

**Before the  
FEDERAL TRADE COMMISSION  
Washington, DC 20580**

In the Matter of )  
 )  
Request to Investigate Google's YouTube )  
Online Service and Advertising Practices for )  
Violating the Children's Online Privacy )  
Protection Act )

**By**  
**CENTER FOR DIGITAL DEMOCRACY**  
**CAMPAIGN FOR A COMMERCIAL-FREE CHILDHOOD**  
**BERKELEY MEDIA STUDIES GROUP**  
**CENTER FOR MEDIA JUSTICE**  
**COMMON SENSE**  
**CONSUMER ACTION**  
**CONSUMER FEDERATION OF AMERICA**  
**CONSUMER FEDERATION OF CALIFORNIA**  
**CONSUMERS UNION**  
**CONSUMER WATCHDOG**  
**CORPORATE ACCOUNTABILITY**  
**DEFENDING THE EARLY YEARS**  
**ELECTRONIC PRIVACY INFORMATION CENTER (EPIC)**  
**NEW DREAM**  
**OBLIGATION, INC.**  
**PARENT COALITION FOR STUDENT PRIVACY**  
**PARENTS ACROSS AMERICA**  
**PARENTS TELEVISION COUNCIL**  
**PRIVACY RIGHTS CLEARINGHOUSE**  
**PUBLIC CITIZEN**  
**THE STORY OF STUFF PROJECT**  
**TRUCE (TEACHERS RESISTING UNHEALTHY CHILDHOOD ENTERTAINMENT)**  
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## Summary

The Center for Digital Democracy, Campaign for a Commercial-Free Childhood, Berkeley Media Studies Group, Center for Media Justice, Common Sense, Consumer Action, Consumer Federation of America, Consumer Federation of California, Consumers Union (the advocacy division of Consumer Reports), Corporate Accountability, Consumer Watchdog, Defending the Early Years, Electronic Privacy Information Center (EPIC), New Dream, Obligation, Inc., Parent Coalition for Student Privacy, Parents Across America, Parents Television Council, Privacy Rights Clearinghouse, Public Citizen, The Story of Stuff Project, TRUCE (Teachers Resisting Unhealthy Childhood Entertainment), and USPIRG ask the FTC to take enforcement action against Google for violating children’s privacy laws in operating the YouTube online video and advertising network services. Google has made substantial profits from the collection and use of personal data from children on YouTube. Its illegal collection has been going on for many years and involves tens of millions of U.S. children. The parties request that the FTC enjoin Google from committing further violations of the Children’s Online Privacy Protection Act (“COPPA”), impose effective means for monitoring compliance, and assess civil penalties that demonstrate that the FTC will not permit violations of COPPA.

COPPA makes it unlawful for any operator of a website or online service or a portion thereof that is directed to children, or that has actual knowledge that it collects information from children, from collecting, using or disclosing personal information from a child unless the operator gives parents notice of its data collection practices and obtains verifiable parental consent *before* collecting the data.

YouTube, owned by Google, is the most popular online platform among children. A 2017 study found that 80% of U.S. children ages 6-12 use YouTube daily. Child-directed channels

such as ChuChuTV Nursery Rhymes & Kids Songs and Ryan ToysReview are among the most popular channels on YouTube. Many of the top children's channels are part of the Google Preferred "Parenting & Family" lineup. Major advertisers pay Google a premium to guarantee that their ads will be placed on these popular YouTube channels.

YouTube also has actual knowledge that many children are on YouTube, as evidenced by disclosures from content providers, public statements by YouTube executives, and the creation of the YouTube Kids app, which provides additional access to many of the children's channels on YouTube. YouTube even encourages content creators to create children's programs for YouTube. Through the YouTube Partner Program, YouTube and creators split revenues from advertisements served on the creators' videos.

YouTube's privacy policy discloses that it collects many types of personal information, including geolocation, unique device identifiers, mobile telephone numbers, and persistent identifiers used to recognize a user over time and across different websites or online services. YouTube collects this information from children under the age of 13, and uses it to target advertisements, without giving notice or obtaining advanced, verifiable parental consent as required by COPPA.

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The Center for Digital Democracy, Campaign for a Commercial-Free Childhood, by their counsel, the Institute for Public Representation, along with Berkeley Media Studies Group, Center for Media Justice, Common Sense, Consumer Action, Consumer Federation of America, Consumer Federation of California, Consumers Union (the advocacy division of Consumer Reports), Corporate Accountability, Consumer Watchdog, Defending the Early Years, Electronic Privacy Information Center (EPIC), New Dream, Obligation, Inc., Parent Coalition for Student Privacy, Parents Across America, Parents Television Council, Privacy Rights Clearinghouse, Public Citizen, The Story of Stuff Project, TRUCE (Teachers Resisting Unhealthy Childhood Entertainment), and USPIRG, respectfully request that the Federal Trade Commission (“FTC”) investigate and assess sanctions, including injunctive relief and civil penalties, against Google for violating the Children’s Online Privacy Protection Act (“COPPA”) and the FTC’s COPPA Rule (collectively referred to as “COPPA”) through its YouTube online service and advertising network services.

YouTube is the most popular online platform among children. A recent study found that 80% of U.S. children ages 6-12 use YouTube daily.<sup>1</sup> Google has actual knowledge that children under age 13 are using YouTube. Google nonetheless collects and uses personal information from all YouTube users, including children under the age of 13, without giving notice or obtaining advanced, verifiable parental consent as required by COPPA.

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<sup>1</sup> See Smarty Pants, *2017 Brand Love Study: 2017 Kid & Family Trends*, at 7 (2017), [https://daks2k3a4ib2z.cloudfront.net/5435eb4d1e426bb420ac990f/5a316f4f4a2f7d000196532b\\_2017%20Kid%20and%20Family%20Trends%20Report%20EXCERPT.PDF](https://daks2k3a4ib2z.cloudfront.net/5435eb4d1e426bb420ac990f/5a316f4f4a2f7d000196532b_2017%20Kid%20and%20Family%20Trends%20Report%20EXCERPT.PDF). The study found that 96% of children ages 6-12 are aware of YouTube and that 83% of those children use YouTube daily, which calculates to 80% daily use by children in that age range.

## I. Background

YouTube is a subsidiary of Google, whose parent company is Alphabet, Inc., a multinational conglomerate with diverse holdings in multiple market categories.<sup>2</sup> Google is a multinational technology company that specializes in online advertising technologies and data services.

YouTube is a video-sharing and digital advertising website that encourages its users to upload, view, and share videos.<sup>3</sup> With over 1.5 billion unique monthly visitors worldwide, YouTube is one of the most visited websites in the world.<sup>4</sup> Google explains that “YouTube is always on, everywhere. More than half of YouTube views come from mobile devices.”<sup>5</sup> It is expected that YouTube will soon surpass television as the most watched video format in the United States.<sup>6</sup>

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<sup>2</sup> Alphabet, Inc., Form 10-K, [https://abc.xyz/investor/pdf/2016\\_google\\_annual\\_report.pdf](https://abc.xyz/investor/pdf/2016_google_annual_report.pdf).

<sup>3</sup> Jeri Collins, *What Is YouTube? How Do I Use It?*, Lifewire (updated Jun. 27, 2017), <https://www.lifewire.com/youtube-101-3481847>.

<sup>4</sup> Lucas Matney, *YouTube has 1.5 billion logged-in monthly users watching a ton of mobile video*, TechCrunch (Jun. 22, 2017), <https://techcrunch.com/2017/06/22/youtube-has-1-5-billion-logged-in-monthly-users-watching-a-ton-of-mobile-video/>.

<sup>5</sup> Think With Google, *Understanding the YouTube Ecosystem* (March 2017), <https://www.thinkwithgoogle.com/features/youtube-playbook/topic/ecosystem/>. *See also*, *YouTube Advertising*, YouTube, <https://www.youtube.com/yt/advertise/> (citing that more people between ages 18 and 49 watch YouTube during prime time in the U.S. than the top-10 prime-time shows combined).

<sup>6</sup> Feliz Solomon, *YouTube Could Be About to Overtake TV as America’s Most Watched Platform*, Fortune (Feb. 28, 2017), <http://fortune.com/2017/02/28/youtube-1-billion-hours-television/>. *See also Lesson: YouTube Metrics That Matter*, YouTube Creators, <https://creatoracademy.youtube.com/page/lesson/impact-metrics#strategies-zippy-link-2> (YouTube’s watch time increases 60% year-over-year) (last visited Mar. 19, 2018).

### **A. YouTube is the most popular online platform for children**

YouTube is both the most-loved and most-recognized brand among kids ages 6-12 in the United States.<sup>7</sup> According to Smarty Pants 2017 Brand Love Study:

A whopping 96% of kids ages 6-12 are aware of YouTube, and 94% say they either love (71%) or like (24%) it! With awareness and love comes usage. In 2017, 90% of kids who know the brand say they use it, 83% of whom do so daily. . . . The frequency of YouTube engagement continues to rise. This year, 65% of kid users use the app/site several times a day—up 20 percentage points since 2015.”<sup>8</sup>

YouTube is such a popular venue for watching children’s programming that it has been called the “new children’s TV.”<sup>9</sup> Children are abandoning traditional television in favor of YouTube where they can watch everything from low-budget toy “unboxing” videos to highly-popular children’s television franchises that originated on traditional television, such as Cartoon Network. Between 2008 and 2017, viewership of the Disney Channel and Nickelodeon among 6-to-11-year-olds fell by 53% and 54%, respectively.<sup>10</sup> Instead of waiting for programs to start on TV, children now choose to watch their favorite content on tablets and smartphones whenever and wherever they want.

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<sup>7</sup> A Smarty Pants survey found that YouTube was the most recognizable brand among children 6-12, in both 2016 and 2017. YouTube Kids ranked far below the main YouTube site, at 48<sup>th</sup> place. *2017 Brand Love Study* at 14.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> Stuart Dredge, *Why YouTube is the new children’s TV... and why it matters*, *The Guardian* (Nov. 19, 2015), <https://www.theguardian.com/technology/2015/nov/19/youtube-is-the-new-childrens-tv-heres-why-that-matters>.

<sup>10</sup> Alexandra Stratton, *Toymakers Are Targeting Your Children Via YouTube’s Kid Influencers*, *Bloomberg* (Oct. 18, 2017), <https://www.bloomberg.com/news/articles/2017-10-18/toymakers-curry-favor-with-precocious-youtube-influencers>. The Disney Channel saw a 28% decline in live-plus-seven-day-primetime viewers between 2016 and 2017. Ashley Rodriguez, *The real fight in the TV streaming wars is not over you. It’s over your kids.*, *Quartz* (Jul. 10, 2017) <https://qz.com/1021922/the-real-fight-in-the-streaming-tv-wars-is-not-over-you-its-over-your-kids/>

Many children watch YouTube on mobile devices, decreasing the likelihood that they are co-viewing with their parents. Over half of YouTube’s total viewing time now occurs on mobile devices, including smartphones and tablets.<sup>11</sup> As of 2017, 98% of households have a mobile device<sup>12</sup> and 69% of children use mobile devices if they are available in the household.<sup>13</sup> A substantial number of children have their own mobile device, including 43% ages 2-4 and 59% ages 5-8 with their own tablet<sup>14</sup> and another 24% ages 5-11 with their own smartphones.<sup>15</sup> The expanding use of mobile devices for streaming television programs and digital videos is appealing for children because they are not limited to watching the same content as their siblings or parents: “[E]ach [can] watch their own thing and not have a shared viewing experience.”<sup>16</sup> Parents also encourage children to enjoy solo-viewing experiences on mobile devices as a means of quiet self-entertainment. In fact, over half of parents in a recent survey indicated that they let their children use iPads “to get them out of their hair.”<sup>17</sup>

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<sup>11</sup> Think With Google, *Understanding the YouTube Ecosystem* (March 2017), <https://www.thinkwithgoogle.com/features/youtube-playbook/topic/ecosystem/>.

<sup>12</sup> *Media Use by Kids Age Zero to Eight*, Common Sense, 23 (2017), [https://www.common Sense Media.org/sites/default/files/uploads/research/csm\\_zerotoeight\\_fullreport\\_release\\_2.pdf](https://www.common Sense Media.org/sites/default/files/uploads/research/csm_zerotoeight_fullreport_release_2.pdf).

<sup>13</sup> Kids’ Audience Behavior Across Platforms, Nielsen (2015), <http://www.nielsen.com/us/en/insights/reports/2015/kids-audience-behavior-across-platforms.html>.

<sup>14</sup> *Media Use by Kids Age Zero to Eight* at 23.

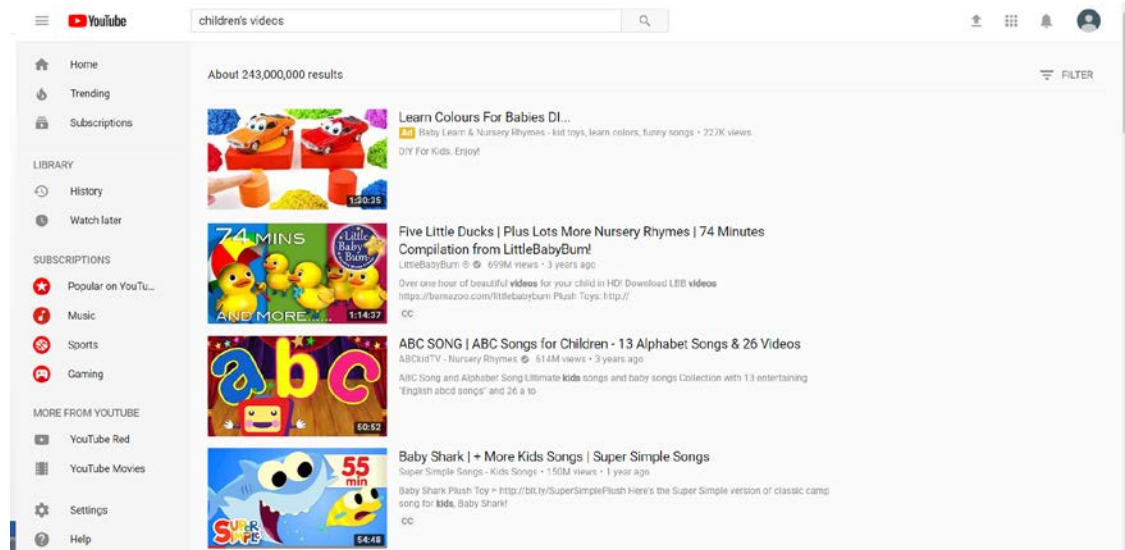
<sup>15</sup> Mark Dolliver, *The Digital Lives of US Kids*, eMarketer, 6 (Dec. 2017), <https://www.emarketer.com/Report/Digital-Lives-of-US-Kids-Mapping-Their-Distinctive-Highs-Lows/2002190>.

<sup>16</sup> *Id.* at 13.

<sup>17</sup> Jeana Lee Tahnk, *33% of Parents Would Buy Their Kids an iPad*, Parenting, <https://www.parenting.com/blogs/children-and-technology-blog/jeana-lee-tahnk/33-parents-would-buy-their-kids-ipad> (last visited Apr. 4, 2018).



Searching YouTube using the term “children’s videos” returns over 243 million results.



In the U.S., the second most popular YouTube channel is Ryan ToysReview, with more than 20 billion views and 12 million subscribers.<sup>18</sup> The channel describes itself as “Ryan loves Toys. Toys Review for kids by a kid! Join Ryan to see him play with toys and review toys for kids! He loves Cars, Trains, Thomas and Friends, Lego, Superheroes, Disney toys, open [sic] surprise eggs, play doh, Pixar Disney cars... and so much more!”<sup>19</sup>

Google profits from YouTube’s kid-targeted programming. For example, Ryan ToysReview brought in \$11 million in ad revenue in a single year.<sup>20</sup> Because YouTube takes

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<sup>18</sup> *Ryan ToysReview YouTube Channel statistics*, Socialbakers, [https://www.socialbakers.com/statistics/youtube/channels/detail/UChGJGhZ9SOOHvBB0Y4DOO\\_w-ryan-toysreview](https://www.socialbakers.com/statistics/youtube/channels/detail/UChGJGhZ9SOOHvBB0Y4DOO_w-ryan-toysreview) (last visited Mar. 30, 2018).

