



Mobile Entertainment Forum (MEF) response to The Byron Review: Children and new technology

Introduction to MEF

Founded in 2001, MEF is a global trade body representing all participants in the mobile entertainment value chain. Our members are interested in driving the mobile entertainment industry's evolution and commercial potential through collaboration, consultation and promotional activities. We are committed to reducing the barriers to entry into the innovative mobile entertainment market, thereby encouraging involvement from new businesses and increasing competition and growth to the benefit of all industry players and consumers. Our global membership is composed of the best thought leaders and mobile entertainment players throughout Europe, the Americas and Asia. We currently have over 150 members¹.

A number of our members are actively involved in successfully creating and delivering mobile games globally. We would welcome the opportunity to meet with the Review team to discuss the issues stemming from the consultation paper and to share our experience of the mobile games industry to date and the steps it is taking to deal with risks to children.

MEF's general response to the consultation

We welcome the Review and its emphasis on managing risk. As identified by the consultation, risks are a reality of life and it is important that children and young people learn to understand, assess and manage these risks as part of growing up. However, we believe that it is equally important to educate parents and persons in a position of responsibility on the types and levels of risk.

We recognise that the internet is a global community which is expanding at a phenomenal pace and with a rapidly increasing number of access routes - including through new mobile technology. While going online can offer children many new and positive experiences, we agree that they need to be prepared for what they might find on the web as well as being helped to enjoy it and benefit from it safely. MEF has worked hard to ensure that there are mechanisms in place, as far as is practicable, to prevent access to potentially harmful or inappropriate material that children and young people might access or experience online or in video games.

We have ongoing initiatives² dealing specifically with issues such as mobile social networking and user generated content and the importance of moderation. Given the new mobile phone capabilities, we would like to be closely involved with the development of any plans involving the protection of children and other vulnerable people. We believe that MEF members are in a strong position to contribute in a positive way in helping Governments worldwide understand how online digital content, such as films, music, games and mobile television can be accessed in an appropriate and child friendly environment. MEF has already worked with the European Commission, child protection agencies, the GSM Europe and other stakeholders to help produce a European Framework for Safer Mobile Use by Younger Teenagers and Children. This

¹ A full list of our members can be found at <http://www.m-e-f.org>.

² A full list of our initiatives can be viewed at: <http://www.m-e-f.org/activities-initiatives.html#11>

Framework was adopted in February 2007 by all the parties involved. We are happy to provide you with a copy of this Framework if required.

Mobile phone technology has now advanced far enough to make online services which depend on graphical interfaces such as mobile games not just feasible but attractive. However, before considering additional regulation that may be needed to deal with these technological advances we believe that there is a need to conduct more in depth research that is both quantitative and qualitative to assess issues the mobile entertainment industry, in partnership with regulators, need to concentrate on. We suggest the possibility of MEF assisting the Byron Review in undertaking such research below.

We believe it is important to look at the benefits that these mobile services can provide while, at the same time, ensuring adequate protections are put in place to protect children and other vulnerable persons.

The good regulation of advertising and content of mobile games is also critical to their success. The UK is already a very well regulated market with very strict rules in place on the advertising and content made available to children. This response goes into more detail on the existing regulation later in the document.

Detailed response:

Mobile phones and children

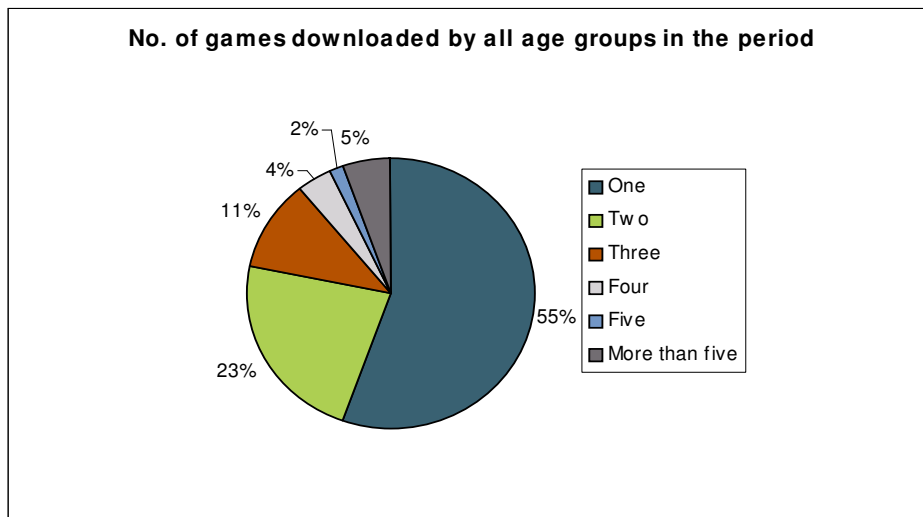
Our members provide a huge range of content and services online using the mobile phone as the device providing access. The content and the range of services provided by our members include:

