



November 16, 2023

Via Electronic Filing

Stephanie Weiner
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230

Re: Docket Number NTIA-2023-0008

Dear Ms. Weiner:

Together with its members, the Entertainment Software Association (“ESA”)¹ has been at the forefront of promoting the online safety of all video game players, including minors. Accordingly, ESA values the opportunity to share its perspective with the National Telecommunications and Information Administration (“NTIA”) on the important topics of online platforms’ impacts on minors, current industry practices, and ways in which the private sector, caregivers, and the U.S. government can partner to protect minors online.

In the following sections, we respond to specific questions posed in the Request for Comment in the above-referenced docket. Three key themes emerge across these responses that are worth emphasizing. First, any voluntary guidance or policy recommendations must recognize the significant positive benefits to minors associated with being online, specifically when playing video games. Research has shown that gameplay can help improve minors’ reading comprehension skills, attention control, and overall cognitive performance.² Playing video games also can improve minors’ mental health, bring players together, and build and strengthen friendships.³ Parents

¹ ESA is the U.S. trade association representing nearly all of the major video game publishers and manufacturers of video game consoles and handhelds. ESA’s members deliver high-quality, interactive experiences that promote storytelling, competition, and communication, while maintaining the safety of all video game players, including children, as a top priority.

² Entertainment Software Association, *Power of Play: Global Report 2023*, at 10 (2023).

³ *Id.*

themselves recognize the benefits of online engagement for their children, and these significant benefits cannot be ignored.⁴

Second, NTIA should acknowledge and avoid undermining the significant and ongoing investments that ESA member companies make to keep players safe online, including by creating and adopting technologies to prevent inappropriate conduct and providing controls that empower players and their caregivers. The video game market is a global force in entertainment, generating \$184.4 billion in 2022⁵ and has been a leader in player safety for decades. This success is due, in large part, to video game companies' work to build trust with minor players, parents, and caregivers by bringing the same level of creativity that they use designing video game environments to developing innovative trust and safety solutions that are fair and promote the health and well-being of players.

Third, NTIA should embrace a flexible approach to online safety and avoid a one-size-fits-all approach that fails to appreciate how vastly different online platforms are from one another. Even within the video game industry, the trust and safety issues that arise vary depending on the specific types of online features available within a particular game. Instead of promoting overly generic and ill-fitting mandates, online platforms should be empowered to innovate and develop trust and safety features best suited for the specific needs of the particular platform and its players.

I. Children And Teens Experience Positive Benefits From Playing Video Games.

In this section, we address **questions 3, 3(a), 4, 4(a), and 6**, each of which ask about the different benefits that online platforms provide to minors.

Over 3 billion people worldwide of all ages, nationalities, races, and genders play video games.⁶ In the United States, 76% of American children play video games,⁷ and 76% of U.S. parents play video games to have fun and connect with their kids.⁸ In addition to being a popular source of entertainment, video games can yield a broad

⁴ Telecommunications Management Group, Inc., *Safeguarding Children Online: A Service-Specific View On Risks And Parental Attitudes*, at 8 (2023).

⁵ See Tom Wijman, *The Games Market in 2022: The Year in Numbers*, NEWZOO (Dec. 21, 2022), <https://newzoo.com/resources/blog/the-games-market-in-2022-the-year-in-numbers>.

⁶ Adam Bankhurst, *Three Billion People Worldwide Now Play Video Games, New Report Shows*, IGN (Aug. 14, 2020), <https://www.ign.com/articles/three-billion-people-worldwide-now-play-video-games-new-report-shows>.

⁷ Entertainment Software Association, *2023 Essential Facts About The U.S. Video Game Industry*, at 3 (2023).

⁸ *Id.* at 2.

range of other positive outcomes, including health, therapeutic, social, and educational benefits.⁹ Moreover, ESA's members have a long and respected history of working to ensure these benefits are realized by all by creating positive, engaging experiences for players of all abilities and backgrounds. For example, video games provide important opportunities for children who — for a variety of reasons, such as poor health, physical disability, or social anxiety — might not be able to connect with their peers and compete in person.

