February 18, 2011

Via electronic filing

Hon. Donald S. Clark
Federal Trade Commission
Office of the Secretary, Room H-135 (Annex P)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: IAB's Comments —Preliminary FTC Staff Report on *Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policymakers* – Project No. P095416

Dear Secretary Clark:

The Interactive Advertising Bureau ("IAB") provides these comments in response to the Federal Trade Commission's ("Commission" or "FTC") request for comment on a proposed framework for consumer privacy. As the Commission contemplates a framework for privacy, we ask the Commission to consider the tremendous value created by online advertising for both consumers and the economy, and the positive impact that self-regulation and education have collectively had on consumer privacy. As the Commission has previously recognized and promoted, industry self-regulation is the preferred approach for addressing the intersection of privacy and online advertising practices.[1] Answering the Commission's call for self-regulation, industry has built and implemented a self-regulatory program designed to provide consumers with greater transparency into online data practices and has deployed the FTC's vision of a uniform, centralized choice mechanism for online behavioral advertising.

Founded in 1996 and headquartered in New York City, the IAB (www.iab.net) represents over 470 leading companies that actively engage in and support the sale of interactive advertising, including leading search engines and online publishers. Collectively, our members are responsible for selling over 86% of online advertising in the United States. The IAB educates policymakers, consumers, marketers, agencies, media companies and the wider business community about the value of interactive advertising. Working with its member companies, the IAB evaluates and recommends standards and practices and fields critical research on interactive advertising. The IAB is committed to promoting best practices in

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[1] *See* FTC Staff Report: Self-Regulatory Principles for Online Behavioral Advertising (Feb. 2009), *available at* http://www2.ftc.gov/os/2009/02/P085400behavadreport.pdf and A Preliminary FTC Staff Report on Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policymakers *available at* http://ftc.gov/os/2010/12/101201privacyreport.pdf.

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interactive advertising, and is one of the leading trade associations that released cross-industry self-regulatory privacy principles for online behavioral advertising.[2]

IAB believes that the appropriate approach to addressing consumer online privacy issues is through industry self-regulation and education. Existing and emerging robust self-regulatory principles address privacy concerns while ensuring that the Internet can thrive, thereby benefiting both consumers and the U.S. economy. As the Commission considers a framework for privacy, IAB asks that the Commission consider the following key points:

I.   Online advertising generates significant consumer and economic benefits.

II.   Self-regulation is the preferred approach for addressing privacy concerns associated with online advertising.

III.   Industry is rapidly implementing and adopting self-regulatory principles for privacy.

IV.   The exclusion for first party marketing should extend to corporate affiliates and subsidiaries and across multiple channels.

V.   The FTC should identify the categories of practices for which choice is appropriate, rather than requiring choice by default.

VI.   "Privacy by design" is a good best practice but should not be a regulatory obligation.

VII.   The Commission should not adopt standards specific to mobile technologies.

VIII.   Consumer and business education is critical to protecting consumers online.

These points are further discussed below.

I. Online advertising generates significant consumer and economic benefits

For almost two decades, online advertising has been an essential economic driver that has fueled Internet growth. Advertising subsidizes websites' delivery of innovative tools and services used by consumers and business to connect, communicate, and contribute to the continued evolution of the Internet. This advertising-based model continues to drive Internet expansion and benefit consumers. According to a study entitled *Economic Value of the Advertising-Supported Internet Ecosystem* conducted for IAB by Harvard Business School Professors John Deighton and John Quelch, e-commerce and online advertising contribute $300 billion each year to the U.S. economy and employ 3.1 million Americans.[3]

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[2] Press Release: *Key Trade Groups Release Comprehensive Privacy Principles for Use and Collection of Behavioral Data in Online Advertising*, July 2, 2009, available at
http://www.iab.net/about_the_iab/recent_press_releases/press_release_archive/press_release/pr-070209.
[3] Deighton & Quelch, *Economic Value of Advertising Supported Internet Ecosystem*, at 4, 12 (June 10, 2009), *available at* http://www.iab.net/media/file/Economic-Value-Report.pdf.

The revenue generated by online advertising supports the creation and entry of new businesses, communication channels (*e.g.*, micro-blogging sites and social networks), and free or low-cost services and products (*e.g.*, email, photo sharing sites, weather, news, and entertainment media). Online advertising enables consumers to compare prices, learn about products, and find out about new local opportunities. These successful ventures provide jobs and strengthen the U.S. economy. The Internet is especially important for small businesses, enabling them to flourish and compete where costs would otherwise hinder their entry into the market. Consumers value ad-supported services and products and benefit from the diversity of online companies. The Commission should take care to avoid unintentionally stifling these consumer benefits and positive contributions to the economy.

The record demonstrates that consumers are increasingly embracing and participating in Internet activities. Online retail sales during the 2010 holiday season increased 12 percent from 2009, according to a report by the research firm comScore, with consumers spending more than $32 billion online. A 2009 report indicates that consumers were more satisfied than ever with their e-commerce experiences, according to ForeSee Results' E-Retail Satisfaction Index, giving their online shopping adventures a score of 79 out of 100, the highest rating since the survey began in 2001. Perhaps most importantly, research shows that advertising and marketing practices are not inhibiting consumers' embrace of the Internet. According to a 2009 survey by the National Retail Association, of those consumers who were reluctant to shop online, just 0.1% cited concerns over privacy as the reason for their reluctance, and the same miniscule percentage (0.1%) cited concerns about retailers tracking online activity.

II. Self-regulation is the preferred approach for addressing privacy concerns with online advertising

Self-regulation continues to be the appropriate approach for addressing the interplay of online privacy and online advertising practices. This approach has been successful in addressing consumer concerns while ensuring that the U.S. Internet economy can continue to thrive. Unlike inflexible formal regulations, which can become quickly outdated in the face of evolving technologies, self-regulation provides industry with a nimble way of responding to new challenges presented by the evolving Internet ecosystem. Formal rules could also serve as a disincentive to the marketplace to innovate. Companies are increasingly offering consumers new privacy features and tools. In the last year, several significant new developments have occurred including the offering of new preference management tools, persistent opt outs, universal choice mechanisms, and shortened data retention policies. These developments demonstrate that companies are responsive to consumers and that companies are focusing on privacy as a means to distinguish themselves in the marketplace. IAB believes that this impressive competition and innovation should be encouraged. New laws or rules could impede future developments or discourage companies from continuing to compete over privacy features.

The Commission has long recognized that self-regulation is the preferred approach for addressing privacy in the area of online behavioral advertising. In its February 2009 Staff Report, the Commission stated, "Staff supported self-regulation because it provides the

necessary flexibility to address evolving online business models."[4] Recently, the Department of Commerce through its Green Paper also expressed support for industry self-regulation and the development of voluntary codes of conduct.[5] We agree that industry self-regulation is the best way to approach online behavioral advertising. For this reason, IAB was centrally involved with the development of the *Self-Regulatory Principles for Online Behavioral Advertising* ("Principles"), which was released in conjunction with the American Association of Advertising Agencies, Association of National Advertisers, Direct Marketing Association, and with the support of the Council of Better Business Bureaus ("Coalition").[6] This effort has developed a framework and a platform to address many of the issues raised by the Commission, including matters of transparency and choice.

