

Reflections on FPB's Draft Online Policy

Industry Perspective

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Background

- **April 2014:** publication of the FPB's regulations with updated fees & tariffs
 - Fees for ISPs went up to R529pa, and regulations introduced a 'licensing fee' of 'up to' R750k pa for online distribution
- **September 2014:** FPB confirmed in Parly that legislative amendments are to be made to the FPB Act (1996) in order "to allow for better regulation of online content distribution"
- **Post Ocotber 2014:** FPB further told parliament that they had now signed online distribution agreements with Altech, Apple and Google, although it is not quite clear what these agreements are

Rationale

- Stated objective of the FPB is: “to allow for better regulation of online content distribution”, and “to be able to fully regulate the Internet by 2017”
- The FPB's current regulatory regime is outdated and needs to keep in pace with changes in the sector
 - Online media content (incl. UGC) is fast becoming the most popular media consumed by people
 - FPB currently has limited capacity and procedures for the regulation of content distributed online and mobile platforms
 - Current procedures of the FPB focus on submission of physical material which is perused by classifiers prior to reaching a classification decision.
 - FPB concerned by the impact of unrated content on minors

The Regulations

- On a very high level, the new proposals require that, to be compliant, all online distributors should:
 - Register as an online distributor of content locally
 - Submit all content (eg: all iTunes videos and songs in the case of a company like Apple) to the FPB for classification
 - Pay an online distribution licence fee of up to R750 000 per annum, per service “at the discretion of the executive committee”

Things that make you go hmhhh: the procedural

- There are many of them, but to mention just a few:
 - How have these regulations (and fees) come about?
 - Have there been any industry consultations?
 - As the FPB has already said, a legislative overhaul is in the making, but then why forge ahead with new regulations which may be outdated by the proposed new changes to the FPB Act?
 - Are we reinventing the wheel? Aren't there any international best practices that the FPB can learn from?

Things that make you go hmmm: the Constitutional

- The policy provides that it is impermissible to distribute digital content in the South Africa unless such content is first classified and the classification is displayed on the content
 - This is not true e.g. the SC in a case between e-tv and the DPP ruled that “the prior restraint of publication, though occasionally necessary in serious cases, is a drastic interference with freedom of speech and should only be ordered where there is a substantial risk of grave injustice”
 - “freedom of expression, unlike some other rights, does not require regulation to give it effect, regulating the right amounts to limiting it.”
- How do we define “community standards” (Guiding Principle 2)?
- Is this Policy intended to be read in conjunction with the FPB Bill (2014)? Are we commenting in the dark?

Things that make you go hmhhh: the financial

- The distribution fee of 'up to R750 000' per annum per service is, too exorbitant for a budding online video South African market
- In terms of this, there are a few more things:
 - How did the FPB come about this fee?
 - Viability for small businesses?
 - Foreign investment: Apple, Amazon, Google, etc
 - A threat to a healthy ecosystem
 - Fees payable: Is there a 'sliding scale'? As an administrative body, the FPB needs to publish how they have applied their minds to this issue

Things that make you go hmmm: the technical

- Up to 300 hours of content are uploaded on YT every minute! (48 hours when I joined Google in 2011)
- Most content providers already have their own comparable methods of self-classification. In some cases, these voluntary ratings are more granular (and stricter) than the FPB ratings systems (for example, pornography is not allowed on Microsoft Windows Store, Google Play and on YouTube)
- In short, it may not be technically feasible for distributors to carry the FPB's classification ratings and logo on all their content

**To organize the world's information and make it
universally accessible and useful.**

What are we dealing with here?



60 trillion web pages

Millions added each minute

159 languages

30,000 apps uploaded everyday on Play store

300 hours of YT videos every minute

6 billion hours watched per month

100 billion searches per month

YouTube: Community Guidelines

YouTube Community Guidelines

Respect the YouTube Community

We're not asking for the kind of respect reserved for nuns, the elderly, and brain surgeons. We mean don't abuse the site. Every cool new community feature on YouTube involves a certain level of trust. We trust you to be responsible, and millions of users respect that trust. Please be one of them.

