

11/4/2008 Hauprich, Keith



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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
KEITH HAUPRICH
NEW YORK, NEW YORK
TUESDAY, NOVEMBER 4, 2008

BY: REBECCA SCHAUMLOFFEL, RPR, CLR
JOB NO. 16046

1 KEITH HAUPRICH

2 Q. Do you know whether there
3 was any resolution of this issue in
4 terms of determining whether those
5 postings were, in fact, authorized?

6 MR. HART: Objection to
7 form. Foundation.

8 A. Sitting here today, I don't
9 know.

10 Q. You noted earlier that some
11 of your complaints with respect to
12 YouTube related to the fact that videos
13 would reappear on YouTube and that
14 other videos with the same name would
15 continue to exist on YouTube after
16 takedown notice of other videos.

17 Did I capture that
18 correctly?

19 MR. HART: Object to form.

20 A. I think I would say it a
21 little differently. Once a specific
22 URL was taken down, the same piece of
23 video can reemerge under a different
24 URL and titles constantly reappear
25 whether or not one specific use of that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

KEITH HAUPRICH

title for one specific URL was taken
down.

Q. Did those same issues exist
with respect to the website Rever?

A. Sitting here today, I can't
recall.

Q. Do you know whether those
same issues existed with respect to the
website MySpace?

A. Sitting here today, I can't
recall.

Q. Do you know whether those
same issues existed with respect to the
website imeem?

A. Sitting here today, I cannot
recall.

Q. Do you recall whether those
same issues exist -- sorry.

Do you recall sitting here
today whether those same issues exist
with respect to any of the websites for
which there is UGC content?

MR. HART: Object to form.

Amongst the ones he identified?

1 KEITH HAUPRICH

2 MR. GOEKE: I am about to
3 get into a fairly lengthy set of
4 questions. We can either take a
5 break now or go through a half an
6 hour. It is your call.

7 MR. HART: I wouldn't mind a
8 little break.

9 Can you give me a rough idea
10 of after this, would it be a half
11 hour of questioning --

12 MR. GOEKE: Off the record.

13 THE VIDEOGRAPHER: It is
14 3:47 p.m., and we are going off
15 the record.

16 (Whereupon, an
17 off-the-record discussion was
18 held.)

19 THE VIDEOGRAPHER: The time
20 is 3:59 p.m., and we are back on
21 the record.

22 BY MR. GOEKE:

23 Q. Mr. Hauprich, are you aware
24 of any benefits that are generally
25 derived from having works appear on

1 KEITH HAUPRICH

2 YouTube?

3 A. No. I would say YouTube has
4 become the product as opposed to
5 promoting sales of CD's or other means
6 of getting the music. YouTube is the
7 product. No one is going to get out
8 and buy something if they can watch it
9 all day every day for free on their
10 computer.

11 Q. Did you at one point believe
12 there were benefits to be had from
13 having, for example, Cherry Lane
14 content appear on YouTube?

15 A. When YouTube -- when I first
16 became aware of YouTube, I kept an open
17 mind. I expected YouTube to contact
18 the rights holders and clear the
19 rights, and I didn't rush to
20 conclusion.

21 Q. And at the time, did you
22 think there would be some benefits for
23 having Cherry Lane works appear on
24 YouTube?

25 A. When I first became aware of