A. IAB supports enhanced transparency

The Self-Regulatory Program for Online Behavioral Advertising addresses the FTC's transparency goals by providing a uniform, easy-to-find icon that links to consumer notice provided in more standardized terms. A prominent feature of this self-regulatory program requires companies to provide enhanced notice outside of the privacy policy so that consumers are made aware of the companies they interact with while using the Internet. A central feature of the Principles is the use of the Advertising Option Icon (depicted in Attachment A). Companies are now using this uniform icon when engaged in online behavioral advertising to indicate their adherence to the Principles and as the link that provides consumers with easily accessible disclosures about data collection and use practices associated with online behavioral advertising. This link/icon appears on Web pages where data is collected, either in or around advertisements or on the Web page itself, in all instances when and where online behavioral advertising occurs.

Backed by technical specifications (*see* Attachment B – CLEAR Ad Notice) governing the deployment of the icon, industry has established uniform standards for communicating online data practices and creating a consistent user experience. Specifically, when users click on this icon, they will be provided with notice that describes the particular practices of the party or parties engaged in online behavioral advertising through that ad or on that webpage. Through this notice, consumers can learn about the types of data collected online and the uses of such data, including whether the data will be transferred to a non-affiliate for online behavioral advertising purposes. The notice also provides an easy-to-use mechanism for exercising choice with respect to the collection and use of the data for online behavioral advertising purposes or to the transfer of such data to a non-affiliate for such purposes. This approach helps ensure more standardized notice and greater transparency for consumers. IAB is committed to this self-regulatory effort as a means to foster consumers' trust and confidence in how information is gathered from them online and how it is used to deliver advertisements based on their interests.

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[4] FTC Staff Report, *Self-Regulatory Principles for Online Behavioral Advertising,* at 11(Feb. 2009), available at http://www.ftc.gov/os/2009/02/P085400behavadreport.pdf.

[5] Department of Commerce, *Commercial Data Privacy and Innovation in the Internet Economy: A Dynamic Policy Framework*, at 42 (Dec. 16, 2010), available at http://www.ntia.doc.gov/reports/2010/IPTF_Privacy_GreenPaper_12162010.pdf.

[6] American Association of Advertising Agencies, Association of National Advertisers, Direct Marketing Association, Interactive Advertising Bureau, and Council of Better Business Bureaus, *Self-Regulatory Principles for Online Behavioral Advertising* (July 2009)*, available at* http://www.iab.net/media/file/ven-principles-07-01-09.pdf.

While IAB supports efforts to improve transparency, we oppose establishing prescriptive requirements for the form or substance of consumers notice. Given the complexity of today's Internet operations, companies need flexibility in how they communicate with their customers and must be able to tailor notices for the underlying technology involved and needs of their customers. Companies also require flexibility to adapt their communications as online practices and capabilities evolve. Imposing rigid or one-size-fits-all standards on all participants and across media channels could have unintended consequences for new and emerging channels. The self-regulatory framework therefore strikes an appropriate balance by ensuring meaningful information is conveyed to consumers in easy-to-find locations while providing companies with some flexibility in how they provide this information.

B. Industry has built an easy-to-use, standardized, and centralized choice mechanism for online behavioral advertising

IAB supports empowering consumers with control over targeted advertising. We also support the FTC's concept of a uniform choice mechanism with respect to online behavioral advertising. However, IAB believes a federally mandated and operated "Do Not Track" mechanism is unnecessary because uniform choice is best provided through the self-regulatory mechanisms that are now established. Indeed, IAB is concerned that the "Do Not Track" proposal unfairly sows consumer distrust of online advertising practices that are widespread and legitimate.

In addition, consistent with the Commission's position taken in its 2009 Staff Report, the Commission should clarify that it is not calling for the application of a uniform choice mechanism to either contextual advertising or the online behavioral advertising practices of first parties.[7] After considerable deliberation, the Commission staff chose not to apply its privacy principles framework to first-party behavioral advertising practices or contextual advertising.[8] This position recognizes that a direct relationship exists between consumers and first parties and that consumers are likely to understand and expect that their data will be used by the first party for advertising and marketing purposes.[9] We believe this is the appropriate approach for first party behavioral advertising and that these practices should not be subject to a uniform choice mechanism. This will ensure continued benefits for consumers (through highlighted content, relevant advertising, product recommendations, and other forms of personalization) from collection and use of data by first parties.[10]

IAB has been integrally involved in the development of an easy-to-use choice option that gives consumers the ability to conveniently opt out of some or all online behavioral ads delivered by companies participating in the self-regulatory program. This tool realizes the FTC's vision for a choice mechanism by providing consumers with control over online behavioral advertising

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[7] FTC Staff Report: Self-Regulatory Principles for Online Behavioral Advertising, at 26 (Feb. 2009), *available at* http://www2.ftc.gov/os/2009/02/P085400behavadreport.pdf (hereinafter 2009 Staff Report) and A Preliminary FTC Staff Report on Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policymakers, at 57 (December 2010) *available at* http://ftc.gov/os/2010/12/101201privacyreport.pdf.

[8] 2009 Staff Report at 28 (Staff stated "that it is not necessary to include "first party" behavioral advertising practices within the scope of the Principles." *Id.*)

[9] *Id*. at 27.

[10] *Id.*

through a universal tool provided in a centralized location – presently available at http://www.aboutads.info/choices/. The vast majority of behaviorally delivered ads and companies engaged in these practices are already participating in the program and more and more companies are coming into compliance daily.

Consumers are directed to this universal choice tool by clicking through the Advertising Option Icon and other notices provided in or near ads, or on web pages, where data is collected or used for online behavioral advertising purposes. Once arriving at the choice page, consumers can easily learn which participating companies have currently enabled customized ads for their browser; see all the participating companies that are active on the sites from which they arrived and learn more about these companies' advertising and privacy practices; check whether they have already opted out from participating companies; opt out of browser-enabled interest-based advertising by some or all participating companies; or use the "Choose All Companies" feature to opt out from all currently participating companies in one easy step. This tool empowers consumers to better understand online advertising, express their preferences, and make granular decisions about whether and how ads are targeted to their preferences.

While there are many options emerging for consumers to set a Do Not Track preference, we applaud the FTC for recognizing that any solution to Do Not Track must protect the ability to serve advertising, which subsidizes content on the Internet. The browser-based methods recently proposed are intriguing, but at least one tool appears to offer consumers the ability to block third-party content altogether, which would inhibit both the modern, rich web experience and publishers' ability to profitably offer free content. While reasonable people may debate the economic impact of targeted versus non-targeted advertising, all should agree that large-scale *blocking* of third-party advertising would have a significant economic cost and would be especially detrimental to small publishers.

III. Industry is rapidly implementing and adopting self-regulatory principles for privacy

This cross-industry self-regulatory initiative represents an unprecedented, collaborative effort by the entire marketing-media ecosystem and is rapidly nearing full implementation of the program. The Coalition started this effort in April 2008 by convening a task force to evaluate existing self-regulatory efforts. In October 2008, the task force began drafting principles together with eight industry associations and 25 leading companies. In January 2009, the Coalition publicly announced its efforts, and in April 2009, the Coalition began socializing the principles within industry.[11] The Coalition released the *Self-Regulatory Principles for Online Behavioral Advertising* in July 2009.[12] Beginning the following month, the Coalition turned to enforcement, operational implementation, and educational planning.

