



**Proposal for Guidelines and Requirements for the
Kids.US Second Level Domain**

Public Comments

This document contains the comments that NeuStar, Inc. ("NeuStar") received from the public regarding the "Proposal for Guidelines and Requirements for the Kids.US Second Level Domain" ("Guidelines"). NeuStar would like to thank those that have taken the time to review and comment on, both during the comment period and prior to the initial publication of the Guidelines, on these important issues. NeuStar is in the process of reviewing these comments and will revise the draft as appropriate. We expect to publish the final Guidelines in approximately 45 days.

From: Chris Rettstatt [chris@kidfu.com]
Sent: Monday, October 14, 2002 11:46 AM
To: KidsDomainComments@NeuStar.us
Subject: comments for kids.us guidelines

I hope it's not too late for you to receive my comments for the kids.us guidelines. I sent the email on Friday, but it seems to have bounced back. Here it is again. I would highly appreciate confirmation that you have received the attachment and that you are able to accept my comments despite the fact that they are late.

Thanks,

Chris

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Via Electronic Mail

October 10, 2002

Jim Casey
Director, Policy and Business Development
NeuStar, Inc.
1120 Vermont Avenue, N.W., Suite 400
Washington, DC 20005

Re: Proposal for Guidelines and Requirements for the kids.us Second Level Domain



Dear Mr. Casey:

KidFu appreciates this opportunity to submit comments on NeuStar's Proposal for Guidelines and Requirements for the kids.us Second Level Domain. The staff of KidFu has many years of experience facilitating safe online interaction for children as well as teaching children and parents how to use the interactive power of the Internet safely and responsibly. Our expertise is in providing safe, comfortable places for children to interact online. Our goal is not only to keep kids safe while they are using one of our sites, but also to teach them how to take control of their own safety while they are elsewhere on the Internet and how to educate their peers and less netsavvy children (and, indeed, even their parents) about Internet safety.

The author of these comments, Chris Rettstatt, is a child safety and privacy advocate who has done online safety and privacy consulting as well as "kids and technology" curriculum development. He does "family Internet" book reviews for Chicago Parent Magazine and is editor of the Kids and Teens Online Community category for the Open Directory Project. He was formerly Director of Community and Safety for FreeZone.com, a safe online community for over 800,000 kids worldwide.

With regards to the creation of kids.us, KidFu enthusiastically supports the concept, which has the potential not only to provide parents with a valuable resource for their kids, but also to incite providers of sites across the Internet to consider seriously what is best for the children in their audiences.

We must warn that if the guidelines are not properly set up and enforced, this potentially valuable resource could foster a false sense of security among parents and become a magnet for predators. We appreciate NeuStar's efforts to solicit comments from the public and look forward to seeing how those comments are incorporated into the final guidelines.

Children Under 13

We support NeuStar's proposal that the Guidelines and Requirements regarding content for the kids.us domain be designed for children under 13. This will allow existing laws, such as the Children's Online Privacy Protection Rule, to be used as part of the foundation for the kids.us guidelines.

usTLD

We support NeuStar's decision to apply the usTLD to kids.us and prohibit the "seven words." We recommend that this list be expanded based on community standards. Such a list should be based on lists of banned words that already exist. We recommend that the language standards used for children's broadcasting on national public television and national public radio be used as the core of the kids.us language standards.

Exceptions should always be made for content with socially redeeming value, such as important works of literature that may include banned words. Such exceptions would be made after a review by the kids.us Content Manager.

Educational and Informational Content

We support the proposal to require all kids.us registrants to include a certain amount of educational and informational content designed for children under 13. While it is true that this will place a burden on registrants—especially those whose goal is only to sell a product—, we believe that the burden is not unreasonable, particularly compared to the enormous benefit to children that will result.



We agree with NeuStar that the standards should be based on the Children's Television Act, under which TV stations are required to air 3 hours of educational and informational programming per week and to make those times known to listing services. There are also accountability mechanisms so that parents may get involved.

Kids.us registrants should be required to provide content that furthers the educational and informational needs of children, including children's intellectual/cognitive or social/emotional needs.

Such content areas should:

- Have a "significant purpose" of educating children
- Have a clearly stated, written educational objective
- Be at least a certain amount of content or a certain percentage of the site
- Be apparent and easily and consistently accessible
- Be updated regularly

Just as the CTA requires stations to disclose a completed Children's Educational/Informational (E/I) Television Report in their public files, kids.us registrants should be required to post an E/I notice. This is similar to the requirement by the Children's Online Privacy Protection Rule for Web site operators to post a Privacy Notice that follows certain outlined criteria.

Similar to the CTA, kids.us registrants should be required to designate a staff member to be the "children's liaison" with the community. This person would be the contact listed on the E/I notice and should be able to respond to questions about the site's E/I content and to receive feedback.

Kids.us web site operators should be required to have a mechanism in place that will allow community members to evaluate the site's E/I content and to provide feedback to the site operator as well as to NeuStar. That feedback should play a part in the renewal process.

One way to facilitate this feedback process and reduce the burden on registrants is for NeuStar to provide a standard report card form which would then be present on a registrant's E/I notice and which would allow feedback from the community to be submitted automatically to the registrant and to NeuStar.

Children's Online Privacy Protection Act (COPPA)

As COPPA (or COPPR) is now federal law, compliance with its requirements should obviously be a part of kids.us guidelines.

On the issue of the protection of children's privacy, I would like to propose that kids.us apply the requirements of COPPA to all non-adult users (kids and teens under the age of 18). After the implementation of COPPA, a dramatic line was drawn across the Internet separating kids under 13 from kids 13 and over. Kids 13 and over had almost full interactive access, and kids under 13 were almost completely cut off from the benefits of online community.

This line is drawn at 13 because of the legal distinction between kids and teens, but it does not take into consideration the safety risks involved for teens, especially young teens, who are more vulnerable than younger kids to predators.

Another result of this line drawn at 13 is that kids under 13 are encouraged to lie about their ages in order to access off-limits areas. The Children's Advertising Review Unit has had to deal with this issue numerous times, but it is still a wide-spread problem and has the potential to undermine the positive potential of kids.us.



If kids.us keeps this line drawn at 13, the same problem will be repeated on kids.us sites. Many web site operators will ignore the special privacy requirements of children and will design their policies for teens and adults, knowing full well that many kids will lie about their ages in order to participate.

If NeuStar wishes to create a genuine green light zone for kids, it will apply the same standards to all non-adult users – standards designed for children under 13.

Children’s Advertising Review Unit (CARU) Advertising Standards

We support the proposal to apply CARU advertising guidelines to all kids.us sites. These guidelines are widely respected and followed, and they provide an excellent example of an industry’s effort to regulate itself.

CARU advertising guidelines should be applied to all advertising on kids.us, not just that directed at children under 12. As all content on kids.us should be designed for and appropriate for kids under 13, that benchmark should be used for applying CARU guidelines.

