

YouTube Email Digest

7/22/08 3:17 AM

July 26, 2007,

Now almost a month since I've heard from Wynston--not to mention that his last response served only to tell me that an actual response was coming soon--but now three days since litigation has been hinted at, and who pops out of the woodwork: WYNSTON! It's only right, at this stage, to copy his entire email, so here it is:

"Hi there,

Benny, sorry that I haven't responded personally to your email messages. We are always extremely busy, but I was waiting to hear a response from our partner team on your status. I had forwarded one of your email messages to our partner program in order to expediate your application, because it seemed that you were interested in becoming a content partner.

I explained that you had created a video that was attempting to educate the YouTube masses on how to combat spam. As a YouTube user, we don't aim to appease, but please you. I'm sorry if their response was not to your satisfaction.

Again, thanks for helping us fight spam and good luck in your future YouTube ventures. I will continue to cheer you on.

Regards,

Wynston
The YouTube Team"

This email was kind of like getting a ten square-foot box in the mail with nothing in it, not even bubble wrap. Basically, Wynston says nothing. Despite my dozens of emails, many of which just asked for a confirmation that Wynston had received the previous emails, Wynston now tells me that he didn't want to respond to me until hearing back from the partner team.

And now that he has allegedly heard back from them, he doesn't share this information with me that he's been waiting for to get back to me with. Instead he short circuits into this poetic saying about how Youtube's goal isn't to *pacify* (appease) me but to provide me with *genuine satisfaction* (please). I actually spent awhile studying these words "appease" and "please" used so naturally by Wynston, hoping reference materials would fill in the holes left in our correspondence. I thought for a mintue that maybe it was a riddle I had to solve to unlock the final answer I'd been looking for. Like I stated earlier, this is what GooTube does, instead of answering your questions, they give you an idea for an answer. And not an idea for an answer to YOUR question, but an idea for an answer to ANY question.

But what about Wynston's promises:

1. To look into featuring the video and provide me a response.
2. An answer on the Partner Program, after he allegedly put in this word for me about my anti-spam work on behalf of Youtube.
3. Information on the Advertising Program.
4. Taking a look at my videos to see what my content was all about.
5. Supporting and applauding my efforts. And cheering me on. --

Surely the above number 5 didn't mean the bathetic thanks he bestowed on me through email coupled with the lack of basic response?

Then he says *"I'm sorry if their response was not to your satisfaction."*
 What response? I didn't get a response. Surely he wasn't talking about the response where Evelyn told me about this great new site called www.Youtube.com?

And then, like a parent trying to convince an all-knowing adolescent that Santa Claus ate the cookies and milk, Wynston informs me that he will be continuing to cheer me on during my ventures on Youtube. I may have been dumb, but I wasn't that dumb. Or I might've been.

July 27, 2007,

In response to the above email from Wynston, I sent this reply, in whole:

"Dear Wynston,

I have no idea what you're talking about in this email. I didn't receive an email from your partner program that I know of. The reason I've been emailing you and others at Youtube so "incessantly," is because I have received no reply from anyone, including you, despite the severity of the situation. However, since you know of this email from the partner program, why don't you forward it to me yourself. I would appreciate that and that will eliminate any more confusion. And then I will be able to tell whether it's too my liking or not.

Seeing that the words "please" and "appease" have identical meanings (namely, "to satisfy"), I must ask what you mean by "...we don't aim to appease but please..."?

If you are thankful for my assistance in helping you fight SPAM, as you say you are, I must ask you to communicate further with me and much more regularly, or the knots I have tied on the problem will come undone. If you do care about solving your SPAM problem, I do have the solution, or the best one. I have eliminated your biggest spammer, CAMZNOW (one that was taking me an hour a day just to delete the spam off of my videos alone) but I have seen others budding, and they are getting stronger,

like deer ticks, and it will "take a village" to stop them. Are you onboard or not? Can you name these spammers and their domains off the top of your head like I, "Mr. Eric Brokovich", can do? Do you understand what I mean by "are you onboard or not?" I have spent days and days trying to solve this problem on behalf of youtube, with no "Consideration" from youtube, and, three weeks into the battle, you send me an email, apologizing for not responding, but still not responding to the issues I've raised. This is an epidemic, Wynston, but not as serious of an epidemic, as Youtube's email response system.

