In the Matter of	)
	) **AGREEMENT CONTAINING**
	) **CONSENT ORDER**
ORACLE CORPORATION,	)
a corporation.	) **FILE NO. 132 3115**
	)
	)

The Federal Trade Commission ("Commission") has conducted an investigation of certain acts and practices of Oracle Corporation ("proposed respondent"). Proposed respondent, having been represented by counsel, is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Oracle Corporation, by its duly authorized officers, and counsel for the Federal Trade Commission that:

1. Proposed respondent Oracle Corporation ("Oracle") is a Delaware corporation with its principal office or place of business at 500 Oracle Parkway, Redwood City, California 94065.

2. Proposed respondent neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in this order. Only for purposes of this action, proposed respondent admits the facts necessary to establish jurisdiction.

3. Proposed respondent waives:

    A. any further procedural steps;

    B. the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

    C. all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5.   This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

6.   Proposed respondent has read the draft complaint and consent order. Proposed respondent understands that it may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1.   "Affected Consumers" shall mean persons who, prior to the date of issuance of this order, downloaded, installed, or updated Java SE.

2.   "Clear(ly) and conspicuous(ly)" means that a required disclosure is difficult to miss (*i.e.*, easily noticeable) and easily understandable by ordinary consumers, including in all of the following ways:

   A.   In any communication that is solely visual or solely audible, the disclosure must be made through the same means through which the communication is presented. In any communication made through both visual and audible means, such as a television advertisement, the disclosure must be presented simultaneously in both the visual and audible portions of the communication, even if the representation requiring the disclosure is made in only one means.

   B.   A visual disclosure, by its size, contrast, location, the length of time it appears, and other characteristics, must stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

C.   An audible disclosure, including by telephone or streaming video, must be delivered in a volume, speed, and cadence sufficient for ordinary consumers to easily hear and understand it.

D.   In any communication using an interactive electronic medium, such as the Internet or software, the disclosure must be unavoidable.

E.   The disclosure must use diction and syntax understandable to ordinary consumers.

F.   The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-to-face communications.

G.   The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.

3.   "Commerce" shall mean as defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.

4.   "Covered Software" shall mean Oracle's Java SE, and any other software offered by Oracle directly to consumers to run programs on their computers or applications within a browser. Covered Software does not include software offered exclusively for developers or enterprises.

5.   "Java SE" shall mean Oracle's Java Platform, Standard Edition software, the Java Runtime Environment ("JRE"), or the Java plug-in offered by Oracle directly to consumers using Windows-based computers. Java SE does not include software offered exclusively for developers or enterprises.

6.   "Iterations" shall mean all releases, other than test releases, that have ever been supported by Oracle.

7.   "Iteration(s) Released Within the Last Quarter" shall mean, at any given point in time, the iteration(s) of Java SE released within the preceding three months.

8.   Unless otherwise specified, "respondent" shall mean Oracle Corporation, and its successors and assigns.

I.

IT IS ORDERED that respondent and its officers, agents, representatives, and employees, whether acting directly or indirectly, in or affecting commerce, must not misrepresent: (1) the privacy or security of the Covered Software on a consumer's computer, including but not limited to the effect on privacy or security of any installation or update of the Covered Software; or (2) how to uninstall older Iterations of the Covered Software.

II.

IT IS FURTHER ORDERED that respondent and its officers, agents, representatives, and employees, whether acting directly or indirectly, must ensure that during any installation or update to any Iteration of Java SE released after the date of service of this order, respondent:

A.   Clearly and Conspicuously discloses to the consumer all Iterations of Java SE 1.4.2 or later, other than any Iteration(s) Released Within the Last Quarter, currently installed on the consumer's computer;

B.   Clearly and Conspicuously explains that there may be risks to the security of the consumer's computer if the consumer chooses not to remove any Iterations of Java SE older than the Iteration(s) Released Within The Last Quarter currently installed on the consumer's computer; and

C.   Clearly and Conspicuously discloses which Iterations of Java SE 1.4.2 or later, other than any Iteration(s) Released Within the Last Quarter, that remain installed following installation or update of Java SE, and Clearly and Conspicuously provides instructions describing how consumers can effectively uninstall these Iterations.

III.

IT IS FURTHER ORDERED that respondent and its officers, agents, representatives, and employees, whether acting directly or indirectly, must notify Affected Consumers, Clearly and Conspicuously that in some instances, they may have older, insecure Iterations of Java SE on their computers. Such notification shall include effective, Clear and Conspicuous instructions on how to remove these older Iterations. Notification shall include, but not be limited to, each of the following means:

A.   Posting of a Clear and Conspicuous hyperlink on the home page of respondent's primary, consumer-facing website for Java SE. Such hyperlink must read "IMPORTANT INFORMATION REGARDING THE SECURITY OF JAVA SE." The hyperlink should connect to a sample of the letter shown in Attachment A. This hyperlink and sample letter must be posted no later than ten (10) days after the date of service of the order and for at least two years following posting;

B.   On or before ten (10) days after the date of service of this order, provide Clear and Conspicuous notice to Affected Consumers regarding the contents of Attachment A. Respondent shall inform Affected Consumers by:

        1.   Contacting Avast Software, AVG Technologies, ESET North America, Avira, Inc., McAfee, Inc., Symantec Corporation, Trend Micro, Inc., and Mozilla Corporation to request that these entities publish this notice in their security bulletins;

2.   Sending a Twitter notification via respondent's primary Twitter account for Java SE, the text of which shall read "IMPORTANT INFORMATION REGARDING THE SECURITY OF JAVA SE," and link to a sample of the letter shown in Attachment A; and

