Your response

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Question 1: Do you have any views on our audit-based assessment, including our proposed principles, objectives, and the scoring system? Please provide evidence to support your response	Confidential? – N Ukie is the trade body for the UK's video games and interactive entertainment industry. A not-for-profit, it represents more than 700 games businesses of all sizes from start-ups to multinational developers, publishers, and service companies, working across online, mobile, console, PC, esports, virtual reality and augmented reality. Ukie aims to support, grow, and promote member businesses and the wider UK video games and interactive entertainment industry by optimising the economic, cultural, political, and social environment needed for businesses in our sector to thrive. Ukie welcomes Ofcom's audit-based assessment and acknowledges the effort to establish a structured framework with clear principles, objectives, and a scoring system. Our members recognise the importance of assessing risks associated with online harms and appreciate the role that an audit-based approach can play in ensuring online safety. However, it is essential that this framework is developed in a way that is proportionate, practical, and reflective of the diverse nature of online services, particularly within the video games industry. The video games sector has a longstanding and demonstrable commitment to player safety. As an industry, we have proactively developed self-regulatory measures that have been in place for decades, including the PEGI age rating system, robust parental controls, and a strong emphasis on safety-by-design principles. These measures have been designed to empower players, parents, and caregivers with the tools they need to create safe game environments. Given this existing framework of protections, it is important that Ofcom's assessment process acknowledges and builds upon these measures rather than imposing duplicative or unnecessary compliance requirements. One of our key concerns regarding the audit-based assessment is the need for proportionality. The UK video games

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	industry is made up of businesses of all sizes, ranging from large multinational publishers to independent developers and small studios. In fact, the majority of our sector consists of start-ups, micro, and SME businesses. Many of these companies operate with limited resources and may lack the compliance infrastructure that larger organisations can support. If the assessment process is overly complex, resource-intensive, or designed without flexibility, it risks placing an undue burden on these smaller businesses. Any framework that does not take this into account could inadvertently hinder innovation and competition within the sector, making it more difficult for small and emerging companies to thrive. To support this argument, Ukie wants to highlight a recent decision by a video games developer to cease its operations in the UK, citing the "possibility of heavy corporate-sized fines even for solo web projects like this one", concluding that it is no longer "feasible" to continue support for the game in the UK.[1] In addition to considerations around proportionality, it is also critical that Ofcom's assessment framework recognises the fundamental differences between online multiplayer games and other digital services, particularly social media platforms. Unlike social media, where user-generated content is typically unrestricted and widely disseminated, online games operate within structured environments with well-established age-appropriate content standards. Where user interactions occur within games, they are often limited in scope, ephemeral in nature, and subject to parental controls, as well as platform-level restrictions based on age appropriateness. These built-in protections reduce the likelihood of exposure to harmful content in comparison to other digital services, and this distinction must be reflected in the way risk is assessed and scored. Given these factors, Ukie urges Ofcom to take a considered approach when implementing its audit-based assess-

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[1] https://www.gamesindustry.biz/20-year-old-browser-game-to-shut-down-as-result-of-uks-new-online-safety-law

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	ment. The framework should explicitly recognise the existing industry standards and safeguards that have been established over time. It should also adopt a flexible and proportionate methodology that takes into account the varying sizes and operational capacities of games businesses, particularly SMEs. Furthermore, the assessment criteria must reflect the unique nature of online games, differentiating them from other online services where user interactions are unmoderated or unrestricted.

Our members believe that transparency and clarity will also be key to the success of this assessment process. Ofcom must provide clear guidance to ensure that games businesses fully understand the expectations placed upon them and have a clear pathway to compliance. The assessment framework should be designed in a way that is practical, accessible, and does not create unnecessary administrative burdens that could divert resources away from the industry's core mission of delivering safe and engaging experiences for players.

Ukie and our members remain committed to working collaboratively with Ofcom to develop an effective and proportionate assessment framework that prioritises online safety while supporting the continued growth and innovation of the UK's world-leading video games industry. We encourage ongoing dialogue to ensure that the final approach is balanced, evidence-based, and supportive of the existing efforts our sector has made to create safe digital environments for players of all ages. |
| **Question 2:** Do you have any views on our proposals for independent performance testing, including the two mechanisms for setting thresholds; the approach to testing technologies in categories against particular metrics; and data considerations? Please provide evidence to support your response. | Ukie acknowledges the rationale behind Ofcom's proposals for independent performance testing and appreciates the objective of ensuring that technologies designed to mitigate online harms are assessed rigorously. The proposal to set accreditation thresholds based on the relative performance of technologies currently available on the market, rather than through a fixed standard prescribed by the Secretary of State, allows for flexibility and |

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	acknowledges the evolving nature of online safety technologies. However, we urge Ofcom to ensure that this approach remains proportionate, transparent, and tailored to the specific risk profiles of different digital services, including the video games sector.

