



## **Business leaders question iTunes guidelines**

### **Apple reconsiders rejection of some non-mainstream apps**

By Etan Vlessing June 21, 2010

TORONTO -- An openly gay Canadian TV producer, Les Tomlin is used to dealing with the morality police, whether broadcast censors or squeamish cable operators.

But Apple?

Tomlin, executive producer of Bumper2Bumper Media, which developed the Bump! Travel Guides mobile apps based on a gay and lesbian TV travel show, received nine rejections in a row when he submitted the smartphone application to Apple for approval to get into the iTunes App Store, with little indication on why his product was flagged.

"It's not a sex site. It's a travel app for travelers," Tomlin says of the mobile guide to 12 gay-friendly travel destinations co-produced with Peace Point Entertainment and Metranome.

Tomlin removed what he thought might be offending content in his Bump! Travel Guides to garner favor with the Apple reviewer, but to no avail.

Worse, Apple's lack of transparency in its censorship process stopped Tomlin from divining what App Store might consider acceptable.

"They (iTunes) have 'Gay Kama Sutra Sex Positions' for iPhones. So I'm thinking what could be offending mid-western Americans that I've got nine rejection letters," Tomlin recalled.

Frustration over Apple's arbitrary and seemingly mysterious review policy for apps submitted for approval is shared elsewhere.

"Apple is in the power seat, serving as judge, jury and censor on the one hand, and on the other hand they're hit-makers," said Catherine Warren, president of Vancouver-based FanTrust Entertainment Strategies, an entertainment industry business developer.

"They're in a position to prevent, delay or fast-track distribution. But if distribution is prevented or delayed, that hurts producers and fans who want the content," Warren adds.

Apple's haphazard app review process has led to a string of recent head-scratchers industry-wide.

Apple in early June censored an iPad graphic novel adaptation of Oscar Wilde's "The Importance of Being Earnest," and then reversed its decision.

Apple did the same with a comic adaptation of the James Joyce classic novel "Ulysses" for the iPad, blocking the app for some graphic panels, and then undoing its decision after finding the product had artistic merit.

Warren accepts Apple is besieged by new apps submitted for approval, and that it aims to maintain taste standards.

But a standard checklist from Apple would help app creators better tailor their offerings.

"It's like going through customs. It's the luck of the draw," Warren said of the current censorship policy.

Ajit Jaokar, CEO of London-based Futuretext, a mobile industry consultant, said Apple's recent censorship and quick reversals underline a subtle and emerging shift in the App Store from a closed to a more open ecosystem in competition with the emerging Android platform and Google.

"The issue is it's going to be harder as they (App Store) grow in scale to manage this moderator role, to choose content and decide what is acceptable or not," Jaokar said.

For Tomlin, it took a conference phone call with Apple headquarters to get his Bump! travel app into the iTunes online store.

At first, Tomlin explained the Bump! app to Apple executives, how it offered gay travel tips for Amsterdam and Antwerp, or Miami and Montreal, complete with pictures, GPS maps and saucy videos of local pride events.

Then the phone went silent.

"Someone finally said, 'We can't have this conference call right now. We'll call you back in an hour,' " Tomlin recalls.

Apple did ring back in an hour, to indicate Peace Point needed to fix a few technical glitches and the Bump! app would be on iTunes the next day.

"It was nothing to do with the content. As as soon as we got someone who did know the lay of the land, everything was fixed in a day," Tomlin insists.