



Does your lead management software provide TCPA compliant solutions?

Consent to Call, Mobile Phone Restriction, and the TCPA (Telephone Consumer Protection Act)



Introduction

The online lead generation industry, sales industry, and call centers are affected by new TCPA requirements in ways that require both time and resource allocation. Marketers in all industries must implement appropriate protections to ensure they do not assume liability for themselves or their clients. Congress enacted the Telephone Consumer Protection Act (TCPA), 42 U.S.C. §§ 227 et seq. in 1991 as response to a growing number of consumer complaints regarding telemarketing calls. The Federal Communications Commission (FCC) has implemented rules and regulations that define “telemarketing” as “the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in property, goods, or services, which is transmitted to any person.” 47 C.F.R. § 64.1200(f) (12).

As the telemarketing industry has expanded, the FCC has adopted additional protections that include restrictions on autodialed calls or text messages as well as pre-recorded messages. Autodialed calls are defined as calls involving a live person or pre-recorded message that is placed by an automatic telephone dialing system that has the capacity to produce, store and call telephone numbers using a random or sequential number generator. This definition is broad enough to include “click-to-dial” systems as well.

For many in the lead generation, sales, telemarketing, and online marketing space, the new requirements of the Telephone Consumer Protection Act have been crippling. Trying to determine what and how to respond to new legislation enacted by the FCC is time consuming, stressful, and costly.

On October 16th, 2013 a telemarketer, salesperson, or marketer will be required to obtain **express written consent** for all autodialed calls or text messages as well as pre-recorded messages made to a residential landline, as well as to cell phones, for marketing purposes. Compliance with the Federal E-Sign Act (15 U.S.C. § 7001, *et seq.*) satisfies this requirement by use of agreements obtained via email, website form, text message, telephone key press or voice recording. To comply with the new rule, the consumer must receive a “clear and conspicuous disclosure” that the customer will receive future calls that deliver autodialed and/or pre-recorded telemarketing messages on behalf of a specific marketer; that the customer’s consent is not a condition of purchase; and that the customer must designate a phone number at which to be contacted.

Note: The marketer should not pre-populate this information in an online format.

As a company that accepts leads from a website, landing page, or third party, you are responsible for ensuring that your company follows the TCPA rules that go into effect on October 16th, 2013.

Burden of Proof

The marketer will bear the burden of proof, in case of a dispute, to demonstrate that a clear disclosure was provided and that the customer unambiguously consented to receive telemarketing calls to the number specifically provided. Previously, the regulations provided for an exception to the prior consent requirement for prerecorded telemarketing calls made to consumers with whom the caller had a prior business relationship. The new regulations eliminate that exception. Additionally, there is no existing business relationship exception provided for calls made using an automatic telephone dialing systems.

Best Practices

Best practices will require marketers to maintain websites and landing pages that contain consumer consent language and fields; an associated screenshot of the consent page as seen by the consumer where the phone number was inputted; and a complete *data record submitted by the consumer with time and date and the consumer's IP address if possible*. This information should be maintained by the marketer for five years.

Get more information today!

First Name

Last Name

Email

Phone

ZIP

I consent to receive autodialed or calls from telemarketers using dialing software on behalf of (XYZ Lead Generation Company) at the supplied telephone number I submitted on this form, including my mobile telephone number.

Contact Me

What does express written consent look like on an online form?

- ✓ Ensure that you are capturing the consent information along with the check box that provides the consent.
- ✓ Make sure it's clearly visible and you are not using micro text.
- ✓ Returning on the thank you page the companies, sales units, or brands that will be calling the consumer may also be valuable and proactive.

Lead Seller Solution

ClickPoint and its flagship product LeadExec provide a patent pending consumer consent solution. LeadExec is an enterprise lead capture, lead certification, and lead distribution solution designed to help marketers in both the corporate and online lead generation industries. If a dispute should arise, the last thing you want is to be liable for any imposed fines from the FCC or from lawyers representing a consumer or a group of consumers. You need an accurate log of what transpired, and when, on your form or website. Additionally, you must keep records for up to 5 years to ensure you are compliant with the TCPA requirements. With LeadExec Lead Certification, you can rest assured that you are following a patent pending process that helps you stay within the most recent TCPA guidelines.

LeadExec - Lead Certification Process

- ✓ **A TCPA checklist** that will enable you to ensure each lead source is following your guidelines.
- ✓ **Analytic information** about a consumer such as time on site, pages visited, and referring keyword.
- ✓ **Patent Pending Consent** solution that serves your desired consent text on third party and internal web forms. Check the status, if the text is on a form, and verify that your consumer consent text was viewed when the consumer submitted their information.
- ✓ **Unique certification ID** for each submission along with the consent approval.
- ✓ **Real-time phone verification** that allows you to see if a submitted land-line phone number is really a mobile phone number.
- ✓ **IP address verification** to be used as unique consumer verification.
- ✓ **Store copies** of the landing page, analytic information, and the consent used to verify third party forms for up to 5 years.
- ✓ **Print consumer consent** information in the event it's needed to show proof of contact request.

Additional Capabilities

Deliver this consumer information in real-time to any call center, software solution, via email, SMS, and post. You can ensure your sales teams, lead buyers, and call centers have this information in real-time to ensure they don't make costly mistakes.

