



INTERACTIVE TRAVEL SERVICES ASSOCIATION

Interactive Travel Services Association (ITSA) Statement Regarding the Use of Marketing Software Applications

ITSA's membership of Internet travel companies are committed to marketing their services in ways that provide consumers with useful and timely information and offers, while protecting their privacy and preserving their ability to control their online experiences and options.

Recent media coverage has focused on software applications that deliver personalized marketing content based on a consumer's Internet activity. Some of these applications deliver timely, relevant and welcome marketing information to consumers. Others do not and can become an actual threat to a consumer's privacy. Unfortunately, explanations often fail to distinguish between the good and the bad among these applications. In order to advance public understanding of these marketing applications and establish ITSA's position regarding their use, ITSA has adopted the following statement and definitions. ITSA encourages its member companies and other online advertisers to incorporate these best practices into their marketing activities.

Spyware

Spyware refers to types of software programs, downloaded to a consumer's personal computer either as a stand-alone application or as part of a software bundle, that collect (i) information about a consumer's Internet activities or (ii) other personal information, without providing meaningful notice to the consumer or obtaining the consumer's consent. Spyware may alter personal computer settings and is often extremely difficult to remove once installed. ITSA believes that Spyware is a threat to consumer privacy and rejects the use of Spyware in marketing activities on behalf of ITSA members and their affiliates.

Adware

Adware refers to types of marketing applications, downloaded to a consumer's personal computer either as a stand-alone application or as part of a software bundle, whose primary purpose is to deliver advertising content and messages that may or may not be based on an individual's internet activity. Adware can be useful to many consumers because it provides timely, relevant and money-saving information, or it helps defray the cost of free linked software programs. Adware should provide meaningful notice and explanation of its key features and functions. Adware companies should obtain the consumer's informed consent before launching any adware applications on a consumer's computer system. Adware should be readily identifiable and easily removed at the consumer's discretion. When offered and executed in this manner, ITSA believes that Adware can deliver meaningful benefits to consumers and endorses its use. Consequently, ITSA endorses and recommends the following Adware best practices guidelines.

ITSA-Endorsed Adware Best Practices

1. *Companies offering Adware to consumers should obtain contemporaneous, affirmative consent from the consumer prior to download of Adware and/or bundled software onto the consumer's computer. Adware companies should provide an easy-to-find, easy-to-understand, prominent explanation that the program will deliver advertisements once it is installed, as well as any other information important for consumers to know so they can decide whether to install the software.*

2. *In addition to obtaining consent from new prospective consumers, Adware companies should obtain consent in the manner described above from all consumers who previously received such Adware (i.e., “Legacy Users”) if such Legacy Users reside on networks where advertisements from a participating ITSA member are being delivered.*
3. *Adware companies should provide consumers with an easy-to-find, easy-to-understand, and easy-to-use means to un-install the Adware at any time they choose. Un-install applications should clearly identify all programs and applications that will be removed as part of the un-install. This includes, but is not limited to, all programs contained in a bundled software offer and the creator/source of the Adware offer. Un-install applications should be available from the Add/Remove Programs facility in the consumer’s operating system.*
4. *Adware companies should conspicuously identify the creator of the Adware application in all download offers and resulting marketing communications which are delivered outside of a consumer’s browser window, such as pop-up-unders and pop-ups.*
5. *Advertisers should require that, when conducting marketing activities on the Advertiser’s behalf, Adware companies: (i) agree to abide by these same guidelines, and (ii) establish comparable guidelines with their marketing affiliates.*

ITSA believes that the consistent application of these best practices over time will give all affected consumers the ability to eliminate, modify or request Adware according to their personal preferences.

Because technology is evolving rapidly, ITSA reserves the right to review this policy on an ongoing basis and make appropriate revisions at any time.