



**Audiovisual Media Services Directive
Consultation on Proposals for Implementation in the UK**

**Submission from Bebo
10 November 2008**

I. Introduction

- As a company that prides itself on taking an innovative approach to new media and online video, Bebo, along with its parent company AOL¹, has been following the passage of the Audiovisual Media Services (AVMS) Directive closely to understand how its implementation will affect the regulation of online services in the UK.
- We welcome the fact that on a number of public occasions recently government and Ofcom representatives have stated that they do not believe that Bebo will be covered by the Directive – an interpretation of the Directive in relation to our service which matches our own – as well as the stated intention in the consultation document that ‘as a matter of policy, the Government aims to draw into scope of UK regulation a narrow range of services falling within the scope of the AVMS Directive, rather than extending to a wide range of audiovisual services’².
- However, given the difficulties in defining AVMS VoD services in a rapidly evolving online market, where video (both professional and user-generated) is becoming a more prominent part of many services, we believe that it is important that the definitions of VoD are clarified to be as tight as possible, so that the intentions of government are accurately reflected in UK legislation. If definitions are not sufficiently water-tight, there is a risk that many current and future services that feature TV-like video, but which are not pure VoD, would be unintentionally brought into scope. It is with the aim of assisting in this clarification process that we submit this response.

II. About Bebo

¹ Since May 2008, Bebo has been part of AOL’s People Networks division. Since the acquisition, Bebo and AOL’s safety and policy representatives have been working closely to understand our respective approaches to the child protection challenges that the Internet presents and get the best of each service where it makes sense.

² Page 9 of UK consultation document

- Bebo is one of the world's most popular social networking sites. It was founded in 2005 as an online community where users could post pictures, write blogs and send messages to one another. Today, Bebo has evolved to become a global Social Media Network³ combining community, self-expression and entertainment to enable its users to consume, create, discover and share content through the Bebo website. Since May 2008, Bebo has been part of AOL's People Networks division.
- Bebo has a membership of more than 45 million⁴ individuals worldwide with its primary membership currently coming from six major English-speaking countries: the UK, Ireland, Australia, New Zealand, the US and Canada. Bebo also recently launched local language sites in France, Germany, the Netherlands, Italy, Spain and Poland. The service is geared towards an audience aged under 30⁵, with the core of 16-24 year olds spending 1.54 billion minutes on the site per month.
- Bebo allows users to find and communicate with friends as well as discover experience and share user-generated content including video, music, books and other forms of entertainment. Users can create profiles and interact with friends' profiles, send messages to other users, join groups, become fans of bands, use third party applications, upload and share photos and videos.
- These 'traditional' social networking activities form the backbone of the service and make up the primary activities that users engage with when on the site – the average Bebo user spends almost 27 minutes on the site each day, and the vast majority of that time is spent communicating and interacting with friends, and consuming user-generated content⁶.
- However, to supplement these user interactive activities Bebo offers users access to a line-up of high quality programmes and entertainment from professional broadcasters, independent producers and other rights owners, and gives users a simple set of tools to create their online media collection and communicate their tastes to everyone in their network:

³ By 'social media network', we mean a 'many-to-many' platform that allows users to publish and access a range of content and applications. While the network has the ability to host or embed professionally created content, including content that may at one time be shown on traditional television platforms, the platform is primarily used to upload and access content and applications that have been created by private individuals. Where professional content is uploaded it remains the responsibility of the professional partner who has uploaded it, and so the social media network is merely the host and not the provider.

⁴ Internal figure

⁵ Our Terms of Service stipulate that users must be 13 years of age to register and use the service.

⁶ Internal figures

- In October 2007, Bebo launched its Open Media platform, allowing professional media companies to upload their content onto Bebo for users to access for free. Open Media partners must abide by our Terms of Service⁷ (which make clear that partners are wholly responsible for the content they upload onto their Open Media Channel) and our content standards (see below).

- Bebo commissions a limited number of original new media audiovisual content series. *KateModern*, which ran throughout 2007, was the UK's first interactive web series, received more than 60 million views over the course of its run, and was highly innovative in the degree to which users were able to influence the plot and interact with its characters. Bebo also partnered with Sony Pictures Television International in September 2007 to develop another interactive series, *Sofia's Diary*; partnered with Endemol to create *The Gap Year*; and most recently, worked with Universal Music to produce *The Secret World of Sam King*.

- Bebo is committed to exploring innovative entertainment formats, and believes that it is important to work with established and new players in the UK media world to create new content that young people want to engage with. However, we acknowledge that these original productions will remain a small but exciting part of the Bebo, and that the primary purpose of the service will continue to be social networking.

- Bebo believes that content standards are as important in new forms of professionally produced entertainment as they are in more traditional formats. As such, Bebo has a Commercial Content Standards policy to ensure that professionally produced content on the site is in line with Bebo's brand, user demographic and commitment to safer social networking, as well as applicable national laws and regulations. The policy also takes recognised rating systems⁸, and industry self-regulatory codes of conduct⁹ into consideration. The standards, which we are currently rolling out, outline to our partners (including Open Media and original production partners) the type of content that is prohibited from appearing on Bebo; content that needs to be age-restricted¹⁰; and content that requires a guidance label¹¹. Bebo will provide its partners with the ability to label and

⁷ <http://www.bebo.com/OpenMediaTerms.jsp>

⁸ For example, PEGI system for computer games, the BBFC guidelines, and the Internet Content Rating Association labels

⁹ In particular the Broadband Stakeholder Group guidelines on content labeling – www.audiovisualcontent.org

¹⁰ Content that requires age-restricting covers content that is clearly aimed at a mature teen or adult audience; would likely get high age rating if it were a movie or a game; or that, because of its adult nature, would only be expected to appear on TV late at night.

¹¹ Content that requires a guidance label is content that is potentially harmful or upsetting to younger users; that would attract a young teen (13-15) age rating if it were a movie or game; or that you might expect to get a warning about if it was on TV, such as 'this programme contains scenes of a sexual nature'.