<sup>19</sup> Ryan ToysReview, *About*, YouTube, [https://www.youtube.com/channel/UChGJGhZ9SOOHvBB0Y4DOO\\_w/about](https://www.youtube.com/channel/UChGJGhZ9SOOHvBB0Y4DOO_w/about) (last visited Mar. 4, 2018).

<sup>20</sup> Samantha Schmidt, *This Six-Year Old Makes \$11 Million a Year Reviewing Toys on YouTube*, Washington Post (Dec. 11, 2017), <https://www.washingtonpost.com/news/morning-mix/wp/2017/12/11/6-year-old-made-11-million-in-one-year-reviewing-toys-on-you-tube>.


45% of all YouTube ad revenues,<sup>21</sup> it earned nearly \$5 million for just one of its many kid-targeted channels. It is not surprising, therefore, that YouTube actually encourages the creation of children's content for YouTube. The YouTube Academy, which Google created to help YouTube creators be more successful, offers advice on making family-friendly videos for YouTube. The screen shot below shows examples of child-directed programs – Mother Goose Club Playhouse and Dreamworks TV.<sup>22</sup> Note that this guidance is for creators who want to make content for children on the main YouTube site; the circled language refers creators who want to make content eligible for YouTube Kids to a separate Field Guide.

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<sup>21</sup> Michael Learmonth, *Exclusive Interview: Susan Wojcicki's Plan to Make YouTube 'Stars' Real-life famous*, AdAge (Apr. 14, 2014), <http://adage.com/article/digital/exclusive-interview-susan-wojcicki-s-plan-youtube/292621/>.


<sup>22</sup> The YouTube Academy also includes video interviews with the creators of children's channel TuTiTu and the manager of the Talking Tom YouTube channels. *Lesson: Making Family-Friendly Videos on YouTube*, YouTube Creators, <https://creatoracademy.youtube.com/page/lesson/family-content?hl=en-GB#strategies-zippy-link-2> (last visited Mar. 19, 2018).

Academy My Profile Catalogue About Search Creator Academy



**Showing fun projects families can do together**

Mother Goose Club Playhouse features follow-along instructions for DIY projects to help families learn and create as they watch.



**Parents love videos that encourage family learning**

DreamWorksTV makes videos that answer some of life's biggest questions.

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✓ Guidelines to follow for family-friendly videos ^

Family entertainment on YouTube comes in many shapes and sizes. Creators should follow 1.) [YouTube's Community Guidelines](#) and 2.) Family entertainment content guidelines (below) in order to release content that is appropriate for families:

1. **YouTube's Community Guidelines:** These policies determine what content is not OK on YouTube. YouTube looks at different aspects of a video when evaluating the guidelines, including the content, thumbnails, titles, tags, descriptions and community activity like comments and views.

Here are a few of the [Community Guidelines](#) that are most relevant for family entertainment videos:

- **Child endangerment:** Uploading, commenting or engaging in activity that threatens the safety of minors will result in account termination. Displays of harmful or dangerous acts featuring families or minors, even if meant as a

**Content 'dos'**

- Make it easy for people of all ages to understand.
- Be fun, informative and positive.
- Ask, 'Are my videos encouraging good behaviour?'
- Ensure that your subject matter is family friendly.
- Be a role model.
- Be original.
- If you want to make content that is eligible for the YouTube Kids App, please see the [Creating for YouTube Kids Field Guide](#).

## B. Google's advertising network services collect and use personal information from all YouTube users, including children, to target advertising

Children have become a lucrative audience for advertising via YouTube. According to a 2017 report, "the kids' online advertising market is set to grow to \$1.2 billion by 2019. YouTube accounts for over 30% of kids' online time, creating a major opportunity for advertisers in the sector."<sup>23</sup>

<sup>23</sup> *Precise.TV Becomes Worlds' First Certified Provider of Kid Safe Advertising Services on YouTube*, PR Newswire (Feb. 14, 2018), <https://www.prnewswire.com/news-releases/precisetv-becomes-worlds-first-certified-provider-of-kid-safe-advertising-services-on-youtube-674043983.html>.

YouTube is integrated with Google’s complex of advertising technologies and services, including AdWords, DoubleClick, and Google Preferred.<sup>24</sup> AdWords is the Web’s most popular advertising service. It serves more than four million advertisers, and enables ads to target children on YouTube.<sup>25</sup> Google boasts that AdWords offers “a variety of targeting methods,” including via YouTube, so that advertisers “can reach [their] ideal audience based on who they are, what they’re interested in, or what content they’re viewing.”<sup>26</sup> As shown in Exhibit A, advertisers can target children by using keywords such as “kid,” “child,” “toddler,” “baby” or “toy.” AdWords will even suggest keywords such as “barbie doll dream house.” Exhibit B shows screenshots of children’s videos on YouTube with ads for Barbie shown along the side or bottom of the screen.

DoubleClick is “an advertising serving and tracking company that ... uses web cookies to track browsing behavior online by their IP address to deliver targeted ads.”<sup>27</sup> Since purchasing DoubleClick in 2007, Google has significantly expanded its capabilities. Today, Google touts DoubleClick as “connect[ing] the right people, in the right moment, to make digital advertising

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<sup>24</sup> *Enhanced YouTube buying and reporting in DoubleClick*, DoubleClick (March 2017), <https://www.doubleclickbygoogle.com/articles/enhanced-youtube-buying-and-reporting-doubleclick/>; *Broadcast your story with YouTube Ads*, Google AdWords, [https://adwords.google.com/home/how-it-works/video-ads/#?modal\\_active=none](https://adwords.google.com/home/how-it-works/video-ads/#?modal_active=none) (last visited Mar. 19, 2018).

<sup>25</sup> *Broadcast your story with YouTube Ads*. See also Lara O’Reilly, *These charts show how far Google and Facebook are ahead of Twitter*, Business Insider (Feb. 25, 2015), <http://www.businessinsider.com/macquarie-research-facebook-google-and-twitter-number-of-advertisers-2015-2>.

<sup>26</sup> *Add targeting to your video campaigns*, AdWords Help, [https://support.google.com/adwords/answer/7131506?hl=en&ref\\_topic=3119118](https://support.google.com/adwords/answer/7131506?hl=en&ref_topic=3119118) (last visited Mar. 19, 2018).

<sup>27</sup> Olivia Solon, *Google’s Ad-Tracking is as Creepy as Facebook’s*, The Guardian (Oct. 21, 2016), <https://www.theguardian.com/technology/2016/oct/21/how-to-disable-google-ad-tracking-gmail-youtube-browser-history>.

work better.”<sup>28</sup> It offers a whole suite of “Digital Marketing Solutions,” including Campaign Manager, Bid Manager, Search, Creative Solutions, Ad Exchange, Analytics 360 Suite and Audience Center 360.<sup>29</sup> The DoubleClick Ad Exchange, for example, “connects ad networks, agencies and third-party demand-side platforms with a vast global inventory in real time.”<sup>30</sup> YouTube targeted ads can be delivered via the sophisticated DoubleClick Ad Exchange, using data driven programmatic marketing applications.<sup>31</sup>

Other DoubleClick ad technologies used to target YouTube users include the Campaign Manager, which helps advertisers “identify, locate and understand your customers, wherever they are.”<sup>32</sup> The Google Analytics 360 Suite allows advertisers to “deliver highly-targeted, personalized messages to the users who are most likely to convert.”<sup>33</sup> In short, Google offers advertisers the opportunity to precisely target individuals across different platforms with personalized messages.<sup>34</sup>

Google launched Google Preferred in October 2014. Google Preferred is a “premium service that allows advertisers to pair up their ads with top-performing videos within a certain

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<sup>28</sup> *Realise What’s Possible With Digital*, DoubleClick, <https://www.doubleclickbygoogle.com/en-gb/> (last visited Mar. 19, 2018).

<sup>29</sup> *Digital Marketing Solutions*, DoubleClick, <https://www.doubleclickbygoogle.com/solutions/digital-marketing/> (last visited Mar. 19, 2018).

<sup>30</sup> *DoubleClick Campaign Manager*, DoubleClick, <https://www.doubleclickbygoogle.com/solutions/digital-marketing/campaign-manager/> (last visited Mar. 19, 2018).

<sup>31</sup> *Enhanced YouTube buying and reporting in DoubleClick*; see also *DoubleClick Ad Exchange*, DoubleClick, <https://www.doubleclickbygoogle.com/solutions/digital-marketing/ad-exchange/> (last visited Mar. 19, 2018).

<sup>32</sup> *DoubleClick Ad Exchange*.

<sup>33</sup> *Digital Marketers*, Google Analytics 360 Suite, <https://www.google.com/analytics/digital-marketing/> (last visited Mar. 19, 2018).

<sup>34</sup> *Integrations*, Google Analytics 360 Suite, <https://www.google.com/analytics/360-suite/integrations/> (last visited Mar. 19, 2018).

top-level theme, such as music, news or automotive.”<sup>35</sup> Equated to buying advertising on prime-time television, Google Preferred provides major advertisers guaranteed access to the top 5% of content on YouTube.<sup>36</sup> Google Preferred offers thirteen program “lineups,”<sup>37</sup> including Beauty & Fashion, Sports, Food & Recipes, and what it used to call, Family and Children’s Interests. *See* Exhibit C. Even though that lineup is now called the “Parenting & Family” lineup, it is comprised almost exclusively of channels intended for young children.<sup>38</sup>

By paying to advertise within a certain lineup, a brand can have its ads shown on the most popular videos in that lineup, ensuring that advertisements will reach a maximum number of viewers. Google boasts that Google Preferred lineups, which are refreshed quarterly, “give your brand access to popular content that commands the most passionate audience.”<sup>39</sup>

## **II. Google fails to comply with the Children’s Online Privacy Protection Act**

COPPA makes it “unlawful for any operator of a Web site or online service directed to children, or any operator that has actual knowledge that it is collecting or maintaining personal information from a child, to collect personal information from a child” unless it complies with

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<sup>35</sup> *YouTube Announce Changes to Google Preferred Ad Packages*, Target Internet, <https://www.targetinternet.com/youtube-for-brands-what-is-google-preferred/> (last visited Mar. 18, 2018). *See also*, Ishbel MacLeod, *YouTube launches Google Preferred to allow advertisers to be paired with the most popular and engaging channels*, The Drum (Oct. 15, 2014), <http://www.thedrum.com/news/2014/10/15/youtube-launches-google-preferred-allow-advertisers-be-paired-most-popular-and> (describing Google Preferred as “a way to allow advertisers to reserve advertising inventory from among the top five per cent of YouTube’s most popular and engaging channels”).

<sup>36</sup> *Google Preferred*, Think With Google (Aug. 2016), <https://www.thinkwithgoogle.com/products/google-preferred/>.

<sup>37</sup> *13 lineups featuring YouTube’s popular channels*, YouTube, <https://www.youtube.com/yt/lineups/united-states.html> (last visited Mar. 19, 2018).

<sup>38</sup> Joshua Cohen, *Meet the Top 1% of YouTube’s “Google Preferred” Channels For Advertisers*, Tubefilter (Apr. 18, 2014), <https://www.tubefilter.com/2014/04/18/youtube-google-preferred-channels-top-1-percent-advertisers/>.

<sup>39</sup> *13 lineups featuring YouTube’s popular channels*.

certain requirements.<sup>40</sup> Specifically, the operator must give parents notice of its data collection practices, and obtain verifiable parental consent before collecting the data.<sup>41</sup>

Google is subject to COPPA because, as discussed below, a significant portion of YouTube's channels are directed to children. Moreover, even if portions of YouTube were not directed to children, Google has actual knowledge that it is collecting data from children using YouTube.

YouTube's Terms of Service state that the service is not intended for children:

You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in these Terms of Service, and to abide by and comply with these Terms of Service. In any case, you affirm that you are over the age of 13, as the Service is not intended for children under 13. If you are under 13 years of age, then please do not use the Service. There are lots of other great web sites for you. Talk to your parents about what sites are appropriate for you.<sup>42</sup>

This language, however, does not exempt YouTube from complying with COPPA. As the FTC explained in revising the COPPA Rule, “a web site or online service that has the attributes, look, and feel of a property targeted to children under 13 will be deemed to be a site or service directed to children, even if the operator were to claim that was not its intent.”<sup>43</sup>

#### **A. Portions of YouTube are directed to children**

COPPA defines a website or online service directed to children to mean “a commercial Web site or online service, or *portion thereof*, that is targeted to children.”<sup>44</sup> The FTC uses a

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<sup>40</sup> 16 C.F.R. §312.3.

<sup>41</sup> *Id.* at §312.3(b).

<sup>42</sup> Ability to Accept Terms of Service, Exhibit D.

<sup>43</sup> 16 C.F.R. §312.2.

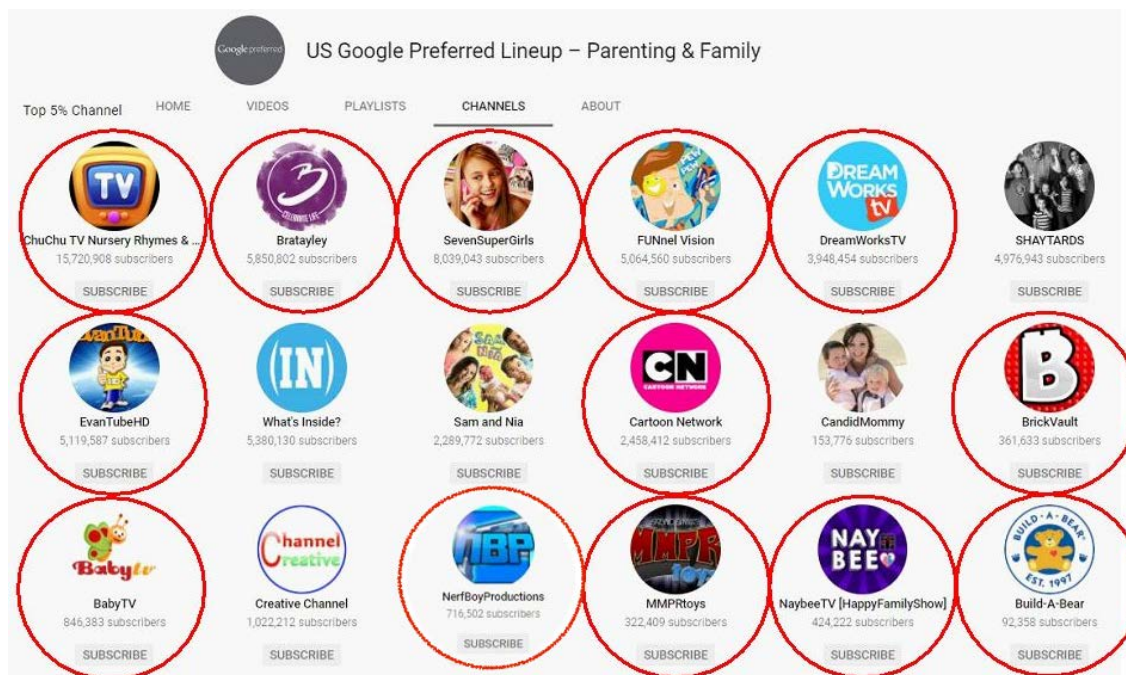
<sup>44</sup> *Id.* (emphasis added).

multifactor analysis to determine whether a given portion of a website or online service is child-directed. Those factors include:

subject matter, visual content, use of animated characters or child-oriented activities and incentives, music or other audio content, age of models, presence of child celebrities or celebrities who appeal to children, language or other characteristics of the Web site or online service, as well as whether advertising promoting or appearing on the Web site or online service is directed to children. The Commission will also consider competent and reliable empirical evidence regarding audience composition, and evidence regarding the intended audience.<sup>45</sup>

The Parenting & Family lineup consists almost entirely of videos directed to children.