3.   Sending a Facebook notification via respondent's primary Facebook account for Java SE, the text of which shall read "IMPORTANT INFORMATION REGARDING THE SECURITY OF JAVA SE," and link to a sample of the letter shown in Attachment A; and

C.   On or before ten (10) days after the date of service of this order and for three (3) years thereafter, providing prompt and free help to Affected Consumers through:

1.   An uninstall tool that allows Affected Consumers to uninstall Iterations of Java SE, 1.4.2 or later;

2.   A page on respondent's primary, consumer-facing website for Java SE that Clearly and Conspicuously explains how to uninstall Iterations of Java SE, and provides a link to the uninstall tool referenced in Part III.C.1; and

3.   A Clear and Conspicuous electronic form, specific to update and uninstall issues, available on respondent's primary, consumer-facing website for Java SE. Respondent shall answer within a reasonable time, by email, consumers who fill out such form.

IV.

IT IS FURTHER ORDERED that respondent shall maintain and, upon request, make available to the Federal Trade Commission for inspection and copying, for a period of five (5) years from the date of preparation or dissemination, whichever is later, a print or electronic copy of each document relating to compliance with this order, including but not limited to:

A.   All advertisements, promotional materials, installation and user guides, websites, and installation screens containing any representations covered by this order, as well as all materials used or relied upon in making or disseminating the representation;

B.   All release notes for all Java SE Iterations, including the Iterations' release dates; and

C.   Any documents, whether prepared by or on behalf of respondent, that contradict, qualify, or call into question respondent's compliance with this order.

V.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, must deliver a copy of this order to all current and future subsidiaries, current and future principals, officers, directors, and managers, employees, agents, and representatives having managerial or supervisory responsibilities relating to Parts I - III of this order. Respondent must deliver this

order to such current subsidiaries and personnel within thirty (30) days after service of this order, and to such future subsidiaries and personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part VI, delivery must be at least ten (10) days prior to the change in structure. Respondent must secure a signed and dated statement acknowledging receipt of this order, within thirty (30) days of delivery, from all persons receiving a copy of the order pursuant to this section.

VI.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including, but not limited to, dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor company; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation(s) about which respondent learns less than thirty (30) days prior to the date such action is to take place, respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line *In the Matter of Oracle Corporation*, FTC File No. 132 3115. Provided, however, that in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.

VII.

IT IS FURTHER ORDERED that respondent, and its successors and assigns, within ninety (90) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of its compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, it shall submit additional true and accurate written reports.

VIII.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

A.   Any Part in this order that terminates in less than twenty (20) years;

B.   This order's application to any respondent that is not named as a defendant in such complaint; and

C.   This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

ORACLE, CORP.

Dated: _____   By: _____
                                             DORIAN DALEY
                                             Executive Vice President, General Counsel,
                                             and Secretary
                                             Oracle Corporation

Dated: _____   By: _____
                                             JONATHAN G. CEDARBAUM
                                             BENJAMIN A. POWELL
                                             D. REED FREEMAN, JR.
                                             Wilmer Cutler Pickering Hale and Door LLP
                                             Counsel for Oracle Corporation

                                             FEDERAL TRADE COMMISSION

Dated: _____   By: _____
                                             ANDREA V. ARIAS
                                             JACQUELINE K. CONNOR
                                             Counsel for the Federal Trade Commission

APPROVED:

_____
LAURA RIPOSO VANDRUFF
Assistant Director
Division of Privacy and Identity Protection
Bureau of Consumer Protection

_____
MANEESHA MITHAL
Associate Director
Division of Privacy and Identity Protection
Bureau of Consumer Protection

CONCUR:

_____
JESSICA L. RICH
Director
Bureau of Consumer Protection

Attachment A

[To appear with Oracle and Java logos]

SUBJECT: Steps you should take to fix a Java SE security risk on your computer

Dear Java SE customer:

We're sending you this message because you may have downloaded, installed, or updated Java SE software on your computer. The Federal Trade Commission, the nation's consumer protection agency, has sued us for making allegedly deceptive security claims about Java SE. To settle the lawsuit, we agreed to contact you with instructions on how to protect the personal information on your computer by deleting older versions of Java SE from your computer. Please take the suggested steps as soon as possible.

Here's a summary of what the FTC lawsuit is about. The FTC alleged that, in the past, when you installed or updated Java SE, it didn't replace the version already on your computer. Instead, each version installed side-by-side at the same time. Later, after we changed this, installing or updating Java SE removed only the most recent version already on your computer. What's more, in many cases, it didn't remove any version released before October 2008.

Why was that a problem? Earlier versions of Java SE have serious security risks we corrected in later versions. When people downloaded a new version, we said they could keep Java SE on their computer secure by updating to the latest version or by deleting older versions using the Add/Remove Program utility in their Windows system. But according to the FTC, that wasn't sufficient. Updating to the latest version didn't always remove older versions. So many computers had several versions installed.

That creates a serious security vulnerability. Even if you installed the most recent version of Java SE, the personal information on your computer may be at risk because earlier, less secure versions could still be executed.

To fix this problem, visit http://java.com/uninstall, where instructions on how to uninstall older versions of Java SE are provided. This webpage also provides a link to the Java SE uninstall tool, which you can use to uninstall older versions of Java SE. You may also go to http://java.com/uninstallhelp if you have any additional questions or concerns.

To learn more about this lawsuit, call the FTC at 1-888-922-7836.