

- b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
 - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of

1. “**Account Holder**” means an individual or entity, with a billing address in the United States, that controls an account to which Google may bill In-App Charges.

2. “**Application**” or “**App**” means any software application that can be installed on a mobile device.

3. “

Provided that in obtaining Express, Informed Consent, Google may rely on information provided by the App’s developer about the In-App Activity associated with the In-App Charge.

Provided also that the means of requesting the “affirmative act” and the disclosure of the information in definitions 5.A and 5.B above must be reasonably calculated to ensure that the person providing Express, Informed Consent is the Account Holder.

Provided also that if Google obtains Express, Informed Consent to potential future In-App Charges as set forth in definition 5.B above, it must do so a minimum of once per account or mobile device.

6. **“In-App Activity”** or **“In-App Activities”** means any user conduct within an App including the acquisition of real or virtual currency, goods, or services or other Apps.

7. **“In-App Charge”** means a charge associated with In-App Activity billed by Google.

8. **“Consumer Redress Period”** means the twelve (12) month period of time between the entry and the first anniversary of this order.

I.

IT IS FURTHER ORDERED that Google and its officers, agents, and employees, and all other persons in active concert or participation with it, who receive actual notice of this order, whether acting directly or indirectly, are restrained and enjoined for the term of this order from billing an account for any In-App Charge without having obtained Express, Informed Consent to Google’s billing that account for the In-App Charge. If Google seeks and obtains Express, Informed Consent to billing potential future charges for In-App Activities, Google must allow the Account Holder to revoke such consent at any time.

Provided that this section does not apply where Google does not control the user interface in which the In-App Charge is incurred.

Provided also that, where an Account Holder provides Express, Informed Consent to potential future In-App Charges at the account level, Google will provide, at least once before the first In-App Charge on a device, Clear and Conspicuous disclosure of the information in 5.B.

II.

IT IS FURTHER ORDERED that Google shall provide full refunds to Account Holders who have been billed by Google for unauthorized In-App Charges incurred by minors as follows:

A. A.

refund means a refund provided within the later of (1) thirty (30) days for a refund issued by check or ten (10) days for a refund issued by other means of a request for refund of an Eligible In-App Charge by the Account Holder; or (2) the completion of a fraud investigation. Google may decline a refund request for an Eligible In-App Charge only if it has sufficient credible evidence that the refund request is fraudulent. Google may process all refund requests through its customer service channels, which include a contact phone number and web form through which consumers may contact Google directly.

B. Google shall refund no less than \$19,000,000 for Eligible In-App Charges pursuant to section II.A of this order, and such amount shall not constitute a penalty.

C. Within the ()era.o (30)0(a)-16(y)20(s)-1(o)-10(f)3(t)-22(e)4e ano0(f)3(t)-22(e)4p Consumif
C.

to the Federal Trade Commission business records demonstrating their compliance with the terms and provisions of this order, including but not limited to:

A. All complaints from United States consumers conveyed to Respondent, or forwarded to Respondent by a third party, that relate to the conduct prohibited by this order and any responses to such complaints;

B. Refund requests from United States consumers related to In-App Charges, and refunds paid by Respondent related to In-App Charges; and

C. Records necessary to demonstrate full compliance with each provision of this order.

IV.

IT IS FURTHER ORDERED that Respondent and its successors and assigns shall deliver a copy (written or electronic) of this order to all current and future principals, officers, and corporate directors, and to all current and future managers, employees, agents, and representatives who have supervisory responsibility regarding the design of the platform in which Account Holders incur In-App Charges and those who implement that design. For the duration of the Consumer Redress Period, Respondent and its success

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years; and
- B. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the Respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal. Respondent may seek modification of this order pursuant to 15 U.S.C. § 45(b) and 16 C.F.R. 2.51(b) to address relevant developments that affect compliance with this order, including, but not limited to, technological changes and changes in methods of obtaining Express, Informed Consent.

Signed this _____ day of _____, 20__

GOOGLE INC.

By: _____
COREY W. ROUSH
LOGAN M. BREED
WESLEY G. CARSON
Hogan Lovells US LLP
Counsel for Google Inc.

By: _____
KENT WALKER
Senior Vice President & General Counsel
Google Inc.

FEDERAL TRADE COMMISSION

By: _____
DUANE C. POZZA

APPROVED:
