



## **KIDS.US CONTENT POLICY: GUIDELINES AND RESTRICTIONS**

**NeuStar, Inc.**



## A word from NeuStar

On December 4, 2002, President George W. Bush signed into law the Dot Kids Implementation and Efficiency Act of 2002. This Act requires that NeuStar, “as the administrator of the .US country code top-level domain (ccTLD), establish a kids.us domain to serve as a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet.” This legislation was the culmination of years of effort by several members of the United States Congress. In anticipation of this legislation, NeuStar began a public outreach campaign to seek input and advice from members of the children’s content community, child advocacy groups, parents, educators, law enforcement organizations, and other interested individuals to create an initial draft of Guidelines and Requirements, which were published on the Internet in August 2002. The comments we received were instrumental in finalizing this document.

The policies identified in this document will set forth the guidelines for the administration and management of content in the kids.us domain.

We would like to thank every individual and organization that contributed to this document, and for helping make kids.us a reality.



## INTRODUCTION

### Background

More than 140 million Americans, half of our nation, are now online. 90 percent of the children in America between the ages of 5 and 17 now use computers and 65 percent of 10-13 year olds use the Internet today. Usage among even the youngest members of our society is significant, with more than 84 percent of 5-9 year olds using computers at home, school, or both.<sup>1</sup> Our nation's youngest citizens are increasingly gaining access to the Internet. How children use the Internet and what they are exposed to while online are topics that have long been examined, discussed, applauded, and criticized. These examples of widespread use of the Internet by children in all aspects of their lives demonstrate the demand for a domain designed for children.

Interested parties and individuals ranging from parents and educators to communities and members of Congress have all expressed great excitement at the potential benefits of a distinct place on the Internet for our nation's children. To accomplish the goal of establishing a place for children on the Internet, the Dot Kids Implementation and Efficiency Act of 2002, Public Law No. 107-317 (herein referred to as the "kids.us Act"), was introduced in the U.S. House of Representatives in the 107<sup>th</sup> Congress, and with nearly unanimous support was approved by both the House and the U.S. Senate. Enactment of the kids.us Act demonstrates the strong commitment by our nation's leaders to create a rewarding online experience for our nation's youth.

### The role of NeuStar in the design and implementation of the kids.us domain

The kids.us Act "assign[s] to the [National Telecommunications and Information Administration] responsibility for providing for the establishment, and overseeing operation, of a second-level Internet domain within the United States country code domain."<sup>2</sup> In October 2001, The United States Department of Commerce ("DOC"), National Institute of Standards and Technology ("NIST") selected NeuStar to manage and administer the .us domain name space, the official ccTLD for the United States (Purchase Order No. SB 1335-02-W-0175) (the "Government Contract"). As part of this contract with the DOC, NeuStar agreed to reserve a select set of second level domain names to be used to serve the public. Among the reserved names was "kids", which was put aside in order to enable an entity to manage a kids.us domain name space for the benefit of children. In accordance with the kids.us Act, NeuStar will act as the Registry operator for all third-level registrations under the kids.us domain and have overall responsibility for managing the name space to ensure appropriateness of content.

In light of the fact that NeuStar will have the primary responsibility for ensuring that content within the kids.us domain is appropriate for children under the age of 13, NeuStar has created the role of the kids.us "Content Manager" to oversee this enormous responsibility. The Content Manager may either be NeuStar itself or may be an entity, or several entities, approved by both NeuStar and the

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<sup>1</sup> See *A Nation Online: How Americans Are Expanding Their Use of the Internet*, February 2002, U.S. Department of Commerce, Economics and Statistics Administration, National Telecommunications and Information Administration.

<sup>2</sup> Public Law 107-317, Section 3, subsection 3(c).

NTIA to perform these functions. The Content Manager will be responsible for reviewing and approving content that is appropriate for the kids.us domain pursuant to these kids.us Content Guidelines and Requirements along with any other rules, restrictions or regulations determined by NeuStar and the NTIA.