I look forward to your contact information so we can work like proper gentleman on the solution of this and other problems on Youtube. For not even a problem as small as getting the wrong drink at Wendy's could be solved by the method we're going about it, namely, an email every three weeks or what have you.

I look forward to your reply,

Sincerely,

Benjamin Ligeri

I speak my mind, I try to be as polite as possible, I always throw in a little humor, but I'm human and I don't like being walked on.

July 29, 2007,

I sent the following email (in whole) to Youtube, care of their legal department and copyright department, separately addressed:

"Any word on this status? I filed my counter a few weeks ago, the second counter on the same video.

I've said this many times before, including in the fax containing my counter notice, but I'll say it once more, this time for legal reasons. Two months ago, RCA filed a copyright infringement notice on the below video: GIRLFRIEND. I filed a counter, I then received an email from Youtube stating that RCA Records mistakenly flagged my video and my video was subsequently put back up. Now, two months later, despite the mistake by RCA, I am being told by Youtube that RCA is now making the same mistake again, and this fact is falling on deaf ears. As is my counter notice. And this video remains removed from Youtube once again, for about two weeks, once again.

"Sincerely,"

Benjamin Ligeri"

July 30, 2007,

I sent the following email to Wynston, in whole:

"Dear Wynston,

It's also been about a month since you said you'd get back to me on the SPAM video and situation. Another thing I haven't heard back on. So there's that and the partner program that are still outstanding. Thanks a lot,

Benjamin Ligeri"

July 31, 2007,

BACKGROUND:

Youtube held a contest around this time called the SKETCHIES CONTEST sponsored by Sierra Mist, and it called for a 3-minute comedy sketch. I created a low budget version of a high concept sketch that I had written a few years earlier called THE CIVILIZED CAR HORN (about a new civilized-speaking car horn that replaces the primitive HONKING of the current model). I felt it had a decent chance of winning the \$25,000 if it the video was voted on by YouTube users, as agreed upon by in the terms for the contest. I also submitted several other sketches under different character accounts. There weren't many quality submissions and it turned out that Youtube was using the contest to promote sponsored users and/or friends of Youtube such as 'Awkward Pictures' and 'LisaNova'.

Youtube users were supposed to vote on the semi-finalists, but Youtube itself chose the top twenty semi-finalists. And it was clear from the get go that Youtube's decision wasn't being based on the comedy or general quality of the comedy sketch but on WHO the creator of the sketch was. Some of the finalist sketches selected by Youtube were so bad that an expert in constitutional law might call them 'cruel and unusual punishment'. Examples would include some kid splashing water on his face as if the act of the splashing itself was funny and that was it, and another where a few kids were on a quest to find Edgar Allen Poe in a completely unhumorous way by any standards. Many of these finalist videos selected by Youtube to be voted on by the community of viewers looked as though they had been made to entertain people who had spent their entire life on a secluded island and never had the pleasure of even the slightest irony in media form.

And others just lacked complete substance, like Awkward Pictures sketch "Waffle" was simply a "why did the chicken cross the road" type joke. It wasn't bad or anything but there were just so many great sketches not selected, why is a 20-second knock knock type joke being selected as a finalist in a 3-minute sketch contest?? The sketches just simply weren't chosen based on the grounds that Youtube had outlined as the grounds for choosing the initial semi-finalists. And it seemed more than a little coincidental that Youtube's chosen partners were also the top semi-finalists.

And Awkward Pictures, who eventually one the contest, had their video featured on the homepage of YouTube.com, as if a few million "extra views" isn't going to tip the contest in their favor, when the average sketch was lucky to get a few hundred views on its own.

It was also done very secretly, I remember many people complaining that they couldn't find where to vote on the finalists. I know that I personally spent hours looking for where to vote for the semi-finalists, and that was after clicking the link that said "VOTE HERE"!!! I emailed Youtube several times on where to vote and never received an answer. The whole contest, the selection process, and voting just simply reeked of inside corruption.

After doing quite a bit of research and learning that the YOUTUBE SKETCHIES CONTEST was indeed fraudulent, I sent the following email to Youtube:

"Dear Youtube,

I am writing to tell you that I am quite certain the Youtube Sketchies contest was fraudulent in many respects. I'm not quite sure who to contact on this matter, as to my discoveries of this fraud. I will try to contact the sponsor, Sierra Mist, if I do not hear back from you, maybe that is the correct venue to pursue. Either way, I do hope you get back to me on this serious issue that affects Youtube. You can reply to this email or call me at 401-952-1603. Although I will be out of the country for a week, if you leave a message, I can call you back from where I'm at.

