

To: "Lee Gunby" <lgunby@google.com>
 From: "Heather Gillette" <hgillette@google.com>
 Cc:
 Bcc:
 Received Date: 2007-05-30 00:26:45 CST
 Subject: Fwd: International Concerns and Proposed Preparedness Plan...

LAW-103-004-6063

Figueira Decl. Tab
263

Redacted Pursuant to
Protective Order at
Request of Defendants

Here's the email thread..

----- Forwarded message -----

From: Heather Gillette <hgillette@google.com>
 Date: May 25, 2007 7:28 PM
 Subject: Re: International Concerns and Proposed Preparedness Plan...
 To: Pim Dubbeldam <pid@dubbel.com>
 Cc: Claire Johnson <cjohnson@google.com>, Tom Pickett <tpickett@google.com>, Katalin Sarai-Colburn <katalin@google.com>

Pim, first sorry that I forgot you were going to be gone!

To address your points:

- What are the exact risks of not having 24/7 outside the US? Are there legal risks or are risks related to PR/Bad press? *There are definite legal risks due to the safe harbor protection outside of the us that we won't have - no DMCA - there are things similar but the protection is definitely less.

*- Legal implications of automation: are we ok legally to reply with an auto-response to a valid take-down request as we do not take immediate action but ask the submitter to "resubmit"? *I am not a lawyer but I am proposing that we only suggest the use of the tool, we would still process their original request as quickly as possible. This would suggest an alternate method only and would not disregard their original notification. *

- Can we remove the external email address completely and only accept electronic requests through the CVP tool?
 *That I would not suggest because there are content owners who refuse to use the tool because they somehow feel it negates their rights to sue later. *

*- Are we on track to localize the CVP tool? *Yes, we are on track. It launches phase 1.**

*- Does CVP has the capacity to dramatically increase its usage? *Yes, this is a non issue. The CVP is just a regular YouTube account with special permissions.**

*- Do we have rugged processes to prevent any abuse of CVP? *We have had only a handful of false positives in the hundreds of thousands of videos we've removed using this tool. And, even so, each takedown and the videos are reviewed before we process the CVP takedowns. **

*- Could this also be applied for notices that come in by fax? *We have talked about setting up a fax confirmation that does the same thing that the email reply would do, but at this stage, this is not in the works. To give you an idea we only receive about one fax a day, so the volume is low as well and most of those are almost always accompanied with email notification

DATE: 8-12-07 EXHIBIT# 12
 DEPOSITION: GILLETTE, HEATHER
 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

Highly Confidential

00001-00046063

as well. *

Have fun Pim and we can talk about this when you get back!
Heather

On 5/25/07, Pim Dubbeldam <pimd@google.com> wrote:

- >
- > Hi Heather,
- >
- > Thanks for your sharing your concerns. I'm not completely immersed in the
- > copyright processes yet, so feel free to correct me if any of my assessments
- > are off. But as I'm out next week, I'd like to share my thoughts before I
- > leave.
- >

> Your suggested process for copyright take-downs seems to make sense. Not
> only would it address the 24/7 issue outside the US, it would also
> streamline our current process and make it more efficient. And if it would
> work outside the US, why not do it here as well. Like the recent Myspace
> announcement, we could get good PR out of it.

- >
- > - What are the exact risks of not having 24/7 outside the US? Are there
- > legal risks or are risks related to PR/Bad press?
- >

> Practical things to consider:

- > - Legal implications of automation: are we ok legally to reply with an
- > auto-response to a valid take-down request as we do not take immediate
- > action but ask the submitter to "resubmit"?
- > - Can we remove the external email address completely and only accept
- > electronic requests through the CVP tool?
- > - Are we on track to localize the CVP tool?
- > - Does CVP have the capacity to dramatically increase its usage?
- > - Do we have rugged processes to prevent any abuse of CVP?
- > - Could this also be applied for notices that come in by fax?