Additional Proposal for Content Standards

While it is important that additional content standards be developed that deal with other categories of inappropriate content, such as content that is violent or racist or which encourages illegal activity, I believe there are others in the community who have more expertise than I on these issues. It is my sincere hope that these individuals take the time to submit their comments and share their expertise with NeuStar.

My area of expertise is safe interaction for kids. The “Dot Kids Implementation and Efficiency Act of 2002” (H.R. 3833 in the House of Representatives and S. 2537 in the Senate) requires NeuStar to have “written agreements with registrars, which shall require registrars to enter into written agreements with registrants, to prohibit two-way and multiuser interactive services in the new domain, unless the registrant certifies to the registrar that such service will be offered in compliance with the content standards established pursuant to paragraph (1) and is specifically constructed and operated to protect minors from harm.”

First I would like to encourage NeuStar to pay particularly close attention to the issue of safe interaction when developing these guidelines. Interactive services such as chat and message boards can be powerfully positive tools for children, but they can also put children at great risk.

I would like to begin by sharing a few examples, from my own experience facilitating safe interaction for kids, of why it’s important that NeuStar takes the time to define and permit safe interactive services:

- An American girl doing a school report on the Eiffel Tower chats with a French girl who can see the tower from her living room window.
- An 11-year-old boy in Wisconsin, who has known little outside his own area and culture, befriends a 10-year-old boy from the United Arab Emirates. At first he can’t get over how cool it is to have a friend from so far away, but the excitement is soon replaced by an understanding and appreciation that kids in other countries are not that different after all.
- A boy comes into Poetry Chat and announces that poetry is stupid. After some encouragement from the moderator and the other kids, who are practicing haiku, the critic contributes a haiku about how stupid poetry is. After more encouragement, he contributes an improvised poem on the day’s topic (Father’s Day), the first real poem he has ever written and one of the best in the day’s collection. He becomes a regular and even submits a poem to a poetry competition at his school.
- A group of kids, many of who have faced smoking-related tragedies in their own families, brainstorm in chat to help plan the American Cancer Society’s next Great American Smokeout campaign.



- In a role-play chat in which the kids pretend to be super hero high school students, the "teacher," a washed-up former super villain, gives a lecture on the myth of Persephone. The super hero kids fidget in their imaginary desks and listen to the lecture. After a few minutes, the teacher opens a time portal and transports them all into the past, where they assume mythical roles and role-play the events they've just heard. The kids love it, and they never forget the story.
- In a Day of the Dead chat, a kid who lives in Mexico explains Mexico's rituals for celebrating the holiday. A U.S. kid says she doesn't like the idea of celebrating death, because death is sad, and her friend's little brother has just died. After some further chat on the subject, the two kids decide to collaborate to build a Day of the Dead altar to honor the friend's brother.
- The day after the Columbine shooting, kids from all over the world pour their hearts out in chat about how scary it was, taking advantage of the structured, sensitive environment to reach out and exchange feelings, worries and hopes.
- A girl doing a school report on wolves co-hosts a "wild animals" chat with Jeff Corwin, the TV celebrity animal expert. She includes quotes from the chat in her report, which impresses the other students and gets her an 'A' from the teacher.
- In a chat with Craig Keilburger, the children's rights activist who started the global not-for-profit Free the Children at age 12, kids get excited about the issue of children's rights. One kid decides he will ask his school's principal if they can have an assembly on the topic and get schoolmates to help fight for the rights of less privileged kids.

Some kids come into chat critical of the safety rules. After some discussion, they almost always come around, and many of them go on to teach the rules to new chatters, and even to take the rules with them as they explore the Web.

These are just a few moments from my three years of providing a safe, comfortable place online for kids to be themselves, to experiment and learn, to reach across the world and deeper into themselves.

(Reprinted from "Building Safe Online Communities for Kids," by Christopher Rettstatt.
<http://www.onlinecommunityreport.com/features/rettstatt/>)

This kind of valuable interaction can only come about, and can only be done safely, if it is completely monitored by trained, caring adults, and if all interaction is carefully screened and monitored. While there are software programs available that help control what kids can and can't see online, there is no server-side software that will prevent a child from divulging the name and location of his or her school or setting up a meeting with a stranger. Interaction on kids.us can only be done safely if it is monitored and facilitated by staff trained to deal with these issues. As pointed out in the bill, studies have shown that 19 percent of youth (ages 10 to 17) who use the Internet regularly were the targets of unwanted sexual solicitation. It is important that interactive services be allowed on kids.us, but it is more important that they be done with the utmost attention to protecting the safety of the children who use them.

I propose the following as foundation for the creation of standards and guidelines for safe interactive services on kids.us. They are far from comprehensive, but they will reveal issues I feel to be critical to the establishment of such guidelines.

Message Boards

Message boards allow multi-user asynchronous conversation. Unscreened message boards should not be allowed on kids.us, because the user-generated content would regularly violate kids.us content standards. Only screened message boards should be allowed. Web site staff would be required to approve each message before it appears on the site.



Instant Messaging

Instant messaging is one of the most popular online activities, as well as one of the most dangerous. Popular instant messaging programs include AIM, ICQ, Yahoo! Messenger and MSN Messenger. These should not be allowed on kids.us. Should an instant messaging system be developed in the future that meets the kids.us requirements for chat, it should be considered for approval. Until such time, instant messaging should be categorically prohibited on kids.us sites.

Chat Rooms

Unmonitored chat rooms should simply not be allowed anywhere on kids.us. Content that violates the kids.us guidelines would appear almost constantly in such places. Kids.us site operators should be held responsible for user-generated content on their sites in the same way that they are responsible for content they provide to the users.

Any chat rooms (virtual rooms that allow multi-user synchronous conversation) on kids.us must be monitored and/or screened by Web site staff. Some chat software allows chat comments to be screened in real time by staff before they appear to the users in the chat room. This provides the highest level of control over user-generated content. I will refer to this as "screened chat." This kind of chat is permitted by COPPR even without parental permission, and it should be permitted on kids.us.

Most chat rooms do not enable this option, and any staff members monitoring the conversations see text at the same time as everyone else in the room. These chat rooms are permitted under COPPR only with verifiable parental permission. I propose that such chat rooms be allowed on kids.us only under very strict conditions:

- The chat rooms must be fully monitored by staff at all times they are open. It is not sufficient that a room be partially monitored, or that software such as bots be the primary source of monitoring.
- Private messaging must not be enabled or allowed. Many chat programs allow a user to send a private message to another user. These messages cannot be seen by others in the chat room. Such private messaging should not be allowed in kids.us chat rooms unless the software design allows the site staff to monitor those messages as well. While such private messaging is extremely popular among kids, it is also extremely popular among child predators and is a primary way in which such predators begin to develop inappropriate and dangerous relationships with children.
- Profiles must not be allowed in kids.us chat rooms, or elsewhere in kids.us sites, unless they are screened to ensure that the information meets kids.us content standards.
- Registrants should securely store all transcripts from chat and should make those transcripts available as needed to law enforcement.
- Any staff member who has the responsibility of monitoring kids.us chat rooms should be required to first pass a background check.

