

Your response

Questions for industry	Your response
<p>Question 1: Are you providing a UK-established service that is likely to meet the AVMSD definition of a VSP?</p> <p>Please provide details of the service where relevant. The establishment criteria under the AVMSD are set out in annex 5.</p>	<p>Confidential? – No</p> <p>Yes. Vimeo operates the <i>Vimeo</i> video-sharing service, which allows customers throughout the EU and the UK, including individuals, businesses, and organizations to upload, share, and view videos.</p> <p>For purposes of the AVMSD, Vimeo’s place of establishment in the EU would be the UK.</p>
<p>Question 2: Is your service able to identify users based in specific countries and do you provide customised User Interfaces (UI), User Experience (UX) functionality or interaction based on perceived age and location of users?</p>	<p>Confidential? – No</p> <p>Yes, we pull user location based on IP address, which enables us to identify the country in which users are based.</p> <p>We have the ability to block content based on location (geoblocking) but we only use this in very limited instances (this doesn’t change functionality or features, it only restricts viewing or certain videos)</p> <p>We do not customise based on perceived user age and location.</p>
<p>Question 3: How does your service develop and enforce policies for what is and is not acceptable on your service? (including through Ts&Cs, community standards, and acceptable use policies)</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • what these policies are and whether they cover the categories of harm listed in the AVMSD (protection of minors, incitement to hatred and violence, and content constituting a criminal offence – specifically Child Sexual Exploitation and Abuse, terrorist material, racism and xenophobia); • how your service assesses the risk of harm to its users; • how users of the service are made aware of Ts&Cs and acceptable use policies; and • how you test user awareness and engagement with Ts&Cs. 	<p>Confidential? – No</p> <p>Terms of Service (ToS)</p> <ul style="list-style-type: none"> • Section 5. Acceptable Use Policy <ul style="list-style-type: none"> ○ Section 5.2 Content Restrictions ○ Section 5.3 Code of Conduct <p>Vimeo Guidelines</p> <p>Our ToS govern users’ use of Vimeo owned-and-operated websites, applications, and embeddable video players (collectively, the “Services”). This includes our Vimeo, Vimeo OTT, and Livestream services.</p> <p>According to Section 5 of our ToS, users must ensure that their content, and their conduct, complies with the Acceptable Use Policy. This policy includes a list of Content Restrictions (Section 5.2), which determines the types of content that users may not submit on our platform:</p> <ul style="list-style-type: none"> • Infringes any third party’s copyrights or other rights (e.g., trademark, privacy rights, etc.); • Is sexually explicit (e.g., pornography) or proposes a transaction of a sexual nature; • Is hateful, defamatory, or discriminatory or incites hatred against any individual or group; • Promotes or supports terror or hate groups;

- Exploits minors;
- Depicts unlawful acts or extreme violence;
- Provides instructions on how to assemble explosive/incendiary devices or homemade/improvised firearms;
- Depicts animal cruelty or extreme violence towards animals;
- Promotes fraudulent or dubious business schemes or proposes an unlawful transaction;
- Makes false or misleading claims about vaccination safety;
- Conveys false or misleading health-related information that has a serious potential to cause public harm;
- Claims that mass tragedies are hoaxes or false flag operations;
- Depicts or encourages self-harm; or
- Violates any applicable law.

Further, according to the Code of Conduct (Section 5.3), users may not:

- Use an offensive screen name (e.g., explicit language) or avatar (e.g., containing nudity);
- Act in a deceptive manner or impersonate any person or organization;
- Harass or stalk any person;
- Harm or exploit minors;
- Distribute “spam” in any form or use misleading metadata;
- Collect personal information about others;
- Access another’s account without permission;
- Engage in any unlawful activity;
- Embed our video player on or provide links to sites that contain content prohibited by Section 5.2; or
- Cause or encourage others to do any of the above.

Vimeo Guidelines offer additional guidance on how we interpret these terms and restrictions.

How does Vimeo assess the risk of harm to its users?

