

Proposal for Guidelines and Requirements for the kids.us



Second Level Domain

A Word from NeuStar

NeuStar has developed these proposed Guidelines and Requirements with the objective of facilitating the development of an Internet domain for children. This objective is only achievable with the input of a broad range of experts and other interested parties. With the public posting of this paper, NeuStar is seeking input and advice from members of the children's content community, child advocacy groups, parents, educators, law enforcement organizations, and other interested individuals. In crafting this initial draft proposal, NeuStar has relied on the excellent body of work focused on children and the Internet that is available today in the public domain. With the publication of this paper, we invite all members of the public with expertise in children's media, law enforcement, education, parenting, Internet use, technology, as well as the interested public at large to provide us with input on any or all aspects of this paper. We will review your input carefully and make the greatest effort practicable to reflect your concerns.

To learn more about how to participate in this project, please look inside this document under the heading "Process for Providing Input Into the Creation of the kids.us Domain."

Thank you very much for your interest and contribution to this challenging and important project.

NeuStar, Inc.

INTRODUCTION

Background

More than 140 million Americans, half of our Nation, are now online. Ninety 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.¹ Our nation's youngest citizens are increasingly gaining access to the Internet. How children use the Internet and what they are exposed to while on line are topics that have long been examined, discussed, applauded, and criticized. 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. At the same time, however, these same groups recognize that there are also serious concerns about and problems with exposure to the vast world accessible on the Internet.

The widespread use of the Internet by children in all aspects of their lives demonstrates the demand for a domain designed for children. The kids.us domain would be a new, second-level Internet domain within the United States country code of dot-us and is being established to help promote positive experiences for children and families using the Internet.

In order to design and establish a responsible space on the Internet for children, consensus must be reached on certain key components of the domain. First, there must be a recognition of how children today actually use the Internet. Once a common understanding of use is established, then and only then can an effective and meaningful kids.us domain be designed. Second, and the focus of this document, there must be a publicly acceptable set of content-based guidelines and requirements for registrants. As a result, identified herein is a proposed set of content guidelines for the kids.us domain. The proposed list is by no means exhaustive. We have attempted to identify the major publicly and legally accepted children's content standards for purposes of application to the kids.us domain. We seek input generally on the proposed guidelines and are hopeful that parties will both criticize some of the standards included as well as propose alternate guidelines and requirements for the domain.

NeuStar has crafted this proposal for content guidelines and requirements based on a mixture of inputs. 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. This effort, however, is an imperfect one. As a result, each section of this document should be considered a proposal, not conclusions or solutions to issues raised here or elsewhere. We seek active and thoughtful input on the proposals identified here and look forward to building a kids.us domain that truly will improve and enhance the online experience of American's children.

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 administrator will rely heavily on the input

¹ 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.

of interested members of the public in general and the children's content community in particular to help create a place that will engender public confidence and support.

From the start, it is important to be clear 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.² 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.

The Role of NeuStar in the Design and Implementation of the kids.us Domain

In October 2001, NeuStar, Inc. was selected by the Department of Commerce (DOC) to manage the dot-us country code top level domain. As part of its contract with the DOC, NeuStar agreed to apply separate treatment to a group of reserved names. Among the names reserved was "kids" in order to enable an entity to administer a kids.us domain name space. The efforts undertaken here, however, are beyond NeuStar's core competence as a registry operator and trusted neutral third party administrator of critical infrastructure technology. We undertake this initiative to design and build the kids.us domain because of the public resource value we see in it as well as the responsibility we have assumed as the manager of the country code for the United States. Because of our lack of depth in the area of content development and content management, we feel it is critical to seek and develop a strong public record of support for the ultimate content Guidelines and Requirements. We are optimistic that others in the Internet community as well as parties involved in the children's media, education, and law enforcement fields will recognize the value of this project and share their expertise.

In light of the seriousness of the objectives of the kids.us domain and the fact that NeuStar lacks the requisite experience in children's content development and monitoring, we propose that there be created a role within the the kids.us domain that directly addresses these unique responsibilities. Specifically, NeuStar believes that it will be critical to develop a kids.us Content Manager role. An entity that assumes such a role would be responsible for reviewing and approving content that is appropriate for the kids.us domain. In addition, this Content Manager would assume responsibility for monitoring and enforcing the content Guidelines and Requirements that govern the kids.us domain for that content which is initially approved. This role could be played either by one entity or a number of different entities following a common set of guidelines. Content Managers would, of course, need to be entities with proven abilities to review and make judgments about material that is appropriate for children. We encourage parties to comment on the proposal for a content and enforcement manager role in the kids.us domain.

