

## Editorial 2

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### Regulation and self-regulation in content created by minors on digital platforms

#### *Regulación y autorregulación en la creación de contenidos de menores en plataformas digitales*

##### 1. Introduction

The phenomenon of underage influencers on video platforms is experiencing an unrelenting growth in the activity, presence and consumption of brands in relation to audiovisual content and on the potential for influence and social transformation of some of this content. All of this contributes to increase the complexity and associated problems as it is a phenomenon that is only partially regulated in current legislation. There are new and emerging research challenges in relation to the audiences involved: minors who created content, parents or legal guardians, YouTube Professionals, followers, teachers, scholars and researchers as well as society at large.

Being a *Youtuber* is one of the top five most desired professions by Spanish minors (Adecco, 2021). Immersed in a culture of participation (Jenkins, 2006; Aparici & Osuna, 2013), YouTube offers a space where audiovisual content can be hosted and that allows users to interact with it through searching, sharing and commenting on such contents around which they build online communities. Minor creators express their identities through videos that reflect their perspectives on life and in turn exert influence upon their community of followers. (Tur-Viñes, Nuñez- Gómez and González-Río, 2018). This social system is based around audiovisual content that has several implications for the regulation and self-regulation of advertising.

This monograph is an approximation to the normative framework and self-regulatory initiatives related to minors that create online content, from the audiovisual, advertising and media communication perspectives..This phenomenon has led to a need to amend EU norms such as the e-Commerce Directive, the Audiovisual Media Services Directive and the General Data Protection Regulation (GDPR), change platform policies to align them with the requirements of COPPA -in the case of the United States- and in the ways self-regulation entities have created codes for self-regulation, often inspired by the interaction with, or as a result of the actions of governmental regulatory bodies such as the FTC, also in the United States. It is around that regulatory framework that this issue takes a look at topics related to advertising, the protection of personal data and privacy and the responsibilities and liabilities of the different actors that take part in this reality, as well as at the roles of public administration and the parents of underage content creators.

##### 2. Contributions

Among the questions that the contributions to this issue of the *Revista Mediterránea de Comunicación* seek to provide answers to are: what observable realities within the context of content created by minors is leading to changes in legislation and self-regulation initiatives? Within that same context, what are the gaps in legislation or self-regulation and what needs to be amended in order to be able to better respond to current realities? Is it possible to reconcile the existence of a market for online content

created by children with the protection of privacy, personal data and the rights of children? What are the responsibilities of the different actors involved? What is and what should be the role of public administration and how can its intervention help foster the existence of this market while at the same time ensuring that underage persons remain protected? What should the role of the parents be? What kinds of advertising messages are distributed by the minors that star on videos? What are the resources used, if they are used, to announce the commercial nature of the content?

This monograph starts with the contribution of Celia Rangel from Complutense University in Madrid, with the article *Artificial Intelligence as an ally in the monitoring of harmful commercial contents for children online*. The article carries out an analysis of the Spanish national and European legal norms related to commercial content aimed at minors, including rules for the use of artificial intelligence such as the upcoming Artificial Intelligence regulation and understands them as one more ally in the safeguarding of minors in the digital realm, as a tool for voice, image and video recognition; segmentation of underage audiences; the creation of profiles and the prediction of content. The article reflects upon how artificial intelligence can be a useful tool to automate the detection of commercial content that may be harmful for minors, but also exhibits that all parties involved must work together to find solutions.

In *Agents that protect minors and social networks. The TikTok dilemma*, Pablo Martín-Ramallal and Mercedes Ruiz-Mondaza highlight the risk posed by the ease with which minors can evade TikTok's rules for membership as well as the rules for publishing content on this digital platform. This is why it is urgent that agents that can protect minors, such as self-regulatory bodies, parents or the platform itself combine their efforts in order to protect minors who use TikTok.

The contribution *Exposure of Minors on Instagram: Insta-Moms, brand presence and legal gaps* by Estefanía Jiménez Iglesias, Angeriñe Elorriaga-Illera, Sergio Monge-Benito and Elena Olabari-Fernández analyzes content published in the Instagram accounts of a sample of ten Spanish influencers, all of them mothers, putting the focus on the presence of minors and commercial brands in their publications. The goals of the study are, on the one hand, identifying what type of relationship exists between the appearance of minors and brands, and on the other, analyzing if the level of interaction with the audiences depends on the presence of minors and brands.

Another contribution, authored by David Ramírez-Plascencia, Rosa María Alonzo González and Jorge Iván Marín Tapiero, from the University of Guadalajara *Underage Youtubers and the risks they face due to gaps in Mexican Legislation. Are the Coogan Law or the French 2020-1266 Law viable alternatives for their protection?* takes a look at the existing gaps in Mexican legislation and their relationship with the risks for the wellbeing of underage content creators in the North American country. The article looks at alternatives to fill in those gaps through the analysis of legislation that has been around for a long time, such as the Jackie Coogan law, from the United States and its framework for the protection of underage talents or the much newer 2020-1266 law in France.

Other articles that are also part of this issue include *Attracting minors with entertainment: new ways of brand communication on mobile devices* from Charo Sádaba and Beatriz Feijoo Fernández from the *Universidad Internacional de la Rioja* that describe, from the point of view of communication, how brands position products through mobile devices by using language and channels more commonly found on audiovisual content more focused on entertainment than advertising but that, ultimately, have commercial goals.

The contribution by Antonio García-Jiménez, Rebeca Suárez-Álvarez and Manuel Montes-Vozmediano under the title *Vulnerability situations in teenage YouTubers's videos. Differences across gender and age* also analyzes issues around gender perspectives. Through the analysis of 300 videos uploaded by teenage YouTubers they detect a clear dichotomy related to gender: girls are much more exposed to obscene and objectionable content while boys tend to make more obscene and objectionable comments.

One of the contributions that clearly approaches legal issues related to minor creators is the work by Isabel Serrano from the Complutense University in Madrid *Minors and digital content. Rights and obligations*. This study analyzes, from a general perspective, what the law defines as a "minor" and approaches what messages should not be distributed while also looking into the existing confusing legislation in relation to limitations based on the age of minors. Such legislation can be shockingly permissive and incredibly restricting at the same time, leading into great confusion that may even lead to legal uncertainty. The work includes a three-way legal analysis related to the role of minors as consumers, creators and stars in the content, highlighting their rights and obligations as well as the role of their parents or legal guardians.

The common conclusion that can be derived from all the contributions to this special issue highlights the necessity of defining regulatory and self-regulatory frameworks that can adapt to the changing

realities of minors as content creators on digital platforms, considering the vulnerability and sensibility of both content creators and their audiences. We thank all authors for their work and contributions that have made this special issue possible. We also wish to thank the editors of *Revista Mediterránea de Comunicación*, Victoria Tur- Viñes, Carmen Marta-Lazo and Jesús Segarra-Saavedra for their support and advice through the whole editorial process.

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