

WASPA Appeals Panel

REPORT OF THE APPEALS PANEL

Date: 31 May 2013
Appellant: Smartcall Technology Solutions
Complaint Number: 16354
Applicable versions: 11.6

1 BACKGROUND TO THE APPEAL

- 1.1 This is an appeal against the finding against and sanction imposed on the Appellant by the adjudicator in [complaint 16354](#).
- 1.2 The adjudicator found that the Appellant, which was the Service Provider (SP) in that matter, had breached section 11.2.1 of version 11.6 of the WASPA Code of Conduct.
- 1.3 The complaint in this matter was lodged on 7 February 2012. The IP in the complaint, Wapbill, has been an Affiliate Member of WASPA since September 2008.
- 1.4 The IP provided the subscription service which formed the subject of the complaint and was directly responsible for signing up subscribers to this service. The Appellant/SP provided the infrastructure through which the subscription service was provided.
- 1.5 Both the Appellant/SP and IP participated in the complaint resolution process.

2 FINDING OF THE APPEALS PANEL

- 2.1 There is no evidence before the Panel of any breach of the Code by the Appellant/SP: for that matter there are no allegations of any breach of the Code on the part of the Appellant/SP.
 - 2.2 It is not clear to the Panel why the adjudicator has made the finding against the Appellant/SP as opposed to the IP – there is nothing in the adjudication report to indicate that the matter was even considered. While the SP Notification sent to the SP to notify it that a complaint had been lodged against the IP does contemplate the possibility of findings made against the SP, no basis is laid for any such finding in the adjudication.
 - 2.3 The Panel does not regard it necessary to consider the matter further. The appeal succeeds and the appeal fee is refundable.
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