for a very short period of time, and ii) functions of clearly displaying incoming-call holding time on the terminal screen. In parallel, consumers shall be well informed of these technological functionalities in an easy-to-understand manner.

##### (b) Countermeasures utilizing tariffs, etc.

It is vital to consider introduction of methods to have networks blocking calls from circuits with distinct possibility of transmitting "one-ring" calls in response to the explicitly expressed refusal of a

called party that said party denies reception of all "one-ring" calls. With respect to methods for specifying circuits to be blocked, it is necessary to consider methods based on the number of complaints, etc. from customers, etc.

#### c. Charging on "one-ring" calls

Provided that incomplete calls are charged under specific conditions, "one-ring" call scams would see income sources dry up. As mentioned before, with regard to a telephone number as specified by each called party, some mobile communications carriers are planning to introduce measures for charging incomplete calls as complete calls at switches of the called party side. It is recommended that other carriers introduce the same measures.

#### d. Regulatory measures

##### (a) Amendment to the "Ordinance Concerning Terminal Facilities, Etc."

It is vital to consider amending the "Ordinance Concerning Terminal Facilities, Etc." so as to regulate connection of equipment, which has functions for transmit more than a specified number of calls to many different called parties, to telecommunications circuits.

##### (b) Clarification of interpretation of the "Wire Telecommunications Law"

Article 13 of the "Wire Telecommunications Law" provides for that any person who damages any function of wire telecommunications facilities and thereby obstructs wire telecommunications shall be guilty of an offense and liable (obstruction of wire telecommunications).

In an ordinary situation, transmission of a massive number of "one-ring" calls cannot occur for the purpose of placing a telephone call. Should it be willful and wanton negligence, in cases where it is deemed that a person who recognize that "one-ring" calls have possibility to damage functions of wire telecommunications facilities, the penal provision of obstruction of wire telecommunications under the current "Wire Telecommunications Law" would apply to traffic congestions caused by "one-ring" calls. To this end, it is recommended that transmission of "one-ring" calls be explicitly included as one of typical acts of committing a crime under Article 13. There would, however, be a case where intention to commit a crime is not recognized, it shall be noted that Article 13 will not

necessarily apply to all traffic congestions caused by "one-ring" calls.

(c) Explicit definition of "obligation to provide service"

In cases where "one-ring" calls are likely to cause network congestions, it is considered that a Type I telecommunications carrier may refuse to provide telecommunications service with "due reason" under Article 34 of the "Telecommunications Business Law." In this case, there is a need to consider explicitly providing for such intention in the Telecommunications Business Law. The effect, however, remains within the confines of support for voluntary measures (amendment to tariffs) taken by telecommunications carriers.

(d) New regulations on "one-ring" calls

Regulations on "one-ring" calls would restrict to some extent the use of tele-

communications service and business activities of a person who transmits "one-ring" calls. It can be said that the transmission of "one-ring" calls, however, is originally an act of misleading called parties into paying for an unwanted service. Taking confrontation of interests into consideration, there will be very few problems if regulating the transmission of "one-ring" calls. Moreover, the transmission of "one-ring" calls, which will not only harm each called party's day-to-day life to be led in peace, but also cause traffic congestions on telecommunications networks that are indispensable infrastructures of national daily activities, can be a huge threat to safe as well as smooth operation and maintenance of the infrastructures.

Specifically, it is considered that new regulations apply to i) persons who con-

duct business for profit, and ii) acts of having many called parties receive a telephone number through methods with the danger of causing a crime of obstruction of communications, including use of equipment that enables automatic transmission of calls to called parties without prior consent and without the purpose of commencing communications. Then, the new regulations will include penal provisions that such persons shall be liable to face penal servitude or a fine.

By such rulemaking, it will be possible to regulate obstruction of communications caused by "one-ring" calls, even in cases where it is difficult to apply the crime of obstruction of wire telecommunications, e.g., where functional faults of telecommunications facilities do not occur or a person lacks awareness thereof.

