



## **PEGI ONLINE SAFETY CODE ('POSC'): A CODE OF CONDUCT FOR THE EUROPEAN INTERACTIVE SOFTWARE INDUSTRY**

### **Article 1: SCOPE**

The PEGI Online Safety Code, hereinafter referred to as the POSC, shall apply to all online gaming providers who decide to become signatories of the POSC. The term 'online gaming providers' refers to all publishers or website operators to the extent they provide online services through which interactive software products allowing on-line game play (including: videogames, computer games, and education/reference works on CD Roms) are made available or enjoyed.

POSC shall also apply to all associated advertising and promotion of such online services (see Article 10 below).

### **Article 2: PURPOSE**

The POSC is based on a Code of Conduct which was introduced under the PEGI\* system which applies to all interactive software including videogames played online. The POSC therefore also reflects the interactive software industry's commitment and concern that information be provided to the public in a responsible manner about the content of interactive software products. The industry's contribution is intended to complement existing national laws, regulations and enforcement mechanisms.

Firstly, the POSC is intended to provide parents and educators with an assurance that online gaming services displaying the PEGI Online label (POL) are operated by publishers and other companies who have signed up to the POSC and therefore committed to abide by its provisions.

Secondly, the POSC is intended to ensure that all advertising, marketing and promotion of online services is consistent with the industry's fundamental aim of informing the public,

especially parents, of the content of interactive software products.

Thirdly, the POSC reflects the interactive software industry's commitment not to produce, advertise, distribute or promote any product in breach of human decency.

### **Article 3: POSC INSTRUMENTS**

The European interactive software industry has put in place five different instruments to fulfil the objectives set out in Article 2 above, four of which are common to the POSC and the PEGI Codes and so maintain the consistency of both systems. These instruments are:

**A.** The PEGI Advisory Board (PAB) which includes representatives from key stakeholders (parents, consumers associations, child psychology experts, academics, media experts and the interactive software industry). This body ensures that the POSC responds to ongoing social, legal and technological developments.

**B.** The independent PEGI Complaints Board (PCB) which again includes representatives from key stakeholders, and is entrusted with management of the following three matters:

- conflicts between applicants and the PO Administrator. (see E. below)
- complaints about the consistency of advertising, marketing and promotional activities of any POSC signatory with the provisions of the POSC.
- disputes about the implementation of POSC by signatories.

\* The PEGI (Pan-European Game Information) system is the first ever pan-European system of harmonized age ratings throughout Europe. PEGI affords parents and other gatekeepers independently checked, reliable and easy-to-read recommendations to make informed buying decisions pertaining to interactive software, whatever the platform involved.



C. The PEGI Enforcement Committee (PEC) charged with implementing the recommendations of the PAB Board and, more generally, of ensuring the enforcement of the provisions of the POSC, including decisions of the PCB.

D. A Legal Committee, also common to the PEGI system, which will ensure the ongoing coherence and consistency of the POSC Licensing System (see E below) with national legal frameworks.

E. A Licensing System operated by ISFE with the assistance of an Administrator, for issue of licenses to use the PEGI Online Label (POL), whereby assurance is given to the public that the licensee has committed to abide by all provisions of the POSC.

#### **Article 4: ISFE'S COMMITMENT TO THE CODE**

The ISFE hereby commits to:

- a/ operate the POSC in as efficient a manner as possible.
- b/ ensure comprehensive, thorough awareness and understanding of the POSC and its purposes by all participants in the interactive software industry, including publishers, developers, website operators, wholesalers, retail, trade media and advertising companies.
- c/ implement and maintain the structures necessary to interpret, operate, publicise and update the POSC, whilst also conducting studies and reports on its ongoing application to interactive software.
- d/ initiate any additional activity necessary to support the POSC.

#### **Article 5: OBLIGATIONS OF ISFE MEMBERS**

The members of ISFE shall:

- a/ abide by the POSC in respect of the labelling of online services under their control and also with respect to all related advertising and promotional activities. (see Article 10 below).
- b/ abide by all decisions made by the PCB and PEC and provide all appropriate information to the PAB as it oversees the implementation of the POSC.
- c/ assist ISFE in delivering on its own commitments as provided in Article 4 above.
- d/ The obligations listed above shall enter into force as soon as the POSC is implemented.

#### **Article 6: LEGAL AND REGULATORY ENVIRONMENT**

POSC signatories shall ensure that online services comply with existing and future laws and regulations at EU and national level. It is therefore also understood that the obligation to label online gaming websites according to the POSC applies only as far as it does not lead to any infringement of existing or future national mandatory (governmental) rating and labelling systems applicable to interactive software and online gaming services.

