

T-Mobile Asserts Right to Censor Text Messages in Federal Lawsuit

by **Amar Toor** on September 23, 2010 at 09:54 AM

T-Mobile's decision to block specific messages sent across its network has now resulted in a federal lawsuit that may have far-reaching implications for wireless providers seeking to exercise more control over their platforms.

As Wired reports, the **wireless service is being sued** by **EZ Texting**, a company that offers short code text messaging services to third-party clients. Companies who sign up for the service are given their own unique word, which customers can text to receive more information. If a church, for example, signs up for the service, it could send out information to all T-Mobile customers who text the word 'CHURCH' to the number 313131. After a **medical marijuana dispensary** in California recently signed up for the service, however, T-Mobile abruptly suspended transmission of EZ Texting's messages, claiming that it reserves the right to approve the service's list of clients beforehand.

In a filing (**PDF**) submitted to a New York federal court, T-Mobile wrote that it "has discretion to require pre-approval for any short-code marketing campaigns run on its network, and to enforce its guidelines by terminating programs for which a content provider failed to obtain the necessary approval." Such discretion, moreover, allows the company "to protect the carrier and its customers from potentially illegal, fraudulent, or offensive marketing campaigns conducted on its network." EZ Texting, meanwhile, says **it will go out of business** if a judge doesn't order T-Mobile to disseminate its texts.

A similar case went to federal court in 2007, when Verizon initially refused to allow abortion rights advocates to send text messages to their supporters. The lawsuit ultimately fizzled out, however, when the **wireless company relented**, and allowed the texts to be sent. Those messages, like those sent via EZ Texting, were transmitted in short code, and, most importantly, were only sent to individuals who requested to receive them. EZ Texting may have been contractually obligated to submit its clients for pre-approval, as T-Mobile alleges. But any internal policy that unilaterally makes decisions for consumers, based on real or perceived legal risk, certainly seems ripe for federal review.