## Licensing Policies for Terrestrial Digital TV Broadcasting Stations Set Forth

On September 27, 2002, MPHPT publicized the "Licensing Policies for Terrestrial Digital TV Broadcasting Stations" for terrestrial digital television broadcasting stations that will commence their broadcasting from the end of CY2003 in the three metropolitan areas of Kanto, Kinki and Chukyo.

### 1. Licensees

Toward the launch of terrestrial digital television broadcasting on the prerequisites that the current analog broadcasting will shift to the digital broadcasting, the existing analog TV broadcasters (NHK, the University of the Air Foundation and 127 commercial TV broadcasters) will file application for license. In principle, in order to widely ensure diversity of expression in broadcasts, the existing general broadcasters cannot open additional broadcasting stations. Considering the total shift from analog to digital, the principle of excluding multiple ownership of mass media will not apply at this time.

### 2. Ratio of simulcasting

TV broadcasters shall air the same programming in digital broadcasting as in their own analog broadcasting until

CY2011 when the terrestrial analog broadcasting will terminate. This system is called "simulcasting." The Licensing Policies provide for that the ratio of simulcasting shall be more than two-thirds the total air-time per day.

### 3. Ratio of high-definition TV (HDTV) broadcasting and mode of broadcasting

As digital TV broadcasting is focusing on HDTV demonstrating high performance of digital technology, the ratio of HDTV broadcasts shall be more than half the total air-time per week.

With respect to broadcasting modes, various combinations can be realized while focusing on HDTV broadcasting (See Fig.). Twelve segments out of 13 segments for broadcasting may be allocated for HDTV broadcasting and the remaining one segment may be used for supplementary broadcasting toward portable digital assistance (PDA) terminals, etc. Other options are also possible. Twelve segments, for example, for three SDTV programs and one segment for supplementary broadcasting toward PDA terminals, etc.

### 4. Principle of harmonized edition of

### broadcast programming

In editing terrestrial TV broadcast programming, the principle of harmonized edition of broadcast programming shall be applied as in the past, in order to harmonize edition of broadcast programs among different kind of broadcast programming. With respect to broadcasts of NHK's general broadcasting and general broadcasters, it is required to ensure more than 10% of educational broadcasts and more than 20% of cultural broadcasts to the total air-time per week.

### 5. Consideration to diffusion of terrestrial digital TV broadcasting, and other requests

Upon granting licenses, broadcasters shall make efforts to actively construct relay stations for widespread penetration of terrestrial digital TV broadcasting. In addition, broadcasters shall make efforts to further introduce closed-captioned/explanatory (narrations, sign language, etc.) broadcasting through production, etc. of broadcast programming with consideration to people with audio-visual impairment and the elderly.