In early fall 2010, the Coalition selected wording and a link/icon, known as the Advertising Option Icon, that participating companies use to indicate their adherence to the

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[11] Press Release: *Key Advertising Groups to Develop Privacy Guidelines for Online Behavioral Advertising Data Use and Collection*, January 13, 2009, available at http://www.iab.net/about_the_iab/recent_press_releases/press_release_archive/press_release/pr-011309.

[12] Press Release: *Key Trade Groups Release Comprehensive Privacy Principles for Use and Collection of Behavioral Data in Online Advertising*, July 2, 2009, available at http://www.iab.net/about_the_iab/recent_press_releases/press_release_archive/press_release/pr-070209

Principles and as the link to consumer notice and choice. On October 4, 2010, the trade associations in the Coalition launched AboutAds.info, the website for the self-regulatory program for online behavioral advertising.[13] At this site, companies can acquire the right to use the Advertising Option Icon, register to participate in the industry choice page, and obtain information concerning implementation of the Principles. This site also serves as hub for consumer and business education materials. In November 2010, the industry choice page was made available to the public. This easy-to-use choice option gives consumers the ability to conveniently opt out of some or all participating companies' online behavioral ads. In recent weeks, the Coalition has selected and recognized three companies – DoubleVerify, Evidon (formerly the Better Advertising Project), and TRUSTe – as providers of services and technologies used to provide enhanced transparency into, and control over, online behavioral advertising. They will assist companies in delivering the Advertising Option Icon, notice, and a link to a consumer choice mechanism, and in complying with the Self-Regulatory Principles for Online Behavioral Advertising.

Building on this rapid and significant progress, the Coalition continues to work to implement the Principles. One key implementation area involves developing accountability programs. IAB believes that strong independent enforcement is key to any self-regulatory program, and therefore has allocated considerable funding to the Council of Better Business Bureaus ("CBBB") to develop a robust compliance and monitoring system for the entire industry. The CBBB is a leader in building enforcement programs around difficult advertising policy issues and has successfully partnered with the FTC in the past on issues such as food and beverage advertising and online marketing to children. The CBBB will utilize a monitoring technology platform to foster accountability among participating companies with respect to the Transparency and Control requirements of the Principles, as well as to manage consumer complaint resolution. The CBBB has set a compliance deadline of March 31, 2011. Our partner association in this effort, the Direct Marketing Association, will also use its longstanding enforcement mechanisms to ensure broad industry compliance.

Industry has diligently worked to build a comprehensive, robust self-regulatory and enforcement framework for online behavioral advertising, as the Commission urged.[14] This effort has already yielded an unprecedented comprehensive self-regulatory framework for online behavioral advertising, as well as significant consumer educational resources, and has made tremendous progress toward the goal of delivering consumer-friendly standards and tools for online behavioral advertising across the Internet. Moreover, we believe that this progress has been timely in light of the complexity of the task. The Commission should maintain its dialogue with industry and continue to support this self-regulatory effort, in order to give this promising initiative the opportunity to succeed.

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[13] Press Release: *Major Marketing / Media Trade Groups Launch Program to Give Consumers Enhanced Control Over Collection and Use of Web Viewing Data for Online Behavioral Advertising*, October 4, 2010, available at http://www.iab.net/about_the_iab/recent_press_releases/press_release_archive/press_release/pr-100410.

[14] *See* FTC Staff Report: Self-Regulatory Principles for Online Behavioral Advertising (Feb. 2009), *available at* http://www2.ftc.gov/os/2009/02/P085400behavadreport.pdf.

IV. Exclusion for first-party marketing should extend to corporate affiliates and subsidiaries and across multiple channels

IAB agrees with the Commission's conclusion that first-party marketing should not be subject to choice requirements of the proposed framework. This approach recognizes that consumers expect companies to collect and use data for marketing, advertising, and other legitimate purposes. Companies collect information online to provide added value or functionality to users of their sites, or personalized content such as displaying local news or the movies they most recently rented. Consumers are aware of, and significantly benefit from, use of information from within a web site or affiliated web sites. This exclusion should apply across all channels (*i.e.*, Internet, mobile, email, etc). As the Commission has previously noted, first party marketing and advertising, including online behavioral advertising, does not raise the same concerns raised by other practices because of the direct relationship between the consumer and first party.[15] This relationship exists regardless of the platform. Consumers understand that when they interact directly with a company, that company collects the consumer's data for advertising and marketing purposes. Moreover, industry, through company-specific choice mechanisms or self-regulatory programs, is already providing consumers with choice with respect to first party marketing. The Commission's approach to first-party marketing is consistent with long-standing industry practices and ensures consumers will continue to receive enriched services and information.

IAB recommends that the Commission clarify that the exclusion from choice extends to the corporate affiliates and subsidiaries of a first party. This approach will allow companies to continue to enjoy and leverage the efficiencies derived from sharing information across entities under common control and ensure consumers continue to derive benefit of customized sites, content, and relevant information online. It has long been recognized that companies may transfer data among affiliates, even in highly regulated areas such as sensitive financial data under Gramm-Leach-Bliley Act. IAB suggests that the Commission promote a framework approach that permits the sharing of data among affiliates under common control. To help ensure data would be used in a manner consistent with promises made at collection, IAB recommends that for an entity to be under the control of another entity, and thus be treated as a first party, the entity must adhere to online behavioral advertising policies that are not materially inconsistent with the other entity's policies.

V. The FTC should identify the categories of practices for which choice is appropriate, rather than requiring choice by default

The Commission has appropriately determined that certain data practices do not require choice; however, IAB believes that the enumerated list of practices not requiring choice leaves out other legitimate practices, including collection and use for operational purposes. Companies collect data for numerous operational purposes including ad delivery, ad reporting, site rendering, accounting, and site customization, which are necessary for a seamless Internet experience and a functioning online economy, as well as to support applications and services expected by consumers.

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[15] *Id.* at 26.

We have concerns, therefore, with promulgating a "white list" of "commonly accepted practices" because this approach could exclude legitimate and widespread practices, lock in today's technology, stifle innovation, and restrain evolving customer preferences. Consumer expectations and preferences evolve swiftly through transparency of practices and education. The proposed framework does not provide guidance or an apparent means for new or existing practices to become "commonly accepted" over time. This could inhibit the development of new products or services. Moreover, designating only certain practices as "commonly accepted practices" creates an expectation that this finite list includes the only legitimate practices, and any practices not enumerated are per se suspect. There are many legitimate data practices that are not on the FTC's list that are "commonly accepted." Third party marketing, for example, is a very "commonly accepted practice" in both commercial and non-profit industries. Thus, instead of identifying an extremely limited set of uses where choice is not required, we believe the Commission should focus on identifying the small number of uses where choice is appropriate. This approach is more pro-innovation and leaves the market free to evolve, while the FTC would retain the ability to identify additional practices for which choice is appropriate if such practices emerge in the future.

IAB believes that for those practices where choice is appropriate, opting out typically should be the appropriate form of choice. For online behavioral advertising in particular, IAB believes that opting out is the appropriate form of choice. Opt-out choice balances consumer control with the free flow of information needed to support the rich offering of services and products online and for the operation of the Internet.

