







# Consultation response form



## Your response

Question	Your response
<p><b>Question 1: How do you measure the number of users on your service?</b></p>	<p>[  ]</p> <p>Confidential? – Yes</p>
<p><b>Question 2: If your service comprises a part on which user-generated content is present and a part on which such content is not present, are you able to distinguish between users of these different parts of the service? If so, how do you make that distinction (including over a given period of time)?</b></p>	<p>[  ]</p> <p>Confidential? – Yes</p>
<p><b>Question 3: Do you measure different segments of users on your service?</b></p> <ul style="list-style-type: none"> <li>• Do you segment user measurement by different parts of your service? For example, by website vs app, by product, business unit.</li> <li>• Do you segment user measurement into different types of users? For example: creators, accounts holders, active users.</li> <li>• How much flexibility does your user measurement system have to define new or custom segments?</li> </ul>	<p>[  ]</p> <p>Confidential? – Yes</p>

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<p><b>Question 4: Do you publish any information about the number of users on your service?</b></p>	<p>[  ]</p> <p>Confidential? – <b>Yes</b></p>
<p><b>Question 5: Do you contribute any user number data to external sources/databases, or help industry measurements systems by tagging or sharing user measurement data? If not, what prevents you from doing so?</b></p>	<p>No, we do not currently contribute any user number data to external sources/databases, or help industry measurements systems by tagging or sharing user measurement data.</p> <p>Confidential? – No</p>
<p><b>Question 6: Do you have evidence of functionalities that may affect how easily, quickly and widely content is disseminated on U2U services?</b></p> <ul style="list-style-type: none"> <li>• <b>Are there particular functionalities that enable content to be disseminated easily on U2U services?</b></li> <li>• <b>Are there particular functionalities that enable content to be disseminated quickly on U2U services?</b></li> <li>• <b>Are there particular functionalities that enable content to be disseminated widely on U2U services?</b></li> <li>• <b>Are there particular functionalities that prevent content from being easily, quickly and widely disseminated on U2U services?</b></li> </ul>	<ul style="list-style-type: none"> <li>• It is currently difficult to answer this call for evidence, as we do not have clarity yet on whether we will be in scope as a search service or as a user-to-user (or combined) service. This is due to the uncertainty around how exactly reviews on provider content will be regulated, and whether user-generated reviews on hotel listings will count as user-to-user content in our context (particularly when those reviews are from a third-party site – users cannot write reviews directly on our own site).</li> <li>• With that context in mind, we would simply note here that a key functionality for how easily, quickly and widely content can be disseminated on a given U2U service would be an ability for a user to actually generate user content directly on that service.</li> <li>• There is currently no mechanism for our users to create/post/interact with any user-generated content directly on our website. Users can read reviews of hotel listings that have originally been posted on [  ], but they cannot respond to those reviews in any way, nor post their own reviews on our site.</li> <li>• In short, there is currently no functionality on our site (the ability to post reviews/comment on</li> </ul>

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	<p>reviews/give a 'like' or 'thumbs down' to a review) for a user to interact with another user by means of the service.</p> <ul style="list-style-type: none"> <li>• In our view, this fact should be sufficient for a U2U service to avoid being categorised as either a Category 1 or Category 2B service, regardless of user numbers.</li> <li>• We would therefore be concerned about any approach to categorisation that prioritised user numbers and did not also require the presence of certain functionalities. We believe our service illustrates quite vividly, for the reasons outlined in this answer, why such an approach would lead to low-risk firms facing disproportionate compliance obligations simply for having a lot of users.</li> <li>• If such an approach to categorisation ends up in the final version of the Bill, Ofcom should accordingly ensure in its advice to Government that the user number threshold is set sufficiently high to ensure only the very largest U2U firms are in scope. This would at least partially offset the risk of mid-sized firms facing the same compliance obligations as the very biggest global firms, who have much greater capacity to follow the onerous additional compliance obligations required of Category 1 (or 2B) services.</li> </ul> <p>Confidential? – No</p>
<p><b>Question 7: Do you have evidence relating to the relationship between user numbers, functionalities and how easily, quickly and widely content is disseminated on U2U services?</b></p>	<ul style="list-style-type: none"> <li>• As indicated in our answer to question 6, our own experience demonstrates there is often no relationship between user numbers, functionalities and how easily, quickly and widely content is disseminated. We are a fairly large UK service with a limited amount of user-generated content via a third-party but with no functionality enabling users to interact directly on the service.</li> <li>• We would posit that the number of users actually has very little impact on how easily and quickly content is disseminated (it may be more relevant to how widely such material is shared). Instead, the key would appear to be functionalities. Again, that is why we strongly believe U2U</li> </ul>