The screen shot below shows some of the top channels in the Parenting & Family lineup as of March 2018. The circled channels market themselves as being directed to children.



The first channel listed, ChuChuTV Nursery Rhymes & Kids Songs, has over 15 million subscribers. The channel's "About" page states that

<sup>45</sup> *Id.*



ChuChuTV is designed to engage children through a series of upbeat nursery rhymes and educational songs with colorful animations. Our ChuChuTV characters will teach kids their favorite nursery rhymes, colors, shapes, numbers etc and more importantly good human values which we feel is very important for the next generation champions.<sup>46</sup>

Additional factors demonstrate that ChuChuTV is child-directed. The subject matter of the videos in the channel – animated nursery rhymes – appeals to children. As shown in Exhibit E, the visual content of ChuChuTV is vibrant and colorful. The audio content consists of children’s songs such as “The Wheels On The Bus” and “Twinkle Twinkle Little Star.” The lyrics are simple, repetitive, and memorable (e.g., “Here I am. Here I am. How do you do?”).<sup>47</sup> The channel’s mascot, ChuChu, is a young girl based on the Creative Director’s two-year-old daughter.<sup>48</sup> The other circled channels are similarly described in ways that make clear they are intended for children, as shown in Exhibit F.

Moreover, a quick visual survey of all channels in the Parenting & Family lineup (Exhibit G) suggests that most are child-directed. This conclusion is supported by an analysis of the tags on more than 290,000 videos available in the Parenting & Family lineup as of October 2017. Tags are “descriptive keywords that will help people find your videos.” Google urges content creators to utilize tags when uploading videos to YouTube.<sup>49</sup> The analysis found that at least

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<sup>46</sup> ChuChuTV, *About*, YouTube, <https://www.youtube.com/user/TheChuChuTV/about> (last visited Mar. 19, 2018). The Creative Director of ChuChu TV has described the channel’s content as being intended for children ages 2 to five. Sam Gutelle, *YouTube Millionaires: ‘Cute Little Fans’ Turn To ChuChu TV*, Tubefilter (Apr. 23, 2015), <http://www.tubefilter.com/2015/04/23/chu-chu-tv-youtube-millionaires/>.

<sup>47</sup> ChuChuTV, *The Finger Family Song | ChuChu TV Nursery Rhymes & Songs For Children*, YouTube (Mar. 20, 2015), <https://www.youtube.com/watch?v=3xqqj9o7TgA>.

<sup>48</sup> Vanita Kohli-Khandekar, *How ChuChu TV is reinventing kids' entertainment*, Business Standard (Aug. 14, 2017), [http://www.business-standard.com/article/companies/how-chuchu-tv-is-reinventing-kids-entertainment-117081401937\\_1.html](http://www.business-standard.com/article/companies/how-chuchu-tv-is-reinventing-kids-entertainment-117081401937_1.html).

<sup>49</sup> *Optimize your content*, Think with Google (Oct. 2015), <https://www.thinkwithgoogle.com/marketing-resources/youtube/optimize-your-content/>.

69% of the videos in the Parenting & Family lineup were tagged with variants of the words “toy,” “child,” “kid,” “toddler,” or “baby.” The percentage was even higher for the most popular channels in the lineup.<sup>50</sup> Additionally, since Google now employs humans to screen every video in Google Preferred lineups to protect brand safety, those employees have actual knowledge that the content is child-directed.<sup>51</sup>

YouTube has many child-directed channels aside from those in the Parenting & Family lineup. For example, LittleBabyBum is a nursery rhyme channel with 14 million subscribers and over 16 billion views. The creators describe LittleBabyBum as “the largest educational pre-school channel in the world.”<sup>52</sup> The “About” page on YouTube describes LittleBabyBum as the “best nursery rhyme videos for children on YouTube - stunning and colourful 3D animation in beautiful HD!”<sup>53</sup> FunToys Collector Disney Toys Review is another popular YouTube channel for children, with 10 million subscribers and close to 14 billion views. Its “About” page indicates

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<sup>50</sup> See Exhibit H.

<sup>51</sup> YouTube began receiving complaints from parents and advertisers in November 2017 that some videos on YouTube’s main platform as well as on the YouTube Kids (YTK) app were showing cartoons that were inappropriate for children. Well-known children’s cartoon characters were seen in violent or sexual situations, such as a Claymation Spider-Man urinating on Elsa of “Frozen” and Nick Jr. characters in a strip club. Saphna Maheshwari, *On YouTube Kids, Startling Videos Slip Past Filters*, The New York Times (Nov. 4, 2017), <https://www.nytimes.com/2017/11/04/business/media/youtube-kids-paw-patrol.html>. Google responded in January 2018 by announcing that content moderators would screen every video in Google Preferred. *YouTube steps up on brand safety*, WARC News (Jan. 18, 2018), [https://www.warc.com/newsandopinion/news/youtube\\_steps\\_up\\_on\\_brand\\_safety/39901](https://www.warc.com/newsandopinion/news/youtube_steps_up_on_brand_safety/39901). See also Peter Kafta, *YouTube is trying to clean itself up by making it much harder for small video makers to make money*, Recode (Jan. 16, 2018), <https://www.recode.net/2018/1/16/16898660/youtube-content-advertising-revenue-program-new-rules-google-preferred>.

<sup>52</sup> *About Us*, El Bebe Productions, <http://elbebeproductions.com/> (last visited Mar. 19, 2018).

<sup>53</sup> LittleBabyBum, *About*, YouTube, <https://www.youtube.com/user/LittleBabyBum/about> (last visited Mar. 15, 2018).

that it is intended “for toddlers, babies, infants, and pre-school children.”<sup>54</sup> Its brightly-colored visual content features Disney toys, Play-Doh, and “surprise eggs.” These channels represent only a small sample of the large number of child-directed channels on YouTube. Thus, there is no question that a significant portion of YouTube is directed to children.

**B. Google has actual knowledge that it is collecting and using personal information from children**

Not only are large portions of YouTube directed to children, but Google has actual knowledge that YouTube is collecting personal information from children. For COPPA purposes, an otherwise general audience site will be deemed directed to children when its operator “has actual knowledge it is collecting personal information directly from users of a child-directed site, and continues to collect that information.”<sup>55</sup> The actual knowledge standard will usually be met when “(1) A child-directed content provider . . . directly communicates the child-directed nature of its content to the other online service; or (2) a representative of the online service recognizes the child-directed nature of the content.”<sup>56</sup> Moreover, an accumulation of other facts analyzed carefully on a case-by-case basis may also establish actual knowledge.<sup>57</sup>

**1. Many content providers directly communicate to YouTube that their content is directed to children**

As described above, many YouTube content creators directly communicate the child-directed nature of their content in the “About” section of their channels. Thus, YouTube has actual knowledge under the first test.

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<sup>54</sup> FunToys Collector Disney Toys Review, *About*, YouTube, <https://www.youtube.com/user/DisneyCollectorBR/about> (last visited Mar. 12, 2018).

<sup>55</sup> *Children’s Online Privacy Protection Rule, Statement of Basis and Purpose*, 78 Fed. Reg. 3972, 3978 (2013) (“SBP”).

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

## 2. Many high-level YouTube representatives have publicly recognized the child-directed content on YouTube

YouTube also has actual knowledge under the second test because YouTube representatives have recognized and encouraged the existence of child-directed content on YouTube. In launching the YouTube Kids (YTK) app in 2015, YouTube acknowledged that many children use YouTube. Product Manager Shimrit Ben-Yair explained that YouTube developed the app because “Parents were constantly asking us, can you make YouTube a better place for our kids.”<sup>58</sup> Malik Ducard, YouTube’s Global Head of Family and Learning, explained that YouTube rolled out YTK “as a mobile experience because of this reality – that we’re all familiar with – 75% of kids between birth and the age of 8 have access to a mobile device and more than half of kids prefer to watch content videos on a mobile device or a tablet.”<sup>59</sup>

The YTK app is designed so that all videos available on the app are also on the main YouTube platform, but not all videos on YouTube are available on the YTK app. The videos shown on the YTK app are selected from the videos on YouTube using an algorithm, supplemented by human review. When Google launched YTK, it could have moved the children’s content from YouTube’s main platform to the YTK app. Instead, Google chose to

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<sup>58</sup> Introducing the newest member of our family, the YouTube Kids app—available on the Google Play and the App Store, YouTube Official Blog (Feb. 23, 2015), <http://youtube-global.blogspot.com/2015/02/youtube-kids.html>. See also Marco della Cava, *YouTube unveils new app for kids*, USA Today (Feb. 19, 2015), <https://www.usatoday.com/story/tech/2015/02/19/youtube-for-kids-new-android-app-out-feb-23/23707819/>; *Why YouTube is the new children’s TV... and why it matters* (noting that in introducing YTK, “YouTube is reacting to the fact that tens of millions of children . . . are watching.”)

<sup>59</sup> Keynote: Malik Ducard, YouTube-MIP Junior 2015, <https://www.youtube.com/watch?v=l73GfqAKN0E> (starting at approximately 4:00) (last visited Mar. 18, 2018) (“Ducard Keynote”).

make children’s content available on both YouTube and YTK, showing that Google knew a large portion of YouTube would remain child-directed.

Despite the availability of the YTK app, more children use YouTube than use the YTK app. In a recent survey by Common Sense, 71% of parents reported that their children watched YouTube either on its main website (44%) or on the YouTube app (37%).<sup>60</sup> By contrast, only 24% of parents indicated that their children used the YTK app.<sup>61</sup> These results are not surprising because the YTK app was designed for very young children. When YTK launched in February 2015, the official YouTube blog described the app as “the first Google product built from the ground up with little ones in mind.”<sup>62</sup> YouTube represented that the YTK app blocked access to videos considered inappropriate for children.<sup>63</sup> As shown in the screen shot below, it also took

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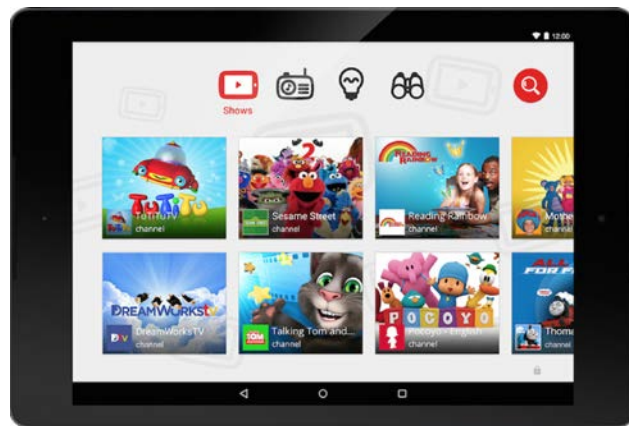
<sup>60</sup> *Media Use by Kids Age Zero to Eight at 23.*

<sup>61</sup> Alexandra Whyte, *Only 10% of US parents say YouTube must deal with inappropriate videos*, Kidscreen (Mar. 1, 2018), <http://kidscreen.com/2018/03/01/only-10-of-us-parents-say-youtube-must-deal-with-inappropriate-videos/>. The YTK app has 11 million weekly active users compared to YouTube’s more than 1 billion users. Brett Molina, *YouTube Kids get new look, ads profiles*, USA Today (Nov. 2, 2017), <https://www.usatoday.com/story/tech/news/2017/11/02/youtube-kids-gets-new-look-adds-profiles/824646001/>.

<sup>62</sup> *Introducing the newest member of our family, the YouTube Kids app—available on the Google Play and the App Store*, YouTube Official Blog (Feb. 23, 2015), <http://youtube-global.blogspot.com/2015/02/youtube-kids.html>.

<sup>63</sup> In November 2017, YouTube announced changes to the app. Explaining that “we know that kids who love the YouTube Kids app are getting older and want a platform that’ll grow with them,” YouTube updated the YTK app to allow parents to create different profiles for different children that are tailored to the child’s age. *Introducing kid profiles, new parental controls, and a new exciting look for kids, which will begin rolling out today!*, YouTube Official Blog (Nov. 2, 2017), <https://youtube.googleblog.com/2017/11/introducing-kid-profiles-new-parental.html>.

“out the complicated stuff and made an app even little ones can navigate – that means big buttons, easy scrolling, and instant full-screen.”<sup>64</sup>



At the 2015 MIPJunior convention,<sup>65</sup> Malik Ducard talked about the many child-targeted videos available on YouTube and the YTK app, including Thomas the Tank Engine, Sesame Street, My Little Pony, and Hoopla Kids.<sup>66</sup> He observed that about 65% of the children’s videos on YTK originated from other countries, citing examples such as Tayo from Korea, with “1 million plus . . . kids who’ve discovered Tayo on YouTube,” Masha and the Bear from Russia, with over 5 billion views on YouTube, and “LittleBabyBum from the UK . . . [which] captivated

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<sup>64</sup> *YouTube Kids—First Look (App Android)*, YouTube (Feb. 24, 2015), <https://www.youtube.com/watch?v=IBgSnVht7-k>. Ben-Yair also observed that children from millions of families, including her own, enjoy using YouTube:

I spend a lot of time on YouTube with my 3-year-old son, who loves watching videos of . . . *Super Simple Songs*. . . We’re not the only ones: Families worldwide are watching millions of videos on YouTube. And lately, those of us at YouTube have been working on a new way for our kids—and yours—to discover and explore videos on every topic in, well, the universe. . . . The app makes it safer and easier for children to find videos on topics they want to explore.

<sup>65</sup> MIPJunior describes itself on its website as “The Worlds’ Showcase for kids Programming. Its annual conventions gather together “the world’s most influential buyers and commissioners, sellers and producers.” MIPJunior, <http://www.mipjunior.com> (last visited Mar. 19, 2018), <http://www.mipjunior.com> (last visited Mar. 18, 2018).

<sup>66</sup> Ducard Keynote (at approximately 8:20).

a large audience on YouTube.”<sup>67</sup> He even disclosed that his own children loved Stampylonghead’s Wonder Quest,<sup>68</sup> a show based on the popular children’s game, Minecraft, which was funded in part by YouTube.<sup>69</sup>

In another interview, Ducard, touted YouTube’s “booming growth in the family, and in the educational market,” explaining that the family category had grown 200% in one year while YouTube is only growing about 50% per year in terms of time watched.<sup>70</sup> He attributed this growth to the fact that “kids these days . . . [are] born as creators and when they watch something they not only want to watch it, but they want to create their own . . . to press that like button or that subscribe button or . . . put in a comment or create their own version.”<sup>71</sup>

Aman Dayal, the Head of Content Partnerships at YouTube Family & Learning for India and Southeast Asia, has also recognized the popularity of kids programming on YouTube:

“Kids is a highly competitive category and there are lots of popular channels in this space, such as Little Baby Bum, KidsTV, HooplaKidz, and others,” said YouTube’s Dayal. “The lifetime video views for each of these channels is in the billions—making it a highly engaged content genre.”<sup>72</sup>

Likewise, Don Anderson, Head of Kids and Learning Partnerships at YouTube for the Asia-Pacific market (APAC), has observed that “Family and learning is one of the fastest growing

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<sup>67</sup> *Id.* at 7:15-8:55. Ducard spoke about how his own children discovered Tayo and other global children’s programs on their own through the YouTube Kids app’s kid-friendly interface.

<sup>68</sup> *Id.* at 13:05.

<sup>69</sup> Stuart Dredge, *Liveblog: YouTube’s Malik Ducard talks kids and learning*, MIPTrends (Oct 4, 2015), <https://mipblog.com/2015/10/youtube-kids-malik-ducard-mipjunior/>.

<sup>70</sup> Interview with Malik Ducard, YouTube—Children’s Content Consumption, YouTube (Sept. 21, 2015), <https://www.youtube.com/watch?v=SDk1vBoMg24>.

