



United States of America  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Commissioner J. Thomas Rosch

November 9, 2012

TO: Donald S. Clark, Secretary

FROM: Elizabeth Delaney

SUBJECT: COPPA Rule: Meeting Notes to be Placed on the Public Record

On November 9, 2012, Commissioner J. Thomas Rosch met with Morgan Reed, Executive Director of the Association for Competitive Technology (ACT). Commissioner Rosch's attorney advisors, Beth Delaney and Dave Koehler, also attended. The purpose of the meeting was to discuss proposed changes to the FTC's COPPA Rule.

Mr. Reed noted that the concerns of ACT regarding the proposed rule changes were set forth in the public comment it submitted to the FTC in the COPPA rulemaking process on September 24, 2012. In particular, Mr. Reed said that ACT, as an association that represents more than 5,000 software companies and developers, was concerned about how the proposed changes to the Rule might inadvertently effect educational applications (apps) for children.

Mr. Reed also pointed out that he believed that the numbers of app developers had been underreported in the Commission's notice of proposed rulemaking and that ACT, in their comment, was providing additional information on those numbers.

Mr. Reed noted that with respect to the newly proposed definition for "support for the internal operations of the website or online service," the addition of the language "or for any other purpose" was being read by industry members as very restrictive. Mr. Reed did not believe that that was staff's intention and he recommended clarifying that language. In addition, Mr. Reed explained that to the extent that in its Frequently Asked Questions (FAQS), FTC staff could elaborate further upon the COPPA obligations of entities providing educational software and apps for children, that would be very helpful.