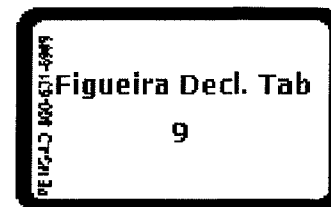


Redacted Pursuant to Protective Order  
at Request of Defendants



To: "Matthew Liu" <matthew@youtube.com> 9  
 From: [REDACTED]  
 Cc: [REDACTED], "Chris Maxcy" <chris@youtube.com>, "Steve Chen" <steve@youtube.com>  
 Bcc:  
 Received Date: 2006-08-17 19:02:49 GMT  
 Subject: Re: [Uncle] Result of fingerprinting on random videos

3pm should work for me unless there are issues with vanity feature for v10 i need to work on.

See attached a detailed list of questions that i have been compiling. We need clear answers from each of these from both GN and AM.

Thanks,  
 Franck

From: Franck Chastagnol <fchastagnol@youtube.com>  
 Date: August 17, 2006 11:01:06 AM PDT  
 Subject: Extensive list of questions for AM/GN

?

On Aug 17, 2006, at 9:58 AM, Matthew Liu wrote:

- > Perfect. We were all talking about sitting down with you in the next couple of days. It actually is getting more complicated.
- > Beyond financials and negotiations, here are some concerns Franck came up with in his evaluation:
- >
- > 1. AM does not seem well-equipped for allowing us to manage our own => reference database (Everyone single time we want to update it we
- > need to take an image of our own ENTIRE db and SFTP it...the
- > process is not incremental and this will be a huge problem the
- > bigger our database is)
- >

- > 2. It is unclear whether AM is equipped to let us only match against Warner data. They suggested we check against their entire reference database and then have flags for the Warner content (ignore the other matches); this is not only a hassle but probably violates DMCA safe harbors.

- > 3. Both AM and GN are reporting matches and what those matches are but are not reporting WHO owns them. We need to figure out how to get this information.

> How does 3 or 4 pm sound today?

>

>

>

> On Aug 17, 2006, at 3:28 AM, Steve Chen wrote:

>

>> Let's get together and talk about this tomorrow afternoon? It

DATE: 12/10/08 EXHIBIT# 12  
 DEPONENT: Chastagnol

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

>> seems like the general consensus is that we go with AM...?

>>

>> -6

>>

>> On Aug 16, 2006, at 3:52 PM, Matthew Liu wrote:

>>

>>> Guys,

>>>

>>> I ran through all the videos one by one. Quite a pain but I

>>> classified the videos by type to the best of my knowledge (for a

>>> few of the videos I was unsure...there were also some videos that =>>> have been removed). If we try to separate between copyright

>>> (Music Video, Live Performance, TV shows/commercials, Karaoke,

>>> Mashups, Compilations) vs. non copyright (no melody or user-

>>> generated music) the breakdown is:

>>>

>>> - Copyright - roughly 47% has some sort of copyright content in =>>> it (bits of music, anime, footage from tv commercials, etc...not

>>> all of it is necessarily infringing)

>>> - Non copyright - 50%

>>>

>>> Without a doubt, GN performs better than AM. It catches almost

>>> all music videos and mashups except for foreign songs, and also

>>> catches some live concerts. AM performs as well as GN for US

>>> music videos and mashups but does not catch live performances or

>>> karaoke very well. On the other hand, GN once again works too

>>> well in some situations.

>>>

>>> - Song used in a video game positively identified: [http://](http://www.youtube.com/watch?v=D4ClwDjGqBM)

>>> [www.youtube.com/watch?v=D4ClwDjGqBM](http://www.youtube.com/watch?v=D4ClwDjGqBM)

>>>

>>> Even more importantly, I believe that there are a couple of REAL

>>> false positives this time, not just things that we wouldn't

>>> necessarily want a copyrighter to claim.

>>>

>>> - This was identified, but as the wrong songs: [http://](http://www.youtube.com/watch?v=m3l4QKZopuA)

>>> [www.youtube.com/watch?v=m3l4QKZopuA](http://www.youtube.com/watch?v=m3l4QKZopuA)

>>> - Don't know how this one was identified unless it's the

>>> background music: <http://www.youtube.com/watch?v=ZAn9JxdXl70>

>>> - Again: <http://www.youtube.com/watch?v=37QlVvSo8bk>

>>>

>>> Thanks,

>>> Matt

>>>

>>> <result\_random\_video Matt.xls>

>>>

>>> On Aug 14, 2006, at 12:27 PM, Franck Chastagnol wrote:

>>>

>>>>

>>>> On Aug 14, 2006, at 10:02 AM, Frey Waid wrote:

>>>>

>>>>> Hi Franck,

>>>>>

>>>>> Out of curiosity, did any of the XML responses from either GN

>>>>> or AM

>>>>> contain distributor info -- Warner or otherwise? Maybe, we could

>>>>> submit something we know is Warner content (perhaps a private

>>>>> music

>>>> file) to see if we get the distributor name in the feed.  
>>>> No, neither AM nor GN seem to send us back this info, even  
>>>> though the  
>>>> XML response has provision for returning it.  
>>>> I need to follow up with them to understand why they do not  
>>>> populate  
>>>> these fields in the response.  
>>>>  
>>>>  
>>>> It does seem clear to me that we will want to investigate video  
>>>> fingerprinting technology so that we can differentiate between  
>>>> copyrighted audio tracks and copyrighted music videos.  
>>>> agreed, video fingerprinting would bring us to the next level.  
>>>>  
>>>> Also, I'm not sure we have a good solution yet for identifying  
>>>> live  
>>>> concerts: descriptive text filtering will almost certainly be  
>>>> insufficient.  
>>>> AM does not do a good job at identifying music on live performance.  
>>>> GN is better.  
>>>> Now are you saying we need to differentiate copyrighted song from a  
>>>> live performance vs copyrighted song from a music video or a TV  
>>>> show ?  
>>>> Let's talk about that - I may be missing something.  
>>>>  
>>>> Thanks,  
>>>> Franck  
>>>>  
>>>> Frey  
>>>>  
>>>>  
>>>> Franck Chastagnol wrote:  
>>>> Hi team,  
>>>>  
>>>> I ran both GraceNote and AudibleMagic against a random set of 133  
>>>> videos from our site:  
>>>> - GN identified copyrighted music in \*25.8%\* of these videos.  
>>>> - AM identified copyrighted music in \*11.4%\* of these videos.  
>>>>  
>>>> This seems to confirm the results of the previous test in  
>>>> terms of  
>>>> matching technology: GN is superior.  
>>>>  
>>>> I did not have time to look at all the videos with a match but it  
>>>> seems that in most cases, these are personal videos that users  
>>>> edited to add music to.  
>>>> I found only a couple of music video clips.  
>>>>  
>>>>  
>>>> Now, one of the conclusion that I think we should also draw from  
>>>> these tests is that it seems we have a pretty high percentage of  
>>>> our content  
>>>> that will be flagged as copyrighted as soon as we start using  
>>>> fingerprinting technology.  
>>>> Note that initially we will fingerprint only against Warner  
>>>> catalog so the percentage of match will certainly be lower.  
>>>> But as we start signing up new content partners, it will  
>>>> increase.

