

Before The  
FEDERAL TRADE COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Request for Public Comment on the ) **16 CFR Part 312**  
Federal Trade Commission's )  
Implementation of the Children's )  
Online Privacy Protection Rule )

**COMMENTS OF THE  
MOBILE MARKETING ASSOCIATION**

The Mobile Marketing Association hereby submits its comments on the Request for Public Comment in the above captioned proceedings.<sup>1</sup> The Mobile Marketing Association (MMA) is the premier global non-profit trade association established to lead the growth of mobile marketing and its associated technologies. The MMA is an action-oriented organization designed to clear obstacles to market development, establish mobile media guidelines and best practices for sustainable growth while ensuring consumers have a voice influence on these policies, and evangelize the use of the mobile channel. The more than 700 member companies, representing over forty countries around the globe, include all members of the mobile media ecosystem.

The MMA represents 330 members in the U.S. including operators, brands, agencies, content providers, hand held device manufacturers, entertainment and media companies, as well as any company focused on the potential of marketing via mobile devices. The Mobile Marketing Association's global headquarters are located in the United States and it has regional

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<sup>1</sup> *Request for Public Comment on the Federal Trade Commission's Implementation of the Children's Online Privacy Protection Rule* 16 CFR Part 312 (2010).

chapters including North America (NA), Europe (EUR), Latin America (LATAM), Middle East and Africa (MEA) and Asia Pacific (APAC) branches. The MMA supports academic and individual memberships as well and we have 28 members from the US in those categories. The organization also prominently solicits consumer feedback on its website to ensure that any complaints or questions are followed up on in a timely fashion and holds public reviews for suggestions that could improve the ecosystem overall and can be incorporated in subsequent revisions of guidelines and best practices

## **I. COPPA IS SUPPORTED BY THE MOBILE INDUSTRY**

The MMA believes that strong consumer privacy standards are essential to the success of mobile marketing, and we actively promote that message to our industry participants via our Global Code of Conduct for Mobile Marketing. We are strong supporters of COPPA, and we fully embrace the responsibility that we have to protect the privacy of children accessing the Internet through the use of mobile devices. Our U.S. Consumer Best Practices Guidelines<sup>2</sup> recognize the ethical responsibilities that the industry has when engaging with children under the age of 13, and we encourage all industry participants to comply with our guidelines in this area. A key component of that involves compliance with all applicable laws and industry standards that apply to advertising and marketing to children. This includes compliance with COPPA. We represent that under the law as currently written, all provisions of COPPA apply to the Internet when accessed through mobile technology.

In addition, we are aligned with industry self-regulatory guidelines related to online behavioral advertising.

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<sup>2</sup> *MMA U.S. Consumer Best Practices Guidelines, May 2010*  
<http://mmaglobal.com/bestpractices.pdf>

## **II. RESPONSIBLE SELF REGULATION IN THE MOBILE MESSAGING SPACE IS WORKING**

MMA members are strong believers in the economic and innovative benefits for the industry and customers alike in a self regulatory framework backed up by existing customer protection laws and regulatory policy. Responsible self regulation allows for the flexibility of innovation and growth while ensuring that industry participants are protecting customers, providing the optimal user experience and continuing the mobile channel's growth and therefore economic contribution.

The MMA's primary focus is on customer protection and privacy, given the importance of customer satisfaction in maintaining a sustainable industry and promoting growth. The MMA therefore strives to align its members and industry stakeholders with consumer needs to ensure a positive mobile experience. There are six fundamental elements to a positive consumer experience as outlined in our Global Code of Conduct<sup>3</sup>. These concepts combine to form the guiding philosophy of MMA, and are the backbone for our current and future guidelines related to use of mobile technologies by children under the age of 13.

### **A. Industry Thought Leaders and Experts**

The MMA implements a collaborative process for reviewing, and approving industry guidelines; incorporating strategy and contributions of global industry thought leaders and experts through committee work and the feedback of public releases and review periods. Our committee work is currently focused on areas of privacy and behavioral advertising, with the goals of ensuring that current practices are aligned with FTC regulations and online Internet self-

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<sup>3</sup> *MMA Global Code of Conduct, July 2008* <http://mmaglobal.com/codeofconduct.pdf>

regulatory guidelines, and of developing technologies to ensure that those practices can be applied to the mobile industry.

### **B. Collaborative Global Learning**

Self Regulatory models that incorporate global feedback and allow for global innovation do not introduce fragmentation by region. The MMA's Global Guidelines are the result of collaboration from companies in Asia Pacific (APAC), Europe, Middle East and Africa (EMEA), Latin America (LATAM) and North America (NA). Considerations are made in the guidelines to establish a global baseline out of regional technologies, business models and local laws. The MMA and its members have been very successful in fostering the adoption of global best practices.

### **C. Single Source, Frequently Updated Guidelines and Best Practices**

MMA guidelines are single, industry-standard references that free carriers, technology companies, brands, media companies and consumer advocates to focus on protecting consumers, providing the optimal user experience and continuing the mobile channel's growth while allowing the ecosystem the ability to quickly adapt to changes in the market. The guidelines are released approximately every six to twelve months and if deemed appropriate, the committees may elect to release an interim revision of the guidelines. Demonstrating our responsible approach to self regulation and partnership with the relevant government agencies, the MMA voluntarily appears before the FTC to explain the changes to our documents and the likely impact. This voluntary cooperation has been cited as an excellent example of how the organization informs and partners with governmental bodies in the creation of self regulatory guidelines.

**V. CONCLUSION**

The MMA applauds the effort of the FTC to review COPPA to ensure that it continues to encompass emerging technologies with the goal of continuing to protect the consumer, and would like to ensure, through a proactive and cooperative role with the FTC, that COPPA continues to support services that protect and enable children in a mobile world.

Respectf

ully submitted,

**MOBILE MARKETING ASSOCIATION**

By:

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