² *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).

Process for Providing Input Into the Creation of the kids.us Domain

In order for a kids.us domain to be successful, there must be meaningful public involvement. Public participation in the design of the kids.us domain is crucial. A cornerstone to the construction of the kids.us domain is an open and transparent process that involves the extensive and serious input of interested parties and individuals. Public participation may be carried out by reviewing these draft Guidelines and Requirements and posting responsive comments electronically. NeuStar has established KidsDomainComments@NeuStar.us, a mailbox created specifically for submission of reactions to this paper or any additional relevant information. The kids.us domain administrator aspires to be as inclusive as possible as it develops the Guidelines and Requirements as well as the mechanisms for enforcement that will be key to the implementation of this domain.

The kids.us domain will also draw on the best available research, experiences, and tools to help build a child-friendly place on the Internet. To that end, the kids.us administrator will actively seek input from individuals and organizations known to address the best interests of children, and who have a broad cross-section of perspectives. These will include a diverse constituency of educators, physicians, parents, child advocates, policy makers, law enforcement experts, researchers, technologists, industry experts and others.

The kids.us administrator is posting these proposed Guidelines and Requirements to the Internet, in the interest of creating as open, transparent, and public a forum as possible. The comment period will begin on August 30, 2002, and will conclude on September 30, 2002. At that time, NeuStar will proceed with developing the next draft of the Guidelines and Requirements that reflect the comments received during the public forum.

Comments can be submitted electronically to KidsDomainComments@NeuStar.us.

II. KIDS.US GUIDELINES AND REQUIREMENTS

Proposed Guidelines and Requirements for the kids.us Domain

The following are proposed content guidelines and requirements (the Guidelines and Requirements) for determining the content that should be permissible within any kids.us-approved domain. Each of the standards proposed herein are used or accepted today in some area of public communications and the media. The goal here is to aggregate existing standards and integrate into the kids.us domain. By doing so, we propose a means of defining what ultimately could be considered acceptable content in a domain for children. We seek active and extensive input on these proposed standards both from the perspective of what is beneficial to children under 13 and what may in fact be enforceable in the public domain of the Internet.

Children Under 13

We propose that the Guidelines and Requirements regarding content for the kids.us domain be designed for children under 13. In selecting this age as a benchmark for the kids.us domain, we look to existing law and policy standards currently in place. We seek input on whether 13 is the appropriate age cut-off for kids.us.

Compliance with Existing Laws, Regulations, and Relevant Voluntary Standards

All content that is posted within a kids.us-approved domain must be in compliance with existing laws, widely adopted children's online protection policies, advertising policies, and online privacy requirements. Highlighted below are several key legal, regulatory, and voluntary standards that impact multi-media children's content today. We request input on whether these are the appropriate standards for the kids.us domain. In addition, we seek input on additional standards to help define the content that should be permitted.

Compliance with Existing Rules and Regulations Regarding Indecency on the Airwaves

NeuStar, the registry operator for the dot-us top-level domain has in place a policy designed to preserve and enhance the value of the usTLD to all users, including libraries and schools.³ Pursuant to this policy, and in light of the public significance of both the usTLD and the kids.us second level domain, the registry operator will apply this policy throughout the kids.us domain. Pursuant to this policy, the registry operator will review, for possible deletion, all registered second-level 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*.⁴ We seek input on application of this policy for a kids.us domain and whether, and how, it might be expanded and tailored specifically for application to the kids.us domain. If commenters support an expanded indecency test, please suggest detailed proposals for public review and consideration.

Commitment to Offer Some Educational and Informational Content Targeted To Children Under 13

Pursuant to the Children's Television Act⁵ and the FCC's rules implementing this statute,⁶ broadcasters have a public interest obligation to air a specific number of hours of programming that

³ For the full text of NeuStar's policy statement referred to herein, see http://www.nic.us/policies/docs/registration_review_policy.pdf.