> Cheers,

>

> Pim

>

>

>

> On 5/25/07, Heather Gillette <hgillette@google.com> wrote:

>>

>> Everyone,

>>

>> I have two main concerns with our international launch. They are:

>>

- >> - Controversial Content
- >> - Copyright Takedown TAT

>>

>> And I have some thoughts and a proposed plan that I wanted to send
>> everyone's way. So first, to tackle the expected volume of highly offensive
>> content (for cultural reasons - not porn), we are taking a very pro-active
>> approach using a 'controversy score' tactic. For those of you that haven't
>> heard of this, I am proposing that the front line folks (US and Hyd) have a

>> decision tree (and possibly grease monkey script) that is used to determine
>> which videos are going to cause local issues. This controversy score will
>> take into account things like number of flags within a given time frame as
>> well as the locale of the flaggers and some other factors. The thinking
>> behind this is that we will be able to spot these hot potatoes before the
>> press/govt. does, and escalate and act. I won't go into all of the details
>> here but we plan to use the Google scouts that are already out there in all
>> countries to assess the potential risk/controversy of these vids and then we
>> will classify them as a P0 (which would justify waking up the designated
>> legal escalation folks - Nicole, etc.) or a P1 on down. A P1 would be acted
>> on as soon as normal business hours for the designated escalation folks
>> resume. That said, I think we have a great planned approach here and I have
>> told many people about this and will close the loop on the exact details as
>> soon as I am done with the controversy score etc. But, in order to really
>> implement this aggressively and correctly I want to be on the ground in
>> Hyderabad for launch. I plan to fine tune and ensure the enforceability of
>> this plan for the front lines in the off hours. Remember all videos will be
>> coming in first to an english speaking staff - and we need to catch these
>> hot potato foreign language vids immediately. I also plan to have a person
>> on the ground in San Bruno to do the same. So that's my first plan of
>> attack. I meet with Julie J next week to go over the proposed controversy
>> score and get her thoughts next week.

>>
>> Ok, so on to the second concern. With Dublin not being able to man the
>> copyright queues around the clock, I would like to implement a system where
>> with every email that comes into copyright@youtube.country we send an
>> auto response providing the link to the CVP tool and encouraging their sign
>> up with a removal time of 8 hours. This would need to be a form and not a
>> pdf, so that this webform could create an auto CVP account which then would
>> enroll them in the program. From there, when they use the tool the english
>> speaking crew could clear these out and the end of each shift - so every 8
>> hours. Initially, we won't have this form and this auto account creation
>> but at least alerting folks to the tool with each inquiry would increase
>> awareness and thus adoption which would then help them to receive 24/7-8hr
>> TAT takedown of their content. Now Pim I know this is your baby now so I
>> would like to talk to you about this on Monday. In addition, I think it is
>> going to be important to have someone (Pim or me) on the ground very soon or
>> right at launch to implement this process. I don't want to skip a beat on
>> this, if you agree of course Pim, because I think this is what is going to
>> really save us internationally with copyright infringement and good will.
>> Most of you are probably thinking that this will make it so that many small
>> time one video owning content owners are going to sign up and use the tool
>> for one video, but really I think this is a well worth it tradeoff. Also,
>> in thinking about US awareness I would like to also think through whether
>> this should be something we can do at home to increase awareness, good will,
>> etc. I am already working with PR to do a story to promote awareness but
>> this I think might be an effective method to compliment that.

>>
>> What are everyone's thoughts?

>>
>> Heather

>>

>>

>>

>>

>>

>>

>>

> Pim Dubbeldam
> YouTube
> 1000 Cherry Avenue, Suite 200
> San Bruno, CA 94066
> Phone: [REDACTED]

>
>
> "This email and the information it contains are confidential and may be
> privileged. If you have received this email in error please notify me
> immediately and do not copy it for any purpose, or disclose its contents to
> any other person. Internet communications are not secure and, therefore,
> Google does not accept legal responsibility for the contents of this message
> as it has been transmitted over a public network. If you suspect the message
> may have been intercepted or amended please call me."