Double Opt-In email solution verifies intent by emailing consumers after a web-form submission and confirming their intent.



Burden of Proof - Prove it

As a marketer, more of your clients will require that you are compliant and that you have a solution in place to address a lead buyer's concerns.

- Can you show easily that your forms have the consumer's consent clearly visible?
- Can you show what happens if someone submits a landline that is a mobile?
- Do you store each transaction in a database with a solution provider that is reputable?
- Can you produce consent, IP, mobile, time stamp, and date at a moment's notice?

TCPA Compliance

Certificate Information

ID: [787b687879ce98787908bey9898]

Consent Given: **Yes**

Visit Information

Visit Date: **3/13/2013 5:45pm**

Time On Site: **00:08:09**

Time On Form: **00:08:09**

Consent Requested: **Yes**

Consent Text Viewed:

I consent to receive autodialed or calls from telemarketers using dialing software on behalf of (XYZ Lead Generation Company) at the supplied telephone number I submitted on this form, including my mobile telephone number.

Visitor Information

Name: **Mike Sawyer**

Address: **5425 E. Bell Road**

City: **Scottsdale**

State: **AZ**

Zip: **85254**

Phone Number: **866-372-9431**

Is Mobile Phone: **Yes**

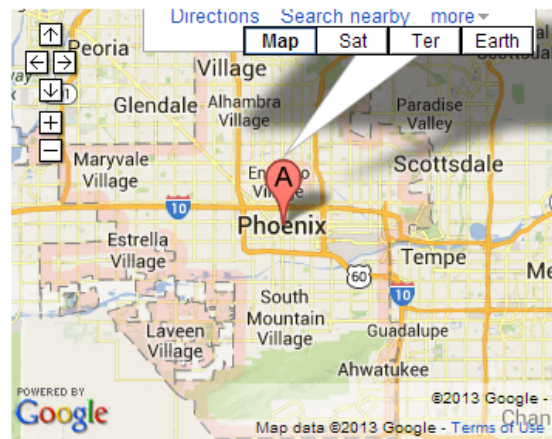
IP Address: **895.729.232.433**

Browser: **Chrome**

Operating System: **Win 8**

Referrer: **Google**

Search Term: **Lead Generatin**



Misc Information

Email Confirmation: **Yes**

Lead Buyer Solution

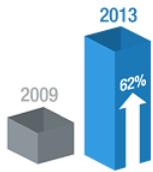
SalesExec is a lead management solution that enables sales teams to efficiently work leads that are captured online, by third party providers, or their own self-generated activities. With SalesExec, sales teams are able to get leads from any source, route them to their best agents, and close more deals in less time. With SalesExec, we have built solutions that address the TCPA guidelines and help your company identify potential leads or consumers who have not provided consent to be called using an auto-dialing solution. Additionally, we supply an easy way for our clients to set callable time restrictions, add consumers to a DNC list and export this information easily. Are you using a CRM Lead Management solution to either click-to-dial, sequential dial, or predictive dial? Almost all sales teams use some sort of auto-dialing functionality, but are they providing compliant solutions?

SalesExec - Lead Certification Process

- ✓ **A TCPA checklist** that will help ensure you are obtaining leads with a valid consent.
- ✓ **Real-time phone checks and dialing disable** will identify a mobile number and whether that given number coincides with a consent approval. If a lead is identified as a mobile number, the SalesExec solution will not allow for click-to-dial or sequential dialing. The solution will generate a warning to the sales associate and all dialing solutions will be disabled.
- ✓ **Deactivate all auto dial functionality** allowing you to still use the powerful lead distribution solutions that enable sales agents to manually dial leads using a key press phone solution.
- ✓ **Restricted calling times** allow call center managers to respect TCPA guidelines regarding calling consumers after certain times.
- ✓ **Global DNC list** allows sales and call center agents to add consumers easily to a global do-not-call list.
- ✓ **Unique certification ID** for each submission along with the consent approval.
- ✓ **Real-time phone verification** that allows you to see if a submitted land-line phone number is really a mobile phone number.
- ✓ **IP address verification** to be used as unique consumer verification.
- ✓ **Store copies** of the landing page, analytic information, and the consent used to verify third party forms.
- ✓ **Print consumer** consent information in the event it's needed to show proof of contact request.

About ClickPoint Software

ClickPoint Software is a lead distribution and lead management company dedicated to decreasing costs and increasing ROI for our customers. Our easy-to-use, easy-to-implement software gives sales and marketing teams the tools they need to distribute, track and manage leads in real-time, helping to increase conversion rates. Unlike other lead management software, ClickPoint offers a complete solution that can stand alone or integrate with existing systems. ClickPoint Software products help our clients – from the Fortune 500 to small and mid-size businesses – increase efficiency and decrease cost so they can improve ROI in as little as 90 days, so they can focus on profits, not process.



2013
9,349,683 Leads Processed

2009
4,760,000 Leads Processed



2013
Over 2,459,745 Leads
Scored and Rejected



2013
Over 362,769 Phone
Calls Routed



2013
Over 247,000 Live Call
Transfers Created



2013
Over 457,000
Emails Opened



2013
367,000
Deals Won



Reduced lead contact time by nearly 85% for as many as 6,000 sales professionals



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