Fun4Kids Inc.

A step by step walk-through of your MPT method

The task: your client **Fun4Kids** is launching a paid educational-games website for **kids ages 11 to 14**. Before the partner drafts the terms of service, you write an **objective memo** that identifies, analyzes, and makes a recommendation on **five issues** raised in the client interview.

THE FIVE ISSUES

1. **Browsewrap or clickwrap** terms of service?
2. **Verifiable parental consent**, and can parents disaffirm anyway?
3. **Credit-card payment**, with what safeguards?
4. **Collecting user data and selling it to advertisers**.
5. **Limits on advertising** to children.

Format + trap: this is an **objective advisory memo**, not persuasive. Use the exact template (*Issue: / Analysis and Recommendation:*), give a clear recommendation per issue with citations, and **do NOT draft the terms of service**.

YOUR METHOD The six moves, applied to this file

Structure first, rules second, facts last, matched to the rules, then write it in the template.

1. **Read the task memo twice**: the template, and the five issues buried in the interview.
2. **Work the Library and pull the rules**: COPPA, the FTC regs, the Civil Code, CPIA, and Sampson. Tag each with a color.
3. **Anchor your client and matter**: Fun4Kids, ages 11 to 14, wants to collect data, sell ads, and charge by card.
4. **Fix the coverage framing**: COPPA covers under-13; Franklin law covers under-18. That split decides who each rule protects.
5. **Work the interview and match facts to each issue**: pull the client's plan under each rule and land a recommendation.
6. **Outline, then write in the template**: Issue, then Analysis and Recommendation, with citations, five times.

STEP 1 Read the task memo twice for the structure

The assignment gives you the format; the interview gives you the five issues. Lock this spine first:

WHO YOU ARE associate at Weiss & Briotti, advising Fun4Kids.

WORK PRODUCT an objective memo to the partner, not the terms of service themselves.

TEMPLATE for each issue: Issue: [statement] then Analysis and Recommendation: [reasoned advice + law].

FIVE ISSUES clickwrap; parental consent; credit cards; data to advertisers; advertising limits.

DO NOT draft the terms of service; the partner will, after your analysis.

STEP 2 Work the Library: pull the rules

Five authorities plus the FTC press release. Read for the black letter, then color-tag each; reuse the colors in Step 5.

The authorities

- **COPPA** (15 U.S.C. § 6501 et seq.): a “child” is anyone under 13; an operator must get verifiable parental consent before collecting a child's personal information.
- **FTC regulations** (16 C.F.R. §§ 312.3-312.7): notice + verifiable parental consent (§ 312.3(b), 312.5); listed consent methods (§ 312.5(b)(2)); collect only what is reasonably necessary (§ 312.3(d)); cannot condition participation on extra data (§ 312.7).
- **Franklin Civil Code § 200.1**: a contract by a person under 18 may be disaffirmed by the parent.
- **Franklin CPIA § 18**: a site directed to minors (under 18) may not advertise the products listed in § 18(h).
- ***Sampson*** (Fr. Ct. App. 2017) + *Hartson*: a browsewrap agreement binds only on a fact-specific showing of notice; a clickwrap (an affirmative “I agree” click) is enforceable.
- **FTC press release (Persimmon)**: $45M refund for charging kids without express informed parental consent for credit-card charges.

STEP 3 Anchor your client and matter

CLIENT Fun4Kids: a paid educational-games site + app for kids 11 to 14.

THE PLAN browsewrap terms; monthly + per-game fees by credit card; targeted ads.

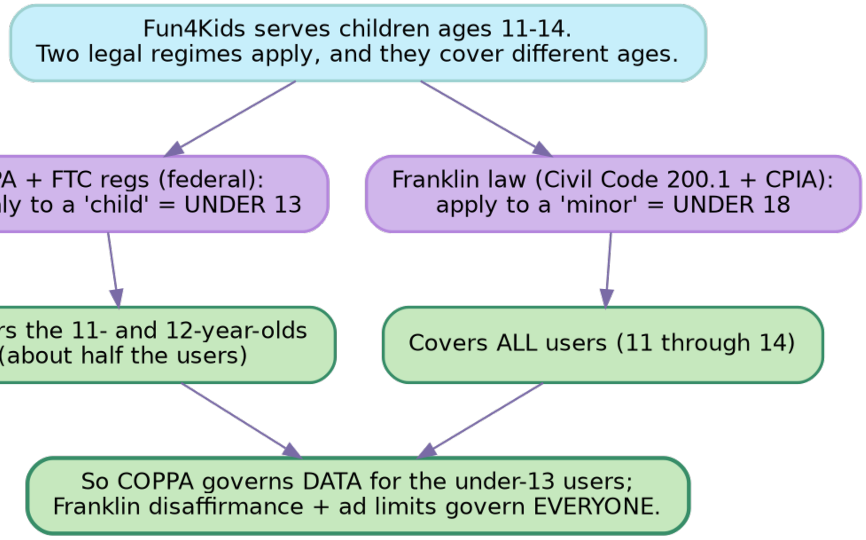
THE DATA wants name, home address, gender, age, email, and to sell it to advertisers.

THE ASK what must change to comply, issue by issue.

STEP 4 Fix the coverage framing

Before the issues, settle **who each law protects**. This split drives every answer:

- **COPPA + FTC regs** reach only a “child,” meaning under 13, so they cover the 11 and 12 year olds (about half the users).
- **Franklin law** (Civil Code § 200.1 and CPIA) reaches minors under 18, so it covers all of Fun4Kids's users.
- **So:** federal data rules apply to the younger half; disaffirmance and ad limits apply to everyone.



