



To: [REDACTED]  
 From: "Copyright Service" <copyright@support.youtube.com>  
 CC:  
 BCC:  
 Sent Date:  
 Subject: Re: [#113347968] ATTN: JUSTIN #111990325 - PARIS, JE  
 T'AIME

Redacted Pursuant to  
 Protective Order at  
 Request of Defendants

Dear James,

Thank you for your letter. I apologize for the confusion here.

It may take some time for video search results and thumbnail images to disappear from the site. Typically, this should not take more than a couple of days. Please be patient and be assured that the removed videos are no longer viewable.

All of the videos reported by Anne-Sophie of TFI VIDEO had already been removed after notification from Henriette Wollmann, which is why we responded to her request with this statement. Today, I found Henriette's additional notification with 30 additional URLs reported, 13 of which were still active on the site. (Those videos were not in Anne-Sophie's notification - if they had been, we would have of course removed them before responding.) These videos have now been removed.

If there are additional videos to be removed, please respond with those URL links so that we may remove them. Alternatively you may wish to sign up for our DMCA notification tool at:  
[http://youtube.com/t/copyright\\_program](http://youtube.com/t/copyright_program) which will help expedite the reporting of these URLs.

Please understand that we need the links to the videos themselves, not a link to a search results page. Search results and the videos included on search result pages change constantly and we would like to avoid removing content that you hadn't intended on having us remove. Videos are tagged by users and often search results will include content that is not owned by you.

When making a DMCA takedown request, you must state under penalty of perjury that your notification is accurate and that you are an authorized person to act on behalf of a right that is allegedly infringed. Please see the requirements of DMCA notification, posted at:  
[http://www.youtube.com/t/dmca\\_policy](http://www.youtube.com/t/dmca_policy)

Your name will be listed on each of the videos as the notifying party of the infringement. We would not want that listed on content that you do not own.

Please also note that under Section 512(f) any person who knowingly materially misrepresents that material or activity is infringing may be subject to liability.

Additionally, we automatically terminate accounts found to be repeat infringers under as required by the DMCA and outlined in our Terms of Use. Please see <http://www.youtube.com/t/terms>

YouTube takes the rights of intellectual property owners seriously, and

complies as a service provider with all provisions of the Digital Millennium Copyright Act ("DMCA"). Videos are uploaded onto the YouTube system at the direction and control of its users, and therefore YouTube cannot control the posting of infringing materials on its site. However, we at YouTube are very responsive to notifications from copyright owners requesting that we remove infringing material.

We have developed the following policies and tools to assist content owners like you in the prompt notification and take down of infringing materials on our web site. In compliance with the DMCA, YouTube performs the following tasks on behalf of copyright owners:

- (1) YouTube has a registered DMCA agent and responds promptly to notifications from copyright owners to take down infringing materials. This includes taking action in response to your notifications regarding unauthorized material owned by Celsius Entertainment on the site.
- (2) In order to post video material on our website, users must agree to the YouTube Terms of Use, which contain a repeat copyright infringement policy under which we terminate the accounts of repeat infringers.
- (3) YouTube utilizes MD5 algorithm technology. This technology permits us to take a digital "fingerprint" of an infringing video when it is removed from our site. If someone thereafter tries to upload a copy of that video it is automatically rejected regardless of whether the person is using a different user or file name.
- (4) YouTube has a Content Verification Program located at [http://youtube.com/t/copyright\\_program](http://youtube.com/t/copyright_program). This program allows content owners to easily select videos on the site in order to claim ownership using check boxes and "select all" functions. Upon submission to YouTube, we remove the alleged infringing material. We encourage content owners like yourself to use this tool to detect and remove material on our site that you believe infringes on your copyrights.
- (5) Videos uploaded to our site cannot exceed ten minutes in length, which helps us prevent users from uploading infringing materials to our site. Our system automatically rejects any video longer than ten minutes.
- (6) We actively enforce our copyright policy detailed in the YouTube Terms of Use, which expressly prohibit infringing material on the YouTube website. We also have a copyright "FAQ" to instruct our users on the terms of this policy and discourage infringement.
- (7) When users upload any video material to the YouTube website, they encounter the following messages:  
  
"Do not upload copyrighted, obscene or any other material which violates YouTube's Terms of Use." (First page, above "continue" button).  
  