<sup>71</sup> *Id.* Mipmarkets is the “official YouTube Channel of MIP Markets, the world’s entertainment content tradeshow (MIPTV, MIPCOM, MIPJunior, MIPFormats & MIPDoc). *MIPMarkets: About*, YouTube, <https://www.youtube.com/user/mipmarkets/about> (last visited Mar. 12, 2018).

<sup>72</sup> Manu Balachandran, *An Indian dad turned his daughter’s favourite nursery rhymes into a million-dollar business on YouTube*, Quartz India (Aug. 3, 2017), <https://qz.com/1033031/chuchutv-an-indian-dad-turned-his-daughters-favourite-nursery-rhymes-into-a-million-dollar-business-on-youtube/>.

verticals within YouTube,” and that “kidfluencer channels” were extremely successful because “children like to watch their own.”<sup>73</sup> Statements such as these by Google executives show that they are not only aware of child-directed channels on YouTube, but actively seek to attract children to YouTube and have actual knowledge of children using YouTube.

### **3. YouTube cannot escape COPPA compliance by its “age gate”**

As shown in Exhibit I, YouTube blocks someone under age 13 from registering for a YouTube account, and it will not allow that person to try again using a different birthdate. Google may argue that it is not directed to children because it “age gates,” that is, blocks users which provide a date of birth showing they are under 13 from creating an account on YouTube. Under COPPA, a website or online service that is directed to children under the multifactor test, but does not target children as its primary audience, will not be deemed as child-directed if it meets the following conditions: it “(i) does not collect personal information from any visitor prior to collecting age information, and (ii) prevents the collection, use, or disclosure of personal information from visitors who identify themselves as under age 13 without first complying with” COPPA’s notice and parental consent requirements.<sup>74</sup>

YouTube cannot take advantage of the age gate exception because although it requires registration to *post* videos, it does not require registration to *watch* videos on YouTube.<sup>75</sup> Since

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<sup>73</sup> Olivia Parker, *Kidfluencers: The rise of pint-sized digital trendsetters*, Campaign Asia (Jan. 31, 2018), <http://www.campaignasia.com/article/kidfluencers-the-rise-of-pint-sized-digital-trendsetters/442444>.

<sup>74</sup> 16 C.F.R. §312.2 (definition of “Web site or online service directed to children”).

<sup>75</sup> In Stipulated Order for Permanent Injunction and Civil Penalty Judgment, *United States v. Yelp, Inc.*, Case No. 3:14 -CV-4163 (N.D. Ca. Sept. 23, 2014), the FTC found that Yelp had actual knowledge that children were using the service because it allowed individuals who input that they were under age 13 to register and use the service. While YouTube does prevent a child from registering, unlike Yelp, YouTube does not require users to register to use its service.



YouTube collects personal information from all viewers (e.g., IP addresses, device information, geolocation and persistent identifiers) regardless of whether they create an account, and without first giving notice and obtaining parental consent, it does not fall within the exception.

**C. Google collects personal information from all YouTube users, including children**

Because portions of YouTube are directed to children and Google has actual knowledge that a large number of children use YouTube, it is subject to COPPA. COPPA applies to all personal data, whether collected actively or passively.<sup>76</sup> It defines personal information to mean “individually identifiable information about an individual collected online.” Specific types of personal information include:

- a telephone number;
- geolocation information sufficient to identify street name and name of a city or town;
- persistent identifiers that can be used to recognize a user over time and across different Web sites or online services. Such persistent identifiers include, but are not limited to, a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or a unique device identifier; and
- information concerning the child or the parents of that child that the operator collects online from the child and combines with another identifier described in the definition.<sup>77</sup>

The Google privacy policy, which applies to YouTube, is attached as Exhibit J. It clearly states that Google collects these types of personal information from users, including “unique device identifiers, and mobile network information including phone number.”<sup>78</sup> The privacy

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Complaint and consent order available at: <https://www.ftc.gov/enforcement/cases-proceedings/132-3066/yelp-inc>.

<sup>76</sup> 16 C.F.R. §312.2 (definition of “collection”).

<sup>77</sup> *Id.* (definition of “personal information”).

<sup>78</sup> Exhibit J at 1.

policy further discloses that “we **may collect and process information about your actual location**” using various technologies to determine location, including IP address, GPS, and other sensors.<sup>79</sup>

The privacy policy also discloses that it uses persistent identifiers to recognize a user over time and across different websites or online services. The FTC added persistent identifiers to COPPA’s definition of personal information in 2012 because it found that “persistent identifiers permit the online contacting of a specific individual,” including “behavioral advertising.”<sup>80</sup> Recognizing that personal identifiers may also be used for other purposes, the FTC created an exception to the requirement of prior parental consent for persistent identifiers used solely to provide “support for the internal operations of the Web site or online service.”<sup>81</sup> The FTC explained that

[w]ithout parental consent, operators may not gather persistent identifiers for the purpose of behaviorally targeting advertising to a specific child. They also may not use persistent identifiers to amass a profile on an individual child user based on the collection of such identifiers over time and across different Web sites in order to make decisions or draw insights about that child, whether that information is used at the time of collection or later.<sup>82</sup>

YouTube’s privacy policy leaves no doubt that it tracks users over time and across different websites to create profiles and to target ads based on that information. The privacy policy states that it collects information from its users to show them “more relevant search

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<sup>79</sup> *Id.* at 2 (the bold text is in the original, indicating that it links to another page for more information).

<sup>80</sup> *SBP*, 78 Fed. Reg. at 3980.

<sup>81</sup> 16 CFR §312.2 defines the internal operations of the Web site or online service as activities necessary to perform certain listed functions, such as user authentication, capping the frequency of advertising, and protecting security or integrity. The definition explicitly provides that such information must “not be used or disclosed to contact a specific individual, including through behavioral advertising, to amass a profile on a specific individual, or for any other purpose.”

<sup>82</sup> *SBP*, 78 Fed. Reg. at 3981.

results and ads.”<sup>83</sup> It offers as an example that a user who watches videos about baking on YouTube will see more ads that relate to baking.<sup>84</sup>

The privacy policy also makes clear that Google uses information collected from YouTube users to serve advertisements. It says “[w]e collect information about the services that you use and how you use them, *like when you watch a video on YouTube*, visit a website that uses our advertising services, or view and interact with our ads and content.”<sup>85</sup> The privacy policy also explains that Google and its partners use cookies and similar technologies

to collect and store information when you interact with services we offer to our partners, such as advertising services or Google features that may appear on other sites. Our Google Analytics product helps businesses and site owners analyze the traffic to their websites and apps. When used in conjunction with our advertising services, such as those using the DoubleClick cookie, Google Analytics information is linked, by the Google Analytics customer or by Google, using Google technology, with information about visits to multiple sites.<sup>86</sup>

As discussed in the next section, YouTube does not have a separate privacy policy for children. Nor does the privacy policy even mention children. There is no reason to think that YouTube treats information collected from children any differently than that collected from other users. This conclusion was confirmed by YouTube’s Director of Public Policy and Government Relations, Juniper Downs, in her testimony at a recent hearing held by the UK’s House of Commons’ Digital, Culture, Media and Sports Committee. In response to the question “how do you differentiate between adult consumption and child consumption?” Downs answered: “we

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<sup>83</sup> *Id.*

<sup>84</sup> *Ads you’ll find most useful*, Google Privacy & Terms, <https://www.google.com/policies/privacy/example/ads-youll-find-most-useful.html> (last accessed Mar. 19, 2018).

<sup>85</sup> *Google Privacy Policy*, Exhibit J at 2 (emphasis added).

<sup>86</sup> *Id.* (“Cookies and Similar Technologies”)

don't look at adult consumption versus child consumption. The recommendations are based on the video that is being watched and content that is associated with that video, or with the watch history of the individual signed-in user.”<sup>87</sup>

**D. YouTube does not provide parental notice nor obtain parental consent prior to its collection of children's personal information, as COPPA requires**

Where portions of a website or online service are directed to children or the operator has actual knowledge that it is collecting personal information from children, COPPA Rule §312.4 requires “the operator to provide notice and obtain verifiable parental consent prior to collecting, using, or disclosing personal information from children.” YouTube does not provide notice to parents, nor does it obtain advance verifiable parental consent.

**1. YouTube does not have a children's privacy policy**

COPPA Rule §312.4(d) requires that operators “post a prominent and clearly labeled link to an online notice of its information practices with regard to children on the home or landing page if its Web site or online service, and, at each area . . . where personal information is collected from children.” YouTube's home page provides a link to its privacy policy in light gray, hard-to-read type, at the bottom left hand of the screen. Clicking this link takes the user to the Google Privacy Policy. There is no separate link for a children's privacy policy, nor does the Google Privacy Policy contain any reference to a children's privacy policy. Indeed, the Privacy Policy does not use the word “child” or “children” at all.

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<sup>87</sup> British Committee Hearing on “Fake News,” Google and YouTube Panel, C-Span (Feb. 8, 2018), video available at <https://www.c-span.org/video/?440521-6/british-committee-hearing-fake-news-google-youtube-panel> (starting at approximately 52:58).

## **2. YouTube makes no effort to provide direct parental notice**

COPPA Rule §312.4(b) requires operators to make reasonable efforts “to ensure that a parent of a child receives direct notice of the operator’s practices with regard to the collection, use, or disclosure of personal information from children,” including notice of any material changes. YouTube makes no effort to ensure that parents receive direct notice of its collection practices or any of the other information required by the rule.

## **3. YouTube fails to obtain verifiable parental consent prior to collecting personal information from children**

COPPA Rule §312.5 requires operators to “to obtain verifiable parental consent before any collection, use, or disclosure of personal information from children.” The rule provides several examples of acceptable means of obtaining parental consent. YouTube, however, makes no effort to employ any of these methods or to procure parental consent by another means.

## **III. Conclusion and Request for Relief**

This request for investigation presents overwhelming evidence that Google is violating COPPA by collecting personal data from children on YouTube without providing notice and obtaining prior verifiable parental consent. Thus, the FTC should investigate and take enforcement action against Google.

The FTC should enjoin Google from committing further violations of COPPA, impose effective means for monitoring compliance, and assess substantial civil penalties. The FTC has authority to assess up to \$41,484 per COPPA violation. To determine the appropriate amount, the FTC considers “the egregiousness of the violations, whether the operator has previously violated the Rule, the number of children involved, the amount and type of personal information

collected, how the information was used, whether it was shared with third parties, and the size of the company.”<sup>88</sup>

Application of these factors warrants civil penalties totaling tens of billions of dollars. Google’s violations are particularly egregious. Google had actual knowledge of both the large number of child-directed channels on YouTube and the large numbers of children using YouTube. Yet, Google collected personal information from nearly 25 million children in the U.S over a period of years,<sup>89</sup> and used this data to engage in very sophisticated digital marketing techniques. Google’s wrongdoing allowed it to profit in two different ways. Google has not only made a vast amount of money by using children’s personal information as part of its ad networks to target advertising, but has also profited from advertising revenues from ads on its YouTube channels that are watched by children.<sup>90</sup> Indeed, Google is the second wealthiest company in the

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<sup>88</sup>*Complying with COPPA: Frequently Asked Questions* (“COPPA Enforcement”), <https://www.ftc.gov/tips-advice/business-center/guidance/complying-coppa-frequently-asked-questions> (last visited Mar. 16, 2018).

<sup>89</sup> At minimum, an estimated 25 million children ages 6 to 12 use YouTube in the U.S. To estimate this figure, we used census data showing that there are 73,673,073 persons under age 18. U.S. Gov. Census Bureau Data-July 1 2016, <https://www.census.gov/quickfacts/fact/table/US/PST045216>. According to a 2016 KidsCount Data Center population survey, children ages 0-4 accounted for 27% of persons under age 18 (19,891,729) and children ages 5-11 accounted for 39% (28,732,498). KidsCount Data Center—2016 data (last updated in 2017), <http://datacenter.kidscount.org/data/tables/101-child-population-by-age-group#detailed/1/any/false/870/62,63,64,6,4693/419,420>. A 2017 study found that that 96% of children ages 6-12 are aware of YouTube and that 90% of those children use YouTube, which calculates to 86.5% of children in that age range as YouTube users. *See 2017 Brand Love Study*. We multiplied 28,732,498 by 0.865 which totals 24,853,611 million children. This estimate is probably low because it does not include children under age 6.

<sup>90</sup> Stipulated Order for Permanent Injunction and Civil Penalty Judgment, *United States v. Retro Dreamer*, Case No. 5:15-cv-02569 (C.D. Ca., Dec. 17, 2015). (FTC increased penalty on company that knowingly violated COPPA to make money by using children’s personal information for targeted advertising). Complaint and consent order available at: <https://www.ftc.gov/enforcement/cases-proceedings/142-3262/retro-dreamer>.

world, with a net worth totaling \$101.8 billion.<sup>91</sup> Thus, the parties request that the FTC assess civil penalties that will deter Google from violating COPPA again.

Respectfully Submitted,

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Campaign for a Commercial-Free Childhood*

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<sup>91</sup> Aisling Moloney, *How Much is Google Worth?* Metro News (Nov. 24, 2017), <http://metro.co.uk/2017/11/24/how-much-money-is-google-worth-7106408/>. Google witnessed a 23% net worth increase in 2017 and could potentially displace Apple as the world's top brand, which exhibited only a 10% increase. *The World's Most Valuable Brands: 2017 Ranking*, Forbes, <https://www.forbes.com/powerful-brands/list/> (last visited Mar. 19, 2018).

\* Much of the research and drafting for this request was done by Georgetown Law students Spencer Beall, Victor Wang, Adam Kornetsky, and Ethan Plail, supervised by IPR attorneys.

## Exhibit A Google AdWords

These screen shots taken on Dec. 7, 2017, show some of the categories that advertisers can use to find their desired audience using AdWords. Advertisers may use keywords such as “kid,” “child,” “toddler,” “baby” and “toys.”

The first screen shot shows advertisers’ abilities to select demographic filters for parents. The advertising industry has recognized the value of using parents to target young children and babies: “[i]t goes without saying that for any type of business that targets babies, young children, and/or their parents (for example, baby clothing retailers), the AdWords new targeting feature could be incredibly valuable.”<sup>1</sup>

The image shows two screenshots of the Google AdWords targeting interface. The top screenshot is titled "People: who you want to reach" and "Define your Audiences, Demographic, or both". It shows the "Demographics" section with four columns of filters: Gender, Age, Parental status, and Household income. In the Gender column, "Female", "Male", and "Unknown" are selected. In the Age column, "Unknown" is selected. In the Parental status column, "Not a parent", "Parent", and "Unknown" are selected. In the Household income column, "Top 10%", "11 - 20%", "21 - 30%", "31 - 40%", "41 - 50%", "Lower 50%", and "Unknown" are selected. A note below states: "Note: Household income targeting is only available in select countries. Learn more". The bottom screenshot is titled "Audiences" and "Select your audience targeting". It shows a list of audience categories on the left: "All audiences:", "Affinity" (Groups of people based on their long term interest), "Intent and life events" (Consumers actively researching products), and "Remarketing" (People who previously interacted with your business and similar audiences). On the right, a sidebar shows "1 selected" and "CLEAR ALL" buttons, with "Affinity audiences" selected, specifically "Lifestyles & Hobbies Family-Focused".

<sup>1</sup> Max Braglia, *Parental Status Targeting Now Available in Google AdWords*, MoreVisibility (Jun. 26, 2014), <https://www.morevisibility.com/blogs/sem/parental-status-targeting-now-available-in-google-adwords.html>.



The next two screen shots show how advertisers can input keywords related to their brand (e.g., “toy” or “toddler”) and receive a variety of relevant suggestions for keywords that can be used to further target advertising.