To fulfill a requirement under the kids.us Act, NeuStar has drafted this policy for content guidelines and requirements based on input from a variety of diverse sources. We attempted to identify the major publicly and legally accepted children's content standards for purposes of application to the kids.us domain. This document reflects the excellent work developed through government and privately-funded research, testimony delivered at Congressional Hearings, articles, books, and some preliminary conversations with members of the children's media communities. Because of the public resource value of the kids.us domain, we have taken great effort to reflect a wide sampling of the information publicly available. Additionally, an initial draft of this document<sup>3</sup> was issued for public comment in August of 2002. NeuStar would like to thank the individuals and organizations that responded to our request for comments by contributing comments on the design of the domain, suggested content, and restrictions for content.

## Core objectives of kids.us – a domain for children

The objective of the kids.us domain is to facilitate the establishment of a friendly and enjoyable environment for children using the Internet.

The kids.us Act states that the kids.us domain is intended to serve "any person under 13 years of age". This benchmark for the kids.us domain is not surprising as it is consistent with other existing legal frameworks in a variety of media, including, for example, the Children's Online Protection Act.

Specifically, the kids.us domain is designed to restrict access to content that is "harmful to minors", which has been defined by the kids.us Act as:

- "The average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, that it is designed to appeal to, or is designed to pander to, the prurient interest;
- The material depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and
- Taken as a whole, the material lacks serious, literary, artistic, political, or scientific value for minors."<sup>4</sup>

Further, the kids.us Act also states that the domain should have content that is "suitable for minors", or content that:

- "Is not psychologically or intellectually inappropriate for minors; and
- Serves (1) the educational, informational, intellectual, or cognitive needs of minors; or (2) the social, emotional, or entertainment needs of minors."<sup>5</sup>

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<sup>3</sup> Proposal For Guidelines and Requirements for the kids.us Second Level Domain, August 2002

<sup>4</sup> Pub. Law 107-317, Section 157, subsection J (1) a-c.



It is important to understand that the kids.us domain is not intended to be a cure-all solution to the many problems and dangers associated with children's use of the Internet. As the National Academies of Sciences ("NAS") concluded in the recently released report "Youth, Pornography, and the Internet," there is no single approach that will, on its own, protect children from online dangers.<sup>6</sup> Rather, the kids.us domain is being designed as an alternative on the Internet that children, parents, educators, and children's content providers may elect to use. A domain for children alone cannot address the larger problems associated with children's Internet use. Given the technical and legal limitations that plague any Internet domain, a space dedicated to children can be targeted by bad actors or subject to technical problems. These facts demonstrate that there can be no truly safe place or "haven" for children. To the contrary, a place for children can be effective only if it is accompanied by the many components identified by the NAS in their report, including parental involvement, adult supervision, social and educational support, and publicly available, user-friendly, and cost-effective technology-based tools.

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<sup>5</sup> Pub. Law 107-317, Section 157, subsection J (5) a-c.

<sup>6</sup> *Youth, Pornography, and the Internet*, Dick Thornburgh and Herbert S. Lin, Editors, Committee to Study Tools and Strategies for Protecting Kids from Pornography and Their Applicability to Other Inappropriate Internet Content, Computer Science and Telecommunication Board, National Research Council (May 2002) (the NAS Report).



## KIDS.US GUIDELINES AND RESTRICTIONS

### Content guidelines for the kids.us domain

The following are the specific content guidelines for determining which content is “suitable for minors” that resolves within a kids.us-approved domain name. Each of these standards are currently used or accepted in a variety of public communications and media forums. Aggregating existing standards and integrating them into the kids.us domain provides a means of defining what is acceptable content in a domain for children, and also acts as a notice to kids.us registrants of some existing standards and laws that are applicable to children online.

In addition, these content guidelines and restrictions are applicable to all domains within the kids.us domain, whether at the third, fourth or higher level, which is defined herein as any web page that is associated with a domain name ending in kids.us – all pages “behind” the primary URL and all pages associated with domains “to the left” of kids.us. Thus, although domain names with four or more levels (e.g., registry.neustar.kids.us) are permitted and can be managed at the discretion of the registrant, those pages are considered part of the kids.us domain and are therefore subject to all guidelines, restrictions and policies of the kids.us space.