E-mail

E-mail is arguably the most popular and widely used online application. Free web-based e-mail services such as Hotmail and Yahoo! are extremely popular among kids. However, permitting such open e-mail systems on kids.us would result in daily, and even hourly, violation of kids.us content standards, largely due to pornographic spam. Such services should not be allowed on kids.us. Should an e-mail system be developed that can comply with kids.us content standards, it should be considered for approval. Until such a time, these e-mail services should not be part of the kids.us green light zone.



Home Pages

There are a number of Web sites that allow users, including children, to create and host home pages, journals and web logs which are then available for public view. Most of these incorporate no screening system whatsoever, and users are permitted to post content freely. Because there is a strong likelihood that such services would result in frequent and numerous violations of kids.us content standards, they should categorically be prohibited from kids.us.

Such a service can only be permitted on kids.us if all user-submitted content is screened by Web site staff before the content becomes public. Random after-the-fact checking (known as sweeping) is not sufficient.

Linking Outside of Kids.us

We support NeuStar's proposal to restrict registrants from linking outside of kids.us unless target sites have been pre-approved by NeuStar. This will allow for some automation of the process of checking for violations.

NeuStar should maintain a database of non-kids.us Web sites that meet kids.us content guidelines. Non-kids.us Web site operators should be allowed to submit sites for approval, and NeuStar staff should regularly update the list. Just as importantly, NeuStar should regularly review sites on the approved list to ensure that they remain within the parameters of kids.us content guidelines.

Core kids.us Content Restrictions

We agree with the proposed list of core content restrictions with the following exceptions:

- "Revealing attire" should be defined further.
- Content that advocates the legal use of drugs should be forbidden only if it promotes unhealthy activities. Use of legal drugs such as medication should not be categorically forbidden.
- Content that contemplates alcohol consumption should be allowed if it is for the purpose of teaching kids about the risks of alcohol consumption.

These additional content restrictions should be considered:

- Content that promotes unhealthy activities or lifestyles, such as pro-anorexia Web sites.
- Content that promotes or provides instructional material about illegal activities, such as hacking and bomb making.
- Content that promotes physical harm or injury against any group or individual, or promotes any act of cruelty to animals.
- Content that intentionally or unintentionally violate any applicable local, state, national or international law.
- Content that is threatening, abusive, harassing, defamatory, libelous, hateful, racist, sexist, or otherwise bigoted.

Again, I thank you for this opportunity to contribute to the kids.us guidelines, and I look forward to seeing how the project progresses. Please contact me if I can provide any further clarification or assistance.

Respectfully submitted,

Chris Rettstatt
Co-founder, KidFu

From: Angela Clancy [AClancy@privo.com]
Sent: Friday, October 11, 2002 6:45 PM



To: 'KidsDomainComments@NeuStar.us'
Subject: kids.us comments from Privo

<<Privo comments to Neustar 10-11-2002.doc>>
Dear Neustar Team,

Please find Privo's comments on kids.us second level domain attached to this email. Thank you for the opportunity to provide feedback and ideas.

Best Regards,
Angela Clancy on behalf of Albert Strong and the Privo Team

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Privo Comments to Neustar on the Proposed kids.us second level domain

Privo appreciates the opportunity to provide insights and feedback on the proposed kids.us second level domain.

Background on Privo

Privo's primary mission is to act as a trusted third party that empowers parents to manage their child's online privacy and interactive experiences on the Internet. Privo provides family brands with effective proprietary tools for management of COPPA-compliant registration and secure parental permissions management. As a specialized provider in this arena, Privo hopes its comments will provide insight from this unique perspective.

Privo was incorporated in February 2001. After a year and a half of market research, product development efforts and beta testing, it launched its flagship product, PrivoLock™, a proprietary permissions management platform and network which allows parents to manage their child's internet experiences and ensures COPPA compliance by online content providers. Privo recently launched the prestigious Charles and Helen Schwab Foundation with a successful implementation of PrivoLock into a site for children with learning differences such as dyslexia. Privo has completed a Series 'A' round of capital and will shortly be rolling out a cross-industry launch.

Privo's Unique Expertise

Privo is uniquely qualified to comment due to its team's expertise and reputation in the children's marketplace. Through its participation at industry trade shows in areas of marketing to children, entertainment and games, and education, Privo has established its brand in the marketplace and is fast emerging as the industry standard in children's online privacy.



Privo has received international recognition through *ABC Business Now*, *the Potomac Tech Journal*, *the Fredericksburg Star*, *the Heller Reports* and *World Business Review*. Moreover, it has solidified its credibility and knowledge of the marketplace with the addition of renowned industry leaders to its advisory board, including Paul Gernhardt (*former director of international technology, AOL (1986-1999)*), Paul Kurnit (*President and Founder of KidShop and former president of Griffin Bacal*), Arthur Pober (*former president of the Entertainment Software Ratings Board ESRB*), Elizabeth Lacoutx (*executive director, BBB's Children's Advertising Review Unit*) and Ray Everett-Church (*leading privacy expert*).

October 11, 2002

Contact: Albert Strong, Director of Public Affairs, Privo, Inc.
astrong@privo.com
(571) 214-7446 direct

Introduction

It is estimated that 41 million children use the Internet. From research to exploration to play, kids have made the Internet the most rapidly adopted medium in history. Unfortunately, there is a vast amount of material on the Internet that is inappropriate for children. One mistyped letter can redirect a child doing her homework toward disturbing content.

Arising from a growing chorus of concerned parents and policymakers are multiple suggestions as to how to protect kids online. The kids.us proposal to create a second level domain would facilitate the establishment of a safe environment for children age 12 and under to use the Internet. Congress, parents, and the public at large have a valid interest in finding a solution. The challenge will be in designing a practical, economically viable method by which this goal can be implemented, that satisfies the many demands of key stakeholders.

This paper will examine the questions and opportunities surrounding a child-friendly domain, including what it would need to be viable, attractive, and consistent with stakeholder goals.

Comments

Government Regulation vs. Self Regulation

It is Privo's opinion that the protection of children online is a paramount value of our society and a legitimate concern of government. However, it is vastly preferable if this goal is achieved through efforts in the private sector. Currently, Congress is actively considering legislation that would create the kids.us second level domain by legislative mandate. Although such legislation is well-intended, we are sympathetic to the concerns regarding the legislation of the top-level domain manager Neustar. As currently crafted, the legislation creates business impracticalities that are cause for concern both from a precedent standpoint, as well as stringencies that threaten the successful implementation of a kid-safe domain. Therefore, Privo urges that a non-legislated, private solution be found utilizing the best contributions of both the public and private sectors in a unique partnership for the good of our nations' children and families. This paper will describe how the same objectives desired by Congress, could be met privately through self-regulation.