### Create ad groups

An ad group contains one or more ads and a set of related keywords. For best results, try to focus all the ads and keywords in an ad group on one product or service. [Learn more about how to structure your account.](#)

Enter your landing page [?](#)  My landing page isn't ready

The webpage your ad will link to (ex: [www.example.com/yoga](#))

**Name**

Ad group #1

**Keywords**

Your ad can show on search results for terms related to your keywords.

toddler

**Tips**

- Start with 10-20 keywords per ad group.
- Use [match types](#) to control which keyword variations can trigger your ad.
- Learn more about [choosing effective keywords](#).

+ New ad group

Get keyword ideas

Enter a website

kid toys

**Keywords**

Keywords	Monthly search volume
children toys	60K+
best kids toys	18K+
cool toys for kids	14K+
toddler toys	1M+
kids toys online	480
kids outdoor toys	110K+
kids toy shop	480
best toddler toys	14K+
cool toys for boys	33K+

Add these 9 ideas

1 - 9 of 100

**Content:** where you want your ads to show  
Narrow your reach with Keywords, Topics, or Placements

**Keywords**

kid, child, toddler, baby, toy

**Get keyword ideas**

[mattel.com](#)

Enter your product or service

Keywords	Relevance
+ barbie doll dream house	99
+ mattel toys barbie	94
+ barbie dolls mattel	89
+ mattel barbie dolls of the	84
+ mattel barbie dolls of	80

[ADD ALL IDEAS](#)

**Topics**

Select topics to show ads on content about specific subjects

- Search by word, phrase, or URL
- Food & Drink
  - Games
  - Health
  - Hobbies & Leisure
  - Home & Garden
  - Internet & Telecom
  - Jobs & Education
  - Law & Government
  - News
  - Online Communities

1 selected [CLEAR ALL](#)

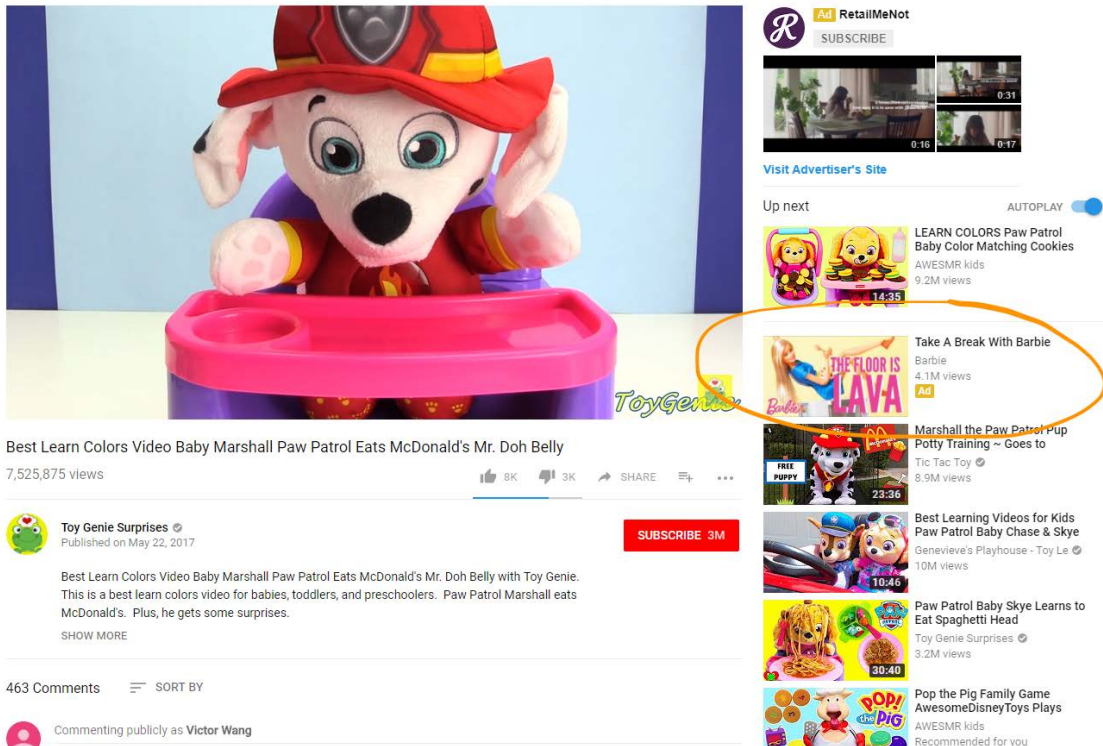
People & Society > Family & Relationships  
Family

## Exhibit B


### Examples of Advertisements on YouTube Channels Directed to Children

These screen shots were taken on Oct. 6, 2017. They show advertisements for Barbie on YouTube channels directed to children.

The first screen shot shows an example of how the ad for Barbie appears on the computer screen while a child-directed video is playing. Note that the ad looks just like the other recommended videos, except that it has a small yellow label signifying that it is an ad.




This second screen shot shows a child-directed video using the YouTube app on a mobile device. It shows the same Barbie ad below the child-directed video.






Nickelodeon Jr. Peppa Pig's House Play Set Case / Toy ▾  
Surprise, George, Shopkins Happy Places / TUYC  
6.2M views

6K 2K Share Add to

 **Toys Unlimited**  
2M subscribers [SUBSCRIBE](#)

Up next Autoplay

-  **Take A Break With Barbie** Ad Barbie 4.1M views
-  **Peppa Pig: Peppa Pig Story: Peppa Pig Happy Family NEW House,...**  
Princess Fun Place · 1.5M views
-  **Peppa Pig Painting Season 2 Episode 29**  
Kids Show Lyrics · 72M views

## Exhibit C 2014 Family and Children’s Interests Lineup

This list provides a sampling of channels included in Google Preferred’s “Family and Children’s Interests” Lineup as of Apr. 18, 2014.<sup>2</sup>

The channels marked with orange stars were also in Google Preferred’s Parenting & Family Lineup as of February 2018. Note that DisneyCarToys has changed its name to Sandaroo Kids.

**Family & Children’s Interests (<http://www.youtube.com/channel/UCcL77v4By3Z5TJWewictQAg/>)** –  
“Browse through channels featured in the Family & Children’s Interest Lineup Google Preferred Lineup.”

- ✿ ItsJudysLife – <http://www.youtube.com/user/itsJudysLife> (<http://www.youtube.com/user/itsJudysLife>)
- DisneyCollectorBR – <http://www.youtube.com/user/DisneyCollectorBR> (<http://www.youtube.com/user/DisneyCollectorBR>)
- ✿ Bratayley – <http://www.youtube.com/user/Bratayley> (<http://www.youtube.com/user/Bratayley>)
- ✿ Super Simple Songs – <http://www.youtube.com/user/SuperSimpleSongs> (<http://www.youtube.com/user/SuperSimpleSongs>)
- SACCONELJOLYS – <http://www.youtube.com/user/LeFloofTV> (<http://www.youtube.com/user/LeFloofTV>)
- ✿ EvanTubeHD – <http://www.youtube.com/user/EvanTubeHD> (<http://www.youtube.com/user/EvanTubeHD>)
- Pocoyo – <http://www.youtube.com/user/POCOYOUUSA> (<http://www.youtube.com/user/POCOYOUUSA>)
- ✿ LuckyPennyShop – <http://www.youtube.com/user/luckypennyshop> (<http://www.youtube.com/user/luckypennyshop>)
- ✿ Hoopla Kidz – <http://www.youtube.com/user/hooplakidz> (<http://www.youtube.com/user/hooplakidz>)
- ✿ MyFroggyStuff – <http://www.youtube.com/user/MyFroggyStuff> (<http://www.youtube.com/user/MyFroggyStuff>)
- ✿ Mother Goose Club – <http://www.youtube.com/user/MotherGooseClub> (<http://www.youtube.com/user/MotherGooseClub>)
- ✿ AprilJustinTV – <http://www.youtube.com/user/AprilJustinTV> (<http://www.youtube.com/user/AprilJustinTV>)
- ✿ BluCollection – <http://www.youtube.com/user/Blucollection> (<http://www.youtube.com/user/Blucollection>)
- ✿ The LaVigne Life – <http://www.youtube.com/user/TheLaVigneLife> (<http://www.youtube.com/user/TheLaVigneLife>)
- Busy Beavers – <http://www.youtube.com/user/wearebusybeavers> (<http://www.youtube.com/user/wearebusybeavers>)
- SoCraftastic – <http://www.youtube.com/user/SoCraftastic> (<http://www.youtube.com/user/SoCraftastic>)
- ✿ DisneyCarToys – <http://www.youtube.com/user/DisneyCarToys> (<http://www.youtube.com/user/DisneyCarToys>)
- ✿ TuTiTuTV – <http://www.youtube.com/user/tutitutu> (<http://www.youtube.com/user/tutitutu>)
- ✿ Made By Mommy – <http://www.youtube.com/user/mbmcrafts> (<http://www.youtube.com/user/mbmcrafts>)
- ✿ GabeBabeTV – <http://www.youtube.com/user/gflowers02> (<http://www.youtube.com/user/gflowers02>)
- DearNaptural85 – <http://www.youtube.com/user/DearNaptural85> (<http://www.youtube.com/user/DearNaptural85>)
- ✿ leokimvideo – <http://www.youtube.com/user/leokimvideo> (<http://www.youtube.com/user/leokimvideo>)

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<sup>2</sup> Joshua Cohen, *Meet the Top 1% of YouTube’s “Google Preferred” Channels For Advertisers (Exclusive)*, Tubefilter (Apr. 18, 2014) <https://www.tubefilter.com/2014/04/18/youtube-google-preferred-channels-top-1-percent-advertisers/>.

# Exhibit D

## Excerpt from YouTube's Terms of Service

3/9/2018

Terms of Service - YouTube

ANY ERRORS OR OMISSIONS IN ANY CONTENT OR FOR ANY LOSS OR DAMAGE OF ANY KIND INCURRED AS A RESULT OF THE USE OF ANY CONTENT POSTED, EMAILED, TRANSMITTED, OR OTHERWISE MADE AVAILABLE VIA THE SERVICES. YOUTUBE DOES NOT WARRANT, ENDORSE, GUARANTEE, OR ASSUME RESPONSIBILITY FOR ANY PRODUCT OR SERVICE ADVERTISED OR OFFERED BY A THIRD PARTY THROUGH THE SERVICES OR ANY HYPERLINKED SERVICES OR FEATURED IN ANY BANNER OR OTHER ADVERTISING, AND YOUTUBE WILL NOT BE A PARTY TO OR IN ANY WAY BE RESPONSIBLE FOR MONITORING ANY TRANSACTION BETWEEN YOU AND THIRD-PARTY PROVIDERS OF PRODUCTS OR SERVICES. AS WITH THE PURCHASE OF A PRODUCT OR SERVICE THROUGH ANY MEDIUM OR IN ANY ENVIRONMENT, YOU SHOULD USE YOUR BEST JUDGMENT AND EXERCISE CAUTION WHERE APPROPRIATE.

### 10. Limitation of Liability

IN NO EVENT SHALL YOUTUBE, ITS OFFICERS, DIRECTORS, EMPLOYEES, OR AGENTS, BE LIABLE TO YOU FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES WHATSOEVER RESULTING FROM ANY (I) ERRORS, MISTAKES, OR INACCURACIES OF CONTENT, (II) PERSONAL INJURY OR PROPERTY DAMAGE, OF ANY NATURE WHATSOEVER, RESULTING FROM YOUR ACCESS TO AND USE OF OUR SERVICES, (III) ANY UNAUTHORIZED ACCESS TO OR USE OF OUR SECURE SERVERS AND/OR ANY AND ALL PERSONAL INFORMATION AND/OR FINANCIAL INFORMATION STORED THEREIN, (IV) ANY INTERRUPTION OR CESSATION OF TRANSMISSION TO OR FROM OUR SERVICES, (V) ANY BUGS, VIRUSES, TROJAN HORSES, OR THE LIKE, WHICH MAY BE TRANSMITTED TO OR THROUGH OUR SERVICES BY ANY THIRD PARTY, AND/OR (VI) ANY ERRORS OR OMISSIONS IN ANY CONTENT OR FOR ANY LOSS OR DAMAGE OF ANY KIND INCURRED AS A RESULT OF YOUR USE OF ANY CONTENT POSTED, EMAILED, TRANSMITTED, OR OTHERWISE MADE AVAILABLE VIA THE SERVICES, WHETHER BASED ON WARRANTY, CONTRACT, TORT, OR ANY OTHER LEGAL THEORY, AND WHETHER OR NOT THE COMPANY IS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE FOREGOING LIMITATION OF LIABILITY SHALL APPLY TO THE FULLEST EXTENT PERMITTED BY LAW IN THE APPLICABLE JURISDICTION.

YOU SPECIFICALLY ACKNOWLEDGE THAT YOUTUBE SHALL NOT BE LIABLE FOR CONTENT OR THE DEFAMATORY, OFFENSIVE, OR ILLEGAL CONDUCT OF ANY THIRD PARTY AND THAT THE RISK OF HARM OR DAMAGE FROM THE FOREGOING RESTS ENTIRELY WITH YOU.

The Service is controlled and offered by YouTube from its facilities in the United States of America. YouTube makes no representations that the Service is appropriate or available for use in other locations. Those who access or use the Service from other jurisdictions do so at their own volition and are responsible for compliance with local law.

### 11. Indemnity

To the extent permitted by applicable law, you agree to defend, indemnify and hold harmless YouTube, its parent corporation, officers, directors, employees and agents, from and against any and all claims, damages, obligations, losses, liabilities, costs or debt, and expenses (including but not limited to attorney's fees) arising from: (i) your use of and access to the Service; (ii) your violation of any term of these Terms of Service; (iii) your violation of any third party right, including without limitation any copyright, property, or privacy right; or (iv) any claim that your Content caused damage to a third party. This defense and indemnification obligation will survive these Terms of Service and your use of the Service.

### 12. Ability to Accept Terms of Service

You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in these Terms of Service, and to abide by and comply with these Terms of Service. In any case, you affirm that you are over the age of 13, as the Service is not intended for children under 13. If you are under 13 years of age, then please do not use the Service. There are lots of other great web sites for you. Talk to your parents about what sites are appropriate for you.

### 13. Assignment

These Terms of Service, and any rights and licenses granted hereunder, may not be transferred or assigned by you, but may be assigned by YouTube without restriction.

### 14. General

You agree that: (i) the Service shall be deemed solely based in California; and (ii) the Service shall be deemed a passive website that does not give rise to personal jurisdiction over YouTube, either specific or general, in jurisdictions other than California. These Terms of Service shall be governed by the internal substantive laws of the State of California, without respect to its conflict of laws principles. Any claim or dispute between you and YouTube that arises in whole or in part from the Service shall be decided exclusively by a court of competent jurisdiction located in Santa Clara County, California. These Terms of Service, together with the Privacy Notice at <https://www.youtube.com/yt/privacy> and any other legal notices published by YouTube on the Service, shall constitute the entire agreement between you and YouTube concerning the Service. If any provision of these Terms of Service is deemed invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect the validity of the remaining provisions of these Terms of Service, which shall remain in full force and effect. No waiver of any term of these Terms of Service shall be deemed a further or continuing waiver of such term or any other term, and YouTube's failure to assert any right or provision under these Terms of Service shall not constitute a waiver of such right or provision. YouTube reserves the right to amend these Terms of Service at any time and without notice, and it is your responsibility to review these Terms of Service for any changes. Your use of the Service following any amendment of these Terms of Service will signify your assent to and acceptance of its revised terms. YOU AND YOUTUBE AGREE THAT ANY CAUSE OF ACTION ARISING OUT OF OR RELATED TO THE SERVICES MUST COMMENCE WITHIN ONE (1) YEAR AFTER THE CAUSE OF ACTION ACCRUES. OTHERWISE, SUCH CAUSE OF ACTION IS PERMANENTLY BARRED.

Dated: June 9, 2010

**Exhibit E**  
**Screen Shots of ChuChuTV Nursery Rhymes & Kids Songs**

These screen shots of ChuChuTV Nursery Rhymes & Kids Songs were taken on March 8, 2018.

