

Digital Content Next

Legal and Legislative Committee
December 13, 2016

Agenda

- Update on Coalition for Better Ads
- Discussion of VPPA Legislative Language

- Coalition to adopt testing methodology developed by Google
 - 37 ad experiences/types (i.e. sticky ad on bottom, pop-up ad with countdown)
 - Consumers asked to rank 1-5 (1 worst, 5 best) for:
 - Satisfaction
 - Predictability
 - Fast
 - Annoying
 - Useful
 - Trustworthy
 - Visually Pleasing
 - Inappropriate
 - Creepy

- Testing Methodology cont'd
 - Tested on mobile and desktop
 - Results from last 18 mos developed a ranking
 - Per attribute – creepy, annoying, etc
 - Overall – combined rankings
 - Coalition to focus on banning worst performing ad experiences

- Next Steps
 - Affirm testing methodology, decide next round of testing
 - Coalition to test ad experiences on premium content and non-premium content
 - Question – do consumers view ad experiences differently when trying to access premium content?
 - Where to draw lines on ad experiences?
 - Enforcement?

- Questions?

- DCN pursued VPPA modernization in 2014
 - Unable to reach agreement with CDT
- Appetite remains for VPPA technical correction
 - Unlikely to move significant overhaul

“(a) Definitions.— For purposes of this section—

(1) the term “consumer” means any renter, purchaser, or subscriber of goods or services from a video tape service provider;

(2) the term “ordinary course of business” means only debt collection activities, order fulfillment, request processing, the development and delivery of products and services, performance and operations analytics including audience reporting and measurement, and the transfer of ownership;”

Language cont'd:

“(b) SCOPE OF APPLICATION. – The amendment made by subsection (a) shall apply to any action, other than an action which has become final, that is brought for a violation of the Video Privacy Protection Act without regard to whether such action is brought before or after the date of the enactment of this Act.”

Language cont'd:

News Media Alliance draft:

“(4) When engaged in the business of providing video cassette tapes or similar audiovisual materials to consumers, video tape service providers may disclose, for advertising or analytics purposes, data or other information about consumers that does not, without more, identify by name an individual consumer. Such data or other information includes (but is not limited to) unique device identifiers, advertising identifiers, cookies, or other forms of unique identifiers that cannot identify individual consumers without being combined with other information.”

- Issues to Resolve:
 - Strategy - PII vs Ordinary Course
 - Analytics/Measurement
 - Advertising
 - More explicit carve out for contextual advertising?
 - Content Availability on Platforms
 - Update “order fulfillment” and “request processing” carve-outs?

- Questions?