### **Compliance with existing laws, regulations, and relevant voluntary standards**

In addition to the guidelines and requirements contained herein, all content that resides within a kids.us-approved domain must be in compliance with existing laws, widely adopted children’s online protection policies, advertising policies, privacy requirements and other policies, restrictions and guidelines approved by NeuStar and the NTIA. These include, but are not limited to, the several key legal, regulatory, and voluntary standards listed below that impact multimedia children’s content today.

### **Compliance with existing rules and regulations regarding indecency on the airwaves**

In light of the public significance of both the usTLD and the kids.us second level domain, the registry operator already reviews, for possible deletion, all registered .us domain names that contain, within the characters of the domain name registration, any of the seven words identified in *Federal Communications Commission v. Pacifica Foundation*.<sup>7</sup> An expanded version of this policy will be extended to the kids.us registrations.

### **A commitment to offer some educational and informational content**

Pursuant to the Children’s Television Act<sup>8</sup> and the FCC’s rules implementing this statute,<sup>9</sup> broadcasters have a public interest obligation to air a specific number of hours of programming that offers some educational and informational content targeted to children under 13. These rules are consistent with the spirit of the “suitable for minors” clause in the kids.us Act and thus, all

<sup>7</sup> 438 U.S. 726, 98 S. Ct. 3026, 57 L.Ed.2d 1073 (1978).

<sup>8</sup> Cite Children’s Television Act (CTA).

<sup>9</sup> Cite FCC Docket implementing the CTA.

registrants within the kids.us domain are encouraged to have some component of educational and informational content for children on their respective domains.

### ***Compliance with the children's online privacy protection act (COPPA) requirements<sup>10</sup>***

The Children's Online Privacy Protection Act (COPPA) requires the Federal Trade Commission (FTC) to issue and enforce rules concerning children's online privacy.<sup>11</sup> In doing so, the FTC stated its primary goal as placing parents in control over the information that may be collected from their children online. Specifically, the COPPA rules apply to three groups of website operators: operators of commercial websites or online services directed to children under 13 that collect personal information from children; operators of general audience sites that collect personal information from children under 13; and operators of general audience sites that have a separate children's area and that collect personal information from children.

These three groups of operators are required to perform certain tasks. First, these operators must post a privacy policy, provide notice to parents about the site's information collection practices, and in many instances, obtain parental consent prior to collecting personal information from children. In addition, the operators must provide parents access to their child's information and the opportunity to delete information, they may not condition a child's participation in an activity on the disclosure of more information than is reasonably necessary, and they must maintain the confidentiality, security and integrity of the personal information collected from children.

As stated above, the kids.us domain must be in strict compliance with existing laws, including of course, the requirements of the COPPA, however, neither NeuStar, the DOC nor any Content Manager will be responsible for enforcing these requirements.

### ***Compliance with children's advertising review unit (CARU) advertising standards***

One example of widely adopted policies relating to advertising includes the efforts of the Children's Advertising Review Unit (CARU) of the Better Business Bureau. The CARU reviews and evaluates advertising in all media directed to children under 12. This includes print, broadcast and cable television, radio, video, CD-ROM, 900/976 teleprograms, and interactive electronic media. CARU reviews advertising to determine consistency with its guidelines. If advertising is found to be misleading, inaccurate, or inconsistent with the guidelines, CARU works to achieve voluntary cooperation from the relevant parties to ensure compliance. All kids.us registrants are encouraged to be in compliance with the CARU Guidelines.<sup>12</sup>

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<sup>10</sup> Cite COPPA.

<sup>11</sup> Cite FTC's rules implementing COPPA.

<sup>12</sup> For greater detail on the CARU Guidelines and CARU, please refer to [www.caru.org](http://www.caru.org).

## Restrictions within the kids.us domain

In addition to the proposed general standards identified above, below is a core list of content restrictions to be followed within the kids.us domain.