- Games
- The provision of ringtones, wallpapers, animations and logos
- Music/films/sports/news clips/TV programmes
- Video content
- Facilitation of user generated content
- Off-hand set purchase of content (where the service or product is consumed away from the handset but purchased using the mobile handset such as e-tickets)
- Chat/dating services
- Publishing services
- Software solutions/enabling technologies and billing platforms

The potential risks raised by the use of mobile phones by children have to be considered in light of the wide range of services provided. We do not believe that there is one single solution to protecting children from inappropriate content, contact or cost. Services can operate in very different ways and require different approaches to protect children. MEF would like to propose a joint research project with the Byron Review Team and other interested parties to determine the different approaches taken to managing the risks proposed by the different types of services. In order to do this we believe considerable quantitative and qualitative analysis across the UK needs to be done in order to identify the measures necessary to prevent such dangers from arising in the first place. We would welcome further discussion with the Byron Review Team on this point.

Mobile games and children – Usage statistics

Below are statistics provided by M:Metrics for the Byron Review showing the levels of usage for mobile games and various age groups. The results are for a three month average ending September 2007. All statistics are related solely to games for mobile phones.

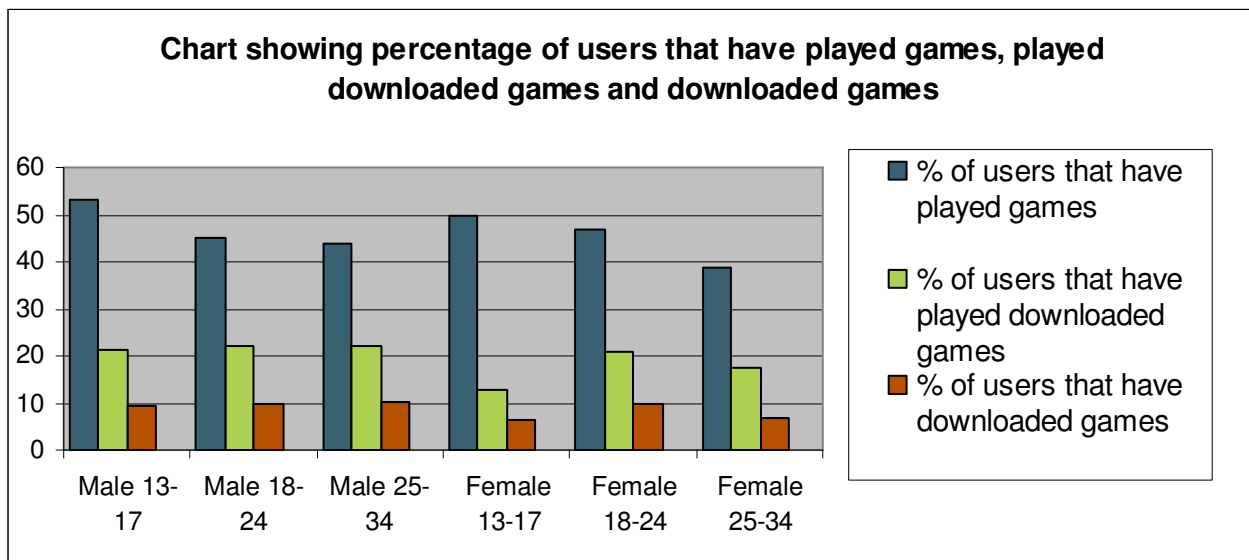


Source: M:Metrics

The total number of mobile subscribers in the UK stands at 45,500,000 which equates to a 100% saturation.