#### **Article 7: AGE RATING AND LABELLING**

The main features of the POSC are described hereunder. Their implementation shall be subject to contracts to be signed by ISFE with all potential licensors of the POSC, and to guidelines enacted by the PEC.

**7.1.** applicants to the POSC shall complete an online application form to be sent to the Administrator of PEGI Online (hereinafter ‘the PO Administrator’).

**7.2** the application form will address the main concerns raised by parents and educators concerning online game play, namely;

**7.2.1** the online service operated by the applicant will only include game content which has been appropriately rated i.e. under the regular PEGI system or under other recognized European systems such as – but not limited to - those operated by the BBFC in the UK and the USK in Germany.

**7.2.2.** the PEGI Online label (POL) will provide a direct hyperlink to a dedicated website where appropriate information will be given regarding the risks arising from the fact that content created in the course of game play may be unknown to the original publisher. Alternatively and where appropriate, signatories shall display the url associated with the said dedicated website in a prominent position visible to users of online services.

**7.3** Applicants will use their best endeavours to ensure that operators of online services not under the control of the applicant but containing game content published by the applicant abide by the POSC rules and/or subsequently become signatories of the POSC themselves.

## **Article 8: LICENSING AND LABELLING PROCEDURES**

**8.1.** Following the completion of the online application form (see Article 7.1) the PO Administrator shall evaluate the ability of the applicant to comply with the commitments of the POSC, in light of answers and material provided by the applicant, including possible codes of conduct already enforced by the applicant as far as online games are concerned and the other factors as set out at **Article 9** below.

**8.2.** If the applicant does not agree with the evaluation of the PO Administrator, it may appeal to the PCB, which will then make a final decision as to the applicant’s eligibility to participate in the POSC.

**8.3.** If an application is successful, the applicant will be granted by the PO Administrator, on behalf of ISFE, a licence to reproduce the POL and to post it on its online services.. This authorisation will be granted for one year and may be renewable for a longer term depending on the PO Administrator’s subsequent recommendation.

**8.4.** The POL shall be displayed in a size that permits the message to be clearly visible to, and perfectly legible by, the public, in accordance with templates to be provided by ISFE. The same principles will apply to any making available of interactive software to the public through other means apart from sale, such as rental or loan.

**8.5.** Licence holders shall ensure that the POL is used only in accordance with national legal requirements and that, in particular, it is not used in countries where the products carried on the online services concerned are prohibited or subject to compulsory legal classification. Should products available on online services carrying the POL be subject to such classification in any country or countries, the use of the POL shall be accompanied by a conspicuous reference to any consequent conditions covering game play on the said services.

## **Article 9: KEY PROVISIONS**

**Content:** Licence holders shall use their best endeavours to ensure that online services under their control are kept free of content which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or might permanently impair the development of minors.

When online services under the control of the licence holders also contain user generated content, the licence holders shall use their best endeavours to immediately take down user generated content which is illegal, offensive, racist, degrading, corrupting, threatening, or obscene

Observance of all the foregoing should, where possible, also include removal of undesirable links or ‘hyperlinks.’

**Undesirable Content;** Consistent with the foregoing paragraph, licence holders will ensure that appropriate reporting mechanisms are in place to allow game players to notify licence holders of the existence of undesirable content on any related websites offering online services under their control.

**Community Standards;** Licence holders will ensure the incorporation in their terms of business with online subscribers of certain provisions usually included under the heading of so called ‘community standards’. These provisions will contain prohibitions against those subscribers introducing content or indulging in online behaviour which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or might permanently impair the development of minors

**Privacy:** Any licence holder engaging in the online collection of personal information from subscribers will maintain an effective and coherent Privacy Policy fully in accordance with all applicable European Union and national Data Protection laws. The Privacy Policy will encompass the responsible collection, distribution, correction, and security of the personal details of subscribers who shall be given full details of the licence holder’s Privacy Policy before the finalisation of any subscription to an online service. Subscribers must be also be given the opportunity to comment on any perceived misuse of their personal details and therefore be fully advised as to ways, for

example, of avoiding unsolicited or unwanted e-mail contact.

**Protection of Minors ;** In keeping with one of the main objectives of the POSC, licence holders must adhere to stringent standards ensuring the protection of children from any unsuitable content and behaviour associated with any website aimed at children. These standards shall include, where appropriate;

- the publication of warnings about the supply or display online of private email addresses
- promoting responsible purchasing practices where minors are concerned.