The following information or content is not permitted within the kids.us domain:

**Mature content**—actual and/or simulated normal or perverted sexual acts or sexual contact; sexually explicit information that is not of medical or scientific nature which includes

- Discussion or descriptions of sexual techniques or exercises;
- Sexual paraphernalia;
- Explicit discussions of sex and sexuality; and
- Lewd clothing sales.

**Pornography**—content that is sexually explicit and/or has a purpose of arousing a sexual or prurient interest which includes

- Lewd exhibitions of genitals or post-pubescent female breasts;
- Pornographic fiction or erotica;
- Sex-related phone and video information;
- Adult services (e.g., escort services, exotic dancers);
- Personals or dating services;
- Fetish information or clothing; and
- Sex toys.

**Inappropriate language**—use of profane, indecent, pornographic or sexually-related language, including the seven words identified in *Federal Communications Commission v. Pacifica Foundation*, 438 U.S. 726, 98 S. Ct. 3026, 57 L.Ed.2d 1073 (1978) in the domain name or content of any kids.us website

**Violence**—content which advocates or provides instructions for causing physical harm to people, animals or property which includes

- Information or instructions for injuring or killing people or animals;
- Explosives and bombs – manufacturing, obtaining materials, transport and detonation;
- Graphic images of blood and gore with no medical or scientific purpose;
- Destructive mischief, pranks or practical jokes; and
- Dangerous chemistry, physics and engineering.

**Hate speech**—content with hostility or aggression toward an individual or group on the basis of race, religion, gender, nationality, ethnic origin, or other involuntary characteristics OR denigrates

others on the basis of these characteristics or justifies inequality on the basis of those characteristics. This includes

- Racism;
- Religious-based hate speech, such as anti-Semitism;
- Misogyny;
- Race-based separatism; and
- Ageism.

**Drugs**—content that advocates the illegal use of drugs, or abuse of over-the-counter or prescription medications. This includes

- Direct or indirect sale of illegal substances;
- Narcotic paraphernalia;
- Manufacture of illegal substances (organic or chemical);
- Abuse of over-the-counter or prescription drugs or medical treatments;
- Direct or indirect distribution of illegal substances; and
- Use of illegal substances.

**Alcohol**—content that advocates or contemplates alcohol consumption which includes

- Offers for sale;
- Supplies recipes for creating, encouraging or guidance on consumption;
- Paraphernalia to make or consume; and
- Drinking games or other recreational displays.

**Tobacco**—content that features smoking or use of other tobacco products, which includes

- Retailers or other means of acquiring;
- Tobacco products and paraphernalia;
- Instructions for using tobacco products; and
- Glamorization of tobacco use.

**Gambling**—content that advocates legal or illegal gambling, which includes

- Online Casinos, lotteries, gaming or online betting sites;
- Information or tips for placing bets or handicapping; and
- Fundraisers that use gambling.

**Weapons**—content that sells or advocates the use of weapons, which includes

- Direct sale or information on the procurement of firearms, ammunition, any firearm accessories, sport knives, and martial arts weapons; and
- Information on use or modification of firearms, ammunition, any firearm accessories, sport knives, and martial arts weapons.

**Criminal activities** – content that advocates or provides information or instruction for engaging criminal activity, which includes

- Theft;
- Bodily harm;
- Property damage; and
- Computer-related crimes.

Notwithstanding the list contained above, all content will be reviewed by the Content Manager(s) on the whole prior to being approved for display on a kids.us domain. If such content is deemed by the Content Manager(s) and/or NeuStar as having serious educational, informational, intellectual, literary, artistic, political, or scientific value for minors we believe that exceptions can be made to allow this content to appear in the kids.us domain.

### **Technology restrictions**

Because there is no foolproof method for protecting children online at this time, the kids.us Act specifies limitations put on specific technologies commonly used on the Internet today. These technologies are prohibited from use in any kids.us domains:

- Two-way and multi-user interactive services, which includes: e-mail, chat, instant messaging, Usenet, Message Boards of like user forum, and peer-to-peer connections, place “unless the registrant certifies to the registrar that such service will be offered in compliance with content standards established ... and is designed to reduce the risk of exploitation of minors using such two-way and multi-user interactive services”; and
- Hyperlinks that take a user outside of the kids.us domain.