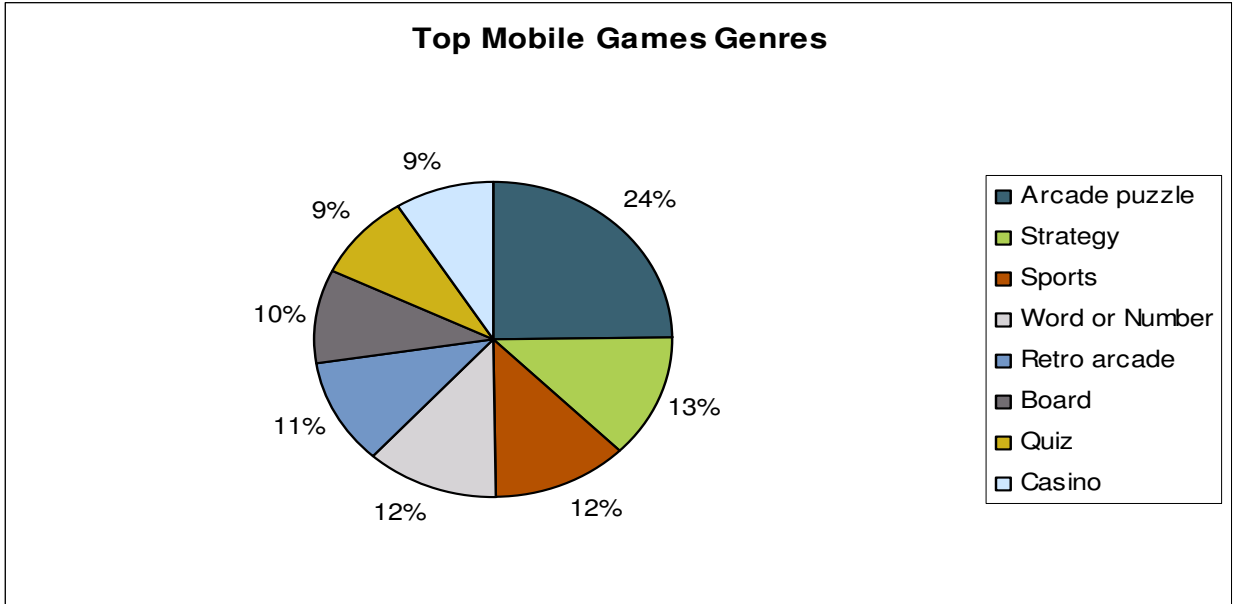
For the entire UK population:

- 29% have played mobile games
- 11.3% have played downloaded mobile games
- 4.8% have downloaded mobile games



Source: M:Metrics

Please note that the above figures do not relate to the entire UK population but represent the percentage of people in the particular age category that own a mobile phone.



Source: M:Metrics

If the Review team need more statistics in order to enable it to compare and contrast levels of use for wider age groups and in other countries, please let MEF know and we can provide these statistics for you.

General view of managing risk to children through their access to mobile games

Throughout the EU, a considerable number of different measures in place to protect children. These range from statutory regimes put in place by national regulators, mobile network operator Codes of Practice, age verification schemes and self regulatory frameworks. In addition to these co-and self-regulatory frameworks, a considerable number of institutions provide information and guidance to parents, people in a position of authority and to children to help educate them about the potential risks from certain types of services. However, we believe more can be done in terms of ensuring that there is greater co-ordination of these measures within the Member States to ensure that the protections afforded are consistent and targeted.

MEF would be happy to help in the development of this greater co-ordination and can provide further detail to Review team on its recommended approach to developing such co-ordination.

Existing regulation in place:

In the UK, the British Board of Film Classification (BBFC) sometimes classifies games that depict, to any significant extent, gross violence against humans or animals, human sexual activity, human urinary or excretory functions or genital organs, or techniques likely to be useful in the commission of offences. In the early days of video games, the quality of graphics was so low that they were unlikely to be realistic enough to be covered by the Video Recordings Act. However, the increasing sophistication of computer graphics means that currently, a number of games require classification, usually because they contain violence against realistic human figures. In some cases, games may also need to be submitted to the BBFC because they contain non-interactive video elements (e.g. trailers or film clips) that do not enjoy the same exemption as interactive games.

Games that do retain their exemption are classified under the Pan European Games Information (PEGI) system (see below).

The Entertainment Software Rating Board (ESRB)³ is a non-profit self-regulatory body established in 1994 that assigns computer and video game content ratings, enforces industry-adopted advertising guidelines and helps ensure responsible online privacy practices for the interactive entertainment software industry. There are currently 66 different games that are rated by the ESRB.

In addition to the ESRB, there is also PEGI⁴ established in 2003 to help European parents make informed decisions on buying interactive games. There are currently 38 different games that have a rating on the PEGI website. In the UK, the system is administered by the Video Standards Council, who also advise publishers on whether or not their game requires a formal BBFC classification. For more information on the Video Standards Council, please visit their website <http://www.videostandards.org.uk>.