Children Under 13

Privo agrees that the domain should be targeted to children under 13. Privo notes that there are many web sites that cater to the “Tween” age group (10– 14 year olds) which could be included in the kids.us domain. Generally, young teenagers still need parental involvement and guidance to age-appropriate content, activities, and as to how they should safely conduct themselves on the Internet. At the same time, we recognize that it is “under 13” that enjoys the near universal support as the age below which there is a clear need for parental involvement and control. In the spirit of seeking consensus as to the definition and boundaries for a child-friendly domain, Privo believes the under 13 definition will support broader support and avoid unnecessary controversy with regard to Content Guidelines while remaining consistent with The Children’s Online Privacy Protection Act of 1998 which uses the under 13 definition for the application of its rule.

Content Guidelines and Requirements

Neustar has requested input on its Content Guidelines and Requirements. Content guidelines, requirements and ratings have had a successful track record in other media such as movies, video games and other forms of entertainment; these represent an excellent indicator for successful use in the kids.us domain. Selecting the appropriate team of experienced and expert advisors and project managers will be a key to success. For simplicity, Privo believes the role of the Content Manager should be handled by one entity with an expert team with proven abilities.

It is Privo’s opinion that the proposed guidelines are generally comprehensive. If managed by a private, expert entity, fair evaluation and interpretation of the guidelines can be ably managed.

The nature of the Internet requires the need for transparency. No other medium has offered such a challenge for industry to offer consumer protection while not censoring its growth. This transparency comes with additional global concerns. For this reason it is critical that the industry seek to generate a content labeling system that would offer information based upon the criteria established by experts in the field of children, self-regulation and the entertainment media from a national and international perspective. Those areas should include, at a minimum, violence, racial or hate speech, sexual content, nudity, and the request for personal information. The independent kids.us domain should be the clearinghouse for content that will be labeled and certified as safe for children under the age of 13.

As a separate entity the kids.us haven must receive broad-based support from industry just as other industries have sought, sponsored and supported self-regulatory codes and guidelines to protect children – and themselves -- through the years. The function of the Children’s Advertising Review Unit (CARU) of the Better Business Bureau, the Motion Picture Ratings Code and the Advertising Regulations Code (ARC) of the Entertainment Ratings Software Bureau (ESRB) are examples of codes that have been highly effective in ensuring responsible practices in media and entertainment as they relate to children.

Editorial Control

In addition to enunciating a set of content guidelines, the Content Manager will also need active enforcement practices in order to be successful. Without compromising our society’s historic commitment to free speech, it is generally accepted that our youngest citizens, namely those under 13,



and by extension their parents and guardians, deserve special protection above and beyond that afforded to adults. Although honest observers may disagree on individual points, the general proposition of putting clear boundaries in place is the essence of the justification for the entire domain. The purpose is to create a universe of child-friendly and appropriate sites, therefore it must be defined what these boundaries are, complimented by adherence and enforcement of the guidelines. Therefore, once the Content Guidelines are set, procedures will need to be established to exclude certain content and to provide controls for parents.

The Children's Online Privacy Protection Act

The kids.us domain standards for participation should encompass the Children's Online Privacy Protection Act * by requiring full compliance of participating companies and websites. These companies should be required to employ rigorously secure child registration systems that enable and empower parents to provide authorized permission and other controls related to their child's online experience.

* The Children's Online Privacy Protection Act ("COPPA") was enacted to protect against the invasion of children's privacy through the release of personal information at chat, instant messaging and other communication features to online predators as well as to protect children from unscrupulous marketers. Prior to COPPA, children, who do not have the decision-making ability of adults, were disclosing personal information actively in a variety of online circumstances. Parents were not being given an opportunity to approve or disapprove upon evaluating the request to register or to share information about themselves and their families.

Under COPPA, companies must request, verify, document and maintain an audit trail of parental permissions for children under 13 to participate in registration (clubs, warranties, contests) and certain types of highly interactive activities (chat, instant messaging, bulletin boards, multi player games, email).

Public Awareness Campaign

The creation and design (see the Structural Issues section) of the domain is only the beginning. Privo urges strategic public, private, and philanthropic stakeholders to shoulder the responsibility to make the best of this opportunity. In order to achieve success, Privo feels that the kids.us initiative and launch must be accompanied by a sizable and effective Public Awareness Campaign. Privo, as a children's Internet safety and privacy advocate, often encounters a lack of parental awareness as to the dangers and offerings that are already addressing this challenge. In order to assure the value and importance of kids.us as a Public Resource, outside parties, including the government, must marshal supportive financial resources to make the public aware of kids.us.

Structural Issues – Designing the Domain

A key element to the success of the kids.us second level domain will be the challenge of designing the project in such a way as to address the multiple challenges of universal access, differing standards of appropriateness, attractiveness to users and content providers, and economic viability.



1. Creating the “Walled Garden”

A primary challenge associated with the concept of a safe, child-friendly environment, is the element of the “gate”. The gate would essentially limit or wall-in users of the kids.us second level domain so that once a child enters the domain, they may not simply type dotcom Internet address and exit inadvertently. Technology and software exist now, which can create a “browser lock” which restricts access to a certain limited universe of web sites. Customizing technology for the application would allow flexibility for the family to choose their child’s universe of approved sites, or choose to select a recommended set based on age or interests. The limitation is password protected and controlled by the parent. This element might be provided as a pay-service offered as a value-add to the family.

2. Universal Public Access

A fundamental element of kids.us will be free general access. All sites that receive the most general audience rating, should be fully accessible to the full range of the American public regardless of age, interest, or access to technology.

3. Tiers of Service

Building upon the base of Universal Public Access, additional sites, which fall within the content guidelines but not necessarily the general audience rating, would be subject to “Tiers of Service”.

Parents who will look to kids.us to protect their children’s online experience will inevitably require flexibility according to their individual values, and differences in what they consider ‘acceptable content’ will emerge. Two broad areas will reflect this problem:

- Age appropriate differences between the oldest kids (11-12) and the youngest (5-6);
- Cultural, religious, or geographical differences in taste and perception of what is inappropriate.

There is a clear need to differentiate, within the broad confines of acceptable kids.us web sites, a further limiting mechanism which can be customized for each family. Without such differentiation, the entire domain could fall under the weight of appealing to a standard of content safety so conservative that it results in low interest in the domain and its downfall.

The answer may be found by offering “Tiers of Service”. For instance, certain sites may be admitted to kids.us generally, but would require an “opt in” by parents based on their desire to include a given site in their child’s range of online choices.