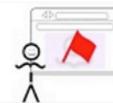
Don't Cross the Line

Here are some common-sense rules that will help you steer clear of trouble:

- YouTube is not for pornography or sexually explicit content. If this describes your video, even if it's a video of yourself, don't post it on YouTube. Also, be advised that we work closely with law enforcement and we report child exploitation. Please read our [Safety Center](#) and stay safe on YouTube.
- Don't post videos showing bad stuff like animal abuse, drug abuse, under-age drinking and smoking, or bomb making.
- Graphic or gratuitous violence is not allowed. If your video shows someone being physically hurt, attacked, or humiliated, don't post it.
- YouTube is not a shock site. Don't post gross-out videos of accidents, dead bodies or similar things intended to shock or disgust.
- Respect copyright. Only upload videos that you made or that you are authorized to use. This means don't upload videos you didn't make, or use content in your videos that someone else owns the copyright to, such as music tracks, snippets of copyrighted programs, or videos made by other users, without necessary authorizations. Read our [Copyright Tips](#) for more information.

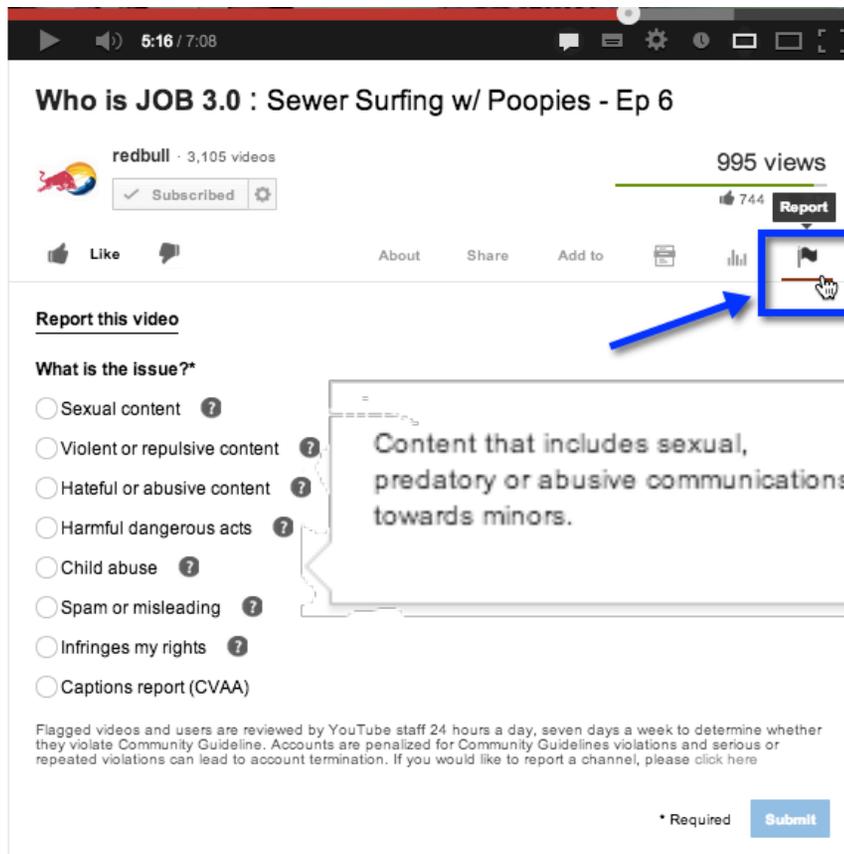


Flagging on YouTube: The Basics



Staying Safe on YouTube

YouTube: Flagging Content



Who is JOB 3.0 : Sewer Surfing w/ Poopies - Ep 6

redbull · 3,105 videos

995 views

744 Likes

Report

Like Dislike About Share Add to

Report this video

What is the issue?*

- Sexual content ?
- Violent or repulsive content ?
- Hateful or abusive content ?
- Harmful dangerous acts ?
- Child abuse ?
- Spam or misleading ?
- Infringes my rights ?
- Captions report (CVAA)

Content that includes sexual, predatory or abusive communications towards minors.

Flagged videos and users are reviewed by YouTube staff 24 hours a day, seven days a week to determine whether they violate Community Guideline. Accounts are penalized for Community Guidelines violations and serious or repeated violations can lead to account termination. If you would like to report a channel, please click here

* Required

Safety and Abuse Reporting

What is the issue?

- Harassment and Cyberbullying
- Impersonation
- Violent Threats
- Child Endangerment
- Hate Speech Against a Protected Group
- None of these are my issue

Age Restrictions and Country Gating



Search YouTube Help



YouTube > Help > Reporting Center

Age-restricted content

Some videos don't violate our policies, but may not be appropriate for all audiences. In these cases, minors or logged out users may not be able to view the content.

