



PUBLIC CONSULTATION

Cross Media Rating and Classification, Age Verification and Online Social Networking

Questionnaire 1 Cross media rating and classification

1. Of which media rating systems are you aware in your country. Has there been an attempt to implement a cross-media rating system? If yes, what are the positive outcomes of it and its success factors? If no, what could be used as a starting point towards a cross media rating system?

ISFE is the trade body representing the interactive software ('videogame') industry in Europe¹. In 2003, ISFE established the Pan-European Game Information (PEGI) age rating system to help European parents make informed decisions on buying videogames. In 2007, ISFE with EU Commission support launched PEGI Online with the purpose of providing a safer online game environment.

There are three key reasons behind ISFE's decision to launch the PEGI system in 2003:

- Given the broad range of age and background of entertainment software consumers the members of ISFE sought to exercise their sense of social responsibility and inform the public on the suitability of its game products for different aged players.
- The industry sought to avert confusion with audiovisual products which, because they are linear and non-interactive, require a very different review and classification system. This is illustrated by, for example, the Dutch decision to run two separate rating systems, one, Kijkwijzer, for passive media, another, PEGI, for videogames.
- EU institutions and consumers were strongly supportive of harmonized ratings throughout the free market of Europe and, drawing on that support, ISFE took the initiative to launch a harmonized system for videogames.

Over the past five years, all of the reasons behind the establishment of PEGI have remained valid. Videogames, both online and offline, continues to appeal to a wide ranging audience in age and background. In fact, evolving videogame content has further broadened the scope of the industry's audience and, in fact, has driven up the average age of European gamers from 16 years in 1998 to 33 years in 2008. Further,

¹ **ISFE** Membership consists of the following: **Associations** - AESVI (Italy), ADESE (Spain), BIU (Germany), BLISA (Belgium), ELSPA (UK), FIGMA (Finland), MDTS (Sweden), MUF (Denmark), NVPI (The Netherlands), NSM (Norway), OVUS (Austria), SELL (France), SIEA (Switzerland), SPIDOR (Poland). **Companies** – Activision, Atari, Eidos, Electronic Arts, Konami, Microsoft, Nintendo, SCEE (Sony Computer Entertainment Europe), Take 2, THQ, UbiSoft, VUG (Vivendi Universal Games), The Walt Disney Company France.

despite some areas of convergence between traditional media and videogames, including the split of passive media into linear and non-linear services, videogames (interactive software) stand very much apart from audiovisual products.

Finally, as the free market of the EU continues to expand, a harmonized rating system continues to be important.

Most importantly, the PEGI and PEGI Online systems have proven to be a great success on all three grounds set out above. PEGI provides the public with a clear system to understand the suitability of game content across Europe. Because PEGI focuses only on videogames, it is designed specifically to address the unique features of those games and their potential for infinite variation. It is also able to address the fast changing nature of the videogame industry which would not be possible in a cross-media classification or labeling system.

2. What are the main obstacles moving towards a pan-European cross media rating system?

As explained above, because of the clear differences between videogames and non-interactive audiovisual content, it is unlikely that a cross-media rating system can be developed that would have the flexibility to provide the best review and classification of these distinctly different types of content. Further, because the attributes and nature of videogames is ever changing, a system focused specifically on interactive software is able to quickly react and adapt to these changes.

Furthermore, currently PEGI is the standard videogame rating system throughout most of Europe. It has already achieved nearly complete pan-European acceptance. This is not the case for audiovisual media classification, of which there are currently many individual systems throughout Europe. Thus, aiming for a rating system that is *both* pan-European and cross-media is a tall order. Not only will it be necessary to address the major difference between interactive and non-interactive content, but it would be necessary to harmonize the various, mainly government-run movie classification systems throughout Europe and reconcile their ratings. It should also be noted that current movie classifications systems focus on the offline world and do not address the rating or labeling of online content of any kind. This would make it even harder to adapt those systems to the rating of interactive content including videogames which is increasingly published online.

3. What role should the different stakeholders play (industry, public bodies, etc.), towards implementing a pan-European cross media rating system?

The success of any ratings system depends on cooperation between the key stakeholders, including content publishers, retailers and government. The early support of the ISFE membership, i.e. the vast majority of the European videogame industry, has proved instrumental to the success of PEGI. The same holds true for the early and continuing support of the European Commission and of Commissioner Viviane Reding in particular. Individual member state government recognition of the PEGI rating system has also proved instrumental in raising public awareness of and confidence in the PEGI ratings system.

ISFE and the industry are continuing to explore ways to partner with other stakeholders to raise the visibility and enforcement of the PEGI rating system. In particular, the industry has been working toward stronger partnerships and campaigns with retailers as recommended in the recent EC Communication.