*Yours,
Benjamin Ligeri"*

Sure I'm acting more innocent than I really am in the above email, as if the fraudsters themselves could help. But I was curious how widespread throughout YouTube the contest fraud was and also what their reaction might be.

August 1, 2007,

Good old Harry the Mad Hatter writes back to me with the following email:

*"Dear Benjamin,
We have not had any communication with the claimant involving your counter notice as of yet. The DMCA counter process takes 10 to 14 to complete.
Sincerely,
Harry
The YouTube Team"*

As you can see, Harry still hasn't acknowledged any degree of the same point in my multiple emails and in my counter-notification that the claimant had already withdrawn their notice two months ago stating that they had made an error in filing it in the first place, and that Youtube had restored this same exact video two months ago.

My reply to Harry:

*"Dear Harry (c/o Harry's Supervisor),
you say it takes 10 to 14 days to complete, but it's been over two months since I initially filed the counter reply and the ruling has been reached by Youtube copyright, to restore the video, yet you have not? So why is this? I received an email, which I've sent you several times, that said RCA has retracted their claim to my video and the video will be restored. The video was restored two months ago. Why is it being taken down after Youtube and the claimant have agreed it should be put back up, as it does not violate the claimant's copyright, by their own admission to you. If there's any doubt, would you like me to forward you the email I received from YOUTUBE'S COPYRIGHT DEP'T for the fourth time?"*

*Or how else should I respond to a double message where **Youtube is saying that the claim has been reviewed and retracted by the claimant while simultaneously saying that the claim is still being processed?** [emphasis added] That's the equivalent of a judge telling a defendant that he is going to jail and is also not being sent to jail. Are you trying to make normal people go insane or is there something I'm missing?*

*Sincerely,
Benjamin Ligeri"*

August 6, 2007,

Today marks the 18th day since I sent my second counter-notification in accordance with the DMCA process that Youtube is in clear violation of, so I write this email to copyright@youtube.com (even though I say in the email that it's only been 14 days in the below email, it's actually been 18 days since the second counter-notification was faxed on 7-19-07 and almost two months since the first):

"And now it's been 14 days, so let's see if Youtube Copyright writes back to tell me the status of the copyright dispute between user Bennybaby and RCA Records over the video GIRLFRIEND by PROFESSOR CARLTON, that was removed a second time in July after it was removed two months ago by a copyright claim of RCA Records and then subsequently put back up after RCA Records retracted their copyright claim.

*Sincerely,
Benjamin Ligeri*

that guy routinely tortured by that company known as youtube"

Also today, in response to my allegation of fraud in the Sketchies Contest, I received this email from legal@support.youtube.com:

"Hi there,
What is the nature of the fraud you allege?
Sincerely,
Mike
YouTube, LLC"

I replied:

"Hi Mike,
I'm not really alleging yet, just alerting you at this point. The fraud that I speak of, however, is multi-dimensional, predominantly dealing with the selection process vs. how the selection process was promulgated. Specifically, the top 20 selection appeared fraudulent, and we're talking *res ipsa loquitur* fraud, so are you very familiar with the contest? And Youtube politics at that?

Sincerely,

Benjamin Ligeri

*p.s. While I got legal's ear, there have been some other frauds and unfair business practices on Youtube which I've been victim of. One is my dealings with Wynston from the Youtube Team. I have a compiled series of our emails if you'd like to read it, another case of old *res ipsa*. And then there's my copyright debacle with Harry and Heather, a severe *res ipsa*. I'm not throwing this latin legal phrase around loosely either."*

I never heard back from Mike in Youtube Legal.

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Also today, I sent an email to Wynston and Youtube Legal telling Wynston that I am considering naming him personally in a claim against Youtube, as it's been over a month since he promised to get back to me on a multitude of issues of which he has unanimously ignored.

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August 9, 2007,

*"Dear Benjamin,
In accordance with the Digital Millennium Copyright Act, we've completed processing your counter-notification regarding your video
http://www.youtube.com/watch?v=fQg_DSxVOhs
This content has been restored and your account will not be penalized.
Sincerely,
Harry
The YouTube Team"*

It's important to note that Harry is wrong about these actions being taken in accordance with the DMCA, as they were not. They are way past the DMCA's mandatory deadline for restoring a user's content after a counter-notification.