Video games promote a variety of health and therapeutic benefits. Players report that video games provide stress relief while creating positive mental stimulation.¹⁰ Medical professionals and health experts recognize the benefits of gameplay, employing games to achieve positive health outcomes for patients of all ages. A study in the journal *Pediatrics* found that 10 – 15 year old children have lower levels of stress when playing video games.¹¹ Additionally, more than half of players around the world say that playing video games provides them with a healthy outlet, helps them feel happier, and helps them navigate difficult times.¹² To ensure children and teens around the world benefit from this technology, it is imperative that policies foster and celebrate gameplay for the billions of players who enjoy video games as part of a healthy, well-balanced lifestyle.¹³

Games also help children forge new connections, find safe and supportive communities, and deepen children's relationships with those around them — all while focused on the shared objective of furthering gameplay. While there are risks to children in online interaction, ESA members recognize the importance of teaching children how to engage safely online, which is a necessary part of growing up in a digital world. When children are taught how to engage safely online, video games can be a powerful tool for community building. Unlike other forms of digital media, video games are inherently focused on the core objective of gameplay and achieving shared goals within the game. A player is always interacting with the game itself and, if they choose, with other players collaboratively to achieve the game's objectives. Half of global gamers play with others online on a weekly basis, and more than a third play with other people in person.¹⁴ Researchers found that when people strike up these types of online friendships, high-

⁹ Entertainment Software Association, *Power of Play: Global Report 2023*, at 10 (2023).

¹⁰ Entertainment Software Association, *Essential Facts About the U.S. Video Game Industry* (2023).

¹¹ Andrew K. Przybylski, *Electronic Gaming And Psychosocial Adjustment*, PEDIATRICS 716 (2022).

¹² Entertainment Software Association, *Power of Play: Global Report 2023*, at 10 (2023).

¹³ ESA members help parents ensure their children's gameplay time stays within healthy limits by offering, among other parental controls discussed below, screen time limits.

¹⁴ Entertainment Software Associate, *Power of Play: Global Report 2023*, at 16 (2023).

quality relationships are formed.¹⁵ In particular, minors looking to establish and grow friendships with individuals from diverse backgrounds with shared gaming interests and experiences may benefit greatly from these online relationships. ESA members offer a variety of parental controls and communication-filtering technologies to detect and prevent inappropriate interactions between players. These tools help children access the social benefits of gameplay in a safe environment.

Games also create opportunities for all players, including minors, to sharpen their skills and stimulate their minds. Video games are a tool for building problem-solving skills, teamwork, communication, conflict resolution, and leadership skills. Researchers are increasingly finding that games can help bolster key cognitive skills and even slow the effects of memory loss. A study published in the journal *Nature Human Behavior* found that even just a couple hours of gameplay per week can help improve attention, control, and reading.¹⁶ Further, reading comprehension and school grades increased when compared to non-game-playing students who were also assessed.¹⁷ The researchers thus concluded that the effects are “long-term, in line with the action video game strengthening the ability to learn.”¹⁸

Video game publishers offer a wide variety of experiences to match the needs of players. For example, some games focus on solving puzzles while other games allow minors to express creativity through world-building. Players can choose between games that are limited to local play for single players or a group of players in the same physical space, while other games are played online and allow players to work as a team to accomplish a unified goal. Some games involve head-to-head competition or rankings and leaderboards, while other games focus on individual challenges and skill progression within the game. Publishers offer a variety of content for children of different ages and developmental stages, and game ratings help parents identify age-appropriate content for their children. Over decades, the video game industry has developed privacy settings and parental controls that are tailored to the video game industry and that accommodate the different contexts in which video game companies might process personal information and the different game functionality that children and their parents might choose whether to use. This diversity of gaming options and the ability to tailor privacy settings helps players maximize the benefits of a shared community, robust competition, and improved gameplay skills in a manner that best suits their needs and goals.