As the FTC considers what practices should be subject to choice, IAB believes that use of third-party cookies to measure online ad effectiveness should be distinguished from use of cookies for online behavioral advertising, and businesses that measure ad effectiveness using third-party cookies should also be excluded from the choice provisions of the proposed framework. The proposed framework offers allowances for first-party vendors, including ad-serving technology providers, to set cookies for measurement, frequency capping, analytics and optimization purposes. However, other third-party vendors that perform the same or similar cookie-based measurement within an online advertising context are not afforded the same allowance. Most advertising technology companies use cookies to record the fact that an ad was displayed to a browser. This information is required to understand whether the ad resulted in a subsequent visit to the advertiser web site. The correlation of an ad displayed to a browser and later purchase or other conversion event on an advertiser web site is known as "attribution measurement." Advertisers use this information to optimize their Internet ad spend, spending less on placements that fail to drive web site actions and more on ads that perform well. Importantly, advertisers no longer rely only on simple "click through" attribution because research indicates that online display ads cause consumers to consider and even purchase advertised goods regardless of whether a consumer clicked on any ads (while only 8% of consumers are said to click to Internet display ads, approximately 0% of consumers click on TV ads). Companies that use cookies to measure for aggregate statistical learnings on ad performance do not collect information that could be classified as online behavioral advertising. This high-level information is only related to ad placement and does not associate any personal information or behavioral characteristics of a consumer (referred to in the framework as personally identifiable information).

In addition to measurement, third party cookies are used by ad servers to "frequency cap" ads so that a browser does not see the same ad hundreds of times. Cookies are used to ensure a reasonable frequency (*e.g.*, three times in a week). Frequency capping is thus good for consumers' Internet experience and for advertisers' return on investment in Internet advertising. Beyond simple measurement for attribution and frequency capping, third party cookies enable ad technology companies to perform advanced analytics and optimization that greatly increase the return on investment of digital advertising expenditures. This can, and is, done without any online behavioral targeting by using machine learning technologies and algorithms that predict which impressions are likely to yield specific actions on the advertiser's site. Thus, IAB believes that activities for the purpose of measuring ad effectiveness should not be subject to consumer choice.

VI. Privacy by design is a good best practice but should not be a regulatory obligation

IAB supports the concept of "privacy by design" because it could help foster trust in the marketplace. Our members understand that trust is critical to building consumer confidence in their online activities and the continued growth of the Internet. For this reason, IAB has worked with its members to develop best practices for advertising in the areas of lead generation, email marketing, social media, and ad networks and exchanges, as well as self-regulatory principles for online behavioral advertising. These efforts have encouraged companies to consider the privacy implications of their practices, services, and products.

While IAB believes promoting "privacy by design" may assist companies in analyzing their data practices and privacy implications, we have concerns with requiring companies to adhere to prescriptive standards that could stifle innovation and impede development of new technologies or services. Principles or standards promulgated by the Commission, even with the best intentions, could inadvertently undermine innovation and inhibit development by favoring one approach to privacy over others. We suggest that the Commission support industry in taking the lead in developing best practices and support companies in individually determining how to best incorporate the philosophy of "privacy by design" into their operations and corporate culture. Companies are in the best position to consider how to promote privacy organization-wide and at every stage of product development without creating negative consequences for companies and consumers.

VII. The Commission should not adopt standards specific to mobile technologies

The Commission has sought comment on a series of questions concerning mobile technologies, platforms, and applications. These are appropriate questions to consider and debate, but IAB believes that it is not the appropriate time to set standards because mobile is a nascent platform. Like any emerging technology or platform, imposing rigid standards or guidelines could restrain innovation and undermine the full potential of the mobile channel. Mobile is a unique channel with characteristics that inhibit the wholesale adoption of best practices and principles from other channels. For instance, the IAB supports the use of a uniform icon, such as the Advertising Option Icon, to provide enhanced notice of data practices for consumers. The Advertising Option Icon, developed by industry as part of the self-regulatory program for online behavioral advertising, is an effective means for providing online notice in more traditional online contexts. However, transferring this icon to the mobile web or mobile

applications may not effectively provide notice to consumers because of the nature of mobile devices and applications. Given small screen sizes, character limitations, and the silo nature of mobile applications, providing this uniform icon may not be technically feasible. The Commission should allow the market more opportunity to develop solutions that account for the unique nature of the mobile channel.

To this end, the IAB is committed to taking a leadership role in developing best practices for the mobile channel. In December 2010, the IAB launched the Mobile Marketing Center of Excellence, which will devote resources to market and consumer research, mobile advertising case studies, executive training and education, supply chain standardization, creative showcases, and best practice identification in the burgeoning field of mobile media and marketing.[16] In addition, as part of the industry effort to self-regulate online behavioral advertising practices, IAB is working with the business community to consider how the Principles may be applied in the mobile environment. Considerable efforts are underway to understand the unique nature of mobile and to build upon the existing Principles in the mobile channel.

VIII. Consumer and business education is critical to protecting consumers online

IAB believes that consumer education is vital to demystifying online advertising practices and informing consumers of the availability of choice and tools to control one's online experience. For this reason, IAB launched an unprecedented online Public Services Announcement ("PSAs") campaign. In December 2009, IAB commenced its "Privacy Matters" initiative to deliver information about online advertising. "Privacy Matters" is an educational campaign designed to inform consumers about how they can manage their online experience and to help consumers better understand how Internet advertising supports the Internet. As part of this unparalleled effort, IAB, through the participation of its online publisher members, has delivered close to 600 million online PSAs, providing details about online advertising and tools that consumers can use to manage their online privacy.

The "Privacy Matters" campaign was designed to capture the attention of consumers and engage them in an interactive educational experience (*see* Attachment C – IAB Privacy Matters Screenshots). Consumers can link from a PSA to the "Privacy Matters" web site (http://www.iab.net/privacymatters/) to learn more about the workings and history of online advertising, "interest group targeting," "geo-tracking," "demographic targeting," and "behavioral advertising." These five separate educational modules provide information about advertising practices and make resources available to consumers about the availability of choice, online security, and tips on how to safely surf the web.

Through January 2011, the results of this campaign have been excellent. Nine percent of all delivered impressions are being "moused-over" by consumers meaning they are engaging with the PSA. The average amount of time that consumers spend on the PSA once they roll over it is 28 seconds, which shows consumers are reading and digesting the message. Thus, the time spent viewing a PSA is about twice the most common exposure time for TV commercials (15 seconds). Perhaps most encouraging, the click-through-rate ("CTR") for this campaign is out-

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[16] Press Release: *IAB Launches Mobile Marketing Center of Excellence*, Dec. 9, 2010, available at http://www.iab.net/about_the_iab/recent_press_releases/press_release_archive/press_release/pr-120910.

performing the standard CTR range for public service campaigns. In all, the "Privacy Matters" campaign is effectively reaching consumers. These numbers demonstrate that consumers are taking the time to read the information and interact with the educational resources.

In addition, IAB is participating in a second campaign jointly with the Coalition and the participating business community. This second educational campaign provides both consumers and businesses with information concerning the Principles. This multifaceted campaign includes the launch of AboutAds.info, the website for the self-regulatory program for online behavioral advertising; community outreach by the participating trade associations; a series of educational webinars to assist businesses with coming into compliance with the Principles; and the delivery of additional PSAs.