The video games industry has a well-established track record of implementing effective measures to safeguard players. Games companies have long collaborated with key organisations, such as the National Crime Agency and the National Center for Missing & Exploited Children (NCMEC), to combat illegal content and online abuse. This is complemented by the sector's leading role in the development of the Pan-European Game Information (PEGI) system. Additionally, industry-led initiatives such as Ukie's Ask About Games campaign demonstrate the proactive steps taken to educate and empower parents, carers, and players in managing online safety. Given this extensive experience, it is essential that any independent performance testing takes full account of the unique characteristics of the video games sector and the existing safeguards already in place.

A key concern with Ofcom's approach is how the proposed threshold-setting mechanism will reflect the specific nature of different online environments. The consultation appears to apply a broad framework across all digital services, without sufficiently distinguishing between platforms where user-generated content (UGC) is central to the service and those, like video games, where communication is an ancillary feature. Unlike social media platforms, where users engage in long-form discussions, share personal media, and build persistent profiles, video game communication tends to be ephemeral, highly restricted, and focused solely on gameplay coordination. This significantly reduces the likelihood of harmful content proliferating within games environments. For instance, voice and text chat within games are typically session-based, meaning that conversations disappear once a game session ends, limiting the opportunity for harmful material to be circulated or persist. Additionally, many games restrict who users can communicate with, such as |

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	by limiting interactions to pre-approved friends or team-mates, and offer robust parental controls to regulate these interactions.
	When considering performance testing thresholds, it is critical that the methodology recognises these structural safeguards that inherently mitigate risk. The effectiveness of content moderation technologies in games should not be assessed against the same benchmarks used for platforms where open-ended discussions and media sharing are core functions. Instead, the evaluation should factor in the industry's established risk-mitigation strategies, such as automated content filtering, rapid moderation, and robust enforcement mechanisms, including temporary and permanent bans for policy violations. These existing measures have contributed to the video games industry's longstanding reputation as one of the safest online environments.
	Another concern is how Ofcom intends to categorise technologies for testing. The proposal suggests that technologies will be grouped based on their function and the type of harm they aim to address, but it is unclear how this will account for sector-specific differences in the prevalence and nature of risk. If a technology developed for real-time moderation of social media posts is tested under the same performance metrics as a content moderation system used in online games, the results may not accurately reflect the effectiveness of each tool within its intended context. Ofcom should ensure that the categories used for testing are sufficiently granular to account for the vastly different risk profiles of various online services.
	Additionally, the data considerations within the performance testing process must be carefully designed to reflect the industry's practical experience. Many games companies have reported that instances of illegal content within their services are exceedingly rare due to the nature of their platforms and the safeguards in place. Yet, the consultation suggests a categorisation approach where services are deemed "multi-risk" if they theoretically allow multiple forms of illegal content to be shared,

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	even if such instances are vanishingly rare in practice. This risks placing an unfair compliance burden on games companies that have successfully minimised risk through design choices, moderation tools, and industry best practices. Any assessment framework must take into account the actual prevalence of harmful content, not just the theoretical possibility of its existence in an unmoderated environment. Ukie's members urge Ofcom to refine its proposals for independent performance testing by ensuring that the threshold-setting process is transparent and considers the specific nature of different online environments. The video games industry has built a strong reputation for protecting players and proactively addressing risks, and it is essential that these efforts are fully recognised in the accreditation process. The success of any performance testing regime will depend on its ability to fairly and accurately assess technologies in ways that reflect the real-world risks present in each sector.
Question 3: Do you have any comments on what Ofcom might consider in terms of how long technologies should be accredited for and how often technologies should be given the opportunity to apply for accreditation? Is there any further evidence we should consider?	Ukie recognises the importance of a structured and transparent accreditation process for online safety technologies. However, it is essential that the framework Ofcom establishes is proportionate, flexible, and takes into account the operational realities of different industries, including the video games sector. Our members note that Ofcom proposes updating accreditation thresholds every four years while opening application windows for accreditation on a more frequent basis, potentially every two years. While this approach introduces some flexibility, there are concerns about the burden this process may place on technology developers, particularly start-ups, micro-businesses, and SMEs. Many games companies publish across multiple platforms and release multiple titles each month, and the administrative workload associated with repeated accreditation applications could be substantial. To ensure the process remains accessible and fair, accreditation should not impose undue resource burdens, particularly on smaller developers

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	that may lack the dedicated compliance teams of larger companies.

Furthermore, it is essential that accreditation schemes recognise when multiple services share similar risk profiles and mitigation measures. The video games industry operates in an ecosystem where many services are fundamentally similar in structure and function. Given this, companies should be permitted to utilise a single accreditation for multiple services that share the same core functionality and employ identical mitigation measures. If a company has successfully implemented proven safety features across a suite of games, requiring separate applications for each individual title would be excessive and unnecessary. Instead, a more proportionate approach would be to allow a single accreditation to apply to multiple services that meet the same criteria, provided there is no material evidence suggesting significant differences in risk levels.