¹⁵ See Lin Zhu, *The Psychology Behind Video Games During COVID-19 Pandemic: A Case Study of Animal Crossing*: New Horizons, 3:1 HUMAN BEHAVIOR AND EMERGING TECHNOLOGIES, at 158 (2020).

¹⁶ See Angela Pasqualotto et al., *Enhancing Reading Skills Through A Video Game Mixing Action Mechanics And Cognitive Training*, 6 NATURE HUMAN BEHAVIOR, at 545 (2022).

¹⁷ *Id.*

¹⁸ *Id.*

Accordingly, ESA and its members urge NTIA to recognize the significant positive benefits to minors associated with being online, including when playing video games. Scientific literature from a range of online contexts must be considered in developing any voluntary guidance or policy recommendations. The research on video games is clear that minors experience significant positive health, therapeutic, social, and educational benefits from playing video games. These benefits, along with the significant investments discussed below that ESA's members have made in minors' trust and safety online, should be encouraged, rather than stymied through an impractical one-size-fits-all policy approach.

II. ESA Members Have Made Significant Investments In Trust And Safety.

In this section, we address **questions 1(c), 1(h), and 10** which ask about practices by online platforms to mitigate harms and maximize benefits to minors.

ESA and its members recognize the best way to achieve the benefits described in Section I and mitigate online harms is by creating a safe, positive, and inclusive online experience for all players. In this section, we describe ESA members' trust and safety efforts, which start before a caregiver purchases or downloads a game. Age and content ratings and other information are provided to purchasers through our members' coordination with the Entertainment Software Rating Board ("ESRB"). Once a game is selected, a variety of additional measures are utilized to help ensure the minor's online experience is appropriate for the player. Detailed below are some of the ways in which game platforms and publishers have set clear expectations for player conduct to promote safe and positive online environments for all players. Additionally, ESA members have robust codes of conduct, which are coupled with rigorous enforcement. ESA's members also make significant and ongoing investments to keep players safe by providing parental and player controls to empower users, providing privacy-protective settings by default for children, creating and adopting cutting-edge technologies and tools to prevent inappropriate conduct, investing in trust and safety personnel and processes, and collaborating across companies to address problems as they arise.

a. ESRB Plays A Pivotal Role In Informing Caregivers About Safety Measures And Age-Appropriate Features And Ensuring Companies Adhere To Industry-Adopted Guidelines.

Understanding a game's features and its age appropriateness begins before a caregiver purchases or downloads a game. ESRB is a key resource for providing caregivers with information about platform safety.¹⁹ ESRB assigns age and content rating information for video games and apps to help caregivers decide which are

¹⁹ ESRB is a non-profit, self-regulatory organization, which independently assigns age ratings for video games and mobile apps, enforces marketing guidelines, administers an FTC-approved COPPA Safe Harbor privacy compliance and certification program, and provides a wide range of educational resources for parents about age ratings, setting up parental controls and more. Entertainment Software Rating Board, <https://www.esrb.org>.

appropriate for their family. The ESRB Advertising Review Council (“ARC”) enforces industry-adopted advertising guidelines, including the principle that companies must not specifically target advertising for entertainment software products rated “Teen,” “Mature,” or “Adults Only” to younger players for whom the product is not rated as appropriate.²⁰ The ESRB Retail Council (“ERC”) supports enforcement of store policies not to sell games rated for more mature audiences to children. The FTC has recognized ESRB for having “the strongest self-regulatory code” and “high compliance with that code.”²¹

ESRB’s three-part rating system for video games and mobile apps includes Rating Categories to suggest age appropriateness, Content Descriptors to explain the reasons behind the age rating assigned, and Interactive Elements to highlight features such as in-game purchases and player-to-player communication. These ratings are prominently displayed in-store on physical game packages, wherever games and apps can be downloaded, in advertisements, in social media, and on publisher websites so that parents can choose games that are appropriate for their children.