### 6. Time period of application for license and valid term

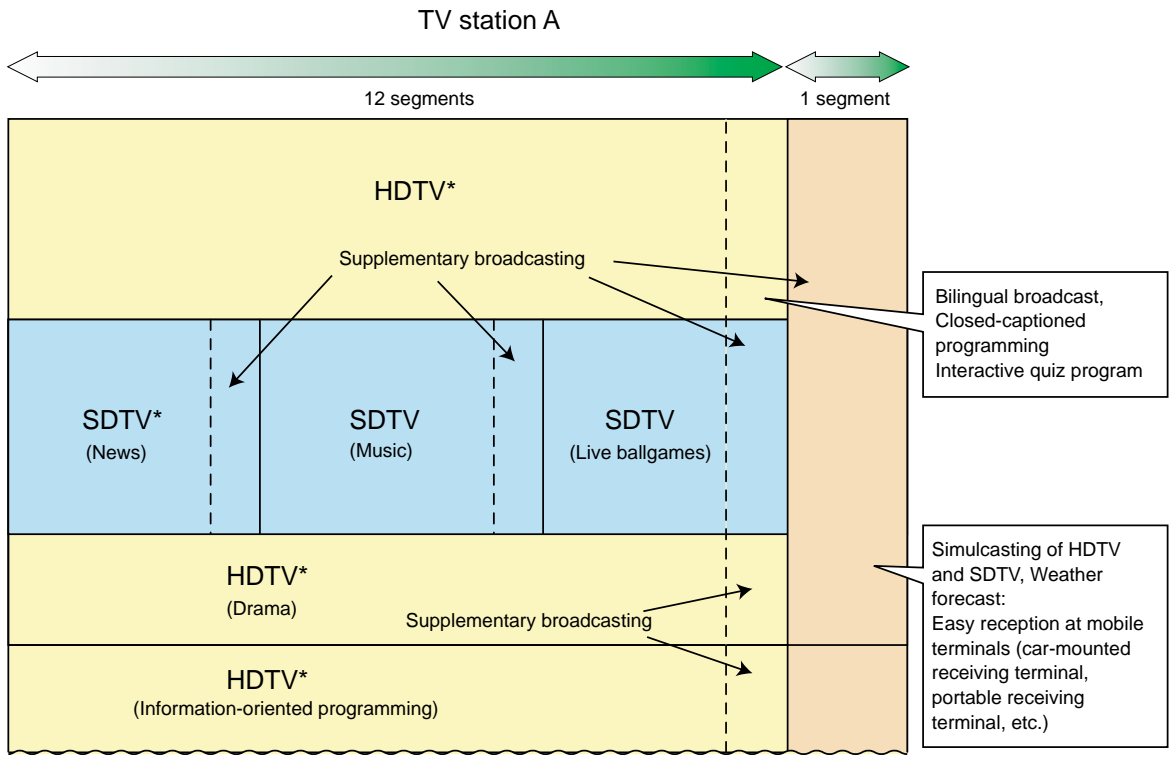
The time period of application for license is from November 1, 2002 through June 30, 2003 (except prefectural stations) for key stations located in Tokyo, Nagoya and Osaka. As for other stations

located in other areas, applications for license will be accepted from the date of frequency assignment through June 30, 2006. The valid term of terrestrial digital broadcasting station license will last

until the expiration date of license for the existing analog TV broadcasting stations (October 31, 2008).

**Fig. Examples of broadcasting modes (mode including HDTV broadcasting)**

This figure shows an example of service provision modes. Centering on HDTV broadcasting, in response to diversified viewer demands, integrated services digital broadcasting will be enabled with high performance of digital technology.



\*Simulcasting of HDTV and SDTV

# Toward Advanced Low-Power Radio Systems

## - Inquiry of the Telecommunications Council -

On September 30, 2002, MPHPT inquired of the Telecommunications Council (Chair: Mr. AKIYAMA Yoshihisa) on "technical conditions necessary for advanced low-power radio systems."

**[Backgrounds of the inquiry]**

Along with widespread use of the Internet, demand for access to the Internet utilizing highly convenient radio systems is increasing. At home, company and in transit, low-power radio LAN systems that easily enable high-speed Internet access are rapidly gaining popularity. In the fields of production management, physical distribution manage-

ment, etc., information and communications systems are requested in order to improve efficiency in management; thus, low-power mobile ID systems are being introduced. As exemplified abovementioned systems, low-power radio systems are recognized as convenient systems in various aspects of today's socioeconomic activities, resulting in widespread use.

With respect to technological trends in such low-power radio systems, studies on advancement of functionalities and new systems are carried out in response to enhanced needs. In the field of practical use, it is anticipated that systems

with advanced and new methods be introduced at an earliest possible stage.

**[Outline of the inquiry]**

Against these backdrops, this inquiry on technical conditions for radio facilities, etc. was made in order to realize advancement of low-power radio systems.

MPHPT will receive findings of the deliberations at the Telecommunications Council as a partial report (on advancement of mobile ID system) around January 2003; MPHPT will then prepare necessary ministerial ordinances, etc.