⁴ 438 U.S. 726, 98 S. Ct. 3026, 57 L.Ed.2d 1073 (1978).

⁵ Cite Children's Television Act (CTA).

⁶ Cite FCC Docket implementing the CTA.

offers some educational and informational content targeted to children under 13. We propose to require that all registrants 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. We seek input on the appropriateness of an educational and informational content requirement and specific proposals for designing and implementing any such requirement. Commenters should please provide examples of how the Children's Television Act would work in practice for this new Internet-based application.

Compliance with the Children's Online Privacy Protection Act (COPPA) Requirements⁷

The Children's Online Privacy Protection Act (COPPA) requires the Federal Trade Commission (FTC) to issue and enforce rules concerning children's online privacy.⁸ 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 COPPA. We seek input on whether there are any particular steps from a policy or legal perspective that should be addressed to ensure COPPA compliance throughout the kids.us domain. Further, we seek input on whether there are additional privacy protections that should be considered to ensure that the kids.us domain not expose children to privacy-related risks.

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 Bureaus. 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 advertising sold by kids.us registrants should be in compliance with the CARU Guidelines.⁹ We seek input on the value and appropriateness of applying the CARU Guidelines or some alternate advertising standard to advertising that might appear in the kids.us domain.

⁷ Cite COPPA.

⁸ Cite FTC's rules implementing COPPA.

⁹ For greater detail on the CARU Guidelines and CARU, please refer to www.caru.org.

Additional Proposals for Content Standards

As noted above, NeuStar has prepared this paper based on much work that has been accomplished by legislators, public policy centers, advocates for children, and members of the children's content community. These proposed Guidelines and Requirements are not intended to be an exhaustive list. We encourage interested parties to comment on all of the proposals and suggest places to remove standards as well to consider alternates. For example, we have not proposed a specific standard to safeguard against violent content. We recognize that the under 13 benchmark might incorporate a violent content ban, but we invite commenters to suggest means of defining a bright line test for determining when violent content, or any other inappropriate content, might be inappropriate for a 12 year old. We strongly urge parties to share their expertise to help construct a safe, child friendly environment that will also prove attractive to children and consistent with how kids use the Internet today.

Proposed Restrictions on Links to Domains that Are Not kids.us-Approved

We seek input on mechanisms and processes that should be put in place to ensure that users of the kids.us domain are not exposed to content that is harmful to minors under 13. Specifically, we invite input on the wisdom of implementing restrictions on the allowance of links from kids.us-approved websites to those domains that are outside of the kids.us domain name space and which have not undergone the kids.us domain review process. In addition, we seek input regarding the best means for prohibiting such movement in the kids.us domain both for end users and domain managers.

Mechanisms for Protecting Children from Criminal Activity Online

We seek input on possible mechanisms for monitoring kids.us for criminal activity that might prove harmful to children. In particular, we invite the law enforcement community as well as child advocacy groups to comment on how to review domains for unlawful activity as well as how to ensure that any such criminal activity is referred for investigation to appropriate law enforcement entities.

Mechanisms for Protecting Children from Content that Does Not Comply with the Guidelines and Requirements for the kids.us Domain

We seek input on enforcement and monitoring oversight procedures that can be put in place to minimize the likelihood that content which is inappropriate for children will be appear on a kids.us domain. Commenters should also discuss the potential expenses and allocation of costs in the implementation of such monitoring proposals.

Core kids.us Content Restrictions

In addition to the proposed general standards identified immediately above, we also identify a core list of content restrictions. In other words, under no circumstances should the content identified on this core list appear within any kids.us website. We seek comment on the proposed list as outlined below.

The following information or content is not permitted to be activated on any kids.us website:

- Actual normal or perverted sexual acts or sexual contact
- Lewd exhibitions of genitals or post-pubescent female breasts
- Use of 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
- Content that features revealing attire

- Content that displays, sells, or advocates the use of weapons
- Game sites designed for teens and older
- Content that advocates the legal or illegal use of drugs
- Content that advocates legal or illegal gambling
- Content that advocates or contemplates alcohol consumption
- Content that demonstrates explicit violence against people or animals, including hate crimes
- Content that features smoking or use of other tobacco products

Notwithstanding the list contained above, we envision that content would be reviewed by the Content Manager(s) on the whole. If such content is deemed by the Content Manager(s) 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.