The ESRB rating system serves the vital role of providing caregivers with transparent information about game content and in-game experiences so that they can choose the best age-appropriate games for their children. Among parents, ESRB ratings enjoy high awareness (84%) and use (74% check them all or most of the time).²² A vast majority of parents make all or most of the content decisions for their children (78%), while others opt for a hybrid approach that involves their children (17%).²³ Either way, parents continue to play a key role in determining which games are appropriate for their children. This partnership between ESRB and parents empowers caregivers to choose what content is appropriate for their children without impermissible content-based regulation of speech by the government.

The rating system was established with the help of child development and academic experts, based on an analysis of other rating systems and what kind of information is valuable to caregivers. ESRB found that consumers respond best to an age-based rating system that includes information about the content of a game. As games evolved, ESRB found that caregivers place equal importance on understanding the ways in which some games are played, such as interacting with others online and

²⁰ Entertainment Software Rating Board, *Advertising Principles and Guidelines*, <https://www.esrb.org/ratings/principles-guidelines>.

²¹ Federal Trade Comm’n, *Marketing Violent Entertainment to Children: A Sixth Follow-up Review of Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries*, at iii (2009).

²² Patricia E. Vance, Entertainment Software Ratings Board, *Parents Press Start To Help Pick Appropriate Video Games* (Sept. 28, 2022), <https://www.esrb.org/blog/parents-press-start-to-help-pick-appropriate-video-games>.

²³ *Id.*

spending money on in-game items.²⁴ In addition, ESRB’s website and mobile app includes step-by-step instructions on setting up parental controls across various platforms,²⁵ a family gaming guide,²⁶ and ESRB’s blog²⁷ (which consistently posts articles for parents about new games, video game features, and other guidance of interest to parents). Beyond this industry-level information, several ESA members also post trust and safety information on their own websites.²⁸

ESRB also operates Privacy Certified, a voluntary privacy compliance and certification program approved by the Federal Trade Commission (“FTC”) as a Children’s Online Privacy Protection Act (COPPA) Safe Harbor. Companies who choose to join Privacy Certified have their websites, mobile applications, and other online services assessed and certified under either (i) ESRB Privacy Certified Seal Requirements (the “EPC Seal Requirements”) for general privacy laws and rules or (ii) ESRB Privacy Certified Kids Seal Requirements (the “Kids Seal Requirements”) for COPPA and other laws relating to children’s privacy. ESRB’s Privacy Certified program also works to provide information to parents about how they can protect their children’s privacy in games and other online contexts.²⁹

b. ESA’s Members Prioritize Online Safety And Consumer Privacy.

Once the game is purchased or downloaded, ESA members deploy a wide range of measures to foster communities that are welcoming and inclusive, promote civility, build community, incentivize positive behavior, and promote user privacy to provide an

²⁴ *Id.*

²⁵ Entertainment Software Rating Board, Parental Controls, <https://www.esrb.org/tools-for-parents/parental-controls>.

²⁶ Entertainment Software Rating Board, Family Gaming Guide, <https://www.esrb.org/tools-for-parents/family-gaming-guide>.

²⁷ Entertainment Software Rating Board, ESRB Blog, <https://www.esrb.org/blog>.

²⁸ See, e.g., Epic Games, Epic Games Safety and Security Center, <https://safety.epicgames.com/en-US>; Microsoft Xbox, Family-Friendly Gaming For Everyone, <https://www.xbox.com/en-US/family-hub>; Play Nintendo, For Parents, <https://play.nintendo.com/parents>; PlayStation, PlayStation Safety For Parents, <https://www.playstation.com/en-us/support/account/psn-safety-parents-guide>.

²⁹ See, e.g., Stacy Feuer, Entertainment Software Rating Board, *What Parents Need to Know About Privacy in Mobile Games: Five Tips for Your Parenting Toolkit*, (Oct. 28, 2022), <https://www.esrb.org/blog/what-parents-need-to-know-about-privacy-in-mobile-games-five-tips-for-your-parenting-toolkit>; Stacy Feuer, Entertainment Software Rating Board, *Upping Your Game This Data Privacy Day: Tips for Parents and Caregivers*, (Jan. 28, 2022), <https://www.esrb.org/blog/upping-your-game-this-data-privacy-day-tips-for-parents-and-caregivers>.

