

ALERT

FTC to Tackle Mobile Privacy at Dot Com Disclosure Workshop

March 6, 2012

Broadcasters, like other companies operating online, increasingly rely on online advertising revenue. Changes in the way ads are expected to appear on websites, mobile apps and other online platforms could affect this growing revenue stream. The Federal Trade Commission (FTC) announced that it will host a workshop on **May 30, 2012** to consider revisions to its 12-year-old online advertising disclosure guidelines, known as "Dot Com Disclosures." The workshop, which will be free and open to the public, may be the FTC's answer to the Commerce Department's recent privacy initiatives. Broadcasters seeking to safeguard their online ad revenue streams should consider participating in the initiatives of both agencies. Companies interested in participating as panelists in the FTC mobile privacy workshop must submit a statement detailing their expertise by **March 30, 2012**.

The FTC's Dot Com Disclosure guidelines of 2000 target fraud and deception in online advertising. For example, the guidelines call for disclosures to be "clear and conspicuous," appearing in close proximity to the relevant claim.

At the May 30 workshop, the FTC intends to discuss revising the Dot Com Disclosures to tackle the following issues:

- How can short, effective and accessible privacy disclosures be made on mobile devices, notwithstanding the inherent space constraints?
- As location-based ads are at the center of the FTC's inquiry, how should the necessary level of disclosure change as the consumer changes location?

Authors

Henry Gola
Partner
202.719.7561
hgola@wiley.law

Practice Areas

Media
Telecom, Media & Technology

- When advertisements are aggregated or retransmitted, how can disclosures made in the original advertisement be retained?
- What does research about consumers' use of mobile devices demonstrate about the effectiveness of disclosures on these platforms and consumer understanding and decision-making based on disclosures and advertising displayed on these platforms? Is there specific research on the effectiveness of disclosures on mobile devices, including layered disclosures and icons, and, if so, what are the implications of that research for disclosures such as offer terms and privacy practices?