

8/28/2008 Maxcy, Chris

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)

Plaintiffs,)

vs.)

NO. 07-CV-2203

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)

Defendants.)

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

NO. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

VIDEOTAPED DEPOSITION OF CHRIS MAXCY
SAN FRANCISCO, CALIFORNIA
THURSDAY, AUGUST 28, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
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2 What is CMS?

3 A Content Management System.

4 Q And generally what does -- what does that do?
5 Can you just define it on the record?

6 A Sure. That's an umbrella term for the
7 copyright protection system that we've been discussing
8 today, Video ID, Audio ID, Text Search, Metadata --
9 I'm sorry -- MD5 Hash. All of those copyright
10 protection tools.

11 Q And what are the serious operational issues
12 that you're referring to?

13 A I'm specifically referring to data that we
14 would need with respect to music sound recordings and
15 music publishing, and the fact that in almost all
16 instances we found that across the industry on the
17 publishing side of the industry and the sound
18 recordings out of the industry, that the rights owners
19 have incomplete data which makes it very difficult for
20 us to actually track and pay rights owners
21 appropriately.

22 Q And what -- what are you encompassing or
23 referencing when you say "incomplete data"?

24 A So, for example, a record label might know
25 that they have -- that they may pass us information

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2 about who the artist is and the track of a particular
3 sound recording, and they may or may not know who the
4 various publishers are, the composers of that
5 particular song.

6 In some cases they might know, but they
7 wouldn't be able to tell us what percentage ownership
8 each publisher has in that particular sound
9 recording -- I'm sorry -- in that particular
10 composition.

11 To the same extent, if we ask music
12 publishers what are all the songs that your composers
13 represent and who's the artist, they often can't tell
14 us either with any kind of level of precision. So
15 it's a prob- -- it's an industry-wide problem.

16 Q Are you taking any steps to address that
17 issue?

18 A Yes.

19 Q What are they?

20 A We are working actively with music publishers
21 and record labels to collect and rationalize their
22 ownership data in an effort to be able to pay
23 everybody accurately.

24 Q And how, more specifically, are you going
25 about rationalizing it, as you put it?