Our Trust & Safety team works 24/7 to identify and review content that may violate our ToS. The type of content that is banned from our platform is that which is illegal (e.g., CSEA material), is legal but harmful/has the potential to cause material, real-world harms (e.g., hate speech) and is contrary to the inclusive, safe community we aim to build.

To determine whether a specific type of content should be included in this list, we stay well-informed about trends in types of content being uploaded to platforms worldwide,

	<p>which may be illegal or harmful. For example, during the pandemic, we followed closely the surge in anti-vaxx and misinformation content in our platform - as well as others. We updated our policies to adapt to this new reality and enable our Trust & Safety team to take it down if uploaded. We released a blog post informing users of these changes to ensure they were made aware that this content would not be acceptable on Vimeo.</p> <p>We also follow guidance from experts (authorities, NGOs, trade associations) and best practice from industry peers on specific types of harmful content.</p> <p>We conduct one general review of our ToS each year. However, we frequently conduct more targeted reviews to reflect the realities of our changing world. Likewise, we work hard to ensure our Trust & Safety team is involved in the work of Product Development teams and are able to evaluate, in a timely manner, whether new products and services are at risk of exposing the Vimeo community to harmful content.</p> <p>How are Vimeo users made aware of our ToS and Guidelines? Our ToS and Guidelines are available on our website for anyone to review. Likewise, every time we update them we inform the public through relevant blog posts. See for example: https://vimeo.com/blog/post/important-updates-to-our-content-guidelines/ https://vimeo.com/blog/post/content-guidelines-2020-covid/ We also provide a FAQ document</p> <p>How does Vimeo test user awareness and engagement with ToS and Guidelines? We currently don't actively test user awareness and engagement</p>
<p>Question 4: How are your Ts&Cs (or community standards/ acceptable use policies) implemented? In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • what systems are in place to identify harmful content or content that may breach your standards and whether these operate on a proactive (e.g. active monitoring of content) or reactive (e.g. in response to reports or flags) basis; • the role of human and automated processes and content moderation systems; and • how you assess the effectiveness and impact of 	<p>Confidential? - Y</p>

<p>these mechanisms/ processes.</p>	
<p>Question 5: Does your service have advertising rules? In particular, please provide information about any advertising rules your platform has, whether they cover the areas in the AVMS Directive, and how these are enforced. See Annex 5 for a copy of the AVMSD provisions.</p>	<p>Confidential? – No No</p>
<p>Question 6: How far is advertising that appears on your service under your direct control, i.e. marketed, sold or arranged by the platform?</p> <p>Please provide details of how advertising is marketed, sold and arranged to illustrate your answer.</p>	<p>Confidential? – No No answer provided</p>
<p>Question 7: What mechanisms do you have in place to establish whether videos uploaded by users contain advertising, and how are these mechanisms designed, enforced, and assessed for effectiveness?</p>	<p>Confidential? – No Vimeo is an add-free platform. Users would not be able to target individuals through ads placed in videos hosted on our platform (vimeo.com). Vimeo On Demand and Vimeo OTT platform users may earn money through advertising. However, Vimeo does not receive any income from that advertising.</p>
<p>Question 8: Does your service have any reporting or flagging mechanisms in place (human or automated)?</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • what the mechanisms entail and how they are designed; 	<p>Confidential? – No For videos hosted on our platform (vimeo.com), we enable a “flag” option on the bottom right hand corner of every public video. The flag option does not appear on videos which have been reviewed and whitelisted by a member of our Trust & Safety team. We are currently working on a system updated to ensure this is available on all videos, both public and private.</p> <p>We have an internal automated flagging system based on words or phrases, account characteristics and user behaviour.</p>

- how users are made aware of reporting and flagging mechanisms;
- how you test user awareness and engagement with these mechanisms;
- how these mechanisms lead to further action, and what are the set of actions taken based on the reported harm;
- how services check that any action taken is proportionate and takes into account Article 10 of the European Convention of Human Rights (freedom of expression);
- how users (and content creators) are informed as to whether any action has been taken as a result of material they or others have reported or flagged;
- whether there is any mechanism for users (including uploaders) to dispute the outcome of any decision regarding content that has been reported or flagged; and
- any relevant statistics in relation to internal or external KPIs or targets for response.