This could be accomplished by services such as Privo’s PrivoLock system, or other such market-available technologies. In this scenario, once verified, the parent creates a user name and password for themselves and their child, and manages granular participation permissions in a central account. This



would allow acceptance of many additional, interesting and valuable kids.us sites in the aggregate, while ensuring that any parent has the ability to customize according to their family's values and preferences.

4. Community

The proposed absence of "Community," (namely such popular features such as email, chat, instant messaging, trading cards, opinion boards and multi-player games) is a cause for major concern. The hesitation to include these features on a child-safe domain naturally arises from fear of possible abuse by pedophiles and online predators.

Kids go online to chat. They play games against friends in different cities. They do their homework projects by instant messaging with their classmates. They email their projects to their teachers. Kids scan and upload artwork and photos. They like interactive features like uploading voice recordings of themselves singing or reading poetry.

Studies reveal that Chat and IM are two of the most popular aspects of today's online culture. Eliminating these crucial forms of interaction could pose a fatal blow to the domain's potential popularity. In a recent article by youth advertising specialist WonderGroup, in the August issue of Youth University™:

According to Nielsen//NetRatings, twenty million users aged 2-17 accessed the Web in July 2002, spending more than nine hours each online during the month. The ever-popular practice of Instant Messaging drew 11.5 million kids and teens to the web, making up nearly 25% on the total at-home Instant Messaging population. Their interest in Instant Messaging helped a majority of the top 15 sites that were most heavily trafficked by kids and teens, with 9 of the 15 featuring instant messaging tools and services like downloadable IM icons and profiles.

We note that the Children's Online Privacy Protection Act of 1998 has already addressed the issue of youth online interactions and community. What will likely be required is a method by which community is permitted, within the guidelines and purposes of the kids.us domain.

One potential solution is to utilize permissions management technology and services that were developed in compliance with COPPA, such as PrivoLock. These services enable families to allow or disallow participation in chat, IM, and email. Only those parents comfortable with chat or IM need approve its use. Without express parental permission to engage in these community features, a child will not have access to them. The remainder may not enable it until, if ever, they deem it is appropriate for their children.

Privo also recommends that the most vigorous methods of authentication and verification be used when children's communication features are involved. Therefore, another important capability provided by PrivoLock™, is adult verification. It could be set up so that permission for use of chat will only be enabled with verification, authorization and authentication of the adult who is setting up a child's account, thus taking away the anonymity previously enjoyed by online predators.



5. Hyperlinks

A “hyperlink” is generally a word or a picture that can be activated by a click of the mouse to transport the user to another web page. Some hyperlinks perform special functions, such as sending email, submitting a form, accessing an ftp site, execute a database query, or access a newsgroup. It is felt that hyperlinks could pose a problem by virtue of transporting children outside of the domain to uncharted waters.

Yet, similar to the community as discussed above, hyperlinks have become an important, almost necessary part of the online experience.

The solution would be a combination of policies. First, all hyperlinks would be eliminated from the Universal Public Access sites. For the “Tiers of Service” sites, parents could be provided a hyperlink disabling technology as a plug and play add-on for those who want this additional protection. Since all sites outside of Universal Public Access require parents to exercise their own choice, they may accept hyperlinks or disable them on a case-by-case basis. As with other elements of our recommendations, our goal is to provide protection with flexibility, and always, in the end, putting parents in charge.

6. Education Component

A necessary educational component of kids.us has been proposed. This could be implemented as a requirement that “all sites who want approval to activate content within the kids.us domain, commit to have some component of educational and informational content for children on their respective domains”.

Privo believes this is a counterproductive requirement. It asks non-educational web properties to develop content for which they are neither qualified nor prepared. It will discourage popular child appropriate entertainment from participating in the space.

7. Violent Content

Violent content should be limited and would be covered under the Content Guidelines, which would be developed by a consortium of child educators, advocates, and other experts who can act in the best interests of children.

Conclusion

The proliferation of personal computers and access to the Internet from the home and school has given rise to an enthusiastic online generation. If properly executed in a self-regulated environment, kids.us has the potential to be an important online initiative for families across America.

The challenge will be in designing a practical, economically viable plan that meets the needs and concerns of the various stakeholders, while operating effectively and in such a way as to self-sustain.



The kids.us second level domain has tremendous potential to be an effective platform for families, but will need to be managed in such a way as to be flexible to the individual needs of American families in order to win wide acceptance and popularity. This can be achieved by providing a base service of Universal Public Access, and then building upon this with tiers of service that utilize effective technologies that provide safety and the ability to customize the experience within the broad content guidelines.

Privo believes kids.us can be of tremendous value to families, classrooms and ultimately aid in aligning the somewhat fragmented children's marketplace into a safe web world. Privo hopes that the suggestions provided herein will contribute to the successful impact of a kids.us initiative.

From: Valerie Thompson [valerie.thompson@beuc.org]
Sent: Thursday, October 10, 2002 4:55 AM
To: 'KidsDomainComments@NeuStar.us'
Subject: Comments on creation of the .kids.us domain

Dear Sir / Madam

I attach for your consideration our comments in response to your document "Proposal for Guidelines and Requirements for the kids.us Second Level Domain"

ERICA is a European organisation committed to promoting the interests of vulnerable consumers. We have done a lot of work on the protection of children on the Internet, in particular as part of the EU's Internet Action Plan. We hope therefore that you will take into account the comments we have made to your proposals in the light of our experience in this area.

<<response.kids.us.doc>>

Yours faithfully

Valerie Thompson
Senior Researcher
ERICA

<http://www.net-consumers.org/erica/index.htm>



www.net-consumers.org

Comments on the NeuStar proposal for Guidelines and Requirements for the kids.us Second Level Domain

The Internet has become the fastest growing communications medium ever and its potential advantages for children in terms of informational, educational, social and entertainment opportunities are immense. However, the Internet also presents very real dangers to children from contact with those who may wish them harm and from potentially disturbing content. A survey conducted by ERICA and partners and published in November 2001¹ showed that children are accessing large amounts of harmful material on the Internet, often by accident, and mainly when they are on their own. There is a clear need for action to protect children so that they can safely enjoy the benefits of the Internet.

Against this background, all measures designed to protect children are therefore in general to be welcomed. However, it is essential that they are effective, comprehensively applied and address any potential loopholes which could be abused by paedophiles and others wishing harm to children. If this is not the case, there is a danger of creating an illusion of safety, whilst exposing children to even greater risk.

ERICA believes that the following criteria should be incorporated into the creation of a secondary level domain for kids:

1. The domain should be operated and controlled mainly by children's groups, educators, those experienced in on-line child safety, and those operating purely in children's interests, with no profit involved. In this respect, the creation of a Content Manager role for the .kids.us domain is to be welcomed, as long as it is filled by groups matching the above description.
2. There should be a clear definition of what constitutes "appropriate content", with the focus laid heavily on quality, educational content and material that promotes positive experiences. We therefore believe that the proposal to require content simply to have "*some component of educational and informational content for children*" is not sufficient. In the absence of strict rules about content, there is a real risk of the .kids.us becoming purely an advertising space for companies. Responsibility for establishing these definitions should lie with those responsible for operating the domain.

