Osborne Clarke is one of Europe's most respected law firms and a UK leader in advising marketers on the legal issues affecting them. The firm's website, MarketingLaw.co.uk, has provided marketers with authoritative legal insights for over 10 years. Please send any queries regarding this column to Stephen Groom (Stephen.Groom@osborneclarke.com)

Europe's largest marketing trade body

Binding rules for members

A radically different approach

Focus on customer outcomes

Legal and Regulatory Update

DMA publishes new code

Stephen Groom

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Who: The Direct Marketing Association UK

When: August 2014

Where: United Kingdom

Law stated as at: September 2014

What happened

The Direct Marketing Association (DMA) UK published its new Code, replacing its 'Direct Marketing Code of Practice'. The DMA is Europe's largest trade association for the marketing industry, with more than 1,050 corporate members, including the industry's top agencies as well as many household brands. (Here the writer should declare an interest. He is currently vice-chair of the DMA's Governance Committee and also worked for nearly two years on the task force that conceived and curated the new Code.)

Like its predecessor, the new Code is binding on all its members. Alleged breaches of the Code are dealt with by the Direct Marketing Commission, and members who seriously or persistently breach the Code can be, and are, thrown out. The old Code of Practice was a doorstop of a rule book, running to over 100 pages and regarded by many as over-legalistic, repetitive and inaccessible.

The new Code takes a radically different approach. Moving with the times, the DMA says the Code aims to 'unite the direct marketing industry behind five key principles that go above and beyond mere compliance with the law'.

These are:

- put your customers first;
- respect privacy;
- be honest and fair;
- be diligent with data;
- take responsibility.

Each of the five principles is fleshed out with three or four 'Outcomes', such as 'customers receive information that is relevant to them and reflects their preferences' for 'Put your customers first', and 'customers have a

Concise rules

clear understanding of the value exchange when sharing personal information' for 'Respect privacy'.

Underlying each of these principles is a set of concise 'Rules' and underpinning the whole construct are detailed, channel-specific 'Guides' laying out the standards the DMA expects all DMA members to work to. They focus on:

- telemarketing;
- mobile;
- data;
- email;
- advertising mail marketing (direct mail).

Above and beyond CAP

Why this matters

The new Principles- and Outcomes-based Code has been generally well received. Whether or not they are DMA members, direct marketers will find helpful guidance on specific issues in the Guides. This goes above and beyond rulebooks, such as the CAP Code, which is of course binding on all UK marketers.

The last word goes to the DMA, which heralds the new Code as an 'aspirational agreement to which all DMA members and their business partners must adhere. It aims to promote one-to-one marketing as a true exchange of value between your business, looking to prosper, and your customer, looking to benefit — and provides you with the five clear principles that will guide you to achieve this, and against which your conduct will be measured. An important part of your role as a DMA member is to extol and spread the positive values and goals of this Code, for the benefit of our industry into the future'.

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'Free' claims in apps and games: More regulator action

Thomas Spanyol

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