## **Article 10: ADVERTISING AND PROMOTION**

**10.1.** The design of print, broadcast and on-line advertising of PO labelled websites operated by licence holders shall comply with all applicable laws and regulations.

**10.2.** More generally, the following principles will apply to the relationship between PO labelled websites and the rated products they might carry:

- all advertisements must accurately reflect the nature and content of the product represented and wherever reasonably practicable the rating issued (i.e. an advertisement should not mislead consumers as to the product’s true character).
- all advertisements shall be created with a sense of responsibility towards the public.
- no advertisement shall contain any content that is likely to cause serious or widespread offence to the average consumer targeted.
- licence holders shall not specifically target advertising for entertainment software products rated 16+ or 18+ to consumers for whom the product is not rated as appropriate.
- licence holders shall ensure that ancillary or separate products that are being sold or promoted in association with a core product contain content that is appropriate for the

audience for which the core product is intended.

- licence holders should inform the public by means of a general statement of the existence of sponsorships and/or the existence of ‘product placements’ associated with any online service. In this regard use of a trade mark or brand solely to provide authenticity to the game environment shall not be held to constitute either product placement or sponsorship provided that licence holders do not receive payment in exchange for such use.
- licence holders shall not enter into promotion of online interactive software products rated 16+ or 18+ with another company’s brands, products, or events, if it is reasonable to believe that such company’s products, brands or events will reach consumers for whom the interactive software product is not rated as appropriate.

#### **Article 11: ADVISORY BOARD**

To ensure the continuing applicability of the POSC taking into account potential social, legal and technological developments, the PEGI Advisory Board (PAB) will be made available to the management of the POSC. The PAB has been established to interpret the provisions of the PEGI Code of Conduct and to suggest appropriate implementation tools. The PAB is made up of:

- parents/consumer organisations,
- child psychology experts,
- media experts,
- lawyers expert in European minor protection laws,
- academics,
- a representative of the PEC,
- a representative of ISFE
- the PO Administrator.

#### **Article 12: COMPLAINTS BOARD**

The PEGI Complaints Board (PCB) will be used to:

- handle possible complaints about the consistency of advertising, marketing and promotional activities of licence holders with the provisions of the POSC.
- handle possible conflicts about the way the POSC is implemented by licence holders

The PCB draws on similar skills as the PAB, as reflected by its current composition (see **Article 3.A and B** above).

#### **Article 13: ENFORCEMENT COMMITTEE**

Compliance with the POSC, the provision of advice to all companies deciding to subscribe to the POSC as well as to the PO Administrator, possible sanctions on licence holders infringing the POSC, shall be entrusted to the PEC (see **Article 3.C** above). The PEC is made up of carefully selected representatives of the industry, as nominated by the ISFE Board and elected by the General Assembly of ISFE.

#### **Article 14: SANCTIONS**

**14.1.** In addition to infringements spotted by third parties or the Administrator, the PEC and the PCB shall jointly identify and document any possible wrongful application of the POSC. Reasonable, non-arbitrary discretion will be used in examining all relevant facts to enable a determination of appropriate sanctions. The PEC and PCB will also suggest corrective steps commensurate to the violation, to be implemented immediately.

**14.2.** Failure to comply with the POSC and/or a decision of the PCB as described above will expose offenders to sanctions including but not limited to the following measures:

- temporary removal of the POL licence from a licence holder,
- mandatory modification of any associated advertisements both on and off-line,
- permanent removal of the POL licence from a licence holder
- removal of the POL from any online service associated with breach of the POSC
- a fine of between €1000 and € 250,000 per violation depending on the gravity thereof and the failure to take appropriate remedial action.

**14.3.** Violations covered by these sanctions include presenting misleading or incomplete material to support the original application for a POL license, failure to submit changes, updates, or modifications that affect the ability of the license holder to comply with its obligations under the POL license in a timely fashion, self-application or flawed display of logos or the POL by the license holder, inappropriate targeted marketing, and, more generally, all steps or omissions that fail to show a sense of responsibility towards the general public.

**14.4.** Any sanction imposed on a licence holder under the POSC can be referred by that licence holder, within thirty days of the date of imposition of the sanction, to final and binding arbitration by CEPANI, the Belgian Centre for Arbitration. All costs of the arbitration will be met by the licence holder.

**14.5** Any PEC decision imposing a sanction on a licence holder can be referred by that licence holder, within thirty days of the date of the PEC decision, to final and binding arbitration by CEPANI, the Belgian Centre for Arbitration. Arbitration shall be the sole method available to challenge any decision of the PEC. Imposition of any sanction shall await the decision of CEPANI unless the PEC seeks interim measures from CEPANI pending that decision.