We also work with ActiveFence to flag extremist, hate and violent content.

What the mechanisms entail and how they are designed?

See answer to Q4 above.

How are users made aware of reporting and flagging mechanisms?

Users may report a video they believe violates our ToS or Guidelines by navigating to the video page in question and clicking the Flag in the bottom right corner of the player (on the black background). Users can also contact the Trust & Safety team directly for help. Our Guidelines explain this and other options in detail [here](#).

How users are made aware of reporting and flagging mechanisms;

We provide information on our [Guidelines and Help Center](#).

How you test user awareness and engagement with these mechanisms;

We don't currently do this.

How these mechanisms lead to further action, and what are the set of actions taken based on the reported harm;

N/A

How services check that any action taken is proportionate and takes into account Article 10 of the European Convention of Human Rights (freedom of expression);

As an open video platform with a global community we've always celebrated responsible free speech and creative expression. However, we also clearly list the categories of content we don't allow on our platform. Unfortunately, the line between acceptable and unacceptable content is often not clear, at all.

We have carefully drafted internal guidelines that help the members of our Trust & Safety team make decisions on difficult cases. Broadly speaking, when reviewing problematic content we take into consideration the user's intent and history on Vimeo and other platforms and context (e.g., videos that seek to educate viewers on the dangers of hate speech or racial injustice will be allowed). We encourage open conversations between the Trust & Safety and Legal teams about the more challenging cases to ensure we're making the most objective decision possible. These decisions are documented and used in future cases to ensure we're acting consistently.

	<p><i>How users (and content creators) are informed as to whether any action has been taken as a result of material they or others have reported or flagged;</i></p> <p>Any user whose content is removed will receive a notification email. This email will include a description of the ToS they have violated; a statement informing them we believe they have violated such ToS; and our decision to remove for that reason. We do not notify users whose content has been removed because it has been identified as spam, CSAM, terrorist or otherwise illegal content.</p> <p><i>Whether there is any mechanism for users (including uploaders) to dispute the outcome of any decision regarding content that has been reported or flagged;</i></p> <p>Users whose content has been removed can and do often reply to us contesting our decision to remove a video or terminate their account. In those cases, we take a second look at the content, taking into consideration any relevant information provided by the user, and make a definitive determination.</p> <p><i>Any relevant statistics in relation to internal or external KPIs or targets for response.</i></p> <p>No</p>
<p>Question 9: Does your service allow users to rate different types of content on your platform?</p> <p>Please provide details of any rating system and what happens as a result of viewer ratings.</p>	<p>Confidential? – No</p> <p>Yes. We ask creators to tell us if their videos contain nudity, violence, profanity, or illegal substances. If the creator selects a Mature rating, a Mature badge will appear next to their video title. If the creator selects an All Audiences rating, no badge will appear next to the video’s title. If the creator has not selected a content rating, only the creator will see a “Not Yet Rated” badge next to their video’s title (everyone else will see no badge).</p>
<p>Question 10: Does your service use any age assurance or age verification tools or related technologies to verify the age of users?</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> ● how your age assurance policies have been developed and what age group(s) they are intended to protect; ● how these are implemented and enforced; 	<p>Confidential? - Y</p>