My reply:

"In accordance with the Digital Millennium Copyright Act (and applicable state and federal copyright law), I'm requesting all of the information and documentation on the decision, including the copyright claim form filed by the claimaint, and I'm requesting to know why this "mistake" has occurred TWICE with respect to the SAME video, as well as what is being done to prevent this "mistake" from happening in the future, and also WHY no one acted on the information presented by myself (the respondent) numerous times -- namely that this issue has occurred before with respect to the SAME video. What's to stop this from happening again? And if this does happen again, what should I do? What can I reference to prevent the whole process from needlessly going on again?"

Did the claimaint retract their claim again or was a ruling reached by Youtube independent of any claimaint action?

*Sincerely,
Benjamin Ligeri"*

I can't understand how anyone reading this email digest wouldn't be burning with curiosity about what is going on Youtube's side of these emails. WHY do I get an email from YouTube telling me the issue is over, I have been cleared, and another email stating the opposite? And why, when this is brought to their attention, is it completely ignored?

Also, it's funny that Viacom can't get their 100% copyright-protected content off of Youtube that everyone can instantly recognize, but Youtube vehemently removes material of individual artists like myself on behalf of big companies who don't have any DMCA copyright claim -- is Youtube trying to show off how tough they are on DMCA violations by making an example of a DMCA-follower while promoting DMCA-violating content like Viacom's? I contend so.

August 11, 2007,

As I think I stated above, at one point, fighting SPAM on my Youtube videos was taking me nearly an hour per day, just to reflect on why I was so involved in the fight against SPAM. Imagine getting 60 emails a day for comments posted on your videos only to find out that only 20 of them were real comments and the other forty were SPAM comments advertising a live porn site.

Today, I noticed that Youtube finally did something in the fight against SPAM, although it was completely pointless, and leads one to more evidence that Youtube was supporting the spammer or in some type of partnership with the spammer -- while trying to create the appearance that they're tough on SPAM...

Youtube made it so you couldn't type in the word "Camznow" into the comments section, the section where the spamming was taking place. But Camazon.com, the site where all the SPAM URL's redirected to, had long since ceased from using the URL: "camznowdotcom", and were using URL's like Camaholic.com, Camzhome.com, and other URL's which redirected to Camazon.com. It seems now that YouTube was trying to look tough on SPAM by taking pointless actions.

I sent Youtube an email alerting them to the other URL's and suggesting that they prevent the typing of the other prominent SPAM URL's as well. I never received a response.

August 28, 2007,

I was sent an email by YT stating that a video of mine (a parody on sexy videos) was removed due to its inappropriate nature. The relevant portion of the email stated:

"After being flagged by members of the YouTube community and reviewed by YouTube staff, the video below has been removed due to its inappropriate nature."

as well as the following threat:

"This is the second video removal notice for your account if you receive one more, your account will be permanently disabled and all of your previously uploaded videos will be taken down."

This video had over 100,000 views, I believe close to 200,000 and had already been reviewed by "YouTube staff" dozens of times before, as it had been flagged by users dozens of times before (which is typical for a video viewed so many times).

Youtube staff originally put an Age Confirmation button on it, which means they reviewed it and determined one should have to confirm that they are 18 or older before watching it, the notification is common and usually reads something like "**To view this video or group, please verify you are 18 by clicking CONFIRM**"

All you have to do is then click "CONFIRM."

Even though it's a PG-15-type comedy video with pictures of celebrities from mainstream magazines, the confirm button wasn't completely out of line, but the deleting of the video was, as it also contradicted Youtube staff. Youtube staff already ruled possibly one hundred or more times in the past that the video was fine, but ONE staff member decided to overrule the previous one hundred or more rulings and delete it??

And not only delete it, but threaten destruction of my entire account, something I had invested thousands of hours into. To me, this was a "don't forget who owns you" type threat, typical of GooTube-attempted control over the internet and its users.

Why else would I be being punished for having a video that 99.99% of the Youtube staff thought was appropriate for Youtube but "one staff member" didn't. I assumed the actions taken were retaliatory and I replied to Youtube and the legal department with an email explaining the above circumstances of Youtube staff approving the video over a hundred times and then deleting it. I never received a reply.

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I sent the following notice of litigation to Youtube care of all the email addresses I had on record for Youtube:

"Please treat this email as a legal record. And forward it to your legal dep't or higher management. Thanks.