When evaluating whether content is appropriate for all ages, here are some of the things we consider:

- [Vulgar language](#)
- [Violence and disturbing imagery](#)
- [Nudity and sexually suggestive content](#)
- [Portrayal of harmful or dangerous activities](#)

To learn more about what you can do to avoid having your video age-restricted, please visit our [Policy Center](#).

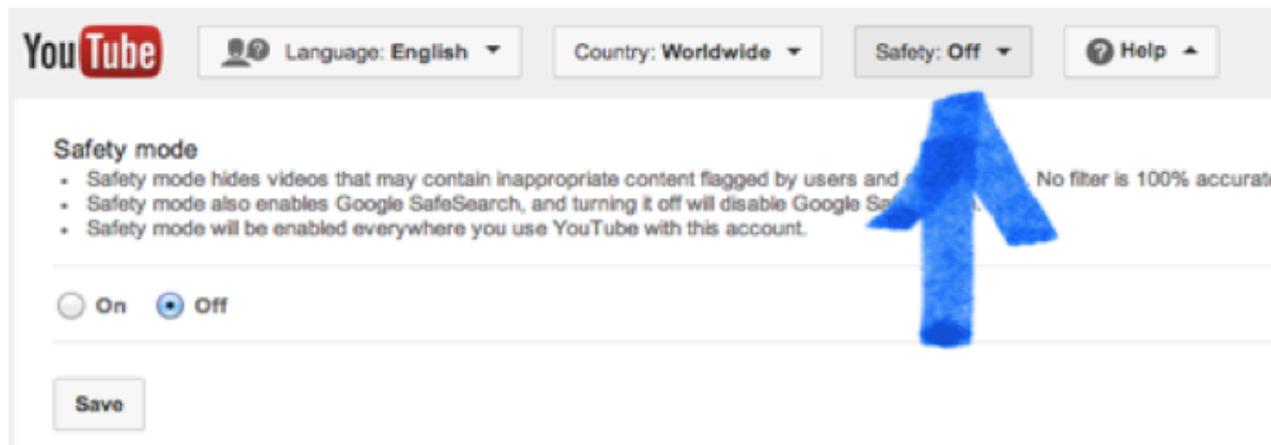
If you are looking to monetize your video, please review our policies as age-restricted videos will not be eligible for monetization and will also not be shown in certain sections of YouTube.

YouTube: Safety Mode

Safety Mode

Safety Mode is an opt-in setting that helps screen out potentially objectionable content that you may prefer not to see or don't want others in your family to stumble across while enjoying YouTube. You can think of this as a parental control setting for YouTube.

How to turn Safety Mode On :

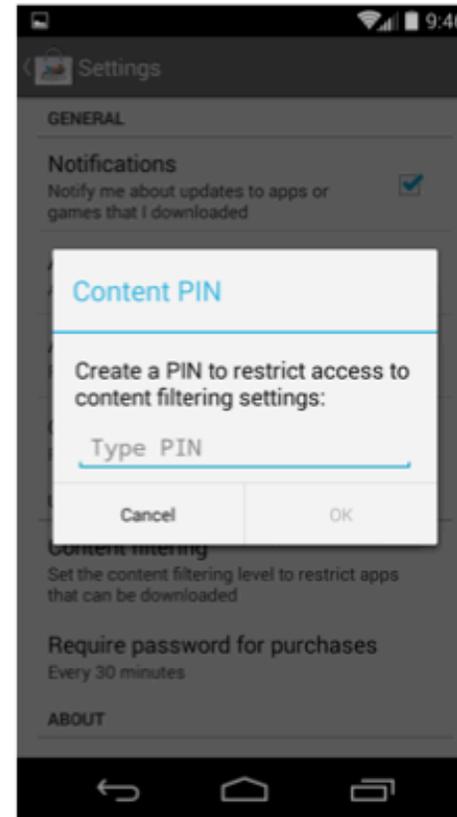
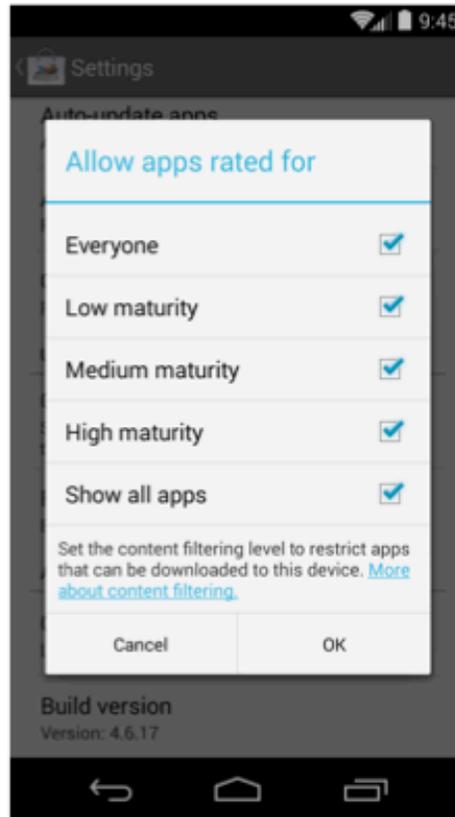
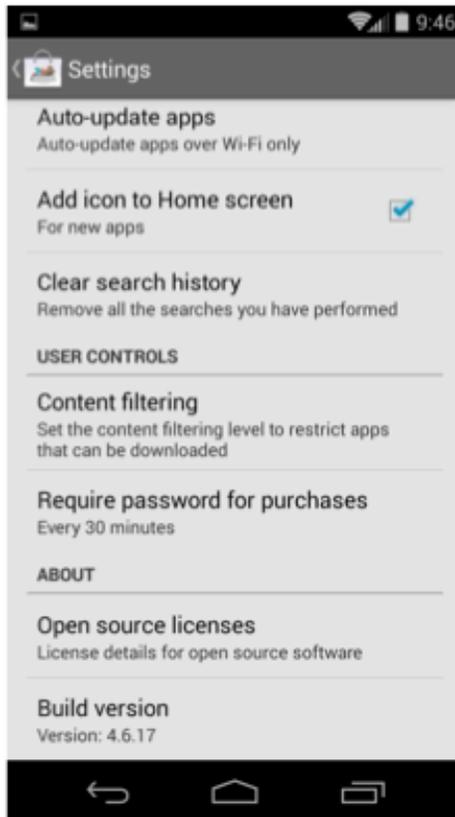


The screenshot shows the YouTube settings interface. At the top, there are four dropdown menus: 'Language: English', 'Country: Worldwide', 'Safety: Off', and 'Help'. Below these, the 'Safety mode' section is visible. It contains three bullet points: 'Safety mode hides videos that may contain inappropriate content flagged by users and... No filter is 100% accurate,' 'Safety mode also enables Google SafeSearch, and turning it off will disable Google SafeSearch.', and 'Safety mode will be enabled everywhere you use YouTube with this account.' Below the text, there are two radio buttons: 'On' (unselected) and 'Off' (selected). A blue arrow points to the 'Off' radio button. At the bottom left of the settings area, there is a 'Save' button.

YouTube: Trusted Flagger Programme

- Empowering YouTube's top flaggers with tools to flag more volume, with more accuracy
- Through this programme we collaborate with experts, non-profit organisations, and regular users on keeping the YouTube community safe:
 - Invitation only initiative for our most trusted and reliable users
 - Working with users and NGOs
 - Keeping YouTube clean through scalable flagging
- Interested joining the program? Email trusted-flagger@youtube.com

Play Store: Ratings



Comparing FPB Ratings Scheme vs Google Play Store

ZA rating	ZA rating category	Equivalent Google Play app rating
18	Violence, nudity, sexual activity, drugs	Prohibited on Play
16	Nudity, sexual activity, drugs	Prohibited on Play
	Violence	High maturity
13	Nudity	High maturity or prohibited
	Sexual activity	Prohibited on Play
	Violence , drugs	High maturity
10-12	Violence	High maturity
	Nudity, sexual activity, drugs	Low maturity
10	Violence	Medium maturity
	Nudity, sexual activity, drugs	Low maturity
7-9	Violence	Medium maturity
	Nudity, sexual activity, drugs	Low maturity
PG	Violence, nudity, sexual activity, drugs	Low maturity

So, what we saying?

- Need to keep up with trends is there, but piecemeal and stand alone amendments such as put forward by the FPB are NOT the way to do it
- Instead of 'protection', let us focus more on 'digital literacy' and empowerment
- FPB should consider:
 - Stakeholder consultations
 - Self classification models (such as Play Store Ratings)
 - Industry coalition classification models (eg [ICT Coalition](#) in the EU)
 - Globally harmonised classification models (eg [International Age Rating Coalition](#) (IARC) and [Pan European Game Information](#) (PEGI))

Thank you!

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