¹ Survey on Children's use of the Internet, www.net-consumers.org/erica/policy/survey.htm



3. Any advertising in the domain should be clearly identifiable as such and separated from content.
4. There should be a ban on chat and instant messaging in the domain, except where a site operator can guarantee that the standards established for the domain are respected.
5. No websites in the domain should contain hyperlinks to locations outside the domain.
6. The domain should be very tightly controlled and policed, including real time monitoring and making use of the best filtering and rating systems available. Any websites which infringe the rules should be removed from the domain immediately and severe penalties imposed on the offending party. For serious infringements there should be appropriate law enforcement back-up to clamp down immediately on any activities potentially harmful to children.
7. There should also be an easily accessible procedure for parents and children to make complaints about material in the domain.
8. There should be strict privacy provisions for websites operating in the domain. As the consultation document states, the privacy provisions of the Children's Online Privacy Protection Act (COPPA) will apply to the domain. In addition to these requirements, it is important that websites are required to post prominently their privacy policy, framed in a language which is intelligible to children.
9. Website operators in the domain should not encourage, nor indeed permit, young children to contract for the sale or rental of goods and services or for credit without explicit, verifiable parental consent, and should confirm all orders at least by e-mail.
10. Safety guidelines should be displayed prominently.

Content

The proposal puts forward an initial list of content which would not be permitted on any website in the domain. As stated above, we believe that this list would better be drafted by the Content Managers who should represent exclusively children's interests (see above). However, as comments have been requested on the list as it stands, we would add the following points. These points should by no means be considered to be exhaustive. We hope that Neustar will allow its Content Managers to redraft this list, once they have been appointed.

We recommend that the following content should also be banned from any .kids.us website

- All violent material or material which incites hatred on grounds of race, sex, religion or nationality
- All material which could cause moral, mental or physical harm to minors, or encourages children to behave in a way which could jeopardise their health, safety or general welfare, taking into account the age, knowledge and level of maturity of the intended audience,
- Any content which encourages minors to enter inappropriate websites or communicate with strangers



- Any content which encourages children to buy a product or service by exploiting their inexperience, sense of loyalty, credulity or the special trust that minors place in parents, teachers or other persons,
- Any content which charges children through premium phonelines

Brussels
10 October 2002

From: Conley, Tom [tconley@toy-tia.org]
Sent: Tuesday, October 08, 2002 6:25 PM
To: KidsDomainComments@NeuStar.us
Cc: Locker, Frederick
Subject: KidsDomainComments@NeuStar.us

For the purpose of a letter-quality document, this letter is being e-mailed with the attached comments for NeuStar's Proposed Content Guideline for .Kids.

Thank you.

Thomas P. Conley
President
Toy Industry Association
1115 Broadway, Suite 400
New York, NY 10010
Tel: 212-675-1141, Ext. 201
Fax: 212-807-1854
Cell: 646-226-1664
Email: tconley@toy-tia.org

Mark your calendar for the 100th show!
American International TOY FAIR: Feb. 16-19, 2003

<<KidsDomainComments.doc>>



1115 Broadway, New York, New York 10010 Tel 212.675.1141 Fax 212.633.1429 www.toy-tia.org

October 8, 2002

KidsDomainComments@NeuStar.us

RE: Comments on NeuStar's Proposed Content Guidelines for .Kids



The Toy Industry Association (TIA) is pleased to submit comments in response to NeuStar's request for input from interested stakeholders on its "Proposal for Guidelines and Requirements for the .kids.us Second Level Domain."

TIA is a not-for-profit trade association composed of more than two hundred and fifty (250) manufacturers of toys and games whose aggregate sales at the retail level exceed \$25 billion annually. Members of TIA are global in character and manufacture and sell approximately 85% to 90% of all toys in the United States today and about 40% of all toys sold throughout the world. Many of our members operate web sites directed to children and parents featuring such products.

We understand NeuStar, plans to establish a kid-friendly Internet zone, relying on existing guidelines for television and advertising to determine what material would be appropriate for the ".kids.us" domain. Under your proposals, site developers would have to follow FCC rules for radio and television, which bar profanity and require some educational content and advertisements would have to comply with guidelines set up by the Children's Advertising Review Unit (CARU) of the Council of Better Business Bureaus. Illegal drug use, alcohol or tobacco use, gambling and skimpy clothing also would be prohibited. Exceptions could be made if the material had educational, literary or scientific merit.

Elements of the proposed content guidelines are as follows:

- "kids" will be defined as under age 13 (1)
- content must be in compliance with existing laws, regulations and relevant voluntary standards, including, rules and regulations involving indecency on the airwaves, a "commitment" to offer "some" educational and information content targeted to children under 13, compliance with the Children's Online Privacy Protection Act (COPPA), and compliance with the Children's Advertising Review Unit (CARU) advertising standards.

In addition, NeuStar seeks input on other content guidelines, including whether a "brightline" test should be applied as to "violent" content, whether links to sites that are not ".kid" sites should be permitted, mechanisms for protecting children from criminal activity, and mechanisms to enforce the content standards.

FNI. We note at the outset that U.S. law and custom defines a "child" differently for advertising, privacy and other purposes. The CARU Guidelines, for example, which Neustar cites, adopts age 12 as the age of a "child" for purposes of determining when advertising is directed to children. Movie ratings use designations such as "PG 13" to suggest that content is suitable for children over 13, with parental guidance. Television ratings use the designation "TV 14" to denote material that some parents might find unsuitable for viewing by children under age 14. COPPA, on the other hand, adopts age 13 as the age of a child for online privacy purposes. At the outset, then, the proposed age cut-off presents complexities in proposed content guidelines that purport to address advertising, privacy and the content - whether that content is entertaining, educational, and informational or a combination of the three - on web sites.

In both its testimony before the Senate Commerce Committee, as well as in the request for comments, NeuStar states that it has reservations about .kids legislation, and specifically mentions "limitations - - technological, legal, or otherwise - - that pose barriers to the .kids endeavor. We share those reservations. In particular, we believe that certain aspects of the guidelines contain the same infirmities as the proposed .kids legislation and are, like the bill, likely to be found unconstitutional. As a supporter of CARU advertising programs, we are concerned that ill defined programs may undermine efforts to protect children, by inviting constitutional challenges with which there may be merit.