Dear Youtube,

*I have left messages for your attorney in the VIACOM matter, he hasn't called back yet, I am trying to negotiate some sensibility with Youtube prior to pursuing federal litigation against them -- since federal litigation against Youtube is currently the last thing I desire, for more reasons than just having several other cases currently pending, but I will file it if I don't hear from someone soon to talk about a host of unlawful activity Youtube has perpetrated against myself. I will be asking for approximately [\$quantity omitted] in special/actual damages, including disgorgement, and [\$quantity omitted] in exemplary and I will be very supported in getting the exemplary. [cont'd]
If you want to make a phone call and possibly solve all of these problems
[emphasis added], my number is 401-952-6661 (or 508-336-2049).*

(cont'd)

I know a phone call to one of your most viewed and appreciated youtubers is "a lot to ask", but I'm asking. I have tried every method possible to personally mitigate YOUTUBE's faults, and I'm running out of alternatives to litigation. And this won't be a litigation that you're familiar and comfortable with (such as the weak Viacom suit against you that you've spent your lives preparing for), this will be alleging all of the things you THOUGHT you were getting away with, such as artist extortion, fraud, breach of contract, breach of implied duty, RICO with partners, etc..

I look forward to your call

Very Truly Yours,

Benjamin Ligeri"

I received no reply to this email. I also sent a certified letter months earlier and received no reply. Despite numerous emails sent from Youtube to myself, I've never really received a true reply from Youtube.. If it's not clear by the email record, all of these Youtube agents from Harry to Evelyn to Wynston to Shenaz to Kavitha and The Youtube Team itself all appear to be characters playing a part in a digital Alice In Wonderland.

Nonetheless, I truly wanted to mitigate damages at the time, and that is proven by the fact that I would let almost a year go by from this notice of litigation to my actual filing. I continued to make attempts to mitigate, hoping I could find some reason not to sue, maybe one person with a speck of either integrity, emotion, reason, heart, or soul, or any other redeeming quality in this digital cyclops known as Youtube.

At this point, my involvement in Youtube died off, like an emotional death from the pain of being betrayed. I started my own website. Without any html or website coding knowledge and with no money, I built a website in a few days with dozens of high quality videos, much higher quality than Youtube videos. It was clear to me at the time that if a layman like myself could make a website with superior video quality to Youtube in a few days, than the only thing Youtube had over me was my content.

Months after the last video I did, a Transformers parody, I would come back to Youtube to respond to the police brutality in the Andrew Meyer incident, a video that would go on to receive hundreds of heated comments in the following days.

But the prodding of my fans would ultimately force my hand back on the "tube" here and there to make videos, since no one was able to leave Youtube, not the content creators or the viewers. GooTube knew they had you in every sense of the phrase as every action and non-action they take is like that of a complacent czar of the new digital order. I realize now that YouTube knew if I left that my fans would try to get me back.

I tried just making trailers of videos with advertisements for MY website, as I had previously always advertised Youtube.com in all my marketing efforts. My videos basically went down in production. There were no major character pieces anymore, such as by characters like "Professor Carlton" or "BIGGA BLD", most or all of the recurring characters died out.

During the last year, and complimenting these frustrating correspondences with Youtube, I was also working full time and overtime creating scores of videos for Youtube.com as well as managing my share of the site. Even at Federal Minimum Wage, I had earned over \$12,000 dollars, though I wasn't paid one cent. And I, as well as other videographers and content creators, don't work at Federal Minimum Wage, we work at a wage of anywhere from \$50 to \$500 an hour on average.

February 26, 2008,

Seven months later,

After no communication during the prior seven months between Youtube and I, I get the following out-of-the-blue email from Youtube:

"Hi there,

As you may have heard, we're expanding the YouTube Partner Program and we thought you may be a good candidate. Becoming a partner will enable you to participate in ad revenue sharing and new syndication opportunities.

Here's what you'll need to do:"

followed by a link to a new and improved [Youtube Partner Program application](#) with an "Apply Now" button. They thought I'd be a good candidate? I said that a year ago. Did they finally wise up, I was wondering. And so I applied again.

What does it even mean to be a "good candidate" for receiving consideration for your labor? A candidate is one who is regarded as suitable to receive certain treatment; if I'm already "extra suitable", why didn't they just approve me? Did they just want me to ask again to make it look like some wheels were turning. I would contend so.