This second campaign educates the online community about the nature and operation of the self-regulatory program for online behavioral advertising and specifically about the purpose and functionality of the selected icon/link used to provide notice of online behavioral advertising practices. The trade associations in the Coalition are also working with their members to explain what businesses must do to comply with the Principles. For consumers, the campaign describes the availability of enhanced notice provided through links in or around the advertisements or on the Web page itself in all instances when and where online behavioral advertising occurs. Consumers are being made aware of the types of information collected and used for advertising purposes and will be informed of the availability of new choice mechanisms and how to exercise such choice.

*   *   *

We thank you for the opportunity to submit these comments, and look forward to working closely with the Commission on these important issues. Please do not hesitate to contact me with questions at 202-253-1466.

Sincerely,

/s/
Michael Zaneis
Senior Vice President & General Counsel

cc: Stuart Ingis, Venable LLP
        Michael Signorelli, Venable LLP

ATTACHMENT A

ATTACHMENT B

CLEAR AD NOTICE

CLEAR Ad Notice

(**C**ontrol **L**inks for **E**ducation and **A**dvertising **R**esponsibly)

Technical Specifications

for the Implementation of the Interactive Advertising Self-Regulatory Principles for Online Behavioral Advertising (July 2009)

V1.0

Released April 2010

This document has been developed by the Interactive Advertising Bureau (IAB) and the Network Advertising Initiative (NAI).

About the Self-Regulatory Program for Online Behavioral Advertising Working Group: The cross-industry Self-Regulatory Program for Online Behavioral Advertising Working Group consists of leading industry associations to apply consumer-friendly standards to online behavioral advertising across the Internet.

Related Documents:
Related documents, including the *Self-Regulatory Principles for Online Behavioral Advertising*, July 2009, can be found at www.iab.net/behavioral-advertisingprinciples

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Table of Contents

Overview

While there are many opportunities and tools for users to learn and control their online computing experience (browser based tools, 3rd party tools, etc.), there is still concern in the marketplace that consumers are still not informed of their advertising choices. The online advertising industry has the opportunity to significantly increase the level of consumer awareness and control with respect to interest-based advertising.

If unified under a single standard, the online advertising ecosystem can convey "metadata" (data about the ad itself) during the ad serving process. That data can be surfaced to the consumer through multiple mechanisms. Notice elements would provide a consistent user experience to access privacy notices, education and opt-out links. The combination of these elements could support a more comprehensive and consistent disclosure in or around ads.

This document covers a proposed technical standard to empower each member of the online advertising community to communicate their presence and behavioral advertising targeting practices (if any) to consumers in a simple and direct manner.

Objectives

These technical specifications were developed to:

- o Meet the third-party[1] requirements set forth in the Self-Regulatory Principles for Online Behavioral Advertising released in July 2009 by the cross-industry Self-Regulatory Program for Online Behavioral Advertising Working Group.

- o Be flexible enough to allow for future expansion as the online advertising industry matures.

- o Be open such that publishers, browser developers, tool developers, or any other party can easily take advantage of the collective knowledge being presented to the end-user and experiment with new and better ways to communicate this information.

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[1] Although publishers may also wish to implement these guidelines, there are separate requirements set forth in the Self Regulatory Principles concerning first-party notice on websites, such as an independent link in the footer of a web page (e.g. "About Our Ads"). Please refer to the Principles document for specific first-party guidance.

The Online Advertising Ecosystem

The online advertising environment has evolved over the past 15 years to include five primary participants: advertiser, publisher, ad network, audience intelligence providers, and ad exchanges.

- **Advertisers** pay to present their ads to consumers.

- **Publishers** get paid to utilize some of their site "real-estate" to display an ad.

- **Ad Networks** provide the infrastructure to connect advertisers and publishers.

- **Audience Intelligence Providers** provide customized audiences to help advertisers more accurately convey their message to the intended audience.

- **Ad Exchanges** provide a neutral technology platform to allow ecosystem participants to interact with one-another to extend their reach and/or inventory for online advertising.

The CLEAR Ad Notice provides for transparency to each ecosystem participant involved in an ad serving event.

CLEAR Ad Notice

The CLEAR Ad Notice is divided into three components:

1. **Ad Marker**: The link either in close proximity to or on the ad itself that allows for interaction with a consumer to learn more about that ad

2. **Metadata**: The data about the ad that travels with the ad

3. **Ad Interstitial**: The visual rendering of the metadata to the consumer

Two visual implementation examples of these three components appear below:
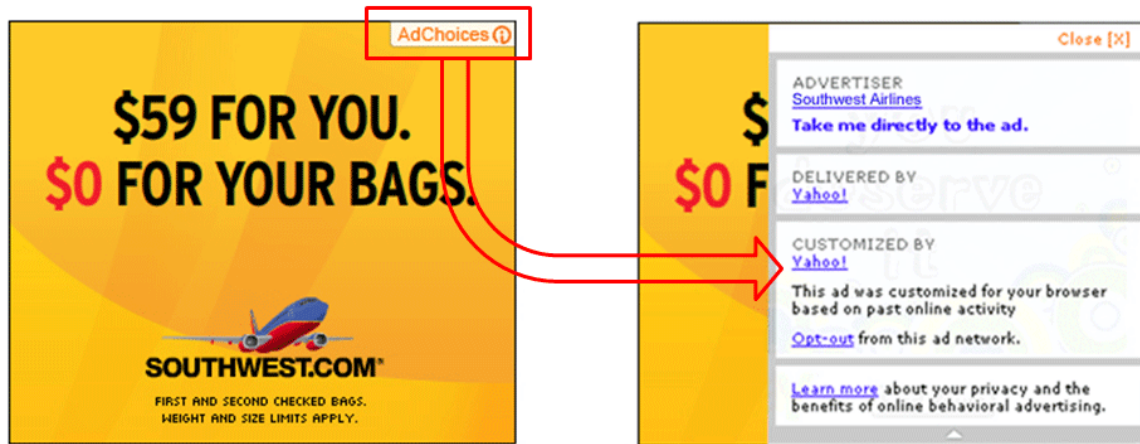
Example 1: Ad Marker opens an overlay Ad Interstitial populated with the Metadata

Example 2: Ad Marker, using the Metadata, opens a new page (the Ad Interstitial)
with information on the Ad and the Third Party

The CLEAR Ad Notice is flexible enough to allow these components to be served by either the Publisher or the Ad Network.

Component	Served By	Options
Ad Marker	Either Publisher or Ad Network	Can place adjacent to ad (Ad Slug) or on top of ad (Overlay)
Ad	Ad Network	As served today
Metadata	Ad Network	Can support multiple versions/metadata types (JS & Header)
Ad Interstitial	Either Publisher or Ad Network	Can be served as "overlay" script or as a separate page

Ad Marker

The Ad Marker is the visual representation of a "link" presented to the user to learn more about the ad they are currently viewing.

The Ad Marker consists of two elements: an approximately 12x12 pixel **icon** and **text**. Full creative specifications, including size of the icon, font size for the text, text options, and color options will be published in a separate Creative Specifications document.