In contrast to social media platforms, video games typically do not serve as open-ended communication spaces where users engage in persistent, wide-reaching discussions or share personal media in the same way. Instead, communication in games is often ephemeral, session-based, and tightly controlled by in-game mechanics and moderation tools. This fundamentally lowers the risks associated with UGC in games compared to those in traditional social media. Given this distinction, it is vital that Ofcom does not take a "one size fits all" approach to accreditation, as this would fail to account for the unique nature of games environments. The Australian Online Safety Act and the European Union's Digital Services Act recognise such differences, applying different compliance requirements based on the specific risks associated with different types of online services. Ofcom should adopt a similarly nuanced approach, ensuring that accreditation requirements align with the actual risks presented by different service types rather than applying uniform standards across all digital platforms.

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	Additionally, clarity is needed on how accreditation will account for a company's historical experience with illegal content on its services. Many game companies report exceedingly rare instances of illegal content due to the nature of their platforms and the rigorous safeguards they employ. If accreditation frameworks do not adequately consider past evidence of low risk, there is a danger that companies could be subjected to unnecessary re-accreditation processes despite a proven track record of safety. Ofcom should make it explicit that companies can use evidence of past compliance, including data on the effectiveness of their existing moderation systems, to inform risk assessments and accreditation requirements.
Question 4: Do you have any views on how to turn these proposals into an operational accreditation scheme, including the practicalities of submitting technology for accreditation? Is there any additional evidence that you think we should consider? Please provide any information that may be relevant.	While our members recognise the need for minimum standards of accuracy, it is crucial that the accreditation process is proportionate, clear, and does not place undue burden on companies, particularly the startups, micro-businesses, and SMEs that form a significant part of the video games industry. For the accreditation scheme to function effectively, it must provide clarity on the process for submitting technologies, including what documentation, testing methodologies, and performance metrics will be required. Ofcom must ensure that the scheme is accessible to a wide range of businesses, including smaller developers and companies that release multiple products across different platforms. If the submission process is overly complex, costly, or time-consuming, it risks discouraging participation and limiting innovation in online safety technology. Ofcom should also ensure that companies can re-use accreditation across multiple services where appropriate. Many games companies develop services with identical or near-identical risk profiles, using the same moderation tools, reporting mechanisms, and enforcement measures across different titles. If a company has successfully deployed a moderation technology that meets accreditation standards in one game, it should not have to undergo a full re-assessment for every new title that uses the same system. A single accreditation covering multiple services with identical functionalities would help reduce unnecessary duplication and administrative burden. The scheme must

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	also account for the specific characteristics of different industries. In video games, user communication is often ephemeral, highly restricted, and closely monitored by in-game moderation tools. Unlike social media platforms, games services do not provide open-ended communication spaces for sharing persistent media or engaging in long-term conversations. The accreditation process should reflect this difference and avoid imposing broad compliance burdens designed for platforms with higher risks of illegal content dissemination. Given Ofcom's responsibility for setting up the accreditation scheme, it is important to clarify whether accreditation will be conducted in-house or delegated to an independent third-party body. If a third-party body is appointed, it must be transparent, neutral, and well-equipped to assess the effectiveness of different technologies without bias toward any specific approach. Stakeholders should be consulted on the criteria for selecting such a body to ensure industry confidence in the process. Additionally, accreditation should not be a one-time event but rather an ongoing process that accounts for technological improvements and real-world deployment data. Technologies used to identify harmful content evolve over time, and Ofcom should establish a mechanism that allows companies to update their accreditation as they refine and improve their tools. However, the process for re-accreditation should be proportionate, avoiding unnecessary burdens on companies that have already demonstrated compliance. Ofcom should incorporate past compliance data into the accreditation process, allowing companies to provide evidence of their existing safety measures and historical effectiveness in mitigating risks. Many games companies already employ industry-leading moderation practices, working with organisations such as the National Crime Agency, NCMEC, and PEGI to maintain high safety standards. Companies with a proven track record of keeping their services free from illegal content should not have to undergo the same level of scrutiny as platforms with higher inherent risks. Moreover, Ofcom's accreditation

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	scheme should align with global best practices. Regulatory frameworks such as the EU's Digital Services Act and Australia's Online Safety Act differentiate between different types of online services, applying tailored compliance requirements based on actual risks. Ofcom should take a similar approach, ensuring that accreditation standards reflect the specific nature of different platforms rather than applying a one-size-fits-all model. The accreditation process must be clear, accessible, and not disproportionately burdensome, particularly for SMEs and startups. Companies should be able to submit a single accreditation application for multiple services with the same moderation and mitigation measures. The process should recognise the distinct nature of games services, ensuring that standards are applied proportionately based on actual risks. Accreditation should allow companies to submit evidence of past compliance and the effectiveness of existing safety measures. If accreditation is handled by a third party, the selection process should be transparent, and industry stakeholders should be consulted. The scheme should provide mechanisms for companies to update accreditation as technologies evolve, without requiring full re-assessments unnecessarily. By adopting a practical and proportionate approach, Ofcom can ensure that the accreditation scheme supports innovation while maintaining strong protections against harmful content.
Question 5: Do you have any comments on our draft Technology Notice Guidance?	

Please complete this form in full and return to technologynotices@ofcom.org.uk