

**From:** Chad Hurley <chad@youtube.com>  
**Sent:** Saturday, September 3, 2005 11:09 PM  
**To:** Steve Chen <steve@youtube.com>  
**Cc:** Jawed <[REDACTED]>  
**Subject:** Re: copyrighted material!!!

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lets just work in that flagging feature soon... then we won't be liable.

On Sep 3, 2005, at 2:02 AM, Steve Chen wrote:

> yes, then i agree with you. take down whole movies. take down  
 > entire TV shows. take down XXX stuff.  
 >  
 > everything else keep including sports, commercials, news, etc.  
 >  
 > keeping it, we improve video uploads, videos viewed, and user  
 > registrations. by removing it, we may taint our reputation, but,  
 > where else are these people going to go to upload personal videos?

>

> -s

> On Sep 3, 2005, at 2:00 AM, Jawed wrote:

>

>

>> my suggested policy is really lax though. all I'm saying is: take  
 >> down  
 >> whole movies. we dont get many of those. and we SHOULD take down  
 >> entire TV  
 >> shows, like an entire family guy episode.  
 >>  
 >> we've also been taking down clips of TV shows, like family guy... we  
 >> should probably continue doing that, otherwise youtube will just  
 >> look like  
 >> a dumping ground for copyrighted stuff. if we keep that policy, I  
 >> don't  
 >> think our views will decrease at all.  
 >>  
 >> XXX stuff we should never allow. at least, not until we have a way to  
 >> separate it via tagging as "R-rated".

>>

>> Jawed

>>

>>

>> <http://www.jawed.com/>

>>

>>

>> On Sat, 3 Sep 2005, Steve Chen wrote:

>>

>>

>>

>>> ya, i know that if remove all that content. we go from 100,000  
 >>> views

>>> a day down to about 20,000 views or maybe even lower.

>>>

>>> the copyright infringement stuff. i mean, we can presumably claim

DATE: 4-22-09 EXHIBIT# 5  
 DEPONENT: HURLEY, C.  
 CASE: Viacom, et al., v. YouTube, et al., The Football  
 Association Premier League, et al., v. YouTube, et al.,  
 Case Nos. 07-CV-2203 and 07-CV-3582  
 A. Ignacio Howard, CLR, RPR, CSR No. 9830

>>> that we don't know who owns the rights to that video and by  
>>> uploading, the user is claiming they own that video. we're  
>>> protected  
>>> by DMCA for that. we'll take it down if we get a "cease and  
>>> desist".  
>>>  
>>> what i mean is, potentially, any of this content could be the user's  
>>> videos. maybe it's david sacks uploading a clip/preview of some  
>>> movie.  
>>>  
>>> why don't we just remove the XXX stuff for now?  
>>>  
>>> -s  
>>>  
>>> On Sep 3, 2005, at 1:53 AM, Jawed wrote:  
>>>  
>>>  
>>>> well I'd just remove the obviously copyright infringing stuff.  
>>>>  
>>>> movies and tv shows, I'd get rid of. we are not a glorified  
>>>> putfile,  
>>>> right?  
>>>>  
>>>> none of the most favorite videos are movies or tv shows. we're ok  
>>>> cracking  
>>>> down on this content. we'll leave music videos, news clips, and  
>>>> clips of  
>>>> comdey shows for now.  
>>>>  
>>>> I think thats a pretty good policy for now, no?  
>>>>  
>>>> Jawed  
>>>>  
>>>> <http://www.jawed.com/>  
>>>>  
>>>>  
>>>> On Sat, 3 Sep 2005, Steve Chen wrote:  
>>>>  
>>>>  
>>>>  
>>>>> i'm thinking it's still okay.  
>>>>>  
>>>>> what's the difference between big-boys/stupidvideos vs youtube?  
>>>>> isn't it the community and user aspect?  
>>>>>  
>>>>> if you look at the top videos on the site, it's all from this  
>>>>> type of  
>>>>> content. in a way, if you remove the potential copyright  
>>>>> infringements, wouldn't you still say these are still "personal"  
>>>>> videos?  
>>>>>  
>>>>> if you define "personal" videos to be videos on your personal hard  
>>>>> drive that you want to upload and share with people?  
>>>>>  
>>>>> anyway, if we do remove that stuff, site traffic and virality will  
>>>>> drop to maybe 20% of what it is. i think, as people hear about  
>>>>> the