ChuChu TV Nursery Rhymes & Kids Songs  
15,550,455 subscribers

HOME VIDEOS PLAYLISTS CHANNELS DISCUSSION

**ChuChu & Friends**  
are here to  
**Entertain**  
your kids with

Download ChuChu TV Pro Le...  
3,130,389 views · 2 months ago

ChuChu TV - the world's most popular kids rhymes and educational songs is now available as a new Nursery Rhyme Video app. All your favorite cartoons are now available on this kid-friendly

READ MORE

Best of ChuChu TV Nursery Rhymes & Kids Songs [PLAY ALL](#)

YouTube Search

**Moo Moo Moo**

SAID THE COWS IN THE FARM

Three Little Kittens Went To The Farm (SINGLE) | Nursery Rhymes by Cutians | ChuChu TV Kids Songs  
896,311 views 3K 1K SHARE ...

ChuChu TV Nursery Rhymes & Kids Songs  
Published on Feb 2, 2018

SUBSCRIBE 15M

Three Little Kittens Went To The Farm (SINGLE) | Nursery Rhymes by Cutians | ChuChu TV Kids



ABC Song and Many More Nursery Rhymes for Children | Popular Kids Songs by ChuChu TV

80,787,965 views

86K likes 51K comments SHARE



ChuChu TV Nursery Rhymes & Kids Songs  
Published on Jun 24, 2015

SUBSCRIBE 1.5M

ABC Song for Children | Popular Kids Songs by ChuChu TV

00:08 ABC Alphabet Song



**Exhibit F**  
**Descriptions of Circled Channels in Parenting & Family Lineup**  
**(as shown on page 13)**

- **FUNnel Vision:** “...We like to say HAVE A FUNnel Day, like Fun 'Ol Day 'cause that's what we do on this channel! ... Videos with Play Doh, Dressed up in Costumes (SCARE CAM VIDEOS!) ... travel videos like Disney World & Disney Land...Legoland... Paintball guns, making forts, playgrounds, Trampolines & Bounce Houses...the list goes on forever!! ☺”<sup>3</sup>
- **EvanTubeHD:** “Our channel is all about KID FUN! Toys, Challenges, Animals, Video Games, Science Experiments, Special Effects, Animation and Attractions! If it's fun for kids, you'll find it here!”<sup>4</sup>
- **Baby TV:** “BabyTV is the world’s leading baby and toddler network from FOX. The educational, infant focused channel brings exclusive programs for children, as well as a wide variety of nursery rhymes, baby songs and learning games!”<sup>5</sup>
- **MMPRtoys:** “Power Rangers & Super Sentai toy videos! Fun toy animations, reviews, news, discussions, interviews, and Power Morpicon/Power Rangers convention info. Welcome to Bruno & Mia's MMPRtoys!”<sup>6</sup>
- **SevenSuperGirls:** “SevenSuperGirls is the largest all-girl Partner collaboration on YouTube!” (Videos feature “fluffy unicorn slime” and “magic keyboards”)<sup>7</sup>
- **NerfBoyProductions:** “Hey welcome to NERFBoyProductions! On this channel you'll find everything to do with NERF and general blaster toys. Everything from reviews, to mod guides, to wars and much more! If you're into NERF, this is the place to be! Be sure to subscribe in order to keep up with all of the latest NERF news. :)”<sup>8</sup>

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<sup>3</sup> FUNnel Vision, *About*, YouTube, <https://www.youtube.com/user/intellegentz/about> (last visited Mar. 6, 2018).

<sup>4</sup> EvanTubeHD, *About*, YouTube, <https://www.youtube.com/user/EvanTubeHD> (last visited Mar. 6, 2018).

<sup>5</sup> BabyTV, *About*, YouTube, <https://www.youtube.com/user/BabyTVChannel/about> (last visited Mar. 6, 2018).

<sup>6</sup> MMPRtoys, *About*, YouTube, <https://www.youtube.com/user/MMPRtoys/about> (last visited Mar. 6, 2018).

<sup>7</sup> SevenSuperGirls, *About*, YouTube, <https://www.youtube.com/user/SevenSuperGirls/featured> (last visited Mar. 6, 2018).

<sup>8</sup> NerfBoyProductions, *About*, YouTube, <https://www.youtube.com/user/NerfBoyProductions/about> (last visited Mar. 20, 2018).

- **NayBeeTV:** “Watch the quirky, funny adventures of the Sherwood family, the most famous barbie doll family on the internet!”<sup>9</sup>
- **Bratayley:** “Watch these crazy kids as they make everyday an adventure.”<sup>10</sup>
- **BrickVault:** “Brick Vault is dedicated to bringing you the best in Lego set unboxing, building and reviews. Created by a group of passionate Lego enthusiasts Brick Vault hopes to inspire and share our passion for Lego with the world.”<sup>11</sup>
- **Cartoon Network:** “Welcome to the official Cartoon Network channel on YouTube! Make yourself at home and enjoy lots of free video clips from shows like Teen Titans Go!, O.K.KO!, Steven Universe, The Amazing World of Gumball, Adventure Time, Unikitty and more!”<sup>12</sup>
- **Build-a-Bear:** “The official channel for Build-A-Bear Workshop, Where Best Friends Are Made! Become a VIB (Very Important Bear) by following us on Facebook, Twitter, and Instagram for more amazing content from the Workshop. Stay pawsome!”<sup>13</sup>

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<sup>9</sup> *NayBeeTV: About*, YouTube, <https://www.youtube.com/user/HappyFamilyShow/about> (last visited Mar. 6, 2018).

<sup>10</sup> *Bratayley: About*, <https://www.youtube.com/user/Bratayley/about> (last visited Mar. 6, 2018).

<sup>11</sup> *BrickVault: About*, YouTube, <https://www.youtube.com/channel/UCrhh3SP2lZBggulHIWWuHOQ/about> (last visited Mar. 6, 2018).

<sup>12</sup> *Cartoon Network: About*, YouTube, <https://www.youtube.com/user/cartoonnetwork/about> (last visited Mar. 6, 2018).

<sup>13</sup> *Build-a-Bear: About*, YouTube, <https://www.youtube.com/user/Buildabearworkshop1/about> (last visited Mar. 6, 2018).

# Exhibit G

## Screen Capture of the Complete List of the U.S. Google Preferred: Parenting & Family Lineup (as of March 2018)



US Google Preferred Lineup – Parenting & Family

Top 5% Channel HOME VIDEOS PLAYLISTS CHANNELS ABOUT

<p><b>ChuChu TV Nursery Rhymes &amp; ...</b> 15,720,908 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Bratley</b> 5,850,802 subscribers</p> <p>SUBSCRIBE</p>	<p><b>SevensSuperGirls</b> 8,039,043 subscribers</p> <p>SUBSCRIBE</p>	<p><b>FUNnel Vision</b> 5,064,560 subscribers</p> <p>SUBSCRIBE</p>	<p><b>DreamWorksTV</b> 3,948,454 subscribers</p> <p>SUBSCRIBE</p>	<p><b>SHAYTARDS</b> 4,976,943 subscribers</p> <p>SUBSCRIBE</p>
<p><b>EvanTubeHD</b> 5,119,587 subscribers</p> <p>SUBSCRIBE</p>	<p><b>What's Inside?</b> 5,380,130 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Sam and Nia</b> 2,289,772 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Cartoon Network</b> 2,458,412 subscribers</p> <p>SUBSCRIBE</p>	<p><b>CandidMommy</b> 153,776 subscribers</p> <p>SUBSCRIBE</p>	<p><b>BrickVault</b> 361,633 subscribers</p> <p>SUBSCRIBE</p>
<p><b>BabyTV</b> 846,383 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Creative Channel</b> 1,022,212 subscribers</p> <p>SUBSCRIBE</p>	<p><b>NerfBoyProductions</b> 716,502 subscribers</p> <p>SUBSCRIBE</p>	<p><b>MMPRtoys</b> 322,409 subscribers</p> <p>SUBSCRIBE</p>	<p><b>NaybeeTV [HappyFamilyShow]</b> 424,222 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Build-A-Bear</b> 92,358 subscribers</p> <p>SUBSCRIBE</p>
<p><b>Team Ryan</b> 172,727 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Super Mario Richie</b> 53,064 subscribers</p> <p>SUBSCRIBE</p>	<p><b>PokemonTINS</b> 9,558 subscribers</p> <p>SUBSCRIBE</p>	<p><b>The Kids Club - Children's Music</b> 1,451,381 subscribers</p> <p>SUBSCRIBE</p>	<p><b>KidToyTesters</b> 306,295 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Percyengine619</b> 57,557 subscribers</p> <p>SUBSCRIBE</p>
<p><b>Neo-Saban Power Rangers</b> 2,517,789 subscribers</p> <p>SUBSCRIBE</p>	<p><b>basilmentos</b> 193,599 subscribers</p> <p>SUBSCRIBE</p>	<p><b>The Fox</b> 196,460 subscribers</p> <p>SUBSCRIBE</p>	<p><b>SuperHeroKids</b> 1,317,021 subscribers</p> <p>SUBSCRIBE</p>	<p><b>ToyLabTV</b> 1,036,586 subscribers</p> <p>SUBSCRIBE</p>	<p><b>TheSkylanderBoy AndGirl</b> 1,986,132 subscribers</p> <p>SUBSCRIBE</p>
<p><b>thefrugalcrafter Lindsay Weirich</b> 381,702 subscribers</p> <p>SUBSCRIBE</p>	<p><b>RaceGrooves</b> 576,831 subscribers</p> <p>SUBSCRIBE</p>	<p><b>THE BRICK SHOW</b> 435,009 subscribers</p> <p>SUBSCRIBE</p>	<p><b>The Greers</b> 124,739 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Winx Club</b> 171,528 subscribers</p> <p>SUBSCRIBE</p>	<p><b>The LaVigne Life</b> 377,573 subscribers</p> <p>SUBSCRIBE</p>
<p><b>HobbyKidsTV</b> 2,887,576 subscribers</p> <p>SUBSCRIBE</p>	<p><b>This Gathered Nest</b> 248,086 subscribers</p> <p>SUBSCRIBE</p>	<p><b>emgo316</b> 289,075 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Daily Bumps</b> 3,218,878 subscribers</p> <p>SUBSCRIBE</p>	<p><b>Eryzo</b> 250,348 subscribers</p> <p>SUBSCRIBE</p>	<p><b>AprilJustinTV</b> 355,802 subscribers</p> <p>SUBSCRIBE</p>



Lewis Love and Family

7,229,800 subscribers

SUBSCRIBE



Talking Tom and Friends

472,381 subscribers

SUBSCRIBE



The Mom's View

236,900 subscribers

SUBSCRIBE



The Lion Guard

384,886 subscribers

SUBSCRIBE



Animation

268,315 subscribers

SUBSCRIBE



mlpstopmotion

1,110,232 subscribers

SUBSCRIBE



MICHAELHICKOXFilms

5,289,050 subscribers

SUBSCRIBE



Eh Bee Family

417,756 subscribers

SUBSCRIBE



HooplaKidzLab

270,168 subscribers

SUBSCRIBE



FamilyGamerTV

1,006,535 subscribers

SUBSCRIBE



Bubzvlogz

260,213 subscribers

SUBSCRIBE



Evyne Hollens

281,621 subscribers

SUBSCRIBE



The Michalaks

293,105 subscribers

SUBSCRIBE



Howdytoons

88,427 subscribers

SUBSCRIBE



Daisy's Toy Vlog

1,856,670 subscribers

SUBSCRIBE



SACCONEJOLYs

91,026 subscribers

SUBSCRIBE



NickSplat

394,458 subscribers

SUBSCRIBE



julesreborns1

146,436 subscribers

SUBSCRIBE



Cherbear Toys - DCTC

82,638 subscribers

SUBSCRIBE



AkashLegoProductions

2,028,024 subscribers

SUBSCRIBE



The Schuerman Show

425,757 subscribers

SUBSCRIBE



WhatsUpMoms

232,256 subscribers

SUBSCRIBE



clawdeena9

404,835 subscribers

SUBSCRIBE



Collector Shuki

59,089 subscribers

SUBSCRIBE



Bins Toy Bin

232,256 subscribers

SUBSCRIBE



Solid Brix Studios

1,212,141 subscribers

SUBSCRIBE



DigitalWizardsStudios

175,996 subscribers

SUBSCRIBE



mymillionTV

1,151,288 subscribers

SUBSCRIBE



Daily Davidsons

232,256 subscribers

SUBSCRIBE



Mugglesam

204,786 subscribers

SUBSCRIBE



Lucky Penny Shop

5,867,383 subscribers

SUBSCRIBE



Sandaroo Kids [DisneyCarToys]

232,739 subscribers

SUBSCRIBE



KittiesMamaVlogs

1,212,141 subscribers

SUBSCRIBE



OKbaby

175,996 subscribers

SUBSCRIBE



puppylover863

1,151,288 subscribers

SUBSCRIBE



leokimvideo

316,677 subscribers

SUBSCRIBE



HeyThatsMike

470,780 subscribers

SUBSCRIBE



Little Heroes

204,786 subscribers

SUBSCRIBE



DearNaptural85

1,377,545 subscribers

SUBSCRIBE



Talking Ginger

787,630 subscribers

SUBSCRIBE



Stories with Toys & Dolls

1,581,391 subscribers

SUBSCRIBE



ItsJudysLife

787,630 subscribers

SUBSCRIBE



DisneyFanatic2364  
175,112 subscribers

SUBSCRIBE



Rainbow Learning  
2,311,405 subscribers

SUBSCRIBE



tinyschool.tv  
2,026,276 subscribers

SUBSCRIBE



DohMuchFun  
1,625,190 subscribers

SUBSCRIBE



Little LaVignes  
257,838 subscribers

SUBSCRIBE



Supernanny  
1,378,945 subscribers

SUBSCRIBE



Blu Toys Club Surprise  
6,212,413 subscribers

SUBSCRIBE



ToysReview Toys  
1,792,129 subscribers

SUBSCRIBE



Made By Mommy  
386,710 subscribers

SUBSCRIBE



Strawberry Shortcake  
218,202 subscribers

SUBSCRIBE



Gabe and Garrett  
1,320,894 subscribers

SUBSCRIBE



all4tubekids  
2,767,633 subscribers

SUBSCRIBE



britneyandbaby  
368,670 subscribers

SUBSCRIBE



Play Doh DIY Learning Colors wi...

