

Operators' code of conduct regarding mobile multimedia content

Preamble:

Mobile phones are now part of everyday life for almost 46 million French people and affect all age groups. This personal tool, originally designed to convey voice messages, has since developed into a wide variety of uses. The new generation of mobile phones consequently allow people to send texts, fixed or animated images, videos, or to access the Internet. Although this proliferation of new services is a source of diversity that enriches our lives, it can also lead to forms of abuse or allow access to content deemed "sensitive" (definition below).

Being responsible companies, who are aware of the issues and anticipate wider access to new multimedia content, the mobile phone operators and members of AFOM [French Association of Mobile Operators] (Bouygues Telecom, Orange France and SFR) have decided to provide all users with information and the necessary tools to take control of their utilisation of mobile multimedia. To achieve this, they will complement and reinforce existing plans, taking into account the technical properties of handsets and mobile networks.

They also point out that, besides their own commitments, youth protection depends on the involvement of all parties concerned, in particular public authorities, parents, associations and content providers. The operators emphasise that their actions, notably providing technical tools for parental control, will only be fully effective as long as public bodies actively increase awareness among parents and children as regards new forms of use and emerging risks, as well as regards the precautions to be taken to protect against them.

At the same time, the mobile phone operator members of AFOM believe that youth protection implies consistent action and insist on the need for all operators involved in the sector to make the same commitment. That is why AFOM has sought compliance to these proposals from the new operators in the industry (MVNO) who have just joined it: Omer Telecom, Debitel, Universal Mobile and M6 Mobile. The Ministry for Family Affairs will help foster discussions with all the virtual mobile operators that are not members of AFOM with a view to reaching similar commitments from all the mobile companies operating in France.

The mobile phone operators' initiative is part of the move towards self-regulation advocated by the European Commission, particularly in accordance with article 16-1-e of Directive 2000/31/EC dated 8 June 2000 known as the *Electronic Commerce Directive* and of the *Protection of minors and human dignity in audiovisual and information services* Recommendation by the Council dated 24 September 1998. It takes note of the recommendations by the Internet Rights Forum regarding the protection of minors on the Internet and mobile networks.

Aim of the document:

The aim of the code is to help manage "sensitive" content on the mobile networks and to intensify the fight against illegal content. It places a commitment on the signatories, namely the mobile operator members of AFOM: Bouygues Telecom, Orange France, SFR, Omer Telecom, Debitel, Universal Mobile, M6 Mobile and the Ministry for Family Affairs.

Field of application:

The code's commitments cover mobile multimedia, in other words content made up of texts, images and sounds. Accessing this multimedia content requires the use of "compatible" mobile phones (for example with colour screens), and subscription to the relevant services.

These commitments do not apply to content that is not specifically mobile, such as vocal services with shared income (like Audiotel) or which is not multimedia (SMS for example).

Two main types of multimedia content are accessible thanks to mobile technology:

- Contents for which there is a contractual link between, on the one hand a content provider who designs, produces and decides to place content on line and, on the other hand, an operator who accepts to list the content from the provider on the operator portal or in kiosk solutions (services by i-mode, orange World, Vodafone Live, Gallery). These contents now make up the vast majority of what is looked at on the mobile networks.
- Contents for which there is no contractual link between the provider and the operator. These contents are not listed by the operators' portals and kiosk solutions. For example, users have to enter a specific address (an Internet address, for example) to look at them. In the absence of a contractual link, it is impossible for the mobile operators to respect the ethical commitments aimed at in Point 1 of this code. Nevertheless, they are able to apply all the other commitments.

Definitions:

The "contents detrimental to human dignity" are the illegal contents targeted by article 6, I-7 of the Law for Confidence in the Digital Economy (LCEN – law 2004-575 dated 21 June 2004) namely defending crimes against humanity, inciting racial hatred and distributing child pornography.

By "sensitive contents", operators understand contents that can harm certain users when looking at it, whilst being legal and not resulting in any incrimination according to article L.227-24 of the Criminal Code. This category is characterised by:

- "Contents that could harm the feelings of young children" (for example certain contents said to be "teasing" and/or violent) which can be viewed freely but will be blocked by a parental control device when activated. Whether or not these contents are prohibited relies solely on the parents' decision.
- "Contents reserved for adults" (for example pornography) which can only be viewed in kiosk solutions and operators' portals after the user's age has been verified (which must comply with the minimum legal age).

Commitments:

The mobile operator members of AFOM undertake to:

1. Reinforce and harmonise the ethical move to manage the development of mobile multimedia contents in kiosks and portals.

1.1/ The mobile operators have already been working for several years, within the CST [French council regulating telecommunication services], to draw up common ethical codes designed to manage the development of the services they provide on a contractual basis. As a result, the contents available in the Gallery kiosk comply with the recommendations prescribed by this treaty. The contents on operators' portals are also in keeping with this concept.