<ul style="list-style-type: none"> • how these are assessed for effectiveness or impact; and • if the service is tailored to meet age-appropriate needs (for example, by restricting specific content to specific users), how this works. 	
<p>Question 11: Does your service have any parental control mechanisms in place?</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • how these tools have been developed; • what restrictions they allow; • how widely they are used; and • how users of the service, and parents/guardians if not users themselves, are made aware of and encouraged to use the parental control mechanisms that are available. 	<p>Confidential? – No</p> <p>No, we don't have any parental control mechanisms in place. Vimeo is not intended to be used for minors. However, if a parent writes to us to tell their underaged child has created an account, we would immediately delete it.</p>
<p>Question 12: Does your service have a complaints mechanism in place? Please describe this, including how users of your service can access it and what types of complaint they can make.</p> <p>In particular, please provide information explaining:</p> <ul style="list-style-type: none"> • any time limits for dealing with complaints; • how complainants are informed about the outcomes of complaints; 	<p>Confidential? – No</p> <p>Users may submit complaints using this form, which may be accessed by visiting our Help Center (through the main website).</p> <p><i>Any time limits for dealing with complaints?</i> We strive to reply to users' complaints regarding content moderation decisions within two weeks. However, unforeseen circumstances may change this (e.g., due to the increased activity as a result of COVID-19, response times increased).</p> <p><i>How are complainants informed about the outcomes of complaints?</i> Complainants will receive an email from a member of the Trust & Safety team.</p>

<ul style="list-style-type: none"> ● any appeals processes, how they work, and whether they are independent from the complaints processes; and ● the proportion of complaints which get disputed or appealed. 	<p>Appeals processes, how they work, and whether they are independent from the complaints processes While we don't have a formal appeals process, any user may write to our Trust & Safety team using the process described above to appeal a decision or seek further clarification.</p> <p>Proportion of complaints which get disputed or appealed We don't have this information at the moment.</p>
<p>Question 13: What media literacy tools and measures are available on your service?</p> <p>In particular, please provide any relevant information about:</p> <ul style="list-style-type: none"> ● how you raise awareness of media literacy tools and measures on your service; ● how you assess the effectiveness of any media literacy tools and measures provided on your service; and ● how media literacy considerations, such as your users' ability to understand and respond to the content available to them feature in your thinking about how you design and deliver your services, for example in the user interfaces, flagging content and use of nudges. 	<p>Confidential? - Y</p>
<p>Question 14: Do you publish transparency reports with information about user safety metrics?</p>	<p>Confidential? – No We do not.</p>

<p>Please provide any specific evidence and examples of reports, information around the categorisation and measurements used for internal and external reporting purposes, and whether you have measures in place to report at country/ regional level and track performance over time.</p>	
<p>Question 15: What processes and procedures do you have in place to measure the impact and effectiveness of safety tools or protection measures?</p> <p>If not already captured elsewhere in your response, please provide information relevant to all of the measures listed above explaining:</p> <ul style="list-style-type: none"> • how you test and review user awareness and engagement with each measure (including any analysis or research that you would be willing to share with Ofcom); • how often policies and protection measures are reviewed, and what triggers a review; and • how you test the impact of policies on users and the business more generally, such as how you balance the costs and benefits of new tools. 	<p>Confidential? - Y</p>
<p>Question 16: How do you assess and mitigate the risk of inadvertent removal of legal or non-harmful content?</p> <p>In particular, please provide any information on:</p> <ul style="list-style-type: none"> • how freedom of expression is taken into account during this assessment; • how appeals are handled and what proportion are successful; and • audits of automated removal systems and, if you have them, any metrics that relate to their effectiveness. 	<p>Confidential? – No</p> <p><i>How do you assess and mitigate the risk of inadvertent removal of legal or non-harmful content?</i></p> <p>Content flagged to us by viewers: we always review this content against our ToS and Guidelines to confirm whether the flag/claim is valid and accurate or not. Once we make a decision to remove, the user who uploaded the video is able to challenge that decision. If they do, we take a second look and consult with others within the team to ensure our decision is sound.</p> <p>Content removed using automation: we program our tools to catch only specific content that we know violates our ToS and Guidelines. If we remove content, the user who uploaded the video is able to challenge that decision by writing to us. If they do, we take a second look and consult with others within the</p>