"When clicking 'upload Video' you are representing that this video does not violate YouTube's Terms of Use and that you own all copyrights in this video or have express permission from the copyright owner(s) to upload it."  
  
"Do not upload any TV shows, music videos, music concerts or commercials without permission unless they consist entirely of content you created

yourself."

Finally, please note that YouTube, Inc. is a service provider under the DMCA, 17 U.S.C. § 512(c)(1), and therefore is not liable for monetary damages for copyright infringement on its site based on the infringing activity of a user. You may, however, file a lawsuit against the infringer if you wish to prosecute copyright infringement of Celsius Entertainment's video material on YouTube's website. We provide copyright owners with User information pursuant to a validly issued subpoena as required by the DMCA, 17 U.S.C. § 512(h). You may, therefore, subpoena YouTube anytime to obtain information on the users who posted the infringing material.

Please be aware that this letter is not a complete or comprehensive statement of YouTube's policies and practices, which necessarily are subject to change. To be perfectly clear, however, we do not permit infringing content on our website, we have no interest in harboring Celsius Entertainment's video material, and we have not engaged in any activity whatsoever that would expose YouTube, Inc., to monetary damages.

We would like to take this opportunity to offer access to a new tool that we created solely to assist content owners to locate and notify us of potentially infringing content on YouTube.com.

YouTube's Content Verification Program provides an easy-to-use interface where content owners may request removal of infringing content by simply checking a box. After you have submitted a short, one page form in order to verify your identity, this system automatically provides the proper DMCA notification that we need in order to remove your content. This is the fastest way to ensure removal of content from the site - 24 hours a day, 365 days a year.

All a content owner needs to do to participate in the program and gain access to this tool is complete and submit to YouTube a short form that can be found here:

[http://youtube.com/t/copyright\\_program](http://youtube.com/t/copyright_program)

Once your application has been submitted, we will follow up by providing you with a tutorial and login information to get you started and on your way!

We are committed to working in cooperation with content owners to keep infringing content off of the YouTube site! Please let me know if you have any questions.

Sincerely,

Justin  
The YouTube Team

Original Message Follows:

From: [REDACTED]  
Subject: ATTN: JUSTIN #111990325 - PARIS, JE T'AIME  
Date: Wed, 14 Feb 2007 12:06:03 +0000

Justin,

James Brown from Celsius Entertainment here.

I understand that the copyright infringement department at YouTube must be overwhelmed with requests on a daily basis, but your handling of our case has been completely appalling.

I strongly suggest you correct the situation immediately.

You recently sent an email to the French video distributor claiming that you had removed all content requested by Celsius Entertainment via our lawyer Henriette Wollmann. This statement is untrue. As of yesterday ALL accounts referred to you were still active with the content. I personally informed the account holders of our action and most of them kindly removed the content immediately.

One account holder, sergeiy24, still has the ENTIRE film in their account with thousands and thousands of views. I do not need to tell you how much money this represents in lost receipts at box office and DVD sales.

This account was one listed in our first contact with you on this issue and I find it reprehensible that you would advise our French DVD distributor that the issue was resolved when it is clearly not.

Frankly I'm disgusted at the lack of action on YouTube's behalf. Already I have contacted other account holders who have utilised third party video capture software and put the shorts in their accounts in the past two days since we first contacted YouTube. When I contacted these individuals about their content they were shocked because 'I got it from YouTube'. Your inaction is causing the situation to become more and more serious every passing day and this should not be ignored.

I want a personal response to this situation immediately, with an explanation of why you have stated to TF1 in the email that all content we flagged was removed and an explanation as to why the content is still up on your site.

In the meantime I suggest you suspend sergeiy24's account immediately regardless of your relation with the user via your terms and conditions or we will be forced to escalate the matter immediately.

Please reply immediately.

James Brown  
Celsius Entertainment

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