



Office of the Commissioner

UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
WASHINGTON, D.C. 20580

**Statement of Commissioner Pamela Jones Harbour<sup>1</sup>**  
**Regarding TRUSTe's Trusted Download Certification Program**

Ten years ago, consumers and businesses barely could have dreamed of the possibilities and opportunities offered by the Internet today. Internet technology remains full of promise and potential, but it also presents new challenges for the government, businesses, and consumers. Electronic commerce and other positive uses of technology should be encouraged. Consumers must, however, be wary of scams, including newer, Internet-based methods of deception. Consumers appreciate the many benefits of using the Internet for learning, communicating, and commerce, but would rather not endure situations they may find irksome or harmful.

Through its Privacy Seal Programs, TRUSTe has sought to build the trust and confidence of Internet users. TRUSTe and its partners (including Yahoo and AOL) have announced that they are now embarking on a new program to certify downloadable software programs. I hope that this program will give consumers a clear choice about whether they want certain downloadable software on their computers. A similar concept of consumer choice has been central to the success of the Commission's Do Not Call Registry, which allows consumers to decide whether they want to receive telemarketing calls, or whether they view such calls as annoying and would rather not receive them.

TRUSTe says that its Trusted Download Certification Program will:

- establish industry-wide standards for software developers;
- certify downloadable software programs that meet such standards; and
- create a public “whitelist” of certified applications, which will enable distributors and marketers to identify trustworthy applications.

Downloadable programs will only be certified if they provide meaningful notice and choice for consumers. The proposed standards include a layered-notice approach to ensure that notice is displayed to consumers “clearly, prominently, and unavoidably.” In order to earn TRUSTe certification, any consent to install a downloadable program must be in “plain and direct” language, and there also must be “an easy and intuitive means” to uninstall the program.

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<sup>1</sup> The views I express are my own, and are not necessarily those of the Federal Trade Commission or any other individual Commissioner.

If consumers are given clear notice and choice, they will be able to make informed decisions about their usage of downloadable software programs. Some consumers may prefer not to download any software programs that might serve them advertisements or collect information about their online habits. The proposed certification program would make it easier for consumers to identify and reject programs with these features. Other consumers might choose to accept similar downloadable software programs, provided the terms of the programs have been clearly and conspicuously disclosed. Some consumers might, for example, be willing to receive specific ads or coupons tailored to their interests.

Reputable online advertisers and marketers who choose to use downloadable software programs also will benefit from the proposed standards. I strongly encourage all reputable marketers and advertisers who may consider using downloadable software programs to evaluate whether these programs would meet the certification standards announced today. These programs should include, at a minimum: prominent notice about what the programs will do; plain, easy-to-understand language that enables informed and affirmative consumer consent to the downloads; and reasonable methods of uninstallation if users later change their minds. TRUSTe's program is not just good for consumers – it is good business. If a consumer finds that an unwanted program has been installed on her computer, or if ads are served that she finds annoying, then a marketer's reputation may be harmed, and advertising dollars wasted.

I believe that industry self-regulation – when done properly and effectively – generally is beneficial to both consumers and businesses. I hope that TRUSTe's Trusted Download Certification Program turns out to be a prime example of effective industry self-regulation. Downloadable software programs that serve ads or track online habits are among the greatest concerns of consumers who use the Internet. If the announced standards are implemented and followed, consumers are far more likely to receive clear, prominent, and easy-to-understand notice about the types of downloadable software programs being offered to them. Even more importantly, consumers will have real choices about whether they want to accept any certified downloadable software programs.