	<p>team to ensure our decision is sound. If we see that a significant number of users are writing in with complaints associated with similar types of content we review our tools to see if there's something wrong with the programming that is causing it to catch non-harmful content.</p> <p><i>How is freedom of expression taken into account during this assessment?</i></p> <p>As an open video platform with a global community we've always celebrated responsible free speech and creative expression. However, we also clearly list the categories of content we don't allow on our platform. Since the line between acceptable and unacceptable content is often not clear, at all, we try to stick to what our ToS and Guidelines determine as much as possible to reduce the possibility of making arbitrary, subjective decisions and make consistent, objective ones.</p> <p><i>How are appeals handled and what proportion are successful?</i></p> <p>Every time a user writes to us to appeal a removal or account termination decision, the member of the T&S team that made the determination will review the case. If the content in dispute is a clear violation of our ToS and Guidelines, then the decision will be confirmed by that same team member. If the case is more difficult and the content lies in a grey area, the team member will consult with others in the team and, depending on the type of content and alleged violation, with the legal team too.</p> <p>We do not currently have information on the proportion of appeals that are successful.</p> <p><i>How are automated removal systems audited and, if you have them, any metrics that relate to their effectiveness?</i></p> <p>We keep a close watch on rates on stopwords, if they look high for a particular one, we'll look into the hit result list and decide what action to take. We don't have metrics we could share at the moment.</p>
<p>Question 17: Have you previously implemented any measures which have fallen short of expectations and what was your response to this?</p> <p>Please provide evidence to support your answer wherever possible.</p>	<p>Confidential? - Y</p>
<p>Question 18: How does your service develop expertise and train staff around different types of harm? (e.g. do you have any partnerships in place?)</p>	<p>Confidential? - Y</p>

Questions for all stakeholders	Your response
<p>Question 19: What examples are there of effective use and implementation of any of the measures listed in article 28(b)(3) the AVMSD 2018?</p> <p>The measures are terms and conditions, flagging and reporting mechanisms, age verification systems, rating systems, parental control systems, easy-to-access complaints functions, and the provision of media literacy measures and tools. Please provide evidence and specific examples to support your answer.</p>	<p>See answer to Q3, Q8 and Q12</p>
<p>Question 20: What examples are there of measures which have fallen short of expectations regarding users' protection and why?</p> <p>Please provide evidence to support your answer wherever possible.</p>	<p>No answer provided</p>
<p>Question 21: What indicators of potential harm should Ofcom be aware of as part of its ongoing monitoring and compliance activities on VSP services?</p>	<p>No answer provided</p>

Please provide evidence to support your answer wherever possible.

Question 22: The AVMSD 2018 requires VSPs to take appropriate measures to protect minors from content which 'may impair their physical, mental or moral development'. Which types of content do you consider relevant under this? Which measures do you consider most appropriate to protect minors?

Please provide evidence to support your answer wherever possible, including any age-related considerations.

Question 23: What challenges might VSP providers face in the practical and proportionate adoption of measures that Ofcom should be aware of?

We would be particularly interested in your reasoning of the factors relevant to the assessment of practicality and proportionality.

Question 24: How should VSPs balance their users' rights to freedom of expression, and what metrics should they use to monitor this? What role do you see for a regulator?

Confidential? - Y

Confidential? - Y

Confidential? - Y

Question 25: How should VSPs provide for an out of court redress mechanism for the impartial settlement of disputes between users and VSP providers? (see paragraph 2.32 and article 28(b)(7) in annex 5).

Please provide evidence or analysis to support your answer wherever possible, including consideration on how this requirement could

Confidential? - Y

be met in an effective and proportionate way.

Question 26: How might Ofcom best support VSPs to continue to innovate to keep users safe?

Confidential? - Y

Question 27: How can Ofcom best support businesses to comply with the new requirements?

Confidential? - Y

Question 28: Do you have any views on the set of principles set out in paragraph 2.49 (protection and assurance, freedom of expression, adaptability over time, transparency, robust enforcement, independence and proportionality), and balancing the tensions that may sometimes occur between them?

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