1.2/ These ethical codes anticipate, for example, that from now on all public parties in chat rooms (anonymous interactive conversations) offered by a service provider must be "moderated" (monitored). They also prohibit the availability of contents reserved exclusively for adults on kiosks and operators' portals as long as the user's age cannot be identified.

1.3/ In order to reinforce the approach beyond the existing ethical codes:

- The mobile operators expect to define, together with the partners concerned (governments, family associations, independent authorities, etc.), a classification schedule of multimedia contents and rules of application, which must be respected by every provider and operator, whatever multimedia mobile services are involved. This relates to work started in October 2005 within the Internet Rights Forum, which should be completed in the first quarter of 2006.
- The public parties involved in chat rooms and blogs available in the kiosks and operators' portals are already subject to "moderation" by the service providers. The

mobile phone operators are going to work with the service providers to further reinforce the conditions surrounding this moderation.

2/ Widely inform and systematically provides parents with a form of parental control that is free, effective and simple to activate.

The mobile phone operator members of AFOM already offer their customers a parental control device that is free, effective and simply to activate, as it is based on a technical system directly integrated with their networks: their customers therefore do not have to worry about settings or installing additional software.

Following the Conference on Family Affairs on 22 September 2005, talks took place between the mobile operators and the Ministry for Family Affairs to develop the scope and activation methods of this system. The results of these talks are integrated in this code.

As already mentioned, the question of protecting children on the networks must be done by mobilising all the parties involved: public bodies, parents, operators, providers, associations etc. The education of parents and guardians is particularly at the heart of youth protection as regards online contents. In fact, the effectiveness of parental control cannot rely only on technical devices because these can always be sidestepped. Therefore, the mobile operators cannot be held responsible for any failure of the devices employed.

Mobile operators' commitments:

2.1/ From now on, every mobile operator will provide its users with a technical device that allows access to be blocked to multimedia contents and services that could harm the feelings of young children. This device is:

- Free for the customer,
- Activated by simply calling customer services.

Once activated, this form of control allows at least, whether or not the operator is a signatory of this code:

- The prevention of access to contents that could harm the feelings of young children (for example "teasing" contents);
- The prevention of access to dating sites;
- The prevention of access to contents for which there are no contractual links between the operator and service provider (Internet access).

2.2/ The mobile operators undertake, as from December 2005, to reinforce communication with all their customers, on a regular basis, concerning the subject of parental control. The objective is to inform all parents about the methods at their disposal so that they make an enlightened decision about activating the parental control device. This communication plan is set out in detail in Part 4 of this document.

Furthermore, from the point of view of changing their customer contact (see Point 2.3), the operators are going to communicate with new customers in the following way:

- An educational presentation of the parental control device, of its usefulness and of the activation methods will be included in sales documentation handed out at the point of sale;
- An awareness campaign for sales outlets about the problem of parental control (shop or telesales) will be conducted by every operator;
- A thought-provoking message will appear on operators' websites when orders are placed online.

2.3/ The operators also undertake, from now on, to carry out the necessary technical research to change their customer contact. As a result, from November 2006, the operators will systematically ask questions to all persons opening a line and will encourage them to activate the parental control system if the user is a minor. However, it is recognised that it is not possible to ask or demand the operator to check, before or after the line is opened, the truth

of this preliminary declaration is true, nor the quality of the adult making this declaration (particularly regarding the verification of the person's parental authority).

The exact formulation of the question asked when a line is opened will be different for every operator depending on its customer contact. Every operator will advise the Ministry for Family Affairs about the formulation held in the documents concerned.

2.4/ The form of parental control provided at the moment is strict and the mobile phone operators are aware that it could evolve to adapt to different stages in the development of minors: parental control is not necessarily the same for an adolescent or for a younger child. They therefore undertake to conduct research from here on to change the parental control system towards several profiles, which would include different factors. This change will integrate the talks conducted within the Internet Rights Forum about the classification schedule for multimedia mobile content (see 1.3 of this code). A first point will be made in November 2006.

2.5/ The mobile phone operators have duly noted the request by the Ministry for Family Affairs to change the blocking of access to contents outside kiosks and portals so they do not prohibit sites to be visited that are not detrimental to children. To make progress on this subject, it is essential to conduct research, particularly technical and legal, to analyse this form of solicitation and to define a possible method of implementation. By way of an example, drawing up the list of sites that are acceptable or not for children cannot be the responsibility of the mobile phone operators. These lists will also have to take the parental control profiles into consideration, which will be defined as part of the discussions taking place within the Internet Rights Forum. The mobile operators undertake to publish their thoughts on this change as of now.

2.6/ Finally, in general terms and in compliance with the recommendations from the Internet Rights Forum, the mobile operators also undertake to ensure supervision of the development of new parental control devices adapted to mobile appliances so that their users can take advantage of this.

3/ Help the fight against illegal contents.

3.1/ Conscious of making an effective contribution to the fight against illegal contents, the mobile operators are already responding diligently to the legal requirements that are being made of them by the authorities.

3.2/ In accordance with the conditions of article 6-1-7 of the Law for Confidence in the Digital Economy (LCEN – law 2004-575 dated 21 June 2004), the operators:

- Have put in place a device easily accessible and visible that allows anyone to bring content detrimental to human dignity to their attention;
- Will diligently inform the responsible public authorities of the existence of content detrimental to human dignity, designed to be viewed on mobile handsets, which is notified to them by their users.

The mobile operators undertake to help this fight, particularly by regularly improving the notification devices in order to make them better suited to the limitations of the mobile networks.

3.3/ In addition, the mobile operators undertake to act quickly to withdraw or make access impossible to contents provided by them as soon as they have been notified that such contents are clearly illegal.

4/ Widely inform the general public about actions taken and to contribute towards educating everyone about proper use.

To complement the actions and tools installed by the operators, users will retain the main responsibility for ensuring that multimedia mobile services are used properly.

That is why the mobile operators are committed to adopting an active educational approach in order to raise awareness among parents and children about proper usage of mobile phones and to widely inform them about the actions taken.

For this purpose, mobile operators undertake in particular to continue to make content providers aware and inform them about the tools and actions put in place within the framework of this code.

From December 2005, information to the public will be reinforced:

4.1/ AFOM already widely distributes an awareness guide for parents, co-signed with the National Union of Family Associations (UNAF in France), which shows how children should use mobile phones properly. This guide gives rise to a version on the Internet in the form of a dedicated site that is freely accessible. In addition, it is published free of charge by different partners and can be downloaded from the AFOM website: www.afom.fr.

4.2/ The mobile operators will increase their communication operations with their current customer base about the existence of parental control by using the most appropriate methods. The aim is to inform all parents about the methods at their disposal so that they make an enlightened decision about activating the parental control device. This information will give rise at least to the actions listed below, implemented since 2006.

- As regards new customers:
 - An educational presentation of the parental control device, of its usefulness and of the activation methods will be included in sales documentation handed out at the point of sale;
 - An awareness campaign for sales outlets about the problem of parental control (shop or telesales) will be conducted by every operator;
 - A thought-provoking message will appear on operators' websites when orders are placed online.

- As regards existing customers:
 - A presentation, expressed in educational terms, of the parental control device and its activation methods will be included on the operators' websites.
 - Internal communication areas on the sites will encourage internet users to familiarise themselves with this presentation;
 - A permanent link on the home page of operators' internet portals will point towards this presentation;
 - At least two articles about the parental control device and its activation methods will be included in literature sent to subscribers by every operator in the course of 2006.
 - An article about parental control will be included in electronic information letters distributed to customers of every operator. This information will be repeated three times during 2006.
 - A piece of information about parental control will be included directly with invoices sent to subscribers. This operation will be repeated twice during 2006.

These actions will be complemented by each operators' own actions depending on the type of customers and each one's communication tools. They may be reintroduced in 2007 after taking stock at the end of the year.

4.3/ The operators will incorporate the awareness messages developed by the government on their sites about the protection of children in a mobile world.

4.4/ The operators will participate in awareness campaigns aimed at parents and children regarding proper mobile phone use with the partners concerned.

5/ Assess, inform and regularly consult all parties concerned by this ethical approach.

5.1/ In order to take into account the rapid development of new services, the ethical approach put in place by the mobile phone operators will have to be periodically assessed and possibly adapted. For this purpose, the operators undertake to make regular exchanges about the actions implemented and any adjustments to them with all the parties concerned: the government, authorities, family organisations, providers...

This exchange process will also aim to evaluate the actions set in motion by the operators within the framework of this code.

5.2/ The operators propose objective criteria aimed at measuring to what extent the measures set in motion have been implemented:

- Assessment of information about the existence of parental control that has appeared in the operators' sales communication tools;
- Assessment of awareness operations initiated by AFOM
- Amount of targeted information sent to the customer base;
- Compliance with the timetable outlined later in this document.

However, they call to mind that the question of parental control cannot only rely on technical measures and that only mobilising all the pertinent parties (publics bodies, parents, operators, providers) will truly enable parents to be made aware of the issues. The number of forms of parental control activated cannot therefore be seen as a pertinent measurement criteria of how much the operators are involved with these matters: at most it could be considered as a partial measure of the relevance of the actions of all partners. It must be noted that the choice of whether to activate parental control or not finally rests on the informed choice of parents: a low level of activation could therefore simply be translated as the analysis of a moderate risk for their children equipped with a mobile phone.

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