





1 information online by operators of Internet websites or online services. COPPA directed the  
2 Federal Trade Commission to promulgate a rule implementing COPPA. The Commission  
3 promulgated the COPPA Rule, 16 C.F.R. Part 312, on November 3, 1999 under Section 1303(b)  
4 of COPPA, 15 U.S.C. §502(b), and Section 553 of the Administrative Procedure Act, 5 U.S.C.  
5 §553. The Rule was promulgated by the Commission. The Commission promulgated revisions to the  
6 Rule that were promulgated by the Commission (the "Revised Rule"). The conduct challenged herein  
7 violated the Rule as originally promulgated and also violates the Revised Rule currently in  
8 effect.

8 8. Among other things, the Rule and the Revised Rule apply to any operator of a  
9 commercial website that collects, uses, and/or discloses  
10 personal information from children, and to any operator of a commercial website  
11 service that has actual knowledge that it collects, uses, and/or discloses personal information  
12 from children. The Rule and the Revised Rule require a website operator to meet specific  
13 requirements prior to collecting online, using, or disclosing personal information from children,  
14 including, but not limited to:

- 15 a. Posting a privacy policy on its website or online service providing clear,  
16 understandable, and complete notice of its information practices, including website  
17 information the website operator collects from children online, how  
18 information, its disclosure practices for such information, and other specific disclosures  
19 set forth in the Rule;
- 20 b. Providing clear, understandable, and complete notice of its information practices,  
21 including specific disclosures, directly to parents; and  
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1 c. Obtaining verifiable consent prior to collecting, using, and/or disclosing personal  
2 information from children.

3 DEFINITIONS

4 9. For purposes of this Complaint, the terms "child," "collects," "collection,"  
5 "Commission," "delete," "disclosure," "Internet," "operator," "parent," "personal information,"  
6 "obtaining verifiable consent," and "online service directed to children," are defined  
7 as those terms are defined in Section 312.2 of the Rule as originally promulgated, 16 C.F.R. §  
8 312.2. To the extent any of these definitions, or any other provisions of the Rule referred to in  
9 this Complaint, with effect from January 1, 2013, such revisions are not material to the  
10 allegations contained herein.

11 TINYCO'S BUSINESS PRACTICES

12 10. Since at least 2011, TinyCo has offered a number of mobile apps for download  
13 from Apple's App Store, Google Play and the Amazon Appstore. TinyCo's apps are games that  
14 are free to download and allow users to make in-app purchases of virtual items that  
15 enhance or speed up gameplay. TinyCo's apps include apps that are directed to children, such as  
16 TinyPets, TinyZoo, TinyVillage, TinyMonsters, and Mermaid Resort (kids' apps). (See  
17 Exhibit A, copies of each app's initial screen.) These apps send and/or receive information over  
18 the Internet, and thus are online services directed to children pursuant to COPPA.

19 11. TinyCo is an operator as defined by the COPPA Rule, 16 C.F.R. §12.2  
20 (Section 312.2 of the Revised Rule).

21 12. TinyPets, with a description of the app in Apple's App Store stated, "Help your best friend Sully the Dog save the  
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1 pets of TinyLand from the evil Duke Spendington! Hide them in your tree house by building  
2 homes for them.”( See Exhibit B.) TinyPets was downloaded more than 2 million times.

3 13. TinyZoo, was  
4 collect, feed, and breed animated animals to build a zoo. The description of the app in Apple’s  
5 App Store states, “Build the BEST zoo and raise ADORABLE animals in TinyZoo Friends!  
6 Come back every day to discover EXCITING new animals.”( See Exhibit C.) TinyZoo  
7 has been downloaded more than 1 million times.

8 14. TinyVillage, was  
9 users build a prehistoric village and breed dinosaurs. The description of the app in Apple’s App  
10 Store states, “Raise dinosaurs, build valuable shops and complete amazing quests in your own  
11 prehistoric village!”( See Exhibit D.) TinyVillage has been downloaded more than 1 million times.

12 15. TinyMonsters, was downloaded more than 1 million times since March 2012, is a game in which  
13 users buy and hatch eggs to breed monsters, and create habitats for the monsters. The  
14 description of the app in Apple’s App Store states, “Hatch, raise, and breed mysterious elemental  
15 creatures in TinyMonsters by Tiny Co! Collect TONS of rare and adorable monsters! Feed and  
16 care for your monsters until they EVOLVE!”( See Exhibit E.) TinyMonsters has been  
17 downloaded more than 1 million times.

18 16. Mermaid Resort, was downloaded more than 1 million times since 2011, is a game in which  
19 users run a resort for mermaids and mermen. The description of the app in Apple’s App Store states,  
20 “Create the resort of your dreams with the help of the mermaids from Christian Anderson’s Little  
21 Mermaid fairytale.”( See Exhibit F.)

22 17. Pursuant to Section 312.2 of the Rule (Section 312.2 of the Revised Rule), the  
determination of whether an app is directed to children depends on factors such as the subject

1 matter, visual content, language, and use of anim

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20. TinCo operates online services directed to children, including through its kids'





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B. Aw ties from TinCo for each violation of the  
Rule alleged in this Complaint; and

ties from TinCo for each violation of the

C. Aw

court may determine to be just and proper.

Respectfully submitted,

Dated: September 16, 2014

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