

# Nico Live Guidelines

## Foreword

**Nico Live** is a service that makes it easy for anyone with a web camera and microphone to live broadcast (live stream) and engage in entertaining interactions with viewers (users).

We live in an age where effortless access and sharing of information through the internet abounds—however, with all of this information flying back and forth it has never been easier to unknowingly offend someone or become a victim yourself.

Therefore, it is absolutely crucial for users to exercise restraint and adhere to rules equivalent to those in the real world to ensure seamless and safe interactions. The same social and legal responsibilities we bear in the real world also apply over the internet. These guidelines serve as an outline for what users should be aware of when using Nico Live to ensure a fun and sound experience for everyone.

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### I. Live Broadcasting

As a rule, you are legally and socially responsible for what information you send in live broadcasts. The internet allows for anyone using it to remain anonymous. At first glance, even live broadcasts seem like a place where you can say anything and get away with it.

Bear in mind, however, that an anonymous identity does not make it okay to do anything you please without consequence. Anything written on message boards, forums and so forth is often stored on a server that the authorities can access

should they have just cause. In the past there have been actual arrests of users who wrote messages or made threats alluding to committing criminal acts on message boards or uploaded copyrighted material without permission. Do not assume you are above the law when using the internet. You must take proper responsibility for the data you send.

In the current age of the internet, data is often shared and can be sent instantly to anybody anywhere. Once the internet has ahold of data, deleting that data is not an easy task and usually cannot be undone. Further, complaining how someone is using data often proves futile.

Remember, the internet is connected to the entire world--even if your original intention is just to have fun with friends on a live broadcast, don't forget how many individuals are watching; things could spiral out of control.

Broadcasting = responsibly sending information

What is sent cannot be "undone or forgotten"

The internet = the world

No one is anonymous on the internet

## II. Basics to Keep in Mind

### (1) Protecting Yourself

With the internet's rapid expansion it is often exploited by individuals for criminal activity. A word to the wise - making personal information such as your real name, address, telephone number, and email address public on the internet may result in victimization (i.e., stalking, prank phone calls, fraud, etc.) by a third party.

To protect yourself, never give out personal information in a live broadcast. This includes refraining from disclosing personal information in comments and broadcast descriptions; even if asked.

Being unaware of laws and internet etiquette can lead to trouble or offend others. Further, without even knowing it you could be violating the law, be punished, or even sued. Avoid getting in trouble by knowing the law and internet etiquette.

### (2) Respecting Others

Refrain from actions that you yourself would not want others to do to you or

anything that you would hesitate to do in the real world as this could get you into trouble. Respect the privacy of others and do not reveal personal information (i.e., addresses, names, phone numbers, etc.) of others as well.

Refrain from putting down or judging others without just cause; think how you would feel if someone put you down during an extremely crowded live broadcast. Also, saying something negative about someone in the heat of the moment or judging someone without just cause cannot be simply “undone” on the internet. Refrain from offensive language in regards to others’ privacy and don’t criticize without just cause.

Know the rules and etiquette for not revealing your own personal information. Since a variety of individuals, each with their own values and beliefs, will watch your live broadcasts, misunderstandings may occur. Therefore, it is imperative that you consider the content in your broadcasts and what effects it may have on viewers to prevent any such misunderstandings.

As the number of individuals streaming live broadcasts increases, broadcasters are able to interact with other broadcasters.

It is not okay to broadcast other broadcasters, talk about their privacy, or even talk about their personal lives just because they have made their profiles and faces public. Be sure to get permission from other broadcasters should you decide to include them in any of your broadcasts. Further, you mustn’t make offensive remarks towards other broadcasters, reveal their personal information, and/or troll their live broadcasts.

Respect other broadcasters to ensure a fun and safe environment on **Nico Live**.

### III. Legal Stuff

When sending information over the internet it is necessary to acknowledge the many different laws that exist. This section will cover those deemed important and relevant to **Nico Live**.

#### (1) Copyright

Movies, anime, television shows, literary or works of art by third parties and other

such material is protected by copyright and must not be used without permission. Broadcasting anything copyrighted without permission, (even playing copyrighted music), is a violation of copyright law.

Further, even broadcasting copyrighted material with subtle alterations is a violation of copyright law. Just because a friend asks you to broadcast copyrighted material does not make it okay to do so. Violating copyright can result in being sued for damages by the copyright holder or in some cases, criminal punishment.

