

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney



DOCKET NO. C-4499

DECISION AND ORDER

comments received from interested persons pursuant to Commission Rule 2.34, 16 C.F.R. § 2.34, now in further conformity with the procedure prescribed in Commission Rule 2.34, the Commission hereby issues its complaint, makes the following jurisdictional findings, and enters the following order:

1. Respondent Google Inc. (“Google”) is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding

5. **“Express, Informed Consent”** means, upon being presented with options to provide or withhold consent, an affirmative act communicating informed authorization of In-App Charge(s), made proximate to an In-App Activity for which there is an In-App Charge and to Clear and Conspicuous disclosure of all material information related to the billing, including:

A. If consent is sought for a specific In-App Charge: (1) the In-App Activity associated with the charge; (2) the specific amount of the charge; and (3) the account that will be billed for the charge (e.g., the Google account); or

B. If consent is sought for potential future In-App Charges: (1) the scope of the charges for which consent is sought, including the duration, devices, and Apps to which consent applies; (2) the account that will be billed for the charge; and (3) method(s) through which the Account Holder can revoke or otherwise modify the scope of consent on the device, including an immediate means to access the method(s).

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-

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-

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.

By the Commission, Commissioner Wright recused.

Donald S. Clark
Secretary