In addition, console and games system manufacturers have incorporated the PEGI ratings in their (so-called) parental control locks which allow parents and care-takers to control or limit access to videogames and other forms of entertainment. There are varying methods of controlling access:

- Controls that change and set restriction to decide, case by case, which games your children can play
- controlling access to the internet from consoles and handheld devices
- controlling the amount of time that children can spend on the console

More information on following links:

<http://www.xbox.com/en-US/support/familysettings/live/xbox360/xboxlivecontrols.htm>

<http://wiiportal.nintendo-europe.com/428.html>

<http://manuals.playstation.net/document/en/ps3/current/settings/security.html#1106>

In the end, these systems are only effective to the extent that they are used. Awareness is therefore instrumental in alerting parents, educators and the general public to the existence of the ratings and the technology. Even though they might be reluctant to learn about new technologies which they may not be able to master, they can nonetheless play a key part of the educational process which, in essence, consists of teaching children how to deal with all sorts of situations likely to happen in real and virtual life.

4. Are you aware of relevant research, pilot projects, or national cross media rating initiatives? If published online, please provide us with the relevant URL.

See above and www.pegi.info, www.pegionline.eu

Questionnaire 2 Age Verification

- 1. Which age verification systems are you aware of? In which domains are they being used?**
- 2. Do you think that these systems are efficient? If yes, please state why. If no, why do you think they are unsatisfactory?**
- 3. Are you aware of legal requirements in your country for providers of online services to verify the age of their visitors/customers?**
- 4. Are you aware of relevant research, pilot projects or national initiatives towards age verification on the internet? If published online, please provide us with the relevant URL.**

Answers for Q1, 2 and 4

We are aware of no effective age verification systems at present. There are challenging problems to implementing an effective age verification system. Not the least of those is the conflict or potential conflict between age verification and privacy – at what point does age verification start to conflict with efforts to preserve personal privacy? Related barriers include ensuring effective data breach/protection procedures for consumers whose personally identifiable information is compromised and unwillingness by consumers to provide any unnecessary personally identifiable information to third parties. As such it is not widely viewed as a viable solution to the problem at hand.

At least one social networking site in the U.S. has raised the possibility of engaging a third-party to build and host a registry of email addresses for children under 18 through which parents could register their children if they did not want them to have access to online sites that use the registry. A child whose information matches the registry would not be able to register for such sites. But such a system – which would not verify age but would provide parents with the opportunity for reverse verification – itself raises a host of challenges, including, among other things: (1) centralizing such a system or registry across all online websites and services globally so parents could ensure such registration is effective; (2) ensuring the accuracy of registry entries to ensure they are not simply malicious misinformation; (3) implementing a system whereby those on the registry could remove their information after reaching the age of majority; and (4) establishing uniform data retention processes that comply with the laws of differing jurisdictions.

Certain UK online retailers would appear to rely on the fact that purchases can only be made with a credit card which may only be issued to adults, although there is clearly always a risk that a child can get hold of the credit card of a parent, older sibling etc. Even when a parent or adult is involved in the transaction, there is no system which can replace the need for a parent/adult to ensure that what they buy is suitable for their child.

In the UK, the Gambling Act 2006 requires online gambling services to implement age verification which is in no way dependent on the method of payment being used. It is understood that gambling sites conduct checks on customers to confirm age and address by using services which examine various sources such as the electoral role, utility companies and the DVLA (Driver and Vehicle Licensing Agency). It is not known if these services are widely available or used, how easy they are to implement, what costs are involved or how accurate they are in verifying age.

Otherwise, increasingly websites in the UK are relying on self-certification, rather than verification, of age by requiring users to confirm their age when registering. This is clearly not a full-proof system, but some websites are increasing protection by making it difficult, through the use of cookies, for a child to re-register with a different age. It is also understood that in Germany, some providers of online services which are aimed at adults operate a Post-Identification system by which a new customer is required to prove his identity in person at a Post Office before he can access the service.

ISFE believes that technical solutions will provide appropriate answers to issues of age verification in the future. ISFE stands ready to contribute to any cross-industry groups tasked with developing such solutions.

Questionnaire 3 Online Social Networking

- 1. What risks are minors most likely to encounter on SNSs? Are you aware of relevant research or statistics? If published online please provide us with the relevant URL.**
- 2. What controls, if any, should be available to parents over their children's SNS accounts? Should parents be allowed to cancel accounts or change profiles of their children?**
- 3. Which tools are the most appropriate to protect minors when using SNSs? What further steps should SNS providers take to reduce the risks to minors on their sites?**
- 4. What should Member States do in order to improve the safe use of SNSs by minors? (E.g. legislation, co-regulation, awareness activities, introduction of the subject into the educational curricula, etc).**