SUBSCRIBE



EvanTubeRAW  
3,177,110 subscribers

SUBSCRIBE



CEC Florida  
80,387 subscribers

SUBSCRIBE



Ballinger Family  
882,703 subscribers

SUBSCRIBE



Gardner Quad Squad  
349,361 subscribers

SUBSCRIBE



CooperAceProductions  
158,165 subscribers

SUBSCRIBE



PJ Masks Brasil - Canal Oficial  
611,722 subscribers

SUBSCRIBE



TheEngineeringFamily  
2,489,830 subscribers

SUBSCRIBE



JesssFam  
630,932 subscribers

SUBSCRIBE



SevenAwesomeKids  
2,253,567 subscribers

SUBSCRIBE



BRICK 101  
472,946 subscribers

SUBSCRIBE



MommyandGracieShow  
747,112 subscribers

SUBSCRIBE



DOLLASTIC ★  
349,452 subscribers

SUBSCRIBE



The Official Gummibar Channel  
2,614,599 subscribers

SUBSCRIBE



ToyMonster

SUBSCRIBE



Moliminous Theater  
133,075 subscribers

SUBSCRIBE



Epic Toy Channel  
441,763 subscribers

SUBSCRIBE



Kelli Maple  
688,411 subscribers

SUBSCRIBE



GabeBabeTV  
299,778 subscribers

SUBSCRIBE



TuTITuTV  
3,309,417 subscribers

SUBSCRIBE



Sidewalk Cops  
373,076 subscribers

SUBSCRIBE



It's Us.  
41,546 subscribers

SUBSCRIBE



Fuzzy Puppet  
159,160 subscribers

SUBSCRIBE



ArtiFex Creation  
569,256 subscribers

SUBSCRIBE



DoshRider  
108,496 subscribers

SUBSCRIBE



Totally TV  
2,270,965 subscribers

SUBSCRIBE



Like Movies  
208,835 subscribers

SUBSCRIBE



FUNTASTIC TV - Kids Songs an...











































1,555,878 subscribers











































SUBSCRIBE



Anthonyg3281sBack  
21,555 subscribers

SUBSCRIBE

 Hasbro 1,856,799 subscribers SUBSCRIBE	 201 Teenagemom 212,106 subscribers SUBSCRIBE	 VeggieTales Official 190,105 subscribers SUBSCRIBE	 baltmatrix 191,680 subscribers SUBSCRIBE	 Mama Natural 263,169 subscribers SUBSCRIBE	 Kristine & Victor 171,397 subscribers SUBSCRIBE
 Kids Channel - Cartoon Videos f... 3,048,915 subscribers SUBSCRIBE	 Fun Factory 1,751,342 subscribers SUBSCRIBE	 Thingamavlogs 70,535 subscribers SUBSCRIBE	 Twin Toys 2,367,536 subscribers SUBSCRIBE	 TheReviewSpot 212,260 subscribers SUBSCRIBE	 optibotimus 277,752 subscribers SUBSCRIBE
 JAYSTEPHER 128,100 subscribers SUBSCRIBE	 The TTV Channel 48,302 subscribers SUBSCRIBE	 LPskittles 248,004 subscribers SUBSCRIBE	 Justin's Toys - Toys, Gifts, Craft... 288,457 subscribers SUBSCRIBE	 BdoubleOLive 141,045 subscribers SUBSCRIBE	 Cartoon Network UK 1,540,352 subscribers SUBSCRIBE
 Dylans_World 66,512 subscribers SUBSCRIBE	 FiveDollStars 154,842 subscribers SUBSCRIBE	 KittiesMama 2,313,251 subscribers SUBSCRIBE	 Jonn Valentayn 1,450,248 subscribers SUBSCRIBE	 LPSjazzmatazz 80,052 subscribers SUBSCRIBE	 peaugh 132,074 subscribers SUBSCRIBE
 Santa Toys Collection 361,903 subscribers SUBSCRIBE	 WalcomS7 64,092 subscribers SUBSCRIBE	 Official Pink Panther 2,618,569 subscribers SUBSCRIBE	 ThePlusSideOfThings 82,691 subscribers SUBSCRIBE	 MouseSteps / JWL Media 322,192 subscribers SUBSCRIBE	 KidCity 630,155 subscribers SUBSCRIBE
 KidsFirstTV 678,164 subscribers SUBSCRIBE	 EpicReviewGuys 129,602 subscribers SUBSCRIBE	 Booba - Cartoon for kids 1,343,026 subscribers SUBSCRIBE	 konas2002 477,592 subscribers SUBSCRIBE	 Moms Vlog80 46,509 subscribers SUBSCRIBE	 Our Family Nest 983,096 subscribers SUBSCRIBE
 Degrassi - The Official Channel 123,640 subscribers SUBSCRIBE	 pstoyreviews 1,030,484 subscribers SUBSCRIBE	 Ketchupgiri 499,815 subscribers SUBSCRIBE	 Awestruck 649,075 subscribers SUBSCRIBE	 Talking Tom 5,611,847 subscribers SUBSCRIBE	 Andrews Toy Channel 762,217 subscribers SUBSCRIBE

 <b>Glove and Boots</b> 359,379 subscribers SUBSCRIBE	 <b>MyFroggyStuff</b> 1,675,283 subscribers SUBSCRIBE	 <b>nlowwithreborns2011</b> 252,293 subscribers SUBSCRIBE	 <b>ToyBoxCollectibles</b> 612,531 subscribers SUBSCRIBE	 <b>Elle Lindquist</b> 160,432 subscribers SUBSCRIBE	 <b>DJC Kids</b> 78,010 subscribers SUBSCRIBE
 <b>FastFoodToyReviews</b> 812,237 subscribers SUBSCRIBE	 <b>PlayToys</b> 2,771,998 subscribers SUBSCRIBE	 <b>ramahfool</b> 48,697 subscribers SUBSCRIBE	 <b>Matt TheGoAnimator</b> 55,311 subscribers SUBSCRIBE	 <b>JANGBRICKS</b> 945,369 subscribers SUBSCRIBE	 <b>Pixel Dan</b> 205,248 subscribers SUBSCRIBE
 <b>Glenn Webb</b> 134,039 subscribers SUBSCRIBE	 <b>BabyLeague</b> 513,045 subscribers SUBSCRIBE	 <b>BaileyLiving</b> 367,962 subscribers SUBSCRIBE	 <b>TTPM Toy Reviews</b> 321,936 subscribers SUBSCRIBE	 <b>Super Simple ABCs</b> 136,669 subscribers SUBSCRIBE	 <b>Brick Builder</b> 1,215,755 subscribers SUBSCRIBE
 <b>Millennial Moms</b> 290,611 subscribers SUBSCRIBE	 <b>Grand Illusions</b> 735,266 subscribers SUBSCRIBE	 <b>Nursery Rhymes TV</b> SUBSCRIBE	 <b>happyfamily1004</b> 636,094 subscribers SUBSCRIBE	 <b>8thManDVD.com™ Cartoon Ch...</b> 270,117 subscribers SUBSCRIBE	 <b>Toy, Gadget and Product Review...</b> 134,177 subscribers SUBSCRIBE
 <b>SimplyUnlucky</b> 448,423 subscribers SUBSCRIBE	 <b>Max and Louie - Nursery Rhyme...</b> 156,977 subscribers SUBSCRIBE	 <b>zankye</b> 217,306 subscribers SUBSCRIBE	 <b>Chloe's American Girl Doll Chan...</b> 336,453 subscribers SUBSCRIBE	 <b>KidsGames HD</b> 741,814 subscribers SUBSCRIBE	 <b>icolor500</b> 115,864 subscribers SUBSCRIBE
 <b>BeybladeGeeks</b> 481,254 subscribers SUBSCRIBE	 <b>Blank Slate</b> 83,210 subscribers SUBSCRIBE	 <b>Ellie and Jared</b> 1,395,254 subscribers SUBSCRIBE	 <b>Grace's World</b> 1,115,322 subscribers SUBSCRIBE	 <b>Meg Crafters</b> 121,083 subscribers SUBSCRIBE	 <b>Mommy Etc</b> 144,202 subscribers SUBSCRIBE
 <b>Power Rangers</b> 448,215 subscribers SUBSCRIBE	 <b>PDK Films</b> 5,291,212 subscribers SUBSCRIBE	 <b>MADABOUTLEGO</b> 810,448 subscribers SUBSCRIBE	 <b>8 Passengers</b> 1,408,140 subscribers SUBSCRIBE	 <b>The DIS</b> 63,397 subscribers SUBSCRIBE	 <b>Arcadius Kul</b> 1,871,891 subscribers SUBSCRIBE

## Exhibit H

### Analysis of Tags on Videos on Family & Parenting Line Up

#### *Summary of Findings:*

Google urges content creators to utilize tags when uploading videos to YouTube. It describes tags as “descriptive keywords that will help people find your videos.”<sup>14</sup> We analyzed the tags of over 290,000 videos available on the 305 channels in the Parenting & Family Lineup. By using “flag terms” (variants of “toy,” “child,” “kid,” “toddler” and “baby”) to determine whether videos were directed to children, we found that 69% of all videos in this line up contained at least one flag term. The percentages were higher for the most popular channels. Approximately 80% of the videos on the top 25% of channels had tags containing a flag term, while about 82% of the videos on the top 10% had tags containing a flag term. On four of the most popular children’s channels, the percentage of videos with the flag terms was over 90% – ChuChuTV Nursery Rhymes & Kids Songs (92.9%), LittleBabyBum (98.7%), FunToys Collector Disney Toys Review (97.2%), and HobbyKidsTV (99.0%).

#### *Methodology:*

We found a webpage that contained the list of the channels in the Google Preferred: Parenting & Family lineup on YouTube as of October 2017. The lineup consisted of 305 channels with over 290,000 videos. We downloaded the HTML for that webpage. All the channel IDs and usernames contained in the Parenting & Family lineup were included in this HTML document.

The information for each channel was stored in a <a> tag within the HTML. In the example below, taken from the HTML, the bolded section represents the unique YouTube channel ID.

```
<a is="yt-endpoint" class="style-scope yt-dropdown-menu iron-  
selected"  
href="/channel/UCcL77v4By3Z5TJWewictQAg/channels?flow=  
grid&shelf_id=9777624519558156538&view=49"  
tabindex="0" aria-selected="true">
```

All channel IDs were collected in the Parenting & Family lineup.

We then used the YouTube API to fill in the channel level metadata. We used a simple code to cycle through all the entries in the channel list. Then, using the Python Requests library, we queried the API for additional metadata about each channel. The requests yielded a JSON response which contained metadata about each channel including (1) the date it was started; (2) its total number of views; (3) its total number of subscribers; and (4) a list of all the channel’s videos, including a unique video identifier for each video.

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<sup>14</sup> *Optimize your content*, Think With Google (Oct. 2015), <https://www.thinkwithgoogle.com/marketing-resources/youtube/optimize-your-content/> (last visited Mar. 11, 2018).



Next, we queried each channel's JSON file for each unique video ID using the YouTube API. The API returned a JSON object containing metadata for each video relating to view count, tags, titles, and descriptions. The video metadata entry for each video was queried to produce a list of all the tags used by the videos in the Parenting & Family lineup. The list of tags was sorted and counted to produce a list of the most popular tags across all videos in the lineup.

After examining the data in the aggregate, we identified five "flag terms" to test whether a video was child directed:

Toy (and variants thereof)

Child (and variants thereof)

Kid (and variants thereof)

Baby (and variants thereof)

Toddler (and variants thereof)

Next, from this list, we identified 'flag terms' for testing purposes. If a video in the lineup had a tag containing one of these terms, it was considered likely to contain child-directed content. Once a video was marked as containing one of the flag terms, no additional marking was made if the video contained multiple flag terms.

#### *Results:*

These are the top ten tags, as measured by the number of times each tag appears.

Toys – 46617

Kids – 45599

Toy – 39383

Family – 38103

Children – 27272

Baby – 26732

Funny – 25972

Review – 24618

Fun – 24109

Vlog – 22526

By comparing the tags containing the flag terms against all others tags on the videos in the lineup, we determined that 204,500 videos, or roughly **69.5%** of all videos in the lineup, contained at least one flag term.

We performed the same analysis separately to the top 25% and top 10% of videos in the lineup. We found a positive correlation between the percentage of flag term occurrences and popularity (as determined by overall view count). Of the 73,535 videos in the top 25% of the most viewed videos in the lineup, 58,828 of them, or roughly **80%**, had tags containing a flag

term. Of the 29,414 videos in the top 10% in the lineup, 24,151 of them, or roughly **82.11%**, had tags containing a flag term.

We also used the same flag terms to perform a similar analysis of four specific channels in the Parenting & Family lineup. The four channels tested were: 1) ChuChuTV Nursery Rhymes & Kids Songs; 2) LittleBabyBum; 3) FunToys Collector Disney Toys Review; and 4) HobbyKidsTV.


- “ChuChuTV Nursery Rhymes & Kids Songs” had 183 videos with a combined total of 10,692,643,871 views and 12,189,145 subscribers. Of the 183 videos on that channel, 170 of them, or **92.9%**, had tags containing the flag terms.
- “LittleBabyBum” had 553 videos with a combined total of 14,500,674,307 views and 12,908,592 subscribers. Of the 552 videos on that channel, 545 of them, or **98.7%**, had tags containing the flag terms.
- “FunToys Collector Disney Toys Review” had 2380 videos with a combined total of 13,323,937,637 views and 9,505,249 subscribers. Of the 2380 videos on that channel, 2317 of them, or **97.2%**, had tags containing the flag terms.
- “HobbyKidsTV” had 2720 videos with a combined total of 5,321,828,199 views and 2,630,180 subscribers. Of the 2720 videos on that channel, 2694 of them, or **99.0%**, have tags containing the flag terms.

## Exhibit I YouTube's Account Registration Age Gate


This screen shot shows how a user is prevented from subsequent account registration attempts after initially representing that s/he is under age 13.

Create your Google Account

One account is all you need  
One free account gets you into everything Google.



Take it all with you  
Switch between devices, and pick up wherever you left off.



The user claims to be 7, and is prevented from registration.

Name  
John Smith

Choose a Google username  
janithguc123124@gmail.com  
[I prefer to use my current email address](#)

Create a password  
\*\*\*\*\*

Confirm your password  
\*\*\*\*\*

Birthday  
July 30 2010

Gender  
Male

Mobile phone  
+ -

Your current email address

Location  
United States

[Next step](#)



Google Accounts


**Google could not create your account**

In order to have a Google Account, you must meet certain age requirements. To learn more about online child safety, [visit the Federal Trade Commission's website](#).




Create your Google Account

One account is all you need  
One free account gets you into everything Google.



Take it all with you  
Switch between devices, and pick up wherever you left off.



The user claims to be 21, and is still prevented from registration.

Name  
John Smith

Choose a Google username  
janith21321321312@gmail.com  
[I prefer to use my current email address](#)

Create a password  
\*\*\*\*\*

Confirm your password  
\*\*\*\*\*

Birthday  
April 11 1996

Gender  
Male

Mobile phone  
+ -

Your current email address

Location  
United States

[Next step](#)



Google Accounts

**Google could not create your account**

In order to have a Google Account, you must meet certain age requirements. To learn more about online child safety, [visit the Federal Trade Commission's website](#).

# Exhibit J

## Google Privacy Policy



## Privacy Policy

Last modified: December 18, 2017 ([view archived versions](#)) (The hyperlinked examples are available at the end of this document.)

There are many different ways you can use our services – to search for and share information, to communicate with other people or to create new content. When you share information with us, for example by creating a [Google Account](#), we can make those services even better – to show you **more relevant search results** and ads, to help you **connect with people** or to make **sharing with others quicker and easier**. As you use our services, we want you to be clear how we're using information and the ways in which you can protect your privacy.

Our Privacy Policy explains:

- What information we collect and why we collect it.
- How we use that information.
- The choices we offer, including how to access and update information.

We've tried to keep it as simple as possible, but if you're not familiar with terms like cookies, IP addresses, pixel tags and browsers, then read about these [key terms](#) first. Your privacy matters to Google so whether you are new to Google or a long-time user, please do take the time to get to know our practices – and if you have any questions [contact us](#).

### Information we collect

We collect information to provide better services to all of our users – from figuring out basic stuff like which language you speak, to more complex things like which **ads you'll find most useful, the people who matter most to you online**, or which YouTube videos you might like.

We collect information in the following ways:

- **Information you give us.** For example, many of our services require you to sign up for a Google Account. When you do, we'll ask for [personal information](#), like your name, email address, telephone number or **credit card** to store with your account. If you want to take full advantage of the sharing features we offer, we might also ask you to create a publicly visible [Google Profile](#), which may include your name and photo.
- **Information we get from your use of our services.** We **collect information** about the services that you use and how you use them, like when you watch a video on YouTube, visit a website that uses our advertising services, or **view and interact with our ads** and content. This information includes:

- **Device information**

We collect **device-specific information** (such as your hardware model, operating system version, [unique device identifiers](#), and mobile network information including phone number). Google may associate your **device identifiers** or **phone number** with your Google Account.

- **Log information**

When you use our services or view content provided by Google, we automatically collect and store certain information in [server logs](#). This includes:

- details of how you used our service, such as your search queries.
- telephony log information like your phone number, calling-party number, forwarding numbers, time and date of calls, duration of calls, SMS routing information and types of calls.
- [Internet protocol address](#).
- device event information such as crashes, system activity, hardware settings, browser type, browser

language, the date and time of your request and referral URL.