The major question is not which standards to impose, but whether any mandated content standard for the Internet space, however well-intentioned, is legally sustainable. We are concerned that they are not. Content standards are almost always problematic. Content restrictions, whether administered by a private body acting as a government-designated custodian of Internet content, with or without government oversight, raise the same constitutional concerns, particularly with a medium deemed constitutionally worthy of the highest degree of protection. (2) Additionally, the enforcement difficulties of applying the proposed content standards are obvious. For example, how does NeuStar propose to adequately interface



with those responsible for enforcing COPPA, including CARU and the FTC staff? If there is difference of opinion, how will they be resolved? It may be presumptuous to believe that Neustar can do a better job than such existent organizations.

Remember all websites must comply with relevant laws, such as COPPA and most major advertisers strongly support adherence to the voluntary CARU Guidelines and derive "safe harbor" status within the framework of FTC regulation from such adherence. However, the proposed content guidelines present a great many problems and issues in attempting to impose standards on Internet content that we believe may be constitutionally infirm and invite attack.

We agree that sites directed to younger children should offer age-appropriate content. That means that sexually explicit material inappropriate to the age, and gratuitous and unnecessary violence, should be avoided. But it is the responsibility – and the right – of individual websites to determine the appropriateness of the content. The proposed guidelines suggest that content should not depict "revealing attire," a vague standard indeed. Does that mean that sites cannot feature stars widely appealing to pre-teens like Justin Timberlake or Britney Spears? Will dolls in a bathing suit cross the line? How about children in a swimming pool? Provisions barring content that depicts "explicit violence against people or animals" create similar problems. Are toy soldiers considered violent? How about models of tanks and aircraft used by the US Armed forces? Are toy water guns? Are dinosaurs, lions, tigers or sharks? Who makes these decisions? The difficulties appear insurmountable.

The line between content that has "artistic" or other value and content that is purely prurient or gratuitously violent is one that even NeuStar recognizes will create tough decisions, requiring its Content Manager to evaluate the scientific, social, political and artistic value of the material. At the end of the day, content that might fail to meet the standards must necessarily still be permitted.

FN2 Reno v. American Civil Liberties Union, 521 U.S. 844, 117 S.Ct. 2329 (1997) [Appeal from U.S. District Court ACLU v. Reno 929 F. Supp. 824 (E.D. Pa. 1996)].

It is apparent that a bright-line test has been considered constitutionally impermissible under court decisions interpreting Congressional efforts to legislate indecent content on the Internet **(3)**.

Finally, we note that there cannot be a legal basis to impose such an "education requirement" on websites operated by broadcast licensees already regulated by the Federal Communications Commission (FCC) or other web site providers. If the objective of the .kids space is to offer kids a "safe" environment, that can be done by allowing sites to develop age-appropriate content – whether it is purely entertaining or purely educational– not by imposition of vague standards regarding the type of content to be offered. There are already many general interest sites that offer carefully chosen content for younger children. The practical effect of a prohibition on links outside the .kids space would be to potentially bar advertiser-supported sites from obtaining a .kids domain. Many internet advertisements allow visitors, by clicking on the ad, to visit the advertiser's site. Similarly, many kid-directed sites include links to other sites or areas that may appeal to a general interest audience. COPPA compliant sites and use of bumper screens to alert visitors that they are leaving a child-dedicated site are already the norm in the Toy Industry. These techniques are accepted ways to deal with the special concerns regarding the child visitor.



Kid-directed sites have been very careful to develop approaches to protect children in such areas, by obtaining parental consent, using stripped and screened message boards, "bot" technology, and other approaches. There are reasonably safe ways to offer kids an interactive experience, but it is impossible to either promise or deliver a totally risk-free environment, either in the .kids space or elsewhere on the Internet.

CARU has a vibrant and long-standing self-regulatory process that has worked extremely well over the years in addressing advertising and Internet privacy issues. We believe adoption of the COPPA and the CARU Self-Regulatory Guidelines for Children's Advertising should be the goal. Responsible companies' should be able to offer sites that appeal to children, with entertaining, informational content that is age-appropriate and compliant with both COPPA and the CARU Guidelines. Producers of major branded product understand that parents and children enjoy need to trust them and the brands they represent, and follow careful procedures to build on and maintain that trust.

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Respectfully submitted,

TOY INDUSTRY ASSOCIATION, INC.

A handwritten signature in black ink that reads "Th. P. Conley". The signature is written in a cursive, flowing style.

Thomas P. Conley
President

TPC:tv

cc: Rick Locker, Esq.

From: Conley, Tom [tconley@toy-tia.org]
Sent: Tuesday, October 08, 2002 4:11 PM
To: KidsDomainComments@NeuStar.us
Cc: Locker, Frederick
Subject: KidsDomainComments.doc

1115 Broadway, New York, New York 10010 Tel 212.675.1141 Fax 212.633.1429
www.toy-tia.org

October 8, 2002

KidsDomainComments@NeuStar.us

RE: Comments on NeuStar's Proposed Content Guidelines for .Kids



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We understand NeuStar, plans to establish a kid-friendly Internet zone, relying on existing guidelines for television and advertising to determine what material would be appropriate for the ".kids.us" domain. Under your proposals, site developers would have to follow FCC rules for radio and television, which bar profanity and require some educational content and advertisements would have to comply with guidelines set up by the Children's Advertising Review Unit (CARU) of the Council of Better Business Bureaus. Illegal drug use, alcohol or tobacco use, gambling and skimpy clothing also would be prohibited. Exceptions could be made if the material had educational, literary or scientific merit.

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Respectfully submitted,

TOY INDUSTRY ASSOCIATION, INC.



Thomas P. Conley
President

TPC:tv

cc: Rick Locker, Esq.

From: Jon Garon [garon@gcglaw.com]
Sent: Tuesday, October 08, 2002 2:08 PM
To: 'KidsDomainComments@NeuStar.us'
Subject: Comments to initial draft proposal

Comments to initial draft proposal:

By Jon Garon, professor of law, Franklin Pierce Law Center
Of counsel, Gallagher, Callahan & Gartrell

Thank you for your consideration of public comments on the proposal to develop a kids.us second-level domain. As a conceptual matter, this environment makes a great deal of sense. Parents and child advocacy groups continue to struggle with the barrage of sexually explicit content that young Internet users may encounter, so kids.us offers hope of an Internet space free of such abusive, inappropriate content.

Age & Privacy Guidelines

I also concur with the choice to set the content benchmark as designated for children under the age of 13, the same as that used for the Children's Online Privacy Protection Act, so the privacy policies and parental approval required under the FTC guidelines will apply to all kids.us websites as well. I would suggest taking this aspect of the regulation one step further, however, by creating a mandatory set of information-sharing rules, rather than relying on parental consent to the posted policy. The approach that currently exists often conditions children's participation in contests or games on the permission to share such information with third parties. If the goal is to create a safe environment, then children and their parents should not be forced to make such choices.