#### (2) Publicity Rights (Personality Rights)

Showing pictures or images of an individual in a broadcast is prohibited. This holds true even if an individual is an acquaintance. Also refrain from broadcasting individuals who wish to not take part in your broadcasts in public areas with crowds of people. Failure to adhere to these rules could result in being sued by an individual.

#### (3) Privacy Rights

You must not disclose personal information of others in a broadcast. This includes not only names, addresses, phone numbers, and email addresses, but also information on social networking sites (SNS) and messenger ID's as well. Further, discussing personal lives (i.e., a person's family, etc.) of individuals is also not allowed.

Violating the privacy of an individual could result in being sued for damages by that individual.

#### (4) Defamation

You must not defame or make people think less of an individual in any way without just cause in a broadcast. The same applies for companies and services. Defaming an individual can result in being sued for damages by that individual or in some cases, criminal punishment.

#### (5) Other Laws

Broadcasting lewd images, minors engaged in sexual activity (below 18 years of age) or child pornography is a criminal act punishable by law.

Threatening to kill someone or commit acts of terrorism during a live broadcast is strictly prohibited.

What may be intended as a joke could be offensive to others. Excuses such as you were just joking, kidding around, or having a friendly argument with friends won't cut the mustard over the internet. Actions such as violent remarks and wielding weapons (i.e., kitchen knives, etc.) during a live broadcast are also not allowed and punishable by law even if no harm was meant.

#### IV. Operating Company Disposition & Action

##### (1) Live Broadcast Suspension and Deletion of Timeshift

The live broadcast operating company confirms and takes action for reports issued from viewers and right holder claims. A live broadcast is subject to suspension or timeshift deletion if any conduct is deemed to be in violation of the live broadcast Terms of Use, if the operating company deems it necessary for whatever reason, or if a just claim has been received from a rights holder.

Prohibited actions are described in the Terms of Use, but specifically apply to the following:

- \*(Threatening) or committing suicide and/or self-injury, mass suicide solicitation, or providing information on how to commit suicide
- \*Broadcasting material that violates copyright
- \*Broadcasting child pornography and sexual imagery and/or sound
- \*Broadcasting content introducing or encouraging meeting others for sex, money, or meeting children
- \*Broadcasting oneself committing or encouraging criminal behavior such as possession of firearms, manufacturing explosives, arson, breaking and entering, prostitution, use of banned substances, threats, theft, and fraud
- \*Threatening to commit a crime in a broadcast
- \*Disclosing an individual's personal information without permission in a broadcast
- \*Broadcasting stolen video or audio
- \*Broadcasting minors drinking alcohol or smoking tobacco

Further, please refrain from broadcasting any other illegal behavior not mentioned above such as hurting, insulting, or offending others.

##### (2) Age Restriction

Nico Live is a service designed to be enjoyed by people of all ages, so there is no age restriction for streaming and watching live broadcasts. Therefore, any

broadcasts of minors engaging in inappropriate conduct will be halted and their timeshifts deleted. This includes content alluding to minors engaging in depictions of a sexual, violent, or dangerous nature.

Any sexual activity or similar behavior, including explicit naked or dressed, will be treated as sexual content. While the "R18" category exists on Niconico, it is not the place for broadcasting of any illegal content featuring minors.

### (3) Penalties

A live broadcast is subject to suspension or timeshift deletion and the uploader will be penalized if there is any conduct deemed to be in violation of the live broadcast Terms of Use, if the operating company deems it necessary for whatever reason, or if a just claim has been received from a rights holder. A warning will be sent to the email address registered to the user's account.

Please make sure your email client can receive email from Niconico.

The following details the number of warnings and penalties given. Please note that any material deemed to be malicious will result in the immediate suspension of that user's broadcasting privileges for an indefinite period of time.

\*First Warning: Broadcasting privileges suspended for a week

\*Second Warning: Broadcasting privileges suspended for a month

\*Third Warning: Broadcasting privileges suspended indefinitely

Also, all communities owned by a broadcaster that has committed an offense will be unable to broadcast for the same period of time as the broadcaster and any prior timeshifts will be deleted during that period.

Nico Points and tickets used for prior timeshifts will be automatically reimbursed in full to all users excluding the broadcaster that committed the violation.

### (4) Information Disclosure

Information regarding a broadcast offender is sometimes disclosed to affected users that request it. Also, in accordance with the **Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders**, if disclosure of information for a user is requested to the operating

company, then it will be disclosed.

In addition, the operating company may disclose user information to authorities if requested.

Thanks for reading and enjoy Nico Live!

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-Revision History-

Created: September 2<sup>nd</sup>, 2010

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