Anyway, over the next few weeks, I checked on the status of the application and where it used to say "APPLY NOW", it instead said "Your Application is Processing".

However, almost two weeks later on....

March 10, 2008,

When I checked the status of my application today, it didn't say ""Your Application is Processing" but instead had reverted back to saying "APPLY NOW" as if I hadn't applied yet. I emailed Youtube to alert them about this and received the following reply from Evelyn, whom I had forgotten (in a repressed memory) that I had dealt with in the past until having done this email digest:

"Hi Benjamin,

Are you logged into the same account you signed up with? If you haven't heard back regarding the status of your application and you are seeing the "apply now" button, please try applying again.

We apologize for the inconvenience.

*Sincerely,
Evelyn"*

I replied with the following email:

"Hi Evelyn,

the account is Youtube.com/Bennybaby, could you check the status, seeing that I've been working on this for over a year, I'd like to find out what's going on.

Thank you, I can't wait to hear back.

Ben Ligeri

Youtube.com/Bennybaby

plus I linked 5 or so other accounts, my app is still stored in there."

Meaning, my completed application was still being shown on the site to some extent but it was still saying "Apply Now" as if the app. wasn't right in front of my eyes.

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March 11, 2008,

Evelyn replied with the following email:

"Hi Ben,

I don't see your application anywhere - if you haven't heard back, can you please apply again?

*Sincerely,
Evelyn"*

I replied with the following email:

"I haven't heard back, but also, I don't get any emails from Youtube anymore. I'm still signed up to receive notification when someone comments on a video or subscribes, but I have stopped receiving those notifications.

Anyway, I re-applied, here is a pdf of the application screen so no one loses the app this time. I'd also like to know what the criteria is for getting accepted into this program."

I noticed that after re-applying, it still said "Apply Now", so I also sent the following email back:

*"I applied again, and it's like I didn't. I click on this link
<http://www.youtube.com/partners>*

and it asks me to apply now. If I click that, it has my application all filled out already.

If you can't find it now, here is a .pdf of my application, why don't you submit it manually or something. Thanks."

March 12, 2008,

I received the following reply from Evelyn:

"Hi Ben,

I'm seeing your application now - the screening team should get to it soon. Thanks for your patience!

*Sincerely,
Evelyn*

(cont'd)

*Something not quite right with the site? Check out our current site issues here:
[http://www.google.com/support/youtube/bin/static.py?
page=known_issues.cs&ctx=yt_hp](http://www.google.com/support/youtube/bin/static.py?page=known_issues.cs&ctx=yt_hp)"*

March 18, 2008,

I emailed back (partner-support@youtube.com) asking how to check the status of the application and asking how long the process usually takes "A week, a month, a year?" I also asked Evelyn if she knew Wynston.

March 19, 2008,

Evelyn replied, just telling me to "please be patient."

I replied telling her that I don't mind being patient in the least, that I was just curious how long it might take, as I was starting to create a lot of videos and films again and wanted to know if I should wait to put them on Youtube or continue to move them to a private website.

Evelyn replied to tell me that she contacted the review team to get my application reviewed quickly and that she appreciated my patience.

I replied thanking her.

March 22, 2008,

I received an email, days earlier on another account, from another email, telling me that a video I made--which was just an impression of Will Ferrell--was deleted for "inappropriate content". It was just me reciting PG lines from Anchorman and Will Ferrell sketches. PG would be the most extreme rating this video could ever possibly receive. After not getting an answer on the other account email, I brought the situation to Evelyn's attention, since she was currently my only contact at Youtube.

March 25, 2008,

Three days later, I received the following reply from Evelyn:

*"Hi Ben,
It looks like this was a mistake and your video has now been reinstated. It should be playing by the end of the day tomorrow.*

*I apologize for any inconvenience.
Sincerely,
Evelyn*

(cont'd)

Something not quite right with the site? Check out our current site issues here:
http://www.google.com/support/youtube/bin/static.py?page=known_issues.cs&ctx=yt_hp

March 27, 2008,

I received the following reply on my application for the Youtube Partner Program:

"Dear BennyBaby,

Thank you for your interest in the YouTube Partner Program. Our goal is to extend invitations to as many partners as we can. Unfortunately we are unable to accept your application at this time. Advertisers on YouTube are currently looking to advertise against family safe content.