enjoyable environment for gameplay.³⁰ These measures vary depending on the type of features and functionality offered within the game or platform. ESA's members have been leaders in ensuring transparency in how personal information is processed for online gaming experiences and in offering tools to make informed decisions about privacy settings, including for parents to manage their child's entertainment choices and ensuring age-appropriate experiences in video games. For example, many games and consoles offer privacy protective defaults for minor players and parental controls that limit access to in-game communication and other interactive features. Consistent with COPPA, verifiable parental consent is required before children under the age of 13 can disclose personal information through these features. When in-game communication features (*i.e.*, player-to-player chats) are available, communication is generally ephemeral and related to gameplay itself. Unlike social media platforms, video game platforms do not preserve, amplify, or promote specific posts or chats for consumption by a large public audience. Instead, if users are able to share photos or videos from within a video game at all, such sharing is focused on sharing screen recordings of the gameplay itself. Many ESA members also use privacy-protective default settings for minor players, including minimizing data collection, disabling chat and other in-game communications, requiring parental permission to add friends or play multi-player games, and turning off the collection of location data by default.

ESA's members also work to develop and implement technologies, detection methods, and practices to prevent hate, harassment, and other inappropriate behaviors, while arming players with information and tools to keep their environments safe and positive. ESA's members instruct players on acceptable conduct through a variety of means, including their terms of use, codes of conduct, and community standards. These guidelines set clear expectations for online behavior so players can understand how to engage with other players. Games with in-game communication features may allow players to mute or block players with whom they prefer not to interact or report other players for violative conduct. Video game companies enforce their rules through automated processes and tools and trained teams that help determine an appropriate response.

In addition, the video game industry voluntarily offers a robust suite of controls that are easy for parents to use and offer robust oversight of their child's safety and privacy online. A large majority of parents report using these parental controls.³¹ These controls allow parents to, among other things, limit the amount of time their children can spend playing video games, block video games by age rating category, control with whom and how their children engage online, and limit when and how much money

³⁰ See, *e.g.*, Electronic Arts, *Positive Play: Strengthening Our Commitments to Accessibility and Inclusion*, <https://www.ea.com/inside-ea/news/positive-play-accessibility-and-inclusion>.

³¹ Patricia E. Vance, Entertainment Software Ratings Board, *Parents Press Start To Help Pick Appropriate Video Games* (Sept. 28, 2022), <https://www.esrb.org/blog/parents-press-start-to-help-pick-appropriate-video-games>.

children can spend on new games and/or in-game purchases.³² These parental controls are typically pin or password protected to ensure they are used by parents only and not circumvented by children.

ESA's members continue to innovate in this area to respond to changes in the marketplace and technology. For example, multiple video game companies have added capabilities for parents to download easy-to-use smartphone apps to control the settings for their games, which supplement the existing console-based settings. Smartphone app-based controls allow parents to set persistent limits on their child's online engagement by using devices that they are comfortable with and can access at any time. And in an effort to streamline privacy protections for children, many ESA members now include privacy-by-default settings for child users, making it even easier for parents to protect their children online.

The video game industry is, by its nature, focused on creativity and innovation. It is in the industry's best interest to harness this creativity and innovation into creating safe environments that players will want to come back to, and this carries over into the use of technology in trust and safety efforts. ESA members use automated technologies in a variety of ways to scale their trust and safety efforts to protect minors online. The ways in which members use this technology is often specific to the platform, and flexibility in the ways this technology can be deployed is critical to meeting members' trust and safety goals.

For example, ESA's members take several steps to combat child exploitation. Some companies deploy machine-learning technologies to detect, address, and report online predators who attempt to target minors. The video game industry partners with trusted third parties, like the National Center for Missing and Exploited Children (NCMEC) and law enforcement, to combat inappropriate images and content. For example, some member companies that allow users to upload images use image-hashing technology to combat child exploitation. Digital signatures, or "fingerprints," of known images of child exploitation are obtained from NCMEC for the purpose of identifying and detecting such images before they can be posted. The video game industry takes seriously its responsibility to share relevant information about child exploitation with NCMEC and law enforcement to support the investigation of any newly identified images.