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	<p>services should have to meet both a user number threshold AND a functionalities one.</p> <p>Confidential? – No</p>
<p><b>Question 8: Do you have evidence of other objective and measurable factors or characteristics that may be relevant to category 1 threshold conditions?</b></p>	<p>[  ]</p> <p>Confidential? – Yes</p>
<p><b>Question 9: Do you have evidence of factors that may affect how content that is illegal or harmful to children is disseminated on U2U services?</b></p> <ul style="list-style-type: none"> <li>• Are there particular functionalities that play a key role in enabling content that is illegal or harmful to children to be disseminated on U2U services?</li> <li>• Do you have evidence relating to the relationship between user numbers, functionalities and how content that is illegal or harmful to children is disseminated on U2U services?</li> </ul>	<p>N/A</p> <p>Confidential? – No</p>
<p><b>Question 10: Do you have evidence of other objective and measurable characteristics that may be relevant to category 2B threshold conditions?</b></p>	<ul style="list-style-type: none"> <li>• Please see our response to question 8.</li> </ul> <p>Confidential? – No</p>

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<p><b>Question 11: Do you have evidence of matters that affect the prevalence of content that (once the Bill takes effect) will count as search content that is illegal or harmful to children on particular search services or types of search service? For example, prevalence could refer to the proportion of content surfaced against each search term 16 that is illegal or harmful to children, but we welcome suggestions on additional definitions.</b></p> <ul style="list-style-type: none"> <li><b>Do you have evidence relating to the measurement of the prevalence of content that is illegal or harmful to children on search services?</b></li> </ul>	<p>[  ]</p> <p>Confidential? – <b>Yes</b></p>
<p><b>Question 12: Do you have evidence relating to the number of users on search services and the level of risk of harm to individuals from search content that is illegal or harmful to children?</b></p> <ul style="list-style-type: none"> <li><b>Do you have evidence regarding the relationship between user numbers on search services and the prevalence of search content that is illegal or harmful to children?</b></li> </ul>	<ul style="list-style-type: none"> <li>As our answer to question 11 indicates, our own experience as a fairly large UK specialised search service suggests that there is very little to no correlation between the number of users of a search service and the level of risk of harm from illegal or harmful content. We could continue adding new users, and the level of risk our platform poses from content that is illegal or harmful to children would remain exactly the same.</li> <li>Instead, the risk comes from the functionalities of the search service in question.</li> <li>A general online search service, for example, which allows all websites and/or databases to be searched by an individual, is by its nature more likely to pose a risk than a specialised search service that only searches [  ] databases/websites.</li> <li>Similarly, a search service with a very limited predictive search functionality will pose less of a risk than a general search service with a much more expansive predictive search functionality.</li> <li>For that reason, we also believe it is important that Ofcom recommend a functionality threshold for the categorisation of 2A search services, as</li> </ul>

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	<p>the number of users on its own has very little relation to the level of risk posed by a service in terms of illegal and harmful content.</p> <p>Confidential? – No</p>
<p><b>Question 13: Do you have evidence of other objective and measurable characteristics that may be relevant to category 2A threshold conditions?</b></p>	<p>N/A</p> <p>Confidential? – No</p>

Please complete this form in full and return to [os-cfe@ofcom.org.uk](mailto:os-cfe@ofcom.org.uk).