- cookies that may uniquely identify your browser or your Google Account.

- **Location information**

When you use Google services, we **may collect and process information about your actual location**. We use various technologies to determine location, including IP address, GPS, and other sensors that may, for example, provide Google with information on nearby devices, **Wi-Fi access points and cell towers**.

- **Unique application numbers**

Certain services include a unique application number. This number and information about your installation (for example, the operating system type and application version number) may be sent to Google when you install or uninstall that service or when that service periodically contacts our servers, such as for automatic updates.

- **Local storage**

We may collect and store information (including personal information) locally on your device using mechanisms such as [browser web storage](#) (including HTML 5) and [application data caches](#).

- **Cookies and similar technologies**

We **and our partners** use various technologies to collect and store information when you visit a Google service, and this may include using [cookies or similar technologies](#) to identify your browser or device. We also use these technologies to collect and store information when you interact with services we offer to our partners, such as **advertising services** or Google features that may appear on other sites. Our Google Analytics product helps businesses and site owners analyze the traffic to their websites and apps. When used in conjunction with our advertising services, such as those using the DoubleClick cookie, Google Analytics information is **linked, by the Google Analytics customer or by Google, using Google technology, with information about visits to multiple sites**.

Information we collect when you are signed in to Google, in addition to information we obtain about you from partners, may be associated with your Google Account. When information is associated with your Google Account, we treat it as personal information. For more information about how you can access, manage or delete information that is associated with your Google Account, visit the [Transparency and choice](#) section of this policy.

## **How we use information we collect**

We use the information we collect from all of our services to **provide, maintain, protect** and improve them, to **develop new ones**, and to **protect Google and our users**. We also use this information to offer you tailored content – like giving you more relevant search results and ads.

We may use the name you provide for your Google Profile across all of the services we offer that require a Google Account. In addition, we may replace past names associated with your Google Account so that you are represented consistently across all our services. If other users already have your email, or other information that identifies you, we may show them your publicly visible Google Profile information, such as your name and photo.

If you have a Google Account, we may display your Profile name, Profile photo, and actions you take on Google or on third-party applications connected to your Google Account (such as +1's, reviews you write and comments you post) in our services, including displaying in ads and other commercial contexts. We will respect the choices you make to **limit sharing or visibility settings** in your Google Account.

When you contact Google, we keep a record of your communication to help solve any issues you might be facing. We may use your email address to inform you about our services, such as letting you know about upcoming changes or improvements.

We use information collected from cookies and other technologies, like [pixel tags](#), to **improve your user experience** and the overall quality of our services. One of the products we use to do this on our own services is Google Analytics. For example, by saving your language preferences, we'll be able to have our services appear in the language you prefer. When showing you tailored ads, we will not associate an identifier from cookies or similar technologies with [sensitive categories](#), such as those based on race, religion, sexual orientation or health.

Our automated systems analyze your content (including emails) to provide you personally relevant product features, such as

customized search results, tailored advertising, and spam and malware detection.

We may **combine personal information from one service with information, including personal information, from other Google services** – for example **to make it easier to share things with people you know**. Depending on [your account settings](#), **your activity on other sites and apps** may be associated with your personal information in order to improve Google's services and the ads delivered by Google.

We will ask for your consent before using information for a purpose other than those that are set out in this Privacy Policy.

Google processes personal information on our servers in many countries around the world. We may process your personal information on a server located outside the country where you live.

### **Transparency and choice**

People have different privacy concerns. Our goal is to be clear about what information we collect, so that you can make meaningful choices about how it is used. For example, you can:

- [Review and update your Google activity controls](#) to decide what types of data, such as videos you've watched on YouTube or past searches, you would like saved with your account when you use Google services. You can also visit these [controls](#) to manage whether certain activity is stored in a cookie or similar technology on your device when you use our services while signed-out of your account.
- [Review and control](#) certain types of information tied to your Google Account by using Google Dashboard.
- [View and edit](#) your preferences about the Google ads shown to you on Google and across the web, such as which categories might interest you, using Ads Settings. You can also visit that page to opt out of certain Google advertising services.
- [Adjust](#) how the Profile associated with your Google Account appears to others.
- [Control](#) who you share information with through your Google Account.
- [Take information](#) associated with your Google Account out of many of our services.
- [Choose](#) whether your Profile name and Profile photo appear in shared endorsements that appear in ads.

You may also set your browser to block all cookies, including cookies associated with our services, or to indicate when a cookie is being set by us. However, it's important to remember that many of our services **may not function properly** if your cookies are disabled. For example, we may not remember your language preferences.

### **Information you share**

Many of our services let you share information with others. Remember that when you share information publicly, it may be indexable by search engines, including Google. Our services provide you with different options on **sharing and removing your content**.

### **Accessing and updating your personal information**

Whenever you use our services, we aim to provide you with **access to your personal information**. If that information is wrong, we strive to give you ways to update it quickly or to delete it – unless we have to keep that information for legitimate business or legal purposes.

We aim to maintain our services in a manner that protects information from accidental or malicious destruction. Because of this, after you delete information from our services, we may not immediately delete residual copies from our active servers and may not remove information from our backup systems.

### **Information we share**

We do not share personal information with companies, organizations and individuals outside of Google unless one of the following circumstances applies:

- **With your consent**

We will share personal information with companies, organizations or individuals outside of Google when we have your consent to do so. We require opt-in consent for the sharing of any [sensitive personal information](#).

- **With domain administrators**

If your Google Account is managed for you by a domain administrator (for example, for G Suite users) then your domain administrator and resellers who provide user support to your organization will have access to your Google Account information (including your email and other data). Your domain administrator may be able to:

- o view statistics regarding your account, like statistics regarding applications you install.
- o change your account password.
- o suspend or terminate your account access.
- o access or retain information stored as part of your account.
- o receive your account information in order to satisfy applicable law, regulation, **legal process or enforceable governmental request**.
- o restrict your ability to delete or edit information or privacy settings.

Please refer to your domain administrator's privacy policy for more information.

- **For external processing**

We provide personal information to our affiliates or other trusted businesses or persons to process it for us, based on our instructions and in compliance with our Privacy Policy and any other appropriate confidentiality and security measures.

- **For legal reasons**

We will share personal information with companies, organizations or individuals outside of Google if we have a good-faith belief that access, use, preservation or disclosure of the information is reasonably necessary to:

- o meet any applicable law, regulation, **legal process or enforceable governmental request**.
- o enforce applicable Terms of Service, including investigation of potential violations.
- o detect, prevent, or otherwise address fraud, security or technical issues.
- o protect against harm to the rights, property or safety of Google, our users or the public as required or permitted by law.

**We may share non-personally identifiable information** publicly and with our partners – like publishers, advertisers or connected sites. For example, we may share information publicly **to show trends** about the general use of our services.

If Google is involved in a merger, acquisition or asset sale, we will continue to ensure the confidentiality of any personal information and give affected users notice before personal information is transferred or becomes subject to a different privacy policy.

### **Information security**

We work hard to protect Google and our users from unauthorized access to or unauthorized alteration, disclosure or destruction of information we hold. In particular:

- We encrypt many of our services using SSL.
- We offer you two step verification when you access your Google Account, and a Safe Browsing feature in Google Chrome.
- We review our information collection, storage and processing practices, including physical security measures, to guard against unauthorized access to systems.
- We restrict access to personal information to Google employees, contractors and agents who need to know that information in order to process it for us, and who are subject to strict contractual confidentiality obligations and may be disciplined or terminated if they fail to meet these obligations.

### **When this Privacy Policy applies**

Our Privacy Policy applies to all of the services offered by Google LLC and its affiliates, including YouTube, services Google provides on Android devices, and services offered on other sites (such as our advertising services), but excludes services that have separate privacy policies that do not incorporate this Privacy Policy.

Our Privacy Policy does not apply to services offered by other companies or individuals, including products or sites that may be displayed to you in search results, sites that may include Google services, or other sites linked from our services. Our Privacy Policy does not cover the information practices of other companies and organizations who advertise our services, and who may use cookies, pixel tags and other technologies to serve and offer relevant ads.

## Compliance and cooperation with regulatory authorities

We regularly review our compliance with our Privacy Policy. We also adhere to several [self regulatory frameworks](#), including the EU-US and Swiss-US Privacy Shield Frameworks. When we receive formal written complaints, we will contact the person who made the complaint to follow up. We work with the appropriate regulatory authorities, including local data protection authorities, to resolve any complaints regarding the transfer of personal data that we cannot resolve with our users directly.

## Changes

Our Privacy Policy may change from time to time. We will not reduce your rights under this Privacy Policy without your explicit consent. We will post any privacy policy changes on this page and, if the changes are significant, we will provide a more prominent notice (including, for certain services, email notification of privacy policy changes). We will also keep prior versions of this Privacy Policy in an archive for your review.

## Specific product practices

The following notices explain specific privacy practices with respect to certain Google products and services that you may use:

- [Chrome and Chrome OS](#)
- [Play Books](#)
- [Payments](#)
- [Fiber](#)
- [Project Fi](#)
- [G Suite for Education](#)
- [YouTube Kids](#)
- [Google Accounts Managed with Family Link](#)

For more information about some of our most popular services, you can visit the [Google Product Privacy Guide](#).

## Other useful privacy and security related materials

Further useful privacy and security related materials can be found through Google's [policies and principles pages](#), including:

- Information about our [technologies and principles](#), which includes, among other things, more information on
  - [how Google uses cookies](#).
  - technologies we use for [advertising](#).
  - how we [recognize patterns like faces](#).
- A [page](#) that explains what data is shared with Google when you visit websites that use our advertising, analytics and social products.
- The [Privacy Checkup](#) tool, which makes it easy to review your key privacy settings.
- Google's [safety center](#), which provides information on how to stay safe and secure online.

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### "access to your personal information"

For example, with Google Dashboard you can quickly and easily see some of the data associated with your Google Account. [Learn more.](#)

### "ads you'll find most useful"

For example, if you frequently visit websites and blogs about gardening, you may see ads related to gardening as you browse the web. [Learn more.](#)

### "advertising services"

For example, if you frequently visit websites and blogs about gardening that show our ads, you may start to see ads related to this interest as you browse the web. [Learn more.](#)



**"and other sensors"**

Your device may have sensors that provide information to assist in a better understanding of your location. For example, an accelerometer can be used to determine things like speed, or a gyroscope to figure out direction of travel.

[Learn more.](#)

**"collect information"**

This includes information like your usage data and preferences, Gmail messages, G+ profile, photos, videos, browsing history, map searches, docs, or other Google-hosted content.

[Learn more.](#)

**"combine personal information from one service with information, including personal information, from other Google services"**

For example, when you're signed in to your Google Account and search on Google, you can see search results from the public web, along with pages, photos, and Google+ posts from your friends and people who know you or follow you on Google+ may see your posts and profile in their results.

[Learn more.](#)

**"connect with people"**

For example, you could get suggestions of people you might know or want to connect with on Google+, based on the connections you have with people on other Google products, like Gmail; and people who have a connection with you may see your profile as a suggestion.

[Learn more.](#)

**"credit card"**

Whilst we currently don't ask for a credit card during sign up, verifying your age through a small credit card transaction is one way to confirm that you meet our age requirements in case your account was disabled after you have entered a birthday indicating you are not old enough to have a Google Account.

[Learn more.](#)

**"develop new ones"**

For example, Google's spell checking software was developed by analyzing previous searches where users had corrected their own spelling.

[Learn more.](#)

**"device identifiers"**

Device identifiers let Google know which unique device you are using to access our services, which can be used to customise our service to your device or analyse any device issues related to our services.

[Learn more.](#)

**"device-specific information"**

For example, when you visit Google Play from your desktop, Google can use this information to help you decide on which devices you'd like your purchases to be available for use.

[Learn more.](#)

**"improve your user experience"**

For example, cookies allow us to analyse how users interact with our services.

[Learn more.](#)

**"legal process or enforceable governmental request"**

Like other technology and communications companies, Google regularly receives requests from governments and courts

around the world to hand over user data. Our legal team reviews each and every request, regardless of type, and we frequently push back when the requests appear to be overly broad or don't follow the correct process.

[Learn more.](#)

**"limit sharing or visibility settings"**

For example, you can choose your settings so your name and photo do not appear in an ad.

[Learn more.](#)

**"linked with information about visits to multiple sites"**

Google Analytics is based on first-party cookies. Data generated through Google Analytics can be linked, by the Google Analytics customer or by Google, using Google technology, to third-party cookies, related to visits to other websites, for instance when an advertiser wants to use its Google Analytics data to create more relevant ads, or to further analyze its traffic.

[Learn more.](#)

**"maintain"**

For example, we continuously monitor our systems to check that they are working as intended and in order to detect and fix errors.

[Learn more.](#)

**"may collect and process information about your actual location"**

For example, Google Maps can center the maps view on your current location.

[Learn more.](#)

**"may not function properly"**

For example, we use a cookie called 'lbc's' which makes it possible for you to open many Google Docs in one browser.

[Learn more.](#)

**"and our partners"**

We allow trusted businesses to use cookies or similar technologies for advertising and research purposes on our services.

[Learn more.](#)

**"phone number"**

For example, if you add a phone number as a recovery option, if you forget your password Google can send you a text message with a code to enable you to reset it.

[Learn more.](#)

**"protect Google and our users"**

For example, if you're concerned about unauthorized access to your email, "Last account activity" in Gmail shows you information about recent activity in your email, such as the IP addresses that accessed your mail, the associated location, as well as the time and date.

[Learn more.](#)

**"protect"**

For example, one reason we collect and analyze IP addresses and cookies is to protect our services against automated abuse.

[Learn more.](#)

**"provide"**

For example, the IP address assigned to your device is used to send the data you requested back to your device.

[Learn more.](#)

#### **"sharing"**

For example, with Google+, you have many different sharing options.

[Learn more.](#)

#### **"sharing with others quicker and easier"**

For example, if someone is already a contact, Google will autocomplete their name if you want to add them to a message in Gmail.

[Learn more.](#)

#### **"the people who matter most to you online"**

For example, when you type an address in the To, Cc, or Bcc field of a message you're composing, Gmail will suggest addresses from your Contacts list.

[Learn more.](#)

#### **"to make it easier to share things with people you know"**

For example, if you have communicated with someone via Gmail and want to add them to a Google Doc or an event in Google Calendar, Google makes it easy to do so by autocompleting their email address when you start to type in their name.

[Learn more.](#)

#### **"view and interact with our ads"**

For example, we regularly report to advertisers on whether we served their ad to a page and whether that ad was likely to be seen by users (as opposed to, for example, being on part of the page to which users did not scroll).

[Learn more.](#)

#### **"We may share aggregated, non-personally identifiable information publicly"**

When lots of people start searching for something, it can provide very useful information about particular trends at that time.

[Learn more.](#)

#### **"Wi-Fi access points and cell towers"**

For example, Google can approximate your device's location based on the known location of nearby cell towers.

[Learn more.](#)

#### **"more relevant search results"**

For example, we can make search more relevant and interesting for you by including photos, posts, and more from you and your friends.

[Learn more.](#)

#### **"removing your content"**

For example, you can delete your [Web & App Activity](#), [your blog](#), [a Google Site you own](#), [your YouTube Channel](#), [your Google+ profile](#) or [your entire Google account](#).

[Learn more.](#)

#### **"to show trends"**

You can see some of these at [Google Trends](#) and [YouTube Trending Videos](#).

[Learn more.](#)

#### **"your activity on other sites and apps"**

This activity might come from your use of Google products like Chrome Sync or from your visits to sites and apps that partner with Google. Many websites and apps partner with Google to improve their content and services. For example, a website might use our advertising services (like AdSense) or analytics tools (like Google Analytics). These products share information about your activity with Google and, depending on [your account settings](#) and the products in use (for instance, when a partner uses Google Analytics in conjunction with our advertising services), this data may be associated with your personal information.

[Learn more.](#)