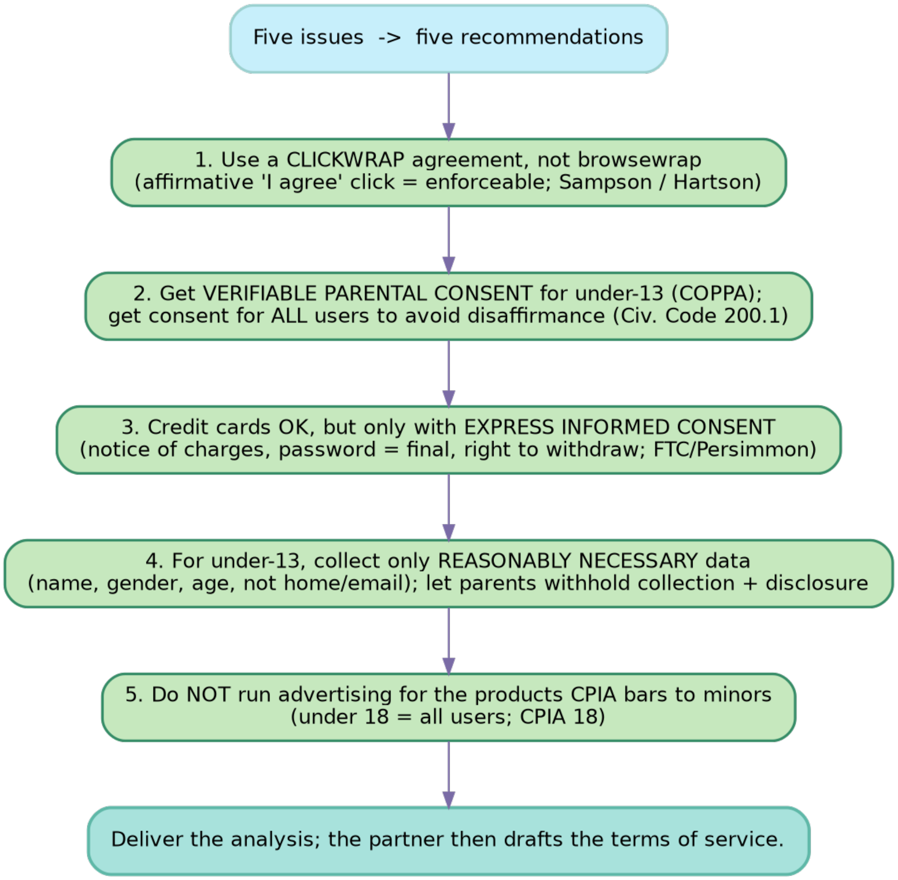
The coverage split: COPPA (under 13) governs data for the younger users; Franklin law (under 18) reaches all users.

STEP 5 Work the interview: match each issue to the law

Take each issue the client raised, snap it to the governing rule, and land a recommendation. Same color = one issue's thread.

1 clickwrap **2 parental consent** **3 credit cards** **4 data to ads** **5 ad limits**

GOVERNING LAW (LIBRARY)	THE FACTS + YOUR RECOMMENDATION
Issue 1 (*Sampson/Hartson*): browsewrap binds only with proof of notice; clickwrap is enforceable.	The client prefers browsewrap. Recommend a clickwrap “I agree” gate, given all the COPPA consent it must document.
Issue 2 (COPPA § 312.3(b), 312.5; § 200.1): verifiable parental consent for under-13; parents of any minor can disaffirm.	Consent is required for the 11 to 12 year olds; use a listed method (§ 312.5(b)(2)). Get consent for all users to avoid disaffirmance.
Issue 3 (FTC press release, *Persimmon*): express informed consent before credit-card charges.	Credit cards are fine, but notify parents of the charges, that a password makes them final, and allow withdrawal. A card also doubles as consent (§ 312.5(b)(2)(ii)).
Issue 4 (§ 312.3(d), 312.5(a)(2), 312.7): collect only reasonably necessary data; let parents withhold.	For under-13: collect name, gender, age, but NOT home or email (not needed); give parents the chance to refuse collection and disclosure to advertisers.
Issue 5 (CPIA § 18): no advertising the § 18(h) products to minors under 18.	Applies to all users; screen advertisers so none of the eight prohibited product categories run on the site.



The five recommendations, in order; then the partner drafts the terms of service.

STEP 6 Outline, then write it in the template

Each issue is its own block: a one-line **Issue**, then **Analysis and Recommendation** that states the rule, applies the facts, and ends with a clear recommendation and citations.

ISSUE *May Fun4Kids use a browsewrap agreement, or is a clickwrap agreement necessary?*

ANALYSIS + REC Recommend a clickwrap agreement. Under *Sampson* and *Hartson*, a browsewrap binds only on a fact-specific showing of notice, while a clickwrap's affirmative "I agree" is enforceable; given COPPA's consent and disclosure duties, the site needs that documented click. *Sampson; 16 C.F.R. §§ 312.3-312.5.*

REPEAT Run the same block for issues 2 through 5. Keep it objective: recommend, do not argue.

BEFORE YOU HAND IT IN Point-losers on this file

- Missing the age split. **COPPA = under 13**; Franklin = under 18. State it once and apply it throughout.
- Forgetting disaffirmance. Even non-COPPA minors' agreements can be **disaffirmed by a parent** (§ 200.1), so advise consent for all.
- Over-collecting data. Home and email are **not reasonably necessary** (§ 312.3(d), 312.7); drop them for under-13.

- Ignoring the template. Use **Issue / Analysis and Recommendation** for each, and do not draft the TOS.
- Skipping citations. Pin each recommendation to the **statute, regulation, case, or the FTC release**.