## ENFORCEMENT PROCESSES AND PROCEDURES

Pursuant to the kids.us Act, the registry operator has responsibility for creating “a process for removing from the new domain any content that is not in accordance with the [content] standards and requirements of the registry.” This enforcement power, though severe, is not absolute and finite, as the registry is also required to create “a process to provide registrants to the new domain with an opportunity for a prompt, expeditious, and impartial dispute resolution process regarding any material of the registrant excluded from the new domain.”<sup>13</sup> The purpose of providing this enforcement power to the registry operator is to strengthen a core objective of the kids.us Act, which is both to create an online arena that is free from material that is harmful to minors and to ensure that the kids.us domain remains safe from such harmful material.

At the time of initial content review, all potential websites must completely abide by the kids.us Content Guidelines and Restrictions before any content may reside within the kids.us domain. Once content is available, the Registry can be made aware of any true or alleged content infractions from the Content Manager or through feedback received directly from the Internet community<sup>14</sup>. On an on-going basis, the Registry will follow a defined process for removing appropriate content from the kids.us domain. This process is designed to balance the needs of maintaining a stable domain space as well as ensuring a timely and expeditious means for registrants to resolve any true or alleged content infractions.

In order to aid the registry operator in its enforcement, these content restrictions have been assigned a “severity level” that will guide the registry in addressing content violations. Because the registry does not have direct access to the content within a website, actions by the registry are limited to removing a domain name from the authoritative database, thereby blocking the site in its entirety<sup>15</sup>. Although complete removal of a domain name may appear to be an extreme course of action in some instances, the objective of protecting children is paramount and must be the guiding factor in the enforcement process.

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<sup>13</sup> Public Law 107-317 Section 157, Subsection C, (5-6).

<sup>14</sup> This information will be made available on the official kids.us website.

<sup>15</sup> It is important to note a technological distinction between the Registry making a domain name unavailable and a user’s ability to access that domain in the future. In the event a domain name has been cached locally or by an ISP, that name will reside in their system until that time they update their individual databases with a current copy of the Registry Operator’s zone file. Thus, though the Registry can remove a name from the zone file, that name could still be accessed if it has been cached with the ISP. Additionally, if the IP address for the domain name has been made available, that can be entered into the URL line of the browser in lieu of an alphanumeric domain name thereby making a website accessible without using DNS.

Content Restrictions are broken into three categories:

Level 1	Level 2	Level 3
Mature content	Hate speech	Hyperlinks to acceptable content
Pornography	Drugs	
Inappropriate language	Weapons	
Violence	Hyperlinks to Level 2 or Level 3 content	
Hyperlinks to Level 1 content	Gambling	
Interactive or multi-user communication	Alcohol	
Criminal activity	Tobacco	

When the Registry is actually notified of an alleged violation, each site will be reviewed within a reasonable time period and categorized pursuant to the table above. If the Content Manager and/or the registry operator determines that a violation has occurred, the following actions will be taken for each of the categories:

**Level 1** – Registry will immediately remove the domain name from the Zone file, contact the Registrar and Registrant and provide them notification of removal. The registrant will be required to repeat the content review process before the name can be re-established in the zone.

**Level 2** – Registry will notify the Registrar and Registrant of the infraction and provide 4 hours for the error to be modified. The registrant will be subject to an additional review.

**Level 3** – Registry will notify the Registrar or Registrant of the infraction and provide 12 hours for the error to be modified.

Registrants found in violation of the content standards desiring to be reinstated within the kids.us domain will be subject to a new review and re-activation fee each time a domain name is removed from the zone file and then re-entered. This fee is designed to recover the operational expense associated with manual removal and insertion into the Registry zone file, the additional content reviews, and other administrative expenses.

Registrants found repeatedly violating the content policy may be subject to permanent loss of their domain name, at the sole discretion of the registry.