

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Terrell McSweeney

_____)	
In the Matter of)	
)	
ORACLE CORPORATION,)	DOCKET NO. C-4571
a corporation.)	
)	DECISION AND ORDER
_____)	

The Federal Trade Commission (“Commission” or “FTC”), having initiated an investigation of certain acts and practices of the respondent named in the caption hereof, and respondent having been furnished thereafter with a copy of a draft complaint that the Bureau of Consumer Protection proposed to present to the Commission for its consideration and which, if issued by the Commission, would charge respondent with a violation of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 45 *et seq.*;

The respondent, its attorney, and counsel for the Commission having thereafter executed an Agreement Containing Consent Order (“Consent Agreement”), which includes: a statement by respondent that it neither admits nor denies any of the allegations in the draft complaint,

1. Respondent Oracle Corporation (“Oracle”) is a Delaware corporation with its principal office or place of business at 500 Oracle Parkway, Redwood City, California 94065.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. “Affected Consumers” shall mean persons who, prior to the date of issuance of this order, downloaded, installed, or updated Java SE.
2. “Clear(ly) and conspicuous(ly)” means that a required disclosure is difficult to miss (*i.e.*, easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

- A. In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented.

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3. “Commerce” shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
4. “Covered Software” shall mean Oracle’s Java SE, and any other software offered by Oracle directly to consumers to run programs on their computers or applications within a browser. Covered Software does not include software offered exclusively for developers or enterprises.
5. “Java SE” shall mean Oracle’s Java Platform, Standard Edition software, the Java Runtime Environment (“JRE”), or the Java plug-in offered by Oracle directly to consumers using Windows-based computers. Java SE does not include software offered exclusively for developers or enterprises.
6. “Iterations” shall mean all releases, other than test releases, that have ever been supported by Oracle.
7. “Iteration(s) Released Within the Last Quarter” shall mean, at any given point in time, browser-based Java SE releases.

- C. Clearly and Conspicuously discloses which Iterations of Java SE 1.4.2 or later, other than any Iteration(s) Released Within the Last Quarter, that remain installed following installation or update of Java SE, and Clearly and Conspicuously provides instructions describing how consumers can effectively uninstall these Iterations.

III.

IT IS FURTHER ORDERED that respondent and its officers, agents, representatives, and employees, whether acting directly or indirectly, must notify Affected Consumers, Clearly and Conspicuously that in some instances, they may have older, insecure Iterations of Java SE on their computers. Such notification shall include effective, Clear and Conspicuous instructions on how to remove these older Iterations. Notification shall include, but not be limited to, each of the following means:

- A. Posting

VI.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including, but not limited to, dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor company; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation(s) about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission, all

Provided, further, that if such complaint is dismissed or a federal court rules that 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 o