The Ad Marker can be placed in one of two locations for a standard graphical ad (listed in order of preference):

- Upper Right Corner of Ad (overlay)

- Upper Right Corner outside of Ad (may replace current "Advertisement" markers)

Ad Marker Elements
- Icon: *Please note full creative implementation options will be published in a separate Creative Specifications document.*

- Text: Three choices have been developed and chosen by the Self-Regulatory Program for Online Behavioral Advertising Working Group: 'Why did I get this/these ad(s)?', 'Interest Based Ad(s)', or 'Ad Choice(s)'. *Please note full creative implementation options will be published in a separate Creative Specifications document.*

Metadata

Transport Approach

To meet the stated business goals, simplicity is essential. As such, CLEAR Ad Notice requires that, with each ad serving event, data about the ad travel with the ad itself. The transport of metadata (data about the ad) can be conveyed across multiple transport mechanisms to provide for a simple or more advanced interaction with the consumer.

- **Javascript (JS) Metadata Variables:** Simple JS variable declarations

- **Header Metadata Variables:** Variables transported within the HTTP header of the ad

Each of these transport methods achieves a different goal and both should be supported.

- **Visibility**: Much like a relay race, the runner on the "last leg" is responsible for carrying the baton over the finish line. Similarly, JS Variables would require the "last leg" player to provide the needed variables to convey with the ad so they can be rendered for the end-user.

- **Accessibility**: The Header approach provides a more robust communication vehicle but cannot be interrogated by code from within the web page (JS Variables can). Although this approach allows for a richer and thorough data communication, external tools such as browser plug-ins or native browser features would need to be built to read this information. Headers allow for all data elements to be conveyed with an ad between each "relay" in the ad serving event.

Javascript (JS) Metadata Variables

Most graphical ads today allow for basic HTML to be served with the ad to accommodate instrumentation of the ad and/or to allow for rich media ads. JS Variables leverage this fact to allow a CLEAR Ad Notice tag to accompany the ad when served (this works even if served within an iFrame). Once on the page, another JS variable served either with the ad or made available by the publisher will allow the metadata to be read and rendered to the user.

The CLEAR Ad Notice tag will carry multiple values in an array (as more than one ad may be served at one time or on the same page). The variables names are preceded with "CAN" to offer uniqueness and reduce the possibility of variable collision on a page.

Name	Variable	Description
Version	CAN-ver()	Provides the version of the CAN Standard being used so publishers and tools can appropriately process the passed information.
Advertiser Name	CAN-adn()	Provides the legal business name of the advertiser responsible for developing and placing the advertisement
Advertiser Link	CAN-adl()	Suggested this links to the advertiser's home page or page explaining their advertising practices and partners
Network Name	CAN-ann()	Provides the legal business name of the ad network responsible for the placement of the advertisement
Network Link *	CAN-anl()	Suggested this links to the network's advertising practices and control (opt-out) page
Matcher Name	CAN-man()	Provides the legal business name of the party providing matching services for the ad
Matcher Opt-Out Link	CAN-mol()	Suggested this links to the matching party's interest management or opt-out page
Matcher Manage Link	CAN-mml()	Suggested this be used in situation where a party host separate interest management and opt-out links
Match Flag *	CAN-maf()	Is behavioral targeting used for this ad – Y/N?

* Minimum Metadata Requirements: The Network Link and Match Flag variables are the only required elements, however it is recommended that all elements be implemented when possible.

Example: Javascript (JS) Metadata Variables

CAN Tags will most likely be JS wrapped but that has been stripped out in this example to make it easier to read:

```
<!--
CAN-ver(1)="0.1"
CAN-adn(1)="Joe's Shoes"
CAN-adl(1)="http://www.joeshoes.com/info"
CAN-ann(1)="Advertising.Com"
CAN-anl(1)="http://www.advertising.com/privacy"
CAN-maf(1)="Y"
-->
```

Header Metadata Variables

The short version of the names should be used; the longer versions are provided for clarity.

Field Name	Field Example	Description
[Entity].name (short version: *[abbr.n]*)	Advertiser.name (ad.n) Adnetwork.name (an.n) Exchange.name (ex.n) AudienceIntelligence.name (ai.n)	Provides the legal business name of the entity
[Entity] .privacypolicy (short version: *[abbr.pp]*)	Advertiser.privacypolicy (ad.pp) Adnetwork.privacypolicy (an.pp) Exchange.privacypolicy (ex.pp) AudienceIntelligence.privacypolicy (ai.pp)	Provides the link to the entity's privacy policy
[Entity].optout (short version: *[abbr.oo]*)	Advertiser.optout (ad.oo) Adnetwork.optout (an.oo) Exchange.optout (ex.oo) AudienceIntelligence.optout (ai.oo)	Provides the link to the entity's interest management or opt out page
[Entity].targeting:behavioral (short version: *[abbr.bt]*)	Advertiser.targeting:behavioral (ad.bt) Adnetwork.targeting:behavioral (an.bt) Exchange.targeting:behavioral (ex.bt) AudienceIntelligence.targeting:behavioral (ai.bt)	Is behavioral targeting used for this ad – Y/N, can be extended to include specific interests in the future

Example: Header Metadata Variables

Since every ad has its own headers, there is no need to enumerate the ads on the page or enclose additional information about the ad in the header.

1. Client makes a GET request.

   GET /index.html HTTP/1.1
   Host: catalog.example.com
   Accept: */*
   Accept-Language: de, en
   User-Agent: WonderBrowser/5.2 (RT-11)

2. Server returns content and the PolicyRef header pointing to the policy of the page.

> HTTP/1.1 200 OK
> Date: Fri, 10 Jul 2009 16:32:38 GMT
> Server: Apache
> P3P: policyref="http://info.joeshoes.com/w3c/p3p.xml", CP="CAO DSP COR CUR ADM DEV TAI PSA PSD IVAi IVDi CONi TELo OTPi OUR DELi SAMi OTRi UNRi PUBi IND PHY ONL UNI PUR FIN COM NAV INT DEM CNT STA POL HEA PRE LOC GOV",
> > ad.n="Joe's Shoes",
> > ad.pp="http://www.joeshoes.com/info",
>
> HTTP/1.1 200 OK
> Date: Fri, 10 Jul 2009 16:32:38 GMT
> Server: rmas-server-core-lz4/4.1.3.1
> P3P: policyref="http://p3p.yahoo.com/w3c/p3p.xml", CP="CAO DSP COR CUR ADM DEV TAI PSA PSD IVAi IVDi CONi TELo OTPi OUR DELi SAMi OTRi UNRi PUBi IND PHY ONL UNI PUR FIN COM NAV INT DEM CNT STA POL HEA PRE GOV",
> > ex.n="Right Media",
> > ex.pp="http://ad.yieldmanager.com/opt-out",
> > ex.oo="http://ad.yieldmanager.com/opt-out"
>
> HTTP/1.x 200 OK
> Date: Fri, 10 Jul 2009 16:32:38 GMT
> Server: Apache/2.2.9 (Unix) mod_ssl/2.2.9 OpenSSL/0.9.7m DAV/2 mod_rsp20/rsp_plugins_v15.08-07-29:mod_rsp2.2.so.rhe-5-x86_64.v15.2
> P3P: policyref="http://www.tacoda.com/w3c/p3p.xml", CP="NON DSP COR NID CURa ADMo DEVo TAIo PSAo PSDo OUR DELa IND PHY ONL UNI COM NAV DEM",
> > an.n="Advertising.com",
> > an.pp="http://www.platform-a.com/privacy-policy/advertisingcom/company-statement",
> > an.oo="http://servedby.advertising.com/optout",
> > an.bt="Y"
> Content-Type: text/html
> Content-Length: 3234

Assessment of Metadata Transport Approach

Based on our stated objectives, the proposed metadata approach will provide each member of the online advertising community the ability to communicate their presence and behavioral advertising targeting practices. The following parameters were considered when assessing the metadata transport approach:

- User Experience: No impact. It's simply invisible text (no speed lag or technology interference)

- Convenience: Super lightweight. Requires no communication or connections be established between any ecosystem participant (division of responsibilities)

- Future Proof: Variables (metadata) can be added in the future and won't impact earlier versions

- Open: Visible to the top-level domain, the browser, or any tool the user may download. For example, Internet Explorer could adopt the CLEAR Ad Notice and allow the user to activate a pop-up of their own (similarly, a 3rd party plug-in could do the same thing)

- Ad Technology Proof: Works for any technology approach we use today (rich media, simple placement, iFrame, nested iFrame) and provides for an advanced mode for users to be able to track each step of the ad serving process

- Browser Technology Proof: Works for older browser versions, mobile browsers, and set top boxes

- Collision Proof: JS and Header variable names are highly unlikely to map against already used variables on any publisher web page. JS variable are assembled in an array to allow for multiple CLEAR Ad Notice tags on a single page.

Metadata Use Cases

These uses cases are provided to help highlight the business rules for exposing the "last let" of a transaction for JS Metadata Variable passage. (Header Metadata Variables should be passed by each participant in the ecosystem as an ad call moves from one to other—i.e., ad network -> audience intelligence provider -> exchange -> publisher)—so there is no need to establish business rules.)

Several scenarios are provided to demonstrate where data passage would be expected to occur:

- Simple: Advertiser -> Ad Network -> Publisher

- Complex: Advertiser -> Ad Network -> 3rd Party Ad Server -> Publisher

- More Complex: Advertiser -> Ad Network -> Exchange (with Audience Intelligence) -> Ad Network -> Publisher

Simple Use Case

A typical use case is when an advertiser places creative with an Ad Network to be distributed to a publisher or publishers.
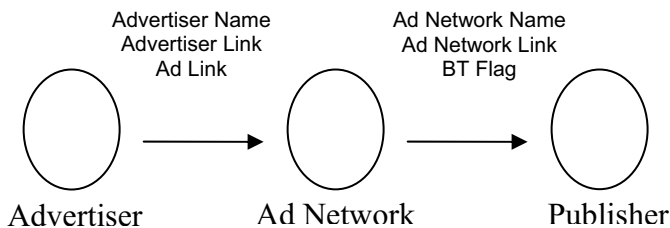
In this example, the Advertiser would most likely provide their details to the Ad Network prior to delivering the Ad itself for delivery. The Ad Network obviously knows its own information and would also know if the ad its being BT targeted.

The resulting metadata is:

```
<!--
CAN-ver(1)="0.1"
CAN-ad(1)="the ad link"
CAN-adn(1)="the advertiser's name"
CAN-adl(1)="link to the advertiser's site 'company info' page"
CAN-ann(1)="the ad network"
CAN-anl(1)="link to the ad network's 'what is this' page"
CAN-man(1)= [empty or repeat of the ad network name]
CAN-mol(1)="link to the ad network's 'opt-out' page"
CAN-mml(1)=[empty in this case]
CAN-maf(1)="Y"
-->
```

Complex Use Case

Another typical use case would be to introduce a 3rd Party Ad Server into the mix. In this case, the 3rd Party Ad Server's technology platform is leveraged for ultimate selection and placement of the ad on a Publisher' site. In this case, the 3rd Party Ad Server is holding the user profile and is named as the Matcher – with a link to their Opt-Out.

Advertiser Name
Advertiser Link
Ad Link
Ad Network Name
Ad Network Link

Advertiser Name
Advertiser Link
Ad Link

Matcher Name
Matcher Opt-Out Link
BT Flag

Advertiser   Ad Network   3rd Party Ad Server   Publisher
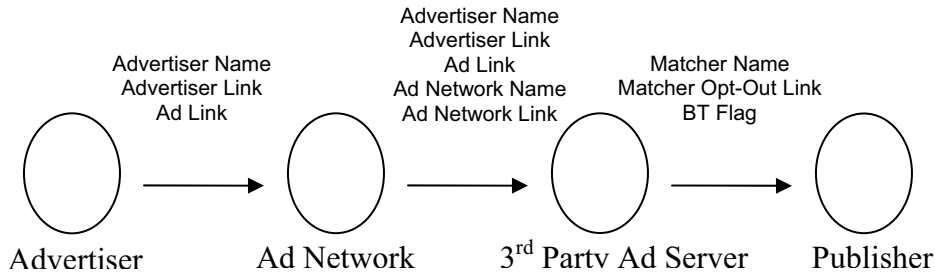
Much like in the first example, the Advertiser would most likely provide their details to the Ad Network prior to delivering the Ad itself for delivery. In this case, the Ad Network must transmit the Advertiser's information and their own to the 3rd Party Ad Server to provide all of the necessary elements to assemble the metadata to be placed on the Publisher's site.

The resulting metadata:

```
<!--
CAN-ver(1)="0.1"
CAN-ad(1)="the ad link"
CAN-adn(1)="the advertiser's name"
CAN-adl(1)="link to the advertiser's site 'company info' page"
CAN-ann(1)="the ad network"
CAN-anl(1)="link to the ad network's 'what is this' page"
CAN-man(1)= "the 3rd party ad server's name"
CAN-mol(1)="link to the 3rd party ad server's 'opt-out' page"
CAN-mml(1)=[empty in this case]
CAN-maf(1)="Y"
-->
```

More Complex Use Case

A highly complex case would be to introduce an Exchange Platform and an Audience Intelligence provider into the data flow. In this case, the Exchange technology platform is leveraged to match an ad creative with a Publisher's site inventory across multiple Ad Networks or 3rd Party Ad Servers.

Advertiser Name
Advertiser Link
Ad Link
Ad Network Name
Ad Network Link
Matcher Name
Matcher Opt-Out Link
Matcher Manage Link
BT Flag

Advertiser Name
Advertiser Link
Ad Link
Ad Network Name
Ad Network Link

[Bypass – the Ad Network has placed the Exchange Ad Calll – no data goes through their systems

Advertiser Name
Advertiser Link
Ad Link

Advertiser   Ad Network   Exchange   Ad Network   Publisher

Matcher Name
Matcher Opt-Out Link
Matcher Manage Link

Audience Intelligence

This example builds upon the last example and adds two new dimensions—an Exchange Platform and an Audience Intelligence provider. In this case, the Ad Network providing the inventory has placed the Exchange Platform ad tags on the publisher's site (either statically or dynamically) such that the Exchange itself is now responsible for delivering the resulting Ad and associated metadata. The Exchange will need to require the Ad Network delivering the Advertisement to provide the Advertiser details (this can be delivered with the ad creative on the fly or can be preset on the Exchange Platform). Additionally, the Exchange Platform targets the ad using data from an Audience Intelligence provider (which has a profile management interface for this example).

