



**ATVOD: CODE OF PRACTICE**  
**Revised 15 October 2007**

**Introduction**

In an environment where audiovisual content can be readily obtained from sources across the globe, effective protection of users' interests purely on the basis of individual state regulation is likely to be impractical.

However, the actions of responsible companies can achieve this objective when combined with users' well-informed choices.

ATVOD's Code supports this approach by defining standards for providing on-demand audiovisual content. It is supplemented, where necessary, by more detailed guidance notes.

Members use the ATVOD logo on their services, enabling easy recognition by users.

ATVOD interprets its Code in the spirit as well as the letter.

**Principles**

On-demand provision of audiovisual content offers users high levels of choice and control. Access to on-demand content is therefore largely a matter of individual responsibility.

ATVOD Members believe that it nevertheless remains important to undertake all reasonable efforts to ensure that:

- children and young people are protected from unsuitable content.
- all users are protected from advertising and other commercial communications which are not legal, decent, honest and truthful.

- adequate information about the nature of content is available before it is viewed.
- service providers keep their promises to users.

## **Protection of Children and Young People**

- 1) Members will undertake all reasonable efforts to ensure that:
  - a) The access of Children and Young People to content generally considered as unsuitable for them can be restricted, or that
  - b) Services do not include content which is generally considered as unsuitable for Children and Young People.

This obligation applies to *all* on-demand content which is provided as part of a service (i.e., to text and audiovisual material, to still and moving images).

- 2) The mechanisms and procedures used to implement the obligation in paragraph 1 will depend on whether content is subject to a Member's editorial control.
- 3) Where a Member has editorial control, and a service includes content which is unsuitable for children and young people, Members will:
  - a) provide clear information regarding its nature before it is viewed
  - b) implement systems which require the Principal User's consent before access is given to the material in question.
- 4) Where ATVOD Members do not have editorial control, Members will implement mechanisms and procedures which offer a reasonable level of protection consistent with the nature of the content in question, and the nature of the Member's relationship with the content supplier<sup>1</sup>.
- 5) In the case of services which include content which is unsuitable for children and young people, Members will undertake all reasonable efforts to ensure that all Principal Users are at least 18 years old.
- 6) Where Members or the ATVOD Board need to decide on the suitability of content for children and young people, the criteria applied will be those described in the Guidance Note No 5: The Protection of human dignity and against harm and offence.

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<sup>1</sup> Guidance Note No 6: Third Party Content/Channels on Members' Services

## **Protection of all users**

- 7) The obligations described in paragraphs 8 to 12 apply only to on-demand content which is subject to Members' editorial control.
- 8) Before allowing access to content which might reasonably be expected to cause harm or offence to some users, Members will provide clear information regarding its nature so that users can make appropriate choices. In deciding which content requires this treatment, Members and the ATVOD Board will have regard to the criteria described in the relevant ATVOD guidance note.
- 9) Members will ensure that all commercial communications - whether advertising, sponsorship, or teleshopping - are readily recognisable as such.
- 10) Members will undertake all reasonable efforts to ensure that commercial communications comply with the requirements of the Advertising Codes, administered by the Advertising Standards Authority (ASA).
- 11) Where the present Code's definition of commercial communications is wider than the definition of scope in the CAP Code, the former definition will apply. In particular, this means that the obligation described in paragraph 10 applies to sponsorship, and to commercial communications regarding Members' own products and services.
- 12) Members will comply with rulings of the ASA Council requiring withdrawal of specified commercial communications, or exclusion from their service of commercial communications from specified sources. Failure to comply with such an ASA ruling will be considered as a failure to comply with the Code.
- 13) Members' services will comply with the law. However, in the absence of express provisions to the contrary, the ATVOD Board will not deal with complaints concerning the legality of content. In such cases, the complainant will be advised to contact the relevant law enforcement agency.
- 14) To enable users' easy recognition of services which comply with the Code, Members will use the ATVOD logo.
- 15) Members will make the following information easily, directly and permanently accessible to users:

- a) Their name and geographic address.
- b) An e-mail or website address which allows rapid, direct and effective contact with the Member.
- c) ATVOD's website address.

## **Definitions and Explanations**

<b>Members</b>	Members' obligations as defined in the present Code shall apply only to services which Members have nominated for ATVOD supervision.
<b>Services</b>	<p>The scope of a service will normally include all of the content to which a Principal User gains access as a result of a specified transaction or operation, and which corresponds to the extent of a user experience that is perceived by users as both seamless and clearly distinct from other user experiences (e.g., all content that can be accessed in return for a specified subscription, all content which can be accessed via a specified device, all content that is available behind a first-level URL on the world-wide web).</p> <p>Potential or existing Members will include a definition of scope when nominating a service for ATVOD supervision. The ATVOD Board will be responsible for deciding whether the proposal is consistent with ATVOD objectives.</p> <p>Content which is not under a Member's editorial control will not be considered to form part of a service where systems are implemented which require the Principal User's explicit consent before access is given to the material in question.</p>
<b>Children</b>	Those aged 15 and under
<b>Young People</b>	Those aged 16 and 17
<b>Principal User</b>	The purchaser of a service or, in the case of services which require no payment, the person that agrees to the terms and conditions of the service.
<b>Editorial Control</b>	A Member is considered to have editorial control over an item of content if the item appears within its Service as a consequence of its explicit decision. A Member will not be considered to have editorial control over a content item which appears in a collection selected by a third party, and the Members' only role is to select the third party supplier.

**Commercial  
Communications**

Images, text or sound which are designed to promote the goods, services or image of an entity pursuing an economic activity. This means advertising, sponsorship, and teleshopping.

**Guidance Note**

A document adopted by the ATVOD Board in order to clarify the provisions of the present Code and/or to clarify how they should be applied. Members' obligations in relation to guidance notes are the same as those in relation to the Code.