ESA members also use automated technology to both monitor in-game chat features for inappropriate content and assist with player reports to identify and take action against bad actors. Riot Games' Valorant includes an auto-mute feature, which intercepts harmful language in its text chats before it can be seen by other players. Players who try to send disruptive text messages are automatically muted and informed that they have lost in-game communication capabilities. For any game that has text-based chat or other free form text user generated content features, ESA's members

³² For example, all of the major console makers, as well as Amazon, Epic Games, and Netflix, provide managed accounts and controls for spending, gameplay time, and content.

offer an abuse reporting tool that allows players to quickly report inappropriate behavior. Electronic Arts uses a combination of automated systems and human moderation to review player reports and take appropriate action, including content removal, player warnings, suspensions, or bans. These examples are representative of technologies used across the video game industry more broadly.

While ESA supports these voluntary efforts by its members to find innovative ways to leverage new technologies to bolster their trust and safety efforts, ESA cautions against regulation that would mandate use of these technologies. Such regulations would be challenging to craft in a way that would avoid interfering with constitutionally-protected speech and would be unnecessary for games that have different functionality (such as no in-game chat or chat limited to a pre-selected library of words). Instead, ESA supports self-regulation for industries (like the video game industry) with a proven track record of making minors' safety a priority.

In its efforts to develop guidance and policies to promote online safety online, it is critical that NTIA recognize the significant investments the video game industry has made, and continues to make, to keep players safe online. As explained in the next section, this includes avoiding one-size-fits-all policies that would fail to recognize the unique issues that arise across different industries and that vary depending on the specific gaming platform and features within a game.

III. There Is No “One-Size-Fits-All” Approach To Trust And Safety, And Any Policy Frameworks Must Allow For Flexibility And Innovation.

In this section, we address **questions 6(a) and 9**, which ask about differences in strategies employed by online platforms.

The video game industry is committed to children's health, safety, and privacy to help ensure video gameplay is a positive experience for young players. Beyond the widely-adopted practices described in Section II (such as equipping parents with video game ratings, establishing guidelines for acceptable behavior, and offering robust safety and privacy defaults and parental controls), individual ESA member companies take a variety of approaches to create games that can be enjoyed safely by players of all ages.

These practices, commonly referred to as “trust and safety,” are inherently varied across the video game industry due to the differences amongst platforms and their games and, accordingly, their associated risks. Video games are offered across different game consoles, web and desktop, and mobile and other devices, each of which might offer different platform-specific privacy and safety settings and controls.

The functionality of the games themselves also necessarily requires a tailored approach to trust and safety. Trust and safety tools will vary depending on a game's features, for example, whether a game has multi-player functionality, online chat, moderated chats, in-game purchases, and location-based features. Indeed, research has shown that parents perceive the risks associated with different online services

differently.³³ One study showed that parents are more comfortable with their children using streaming services and online games than social media and other online services.³⁴ Because of the different perceived risks, parents may have different needs and preferred strategies for managing their children's experiences online.³⁵

Moreover, policymakers have raised concerns about some online platform functionalities and their impact on minors. These concerns, and the regulation of such features, must be addressed on a platform-by-platform basis, particularly when the feature is necessary to facilitate interactive gameplay and does not raise the same concerns in the video game context. For example, policymakers have suggested placing generalized restrictions on auto-advancing to prevent prolonged use of online platforms. However, as applied to video games, such a restriction could undermine a player's ability to begin the next level after clearing the prior level. The practice of level advancement is a basic feature of game design reflecting a player's natural progression through a game. The solution for concerns about prolonged use of video games is found in settings where a player or caregiver can set limits on the time spent playing a game, not a prohibition on auto-advance features.

Over 3 billion people worldwide of all ages, nationalities, races, and genders play video games.³⁶ With a global audience of this size, ESA's member companies serve a diverse audience across a variety of languages with disparate interests and varied levels of technical sophistication and are subject to a variety of international laws. This makes standardizing trust and safety approaches challenging on multiple dimensions.