Classification is a well established and effective tool in protecting children from accessing inappropriate 'adult' content (not games). For example, in January 2004, the mobile operators in the UK published a Code of Practice for the self-regulation of new forms of content on mobiles. The independent body established by the operators to provide a framework for classifying commercial content that is unsuitable for customers under the age of 18 is called the Independent Mobile Classification Body (IMCB)⁵.

UK regulatory regime

A significant number of mobile games in the UK are purchased using the premium rate mechanism. Premium rate services are regulated by PhonepayPlus (PPP), the industry-funded regulatory body mandated by OFCOM for all premium rate charged telecommunications services including the purchase of mobile games. PPP regulate services in their entirety - their content, promotion and overall operation through its Code of Practice. Among other things, the Code requires:

- Clear and accurate pricing information
- Honest advertising and service content
- Appropriate and targeted promotions.

Section 7.5 of the Code of Practice relates specifically to children's services and states:

7.5.1 Definition of children's services

Children's services are services which, either wholly or in part, are aimed at or should have been expected to be particularly attractive to children, who are defined for the purposes of this Code as people under 16 years of age.

7.5.2 Promotional material for children's services must clearly state:

a the usual cost of the service,

b that the service should only be used with the agreement of the person responsible for paying the phone bill.

7.5.3 Children's services, and any associated promotional material, must not:

a contain anything which is likely to result in harm to children or others or which exploits their credulity, lack of experience or sense of loyalty,

³ For more information on ESRB, please go to <http://www.esrb.org/index-js.jsp>

⁴ For more information on PEGI, please visit www.pegi.info/en/index/id/175

⁵ More information on the IMCB can be found at: <http://www.imcb.org.uk>.

b include anything which a reasonable parent would not wish their child to hear or learn about in this way,
c make direct appeals to children to buy or donate, unless the product, service or donation is one which they could reasonably be expected to afford for themselves,
d encourage children to use other premium rate services or the same service again.

7.5.4 Children's services must not:

a generally cost more than £3, or in the case of subscription services (see paragraph 7.12), more than £3 per month,
b involve competitions that offer cash prizes or prizes readily converted to cash.

As a result of the PPP Code of Practice, the UK premium rate mobile games market is already well regulated and there are effective measures in place to prevent inappropriate promotions, content and cost to children. This Code of Practice, coupled with the ability of mobile games to be rated under ESRB and PEGI means we do not feel it is necessary to introduce any more stringent requirements on the mobile games industry at this stage.

Age verification

Given the high levels of protection already afforded in the UK, we would like to see more evidence-based analysis of the potential benefits and the regulatory cost implications for businesses of introducing age verification processes purely for mobile games.

Social networking sites

There are many popular game centric social networking sites on the internet such as www.n4g.com and www.ign.com. In a survey by the Information Commissioner's Office (ICO) almost 60% of young people aged 14-21 said they did not realise the information they placed online could be permanently linked to them⁶. However, we have not seen any evidence to suggest that these issues have arisen from mobile social networking sites.

We believe that raising awareness among parents and children is one of the most important aspects of protection. This can be difficult as most people do not take an interest in an issue unless they have a problem with a service. However, common actions between mobile network operators, child safety organisations and regulators seem to have had good results. There should continue to be education programs targeted at schools, teachers and parents to help them better understand technological advances. This has to be done on an ongoing basis. There are a number of organisations that provide help, advice and assistance to parents, teachers and children. We see no reason why they should not continue. For example, the ICO has launched www.ico.gov.uk/youth.aspx, a website for young persons dedicated to helping them protect their personal information. In addition to this website, there is also www.phonebrain.org which is dedicated to providing children with information on premium rate services and how they operate.

MEF supports these educational and very helpful resources to help children make informed decisions and protect themselves when engaging with mobile content.

MEF currently has an ongoing 'communities initiative'. The purpose of the initiative is to raise visibility of community applications within the sphere of mobile entertainment. The initiative see communities in two broad camps: either as end-user generated such as blogs or chat services, or content centric such as artist sites. We have already published a 'white paper' with Informa Telecoms and Media which highlights the issue of moderation for services that might have a 'chat' element. We believe that moderation is paramount for maintaining consumer confidence in

⁶ More details on this survey can be found at www.ico.org.uk

the services and ensuring the protection of children. Discussions on what form moderation should take and how it should take place are currently ongoing.

The industry has already undertaken efforts at self-regulation through moderated services. In Q1 of 2008, MEF will be launching a consultation looking specifically at how age verification and content classification might work for mobile content as part of mobile social networking and will seek to identify and manage potential risks. We would welcome your input into our work on this consultation.

Contact

To arrange a meeting or if you need more information about this response, please contact:

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