The resulting metadata:

```
<!--
CAN-ver(1)="0.1"
CAN-ad(1)="the ad link"
CAN-adn(1)="the advertiser's name"
CAN-adl(1)="link to the advertiser's site 'company info' page"
CAN-ann(1)="the serving Ad Network's name"
CAN-anl(1)="link to the serving Ad Network's 'what is this' page"
CAN-man(1)="the Audience Intelligence provider's name"
CAN-mol(1)="link to the Audience Intelligence 'opt-out' page"
CAN-mml(1)="link to the Audience Intelligence 'profile mgmt' page"
CAN-maf(1)="Y"
-->
```

Ad Interstitial

The final step in the CLEAR Ad Notice process is rendering the metadata to the consumer when they click on the Ad Marker. This is accomplished through an Ad Interstitial. The Ad Interstitial can be served as an overlay or in a separate browser window.

Goals of the Ad Interstitial

- Consistency
    - Reveal metadata in user-friendly way. For example, a privacy "nutritional label" or a standard landing page layout

- Easy to understand
    - Limit # of data fields for ease of use

- User choices available
    - Opt-out links and/or
    - Profile viewer links (for companies that support such a model)

- Delineates between
    - Advertiser
    - Ad delivery vehicle
    - Targeting data
    - Educational links: Associations, government agencies, company-specific

Ad Interstitial As Overlay

The following are examples of an overlay approach as opposed to a new browser window approach.
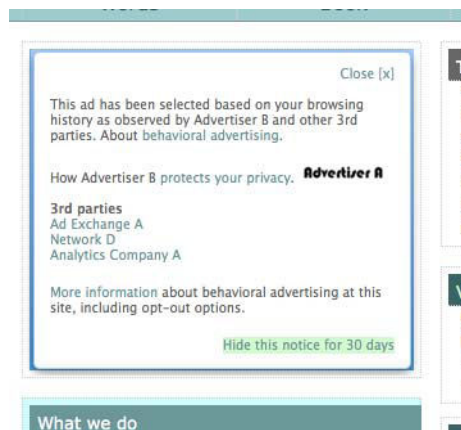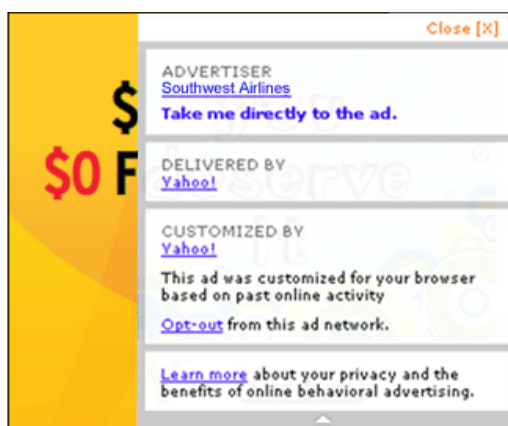
A live reference implementation of an Ad Interstitial overlay can be found at: http://green.yahoo.com/living-green. (Code for this implementation is available upon request from Yahoo!)

Ad Overlay Implementation Options
There are two basis models of implementation of the CLEAR Ad Notice: Mediated and Direct. The CLEAR Ad Notice was designed to work equally well for both.

- **Mediated: Publisher creates their own Interstitial and populates with metadata**

    o   Most likely, this is attractive to large publishers

    o   Examples of this in the marketplace would be eBay and Bebo

    o   Most likely, the Ad Marker will be served outside of the ad

- **Direct: Ad Network creates Interstitial and includes visualization in the ad serving event**

    o   Most likely needed for small and medium publishers

    o   Examples of this in the marketplace would be Google and Fetchback

    o   The Ad Marker can be served on or in close proximity to the ad

It's important to note that even in Direct models, the Ad Network should still publish the CLEAR Ad Notice JS Metadata Variable tag and Header Metadata Variables to remain open and to allow third-parties or browsers to consume and present this information to the user through their own visualization approaches and tools.

Ad Interstitial As Landing Page

As described in the Metadata section, the minimum requirement is passing the Network Link and Match Flag. In this situation, implementation of the interstitial most likely takes the form of an opening of a new window populated by a "landing page" for the Ad Network and its online behavioral advertising policies. Examples of what these landing pages may look like appear below (all examples are for illustrative purposes only and do not represent actual or recommended language or design)

Implementation Timeline

It will take time to introduce the full CLEAR Ad Notice to all participants in the online advertising ecosystem. To better maintain cohesion and unity, it is recommended this be accomplished in agreed-upon phases between the advertising ecosystem participants. Below is a recommended timeline.

Beta/Preliminary Testing Phase:

In order to lay the groundwork for the placement of Ad Markers on ads in subsequent phases, initial testing of the Ad Marker should be carried out prior to the availability of metadata. Such testing will provide important feedback both from a consumer and advertiser perspective, as well as lay the groundwork for the underlying infrastructure for placement of the Ad Marker.

In the absence of metadata, it is expected that the placement of the Ad Marker would occur simply as the "last leg" of the ad serving process. The companies that choose to participate in the test phase would have discretion regarding the frequency of placement the Ad Marker on standard graphical ads. Disclosure elements would include actionable links from the Ad Marker, in order to begin consumer testing and education concerning the availability of an Ad Interstitial experience. It is expected that only standard graphical ad sizes and positions would be tested, rather than more complex scenarios such as those involving video, mobile and rich media ads.

Phase 1: Simple Metadata

In this phase, metadata is introduced into the system. Each ad should carry, at a minimum, the two required JS Metadata Variables. This will allow for dynamic modification of the Ad Marker (different text) and population of the overlay Ad Interstitial with the metadata.

While only JS Metadata Variables are expressly supported in this phase, both Header and JS should be populated.

Phase 2: Advanced Metadata

In this phase, all metadata elements should now be included in both the JS and Header Metadata Variables. The industry should also be exploring enforcement mechanisms for non-participating parties in the ecosystem, for security solutions to block bad actors, and ways to centralize and codify metadata variables to reduce ad metadata sizes. Lastly, browser plug-ins should be developed to fully expose the rich Header metadata available to the consumer.

Phase 2 will be coordinated by the Self-Regulatory Program for Online Behavioral Advertising Working Group and will begin when a critical mass of companies are able to support the full implementation.

ATTACHMENT C

PRIVACY MATTERS CAMPAIGN

NBC Universal

300x250

ESPN

160x600

728x90

NY Times

300x250 and 728x90

Verizon

728x90

160x600

mediaedge:cia

Verizon

300x250

Wall Street Journal

300x250

YouTube

300x250

Microsoft

160x600

ABC

ABC ROS 728x90

ABC ROS 300x250

Example for Visualization Purposes

mediaedge:cia

ABC

ABC ROS 160x600

Example for Visualization Purposes

ABC

ABC News ROS 300x250

ABC News ROS 160x600

Example for Visualization Purposes

mediaedge:cia

ABC

Soapnet ROS 300x250

Example for Visualization Purposes

CBS

Chow Leaderboard

MP3.com 300x250

CBS

Gamefaqs Skyscraper