

Internet Advertising Bureau (“IAB”)

Performance Marketing Council Code of Conduct – Downloadable Software (“the Code”)

v2.0 May 2015

PART 1 – INTRODUCTION

The Code applies to affiliates and online publishers (“Affiliates”) which use downloadable software applications to direct website traffic to online merchants (“Advertisers”) as part of an affiliate marketing program operated by any of the affiliate marketing networks which enforce the Code.

In this Code, a reference to “downloadable software” is a reference to any downloadable software applications whose primary or secondary function is to direct website traffic to Advertisers, which may include:

- software programs and applications;
- plugins, add-ins or extensions;
- toolbars; or
- software widgets.

Stand-alone mobile apps are distributed on the terms required by third party platform operators and are subject to a number of restrictions on their development, distribution and use. Due to the way stand-alone mobile apps are developed and distributed, and the particular user experience they offer, this Code does not consider such apps to constitute downloadable software.

The Code seeks to achieve the following overriding objectives:

- (a) To maintain consumer and Advertiser confidence in downloadable software applications; and
- (b) To ensure fair dealings amongst businesses which make use of downloadable software applications as an affiliate marketing model

(known as the “Objectives”)

The Code includes practical guidance on how to comply. Affiliates must follow this guidance in order to comply with the Code, but following the guidance does not guarantee compliance with the Code. Affiliates must decide for themselves which measures to take in order to comply with the Code. Therefore, complying with the Code may require Affiliates to take measures in addition to the measures described in any guidance.

Compliance with the Code is a condition of participation in the affiliate marketing networks operated by:

Affiliate Window

Affilinet

CJ Affiliate by Conversant

OMG

Rakuten Affiliate Network

TradeDoubler

TradeTracker

Omnicom Affiliates

(together the “Networks”).

The Networks will enforce the Code independently, under their own terms of business. The IAB will assist the coordination of the enforcement of the Code in accordance with the Coordination Procedure.

The Networks reserve any of their other rights in respect of their dealings with Affiliates, including any rights arising under the Networks’ own terms of business.

PART 2 – RULES AND GUIDANCE

1. **Affiliates must act lawfully and comply with the spirit of the Code, as well as the letter of the Code.**

Guidance:

- 1.1 *The Code must be interpreted in the context of the Objectives, having regard to technical developments, new commercial practices and changing consumer attitudes.*
- 1.2 *Compliance measures must be periodically reviewed in order to ensure ongoing compliance with the Code.*
- 1.3 *Affiliates must comply with the Code in respect of any downloadable software they use or make available.*
- 1.4 *All downloadable software must comply with any codes of advertising practice administered by the Advertising Standards Authority from time to time, and any applicable laws or regulations for the protection of consumers (including the Consumer Protection from Unfair Trading Regulations 2008).*

2. **Consumers must provide informed consent to the use of downloadable software.**

Guidance:

- 2.1 *Affiliates must only permit a consumer to download or install downloadable software after having obtained that consumer's prior, informed and explicit consent.*
- 2.2 *Prior to installation, consumers must be made aware:*
 - 2.2.1 *that use of downloadable software requires software to be installed on their computer or mobile device; and*
 - 2.2.2 *of any personal data collected by downloadable software.*
- 2.3 *All terms and conditions related to downloadable software must be prominently displayed, fair and intelligible.*

3. **Downloadable software must properly operate, be easily identifiable and easy to uninstall.**

Guidance:

- 3.1 *Downloadable software must not be bundled with other software or downloaded or installed as part of the download or installation of other software.*
- 3.2 *Downloadable software must not automatically install on any device or any browser.*

- 3.3 *Downloadable software must be easy to uninstall. Consumers must be provided with sufficient removal instructions to enable a consumer with little technical knowhow to easily uninstall downloadable software.*
- 3.4 *Downloadable software must operate properly when released and be built and maintained to the standard of a leading software provider.*
- 3.5 *Downloadable software must not alter the appearance of any third party website or service or alter the information set out on any third party website or service, or take any steps which have such effect.*
- 3.6 *Any downloadable software must not alter the default browser settings of a consumer unless the consumer has explicitly opted in to allow the technology to make these changes.*
- 3.7 *The operation of downloadable software must be clearly identifiable as such.*

4. **Use of downloadable software must not force consumers to take further action. If a consumer is invited to act, the consequences of that action must meet the reasonable expectations of a consumer.**

Guidance:

- 4.1 *Consumers may not be offered a financial incentive to download downloadable software.*
- 4.2 *Downloadable software must not automatically redirect consumers to websites.*
- 4.3 *Any notices to consumers issued by downloadable software must not require the recipient to take any action before being able to resume their previous activity.*
- 4.4 *Consumers must not be required, invited or induced to act without having been properly informed of the consequences of that action.*
- 4.5 *A consumer must be made aware if an action taken in respect of downloadable software will cause that consumer to be redirected to a website, or cause a website to appear.*

5. **Affiliates must use all reasonable endeavours to notify each Advertiser on any use of downloadable software to promote that Advertiser.**

Guidance:

- 5.1 *The use of downloadable software must not be used to effect a variation to the term of business of any Network or other contractual relationship between an Affiliate and a Network or Advertiser.*
- 5.2 *An Affiliate making use of downloadable software must use all reasonable endeavours to provide Advertisers with reasonable advance notice of its intention to use downloadable software to direct website*

- traffic those Advertisers, and provide Advertisers with updated information in respect of such use on request.*
- 5.3 *Affiliates must immediately stop making use of downloadable software to direct website traffic to an Advertiser on that Advertiser's request.*
 - 5.4 *Affiliates must make clear to Advertisers whether the continued use of downloadable software to direct website traffic to an Advertiser is a condition of the continued provision of others services by the Affiliate to that Advertiser.*
 - 5.5 *Affiliates must record the volume of website traffic directed to each Advertiser by use of downloadable software and inform each Advertiser of the proportion of website traffic volume directed by downloadable software on request by that Advertiser.*

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