Applications are reviewed for a variety of criteria, including but not limited to the size of your audience, country of residence, quality of content, and consistency with our Community Guidelines and Terms of Use. Please review the program qualifications (<http://www.youtube/partners>) for a complete list of our criteria.

As we continue to expand the program we hope to be able to accept a broader group of partners. We have registered your interest in the program and will continue to monitor your account for potential future acceptance into the program.

Thank you for your understanding.

The YouTube Team"

And so, almost a year after my original application for the Youtube Partner Program, and about a month after this latest application to the Program, a determination was finally reached: that Youtube was unable to accept my application, implying that all my material wasn't "family safe" -- even though Youtube has several partners, partnerships, and sponsors with content that is much further from "family safe" than mine -- such as "50 Cent", "True", and "FordModels" which has nude models, "MyDamnChannel" which the first video I saw was a vulgar bedtime story written by a young girl about masturbation and semen, and of course good old Playboy, and so many others.

I couldn't stop thinking, did Youtube dare say "FAMILY SAFE"?????????????????" to me or did I just hallucinate that...

I sent the following reply to Youtube:

"Are you saying the reason is because some of my content isn't family safe? If so, you don't have to take all the accounts as a whole, I have family safe accounts. TheWesleyJohnsonShow, ProfessorCarlton (with 500,000 views), and InsaneCoverArtist are all rated G. If that's not the reason, please provide me with another reason. I'm okay with you saying no, but I need a reason. You do have people with 1 thousandth the views and subscribers as me in the partner program currently, I'd hate to see it as an inside type deal where only friends of youtube get in. Thanks."

And I later followed up with this reply:

"I have, my app. was denied. I'm hoping to get a little more information on why. If it's just a matter of me having R-rated content, then that's not really a substantial reason, as I the majority of my content is G, so you could still opt to partner certain accounts. So I'd just like to know what other objections there might've been, as I do have more views and subscribers than many partners of yours do. It gives me the feeling that you only partner people through connections, friends of youtube, etc..."

I received this 'Alice-In-Wonderland response' from Evelyn:

"Hi Ben,

*If you have other channels you would like to be considered for the program, please feel free to submit your other channels for the program:
<http://youtube.com/partners>.*

Sincerely,

The YouTube Team

*Something not quite right with the site? Check out our current site issues here:
http://www.google.com/support/youtube/bin/static.py?page=known_issues.cs&ctx=yt_hp*

These other accounts and channels were already submitted in the application that was denied as I so stated in the email that she was replying to. The application had a feature where you could attach--as many of your other Youtube accounts as you wanted--to the application. I attached seven other accounts, a total of eight accounts to the application. Plus, the channels on the main account: Youtube.com/Bennybaby had all of the character videos from these other accounts in specified playlists. So Youtube.com/TheWesleyJohnsonShow was an account with Wesley Johnson videos and Youtube.com/Bennybaby had a playlist called Wesley Johnson with those videos.

Wesley Johnson is a politically correct parody character who has an "international" talk show and his content is all G-rated, PG by the most Puritan of standards. Needless to say, I really wanted to know why Wesley and other PG characters were denied, even if they were going to deny pg-13 to R-rated characters like Bigga BLD the "World's Biggest Gangsta Rapper", who is still much more family friendly than Youtube's other gangsta rapping partners.

But now I was unsure if Wesley and these other PG characters were even ruled upon since Evelyn was now asking me to apply as if I hadn't already. For that matter, it seems unlikely that Youtube even reviewed my application at all, despite the fact that I was told I was such a wonderful and extra suitable candidate a few weeks prior.

March 27, 2008,

I sent the following email in reply:

"Dear Youtube,

I already submitted the other accounts/channels in that one application. Please answer my questions. I'd like to know the reason my application was denied. Your denial letter confused me on one area and I'm trying to clarify that area. I'm one of the most viewed on Youtube, I've spent thousands of hours building and advertising my youtube page so if you want to deny me something that dozens of far less qualified people have been approved for, I would like a reason.

50% of the 6 or 7 accounts I listed for the partner program are rated G. Specifically, Wesley Johnson, ICA, and Professor Carlton. The amount of 18+ content I have in my accounts is negligible. My question is this, is this 18+ content the reason for the denial? That was the unclear part of your email. It sounded like you said advertisers want to advertise on family friendly content. Well I noticed some of your biggest advertisers are for products that are illegal for people under 21. Such as Smirnoff and Malibu Rum and Budwesier. I want to get a little further with this conversation. I've done incredible amount for this company, I deserve a lot more than careless emails.