ESA members develop innovative ways to achieve the industry's trust and safety goals and recognize that a one-size-fits-all approach is neither desirable nor feasible for video game platforms, which support a variety of experiences and features.

For example, in addition to the general practices described above in Section II, some of the specific examples of trust and safety tools that ESA members have deployed include:

- ESA's members offer players the ability to self-report toxic behavior they may encounter and provide players the ability to launch a report during gameplay sessions.
- Epic Games' Parental Controls enable parents to choose how their child plays and interacts with others across Epic's games and experiences on

³³ Telecommunications Management Group, Inc., *Safeguarding Children Online: A Service-Specific View On Risks And Parental Attitudes*, at 13 (2023).

³⁴ *Id.*

³⁵ *Id.* at 17.

³⁶ Adam Bankhurst, *Three Billion People Worldwide Now Play Video Games, New Report Shows*, IGN (Aug. 14, 2020), <https://www.ign.com/articles/three-billion-people-worldwide-now-play-video-games-new-report-shows>.

all platforms. These controls work independently or in addition to any restrictions the parent may have set on consoles.

- Microsoft Xbox has taken proactive steps to make its platform safer by developing voice reporting features that give players the ability to capture and report inappropriate in-game voice chats. Through this functionality, Xbox players can report and provide evidence for all types of content, including text, image, video, and voice.
- Nintendo offers a free app for parents on smart devices, so parents can use parental controls to remotely manage their family's gaming activities on Nintendo's flagship console, the Nintendo Switch. Parents can choose which gaming activities are appropriate for their family, including playtime and content, and if needed, they can suspend play with the push of a button, even if they are not in proximity to their children's Nintendo Switch.
- Sony Interactive Entertainment ("SIE") has developed innovative technology that empowers players to report unwanted interactions through a voice chat reporting function that is built into its PlayStation 5 console. This feature enables players to access their most recent five minutes of voice chat and submit a 20-second clip to SIE for moderation and enforcement, if applicable. Players are also able to report inappropriate behavior and content through more traditional means within the console or the game.
- Ubisoft launched its Fair Play Program to raise awareness of disruptive behaviors in the video game community and help players learn how they can better understand the roots of these behaviors to overcome them. The program consists of learning modules with videos, quizzes, and a self-assessment, then asks players to make a commitment to positive play. The Fair Play Program also features interviews with a pro Rainbow Six Siege esports player and a coach, who talk about how positive behavior helps maximize their team's potential and bolsters competition.
- Nintendo, SIE, and Microsoft Xbox have collaborated to develop a set of Online Safety Principles to which all three companies are committed.³⁷

ESA's members recognize that their approach to trust and safety must evolve as technologies rapidly change. To that end, it is important to maintain a regulatory environment that encourages continuous development of new and innovative approaches to these issues, rather than creating a minimum required floor around which

³⁷ See Microsoft Xbox, Our Shared Commitment to Safer Gaming, <https://www.xbox.com/en-US/family-hub/safety-principles>; Nintendo, Our Shared Commitment to Safer Gaming, <https://www.nintendo.com/us/online-safety-principles>; Sony Interactive Entertainment, Our Shared Commitment to Safer Gaming, <https://sonyinteractive.com/en/shared-online-safety-principles>.

industry standards coalesce. It is in the video game industry's best interest for minor players and their caregivers to feel that video game environments are fair, safe, and healthy, and ESA members are motivated to bring the same level of creativity that they bring to designing games to innovating in the trust and safety space. Accordingly, NTIA's guidance and policy recommendations should remain flexible to ensure that the video game industry continues to have the ability to innovate and improve upon online safety for players over time and across different platforms and types of games.

IV. Conclusion

ESA and its members are deeply committed to the goals of protecting children's safety online and harnessing innovative technologies to give children novel interactive experiences. More broadly, we look forward to working with the NTIA in its assessment of the health, privacy, and safety of minors online.

Respectfully submitted,



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