Detailed Content Review Required

Educational Content:

The content choices suggested by the proposal are more troubling. NeuStar has attempted to cobble together its regulations out of a series of unrelated content guidelines from the Federal Communications Commission, the Children's Advertising Review Unit of the Better Business Bureau, and Supreme Court obscenity opinions. For example, NeuStar seeks to require that each site have "some component of educational and informational content for children on their respective domains." Similar regulations in broadcast television have resulted in shows of questionable value being deemed educational because of the life-lessons' taught. Adapting these unworkable regulations should not be the starting point for creating a new regime of children's content.

If commercial content is to be provided on the kids.us domain, then it would be better if commercial and educational content be separated. This would allow parents to block commercial sites and to better educate children on



the difference between marketing and educational materials. Adoption of the FCC regulations is inconsistent with the educational and pedagogical goals for teaching children to differentiate the nature of the message. While the FCC regulations may have been appropriate when each station and time block is fixed and limited, the structure of the Internet does not suffer from these limitations; commercial speech does not consume the scarce resource of the broadcast spectrum, so there is no basis to create such a regulation and significant reasons to keep commercial and educational materials segregated.

Restricted Words and Concepts:

NeuStar also lists certain categories of content that will be prohibited.

Some of these make obvious sense, including sexual contact or sexual acts, lewd exhibitions, illegal gambling, tobacco products, and hate crimes. These may sometimes be difficult to define, but conceptually all these categories of speech are inappropriate for viewers under 13 and should properly be prohibited. Unfortunately, the list also includes far less clear or appropriate speech, including "revealing attire," legal gambling - which may include all free contests, and content that "contemplates alcohol consumption" - which would include all educational information about alcoholism and abuse.

The next draft of regulations must be much more explicit regarding the reach of these content restrictions. Support groups, educational materials, private communications, and other legitimate activities may include these topics. If, for example, all discussion of childbirth or birth control is created, then the effective age limitation is ten rather than thirteen. Assuming that children under the age of seven should not be on the Internet alone, the usefulness of the domain will narrow and become unduly restrictive. An alternative is to make parallel domains for kids.us and teens.us so that the more thoughtful materials could be moved to the older domain without dropping the privacy protections discussed.

Savings Clause:

The final paragraph of the draft proposal draws heavily on the Supreme Court's Miller test for obscenity by suggesting that content would be reviewed by the Content Manager(s) on the whole and may be allowed if the material has "serious educational, informational, intellectual, literary, artistic, political, or scientific value for minors." This test has never worked well for the courts and will involve the Content Managers in a morass of value judgments, hearings, and charges of censorship. If valuable, age-appropriate content may still be banned at the discretion of the Content Managers, then the domain will become an embarrassment to the government and its participants.

Nor does the continued existence of the .com and other domains solve the problem. If the kid.us domain is even moderately successful, television broadcasters, newspapers, and others will treat the domain as a 'seal of approval' just as the PG film ratings are used by these groups to select among different advertisers and content providers.

Alternative Approaches

First, I would propose that the second level domain be regulated not only at the level of the speech but at the level of the speaker. Libraries, museums, public broadcasters, schools, governmental entities, and other educational companies should be able to use the domain and self-regulate the content they provide. My preference would be to limit the domain to nonprofit entities, but this may not be essential to the success of the domain.

Accredited institutions, governmental agencies and other groups that are already subject to regulation should not be regulated by the Content



Managers. The Portland, Maine Kid's Page should not be subject to content review by NeuStar. Of course, for private groups that are not otherwise regulated, some content restrictions will be necessary, but these content restrictions should be used only when there is no existing organizational regulation in place.

Second, wholly lacking from the proposed regulations is any meaningful guidance as to the process for review of decisions to ban the offending content. More important than the original regulations will be the rules governing the creation and supervision of the Content Managers. Like the Hayes commission that dominated U.S. filmmaking for nearly half a century, the Content Managers will be the ultimate Big Brother, serving as content czar, banning some messages and promoting others. The lessons from the film industry show that concentration of censorship power has both a pervasive and corrupting influence. Such a structure is problematic at best but without any safeguards, the risks outweigh the benefits. At a minimum, concrete mechanisms and meaningful safeguards are essential to any regulatory scheme.

The creation of a safe environment on the Internet is a necessary idea whose time has nearly arrived. But it is critical that the regulations and structures selected be designed to protect our children, the free ideas, ideals, and institutions we cherish, and the values of open dialogue central to the Internet.

Thank you for considering these comments.

* * *

Professor Jon Garon is a member of the Intellectual Property Law Faculty at Franklin Pierce Law Center and Of Counsel at the law firm of Gallagher, Callahan & Gartrell in Concord, N.H. He may be reached at JGaron@piercelaw.edu <<mailto:JGaron@piercelaw.edu>> or (603) 228-1181. For additional information, visit www.gcglaw.com.

Jon M. Garon, of counsel
603.228.1181
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603-228-1541 ext. 1198
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From: DannyYounger@cs.com
Sent: Monday, September 30, 2002 9:40 PM
To: KidsDomainComments@neustar.us
Subject: Task Force

When the television industry needed to deal with content regulation for children, a task force was convened that included representatives from the National Association of Broadcasters, the National Cable Television Association, the Motion Picture Association of America, the Consumer Electronics Manufacturers Association, KIDSNET, the Center for Media Education, the Kaiser Family Foundation, Children Now, the National Education Association and the American Psychological Association.

It might be prudent to adopt the same approach, and to allow those with a greater degree of competence in this area to draft the initial guidelines in conjunction with the .us Policy Council. I would recommend contacting William E. Kennard, chairman of the Federal Communications Commission (FCC), who established the V-Chip Task Force, for guidance on forming such an advisory group.

Best regards,
Danny Younger
From: James Westley [jwestley@co.anderson.tx.us]
Sent: Tuesday, September 24, 2002 11:58 AM
To: KidsDomainComments@NeuStar.us
Subject: Comments regarding content on kids.us

As a Parent, Christian, and Judge, I would like to see the site without: (1) profanity; (2) nudity; and, (3) violent acts. Profanity, violent acts, and public nudity are never appropriate content for children, regardless of age. Moral teachings, and life skills information are necessary, and can be provided to children in a manner that is fun for them. Adults must make their own decisions, however, children need guidance, which is often lacking in their home, and school.

James W. Westley

Outgoing mail is certified Virus Free.
Checked by AVG anti-virus system (<http://www.grisoft.com>).
Version: 6.0.389 / Virus Database: 220 - Release Date: 9/16/02



From: Anthony Maddalone [maddalone@earthlink.net]
Sent: Wednesday, September 11, 2002 12:49 PM
To: KidsDomainComments@NeuStar.us

I like the idea of a child safe website, however your comments included making the area safe for children under 13 years old. How about making it appropriate for children under 15 or 16. I do not feel that 13-15 year old children qualify to be included in the adult category. Do you have any comments?

--- Robin Maddalone
--- maddalone@earthlink.net
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