Call me if your's like 401-952-6661"

note: Youtube's ads themselves are often not family safe, yet Youtube is saying that the sponsors of these ads want to place their non-family safe ads only on family safe content? Any marketing professor would laugh at that lie. Alcohol is for people 21 and older, how can this be advertised on children's videos? It should ONLY be advertised on adult videos and I believe can only unlawfully be advertised to children. Yet Youtube is heavily marketing alcohol to teens and pre-teens.

I also asked what the pay structure for the Partner Program was in a followup email.

Over the next week, due to no response, I continued to send the above inquiry several times, rephrased several different ways. I never received a response to the inquiry. I did receive one final Alice-In-Wonderland email below from my dearest Evelyn:

April 1, 2008,

"Hi Ben,

As mentioned before, as we continue to expand the program we hope to be able to accept a broader group of partners. We have registered your interest in the program and will continue to monitor your account for potential future acceptance into the program. Unfortunately we are unable to accept your application at this time as advertisers on YouTube are currently looking to advertise against family safe content.

Sincerely,

Evelyn"

Clearly this email was just a cut and paste generic response and did not answer any of the questions I had asked, nor dealt with anything relevant to my application, as I was telling them that I had applied several family safe accounts. It just reiterated the denial without cause. However, it did confirm the reason that Youtube was giving me for not accepting me into the Partner Program -- that my material wasn't "family safe" enough for advertisers.

April 4, 2008,

Again, I sent many replies to Youtube hoping for ANY REASONABLE answer whatsoever, including the following email care of the Youtube Partner Program President:

"Dear Evelyn and Youtube Partner Program President,

I submitted six accounts to the partner account and received a general denial on the grounds that advertisers want family friendly content -- so, based on a few videos that aren't quote "family friendly", Youtube has decided to effectively steal my content and profit off it without payment.

(cont'd)

Now I've brought over 3 million views to youtube in my tenure and I am willing to bet my life that that has earned me a fair and equitable response from Youtube, not a charred response. Now of the SEVEN accounts I submitted to the partner program, three of them contain 100% G-rated content. If you're going to deny the accounts with R-rated content for the partner program, alright, what about the accounts with G rated content? If you're going to deny those, please provide me with a reason that applies to those. Whatever that reason may be, please provide it.

Like I already said, just one of those accounts has a half a million views (Professor Carlton). There's also Wesley Johnson and I.C.A., not to mention the fact that 90% of the content on the master account (youtube.com/Bennybaby) is family friendly. Please provide me with another reason for the denial. That's all I'm asking. I'm not applying for the partner program anymore. I'm not interested in you recording my interest for it either. You can answer that question then we don't have to talk again. You can go back to sleeping with your TIVO clients like NBC. I just want a reason, and I'm quite certain I've earned that. And I will get it at any legal cost.

Sincerely,

Benjamin Ligeri

Document saved for legal records. And admissible as material fact under the excited utterance doctrine. And every time I send this email, currently about 20 times, the damages in the case go up. For over a year I've thought of every reason in the world not to sue Youtube, now I have so many claims, including [claims omitted], that it's sickening. Please respond and help mitigate your damages."

Needless to say, I was a "little" agitated on that fine day.

April 8, 2008,

I also sent the following email to Evelyn:

"Evelyn,

do you realize I'm going to sue you PERSONALLY, unattached from Youtube, for ignoring two dozen of my emails and the resulting emotional distress of having worked two years to be faced by your insolent breach of contract. If you're not at fault, you might want to speak up now so I know.

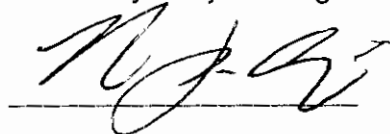
Ben"

And today would mark the last day of my communications with Youtube and my attempts for solutions as well as my attempts to help them mitigate their damages via email.

It's important to note that if Evelyn got back to me and said "I'm sorry, they make me say this stuff, I have no choice, if I speak out I'll be fired" or whatever, explaining something to me, or contacting me in some way, I wouldn't be adding her to a lawsuit I am currently preparing or having prepared.

DATED THIS 23 DAY OF JULY, 2008.

Written by Benjamin Ligeri

A handwritten signature in black ink, appearing to read "Benjamin Ligeri", written over a horizontal line.

Benjamin Ligeri