



To: "Franck Chastagnol" <fchastagnol@youtube.com>
 From: "David G King" <dgking@google.com>
 Cc: "Ken Motoyama" <kenm@google.com>, "Alwin Chi" <alwin@google.com>, "Jamie Byrne" <jbyrne@youtube.com>, "Matthew Liu" <matthew@youtube.com>, "Kenji Arai" <karai@google.com>
 Bcc:
 Sent Date: 2007-03-13 05:03:54 GMT
 Subject: Re: Content Owner Takedown and Embraced UGC

Redacted Pursuant to
 Protective Order at
 Request of Defendants

This scenario of expiring rights will likely come up again as windowing is a common practice. I think we should consider allowing CYC users to input expiration dates on claims so we don't have to manually manage takedowns like this.

As this situation will occur again in the future, it is also important that the way we drive the messaging not be a manual process either. Working from the same concept of expiring rights, we can send out a different message for this situation. In this scenario, we'll want to thank the user for uploading the content and explain in a respectful tone that rights are no longer available.

I'll put all this on the CYC roadmap. Jamie tells me that CBS will have the NCAA rights until 5 weeks from Thursday so we have a little time.

dk

Franck Chastagnol wrote:

>
 > On Mar 12, 2007, at 11:32 AM, Ken Motoyama wrote:
 >
 >> Hi Franck,
 >>
 >> I hope you had a wonderful weekend. There are a few questions posed
 >> in this chain and I am wondering if you can shed some light on them
 >> or direct us to who can.
 >>
 >> 1) If a content owner stakes a rev. share claim against some UGC,
 >> then takes their own content down several weeks later, we will have
 >> to pull associated UGC down as well. Can we setup a special message
 >> (different from the removed display message) for users to understand
 >> what has happened?
 >
 > well first of all, currently we do not have a tool to change the
 > policy of legacy claimed content.
 > policy would have to be changed manually by using cyc web tool.
 > dave parker is working on a batch that we could use internally.
 > later we are planning on exposing this "mass update" too to the cyc
 > front-end as well.
 >
 > in terms of messaging, we do not have anything in place yet except the
 > standard copyright message.
 > in case of a policy change on a legacy claim, the "mass update"
 > feature could probably send an email to the
 > user to explain them what happened. could you talk with dave about this ?
 >
 >> 2) How are strikes accounted for? If we pull the embraced content
 >> down, will the user automatically receive a strike against them or is
 >> this controlled by the squad team?

DATE: 12/10/08
 DEPONENT: Chastagnol

EXHIBIT# 5

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

GOO001-02604740

>
> no, currently we do not give user a strike if content is taken down
> via CYC.
>
> franck
>
>>
>> Thank you,
>> Ken
>>
>> ----- Forwarded message -----
>> From: *Jamie Byrne* <jbyrne@youtube.com <mailto:jbyrne@youtube.com>>
>> Date: Mar 12, 2007 7:32 AM
>> Subject: Re: CBS March Madness + Warner
>> To: David G King <dgking@google.com <mailto:dgking@google.com>>
>> Cc: Ken Motoyama <kenm@google.com <mailto:kenm@google.com>>, Alwin
>> Chi <alwin@google.com <mailto:alwin@google.com>>, Matthew Liu
>> <matthew@youtube.com <mailto:matthew@youtube.com>>, Shiva Rajaraman
>> <shivar@google.com <mailto:shivar@google.com>>, Kenji Arai <
>> kenji@google.com <mailto:kenji@google.com>>
>>
>>
>> Ah good point.
>>
>> Actually -- I think we can get around the communications part (can we
>> change the "removed" display message) -- BUT -- will the users receive
>> strikes?
>>
>> That is the bigger issue. If we encourage upload and then strike them
>> two weeks later, that will be problematic.
>>
>> Jamie
>>
>>
>> David G King wrote:
>> > The claim database will allow us to get back to the list of claimed
>> > UGC videos in the same way it leads us to their licensed videos. The
>> > only part I'm worried about is messaging what is going on to users.
>> > On the one hand, we want them to upload their favorite clips, and on
>> > the other, we'll end up de-publishing them a few weeks later without
>> > explaining why. This could cause some real confusion for our users.
>> > Perhaps we can somewhat mitigate this by sending users an explanatory
>> > email, or messaging it on their account page.
>> >
>> > Jamie Byrne wrote:
>> >> I think by Web -- but we can confirm with them.
>> >>
>> >> They will just terminate the account -- that will take down all the
>> >> uploaded clips.
>> >>
>> >> Would be good if the CYC tool made it easy to take down claimed clips
>> >> too.
>> >>
>> >> Jamie
>> >>
>> >> Ken Motoyama wrote:
>> >>> Hi David,
>> >>>

>>>> Please see questions/comments below in bold
>>>>
>>>> On 3/9/07, *David G King* <dgking@google.com>
>> <mailto:dgking@google.com>
>>>> <mailto: dgking@google.com <mailto:dgking@google.com>>> wrote:

>>>> Alwin,

>>>> I just spoke with Jamie and we are a little concerned about
>>>> leaving off
>>>> the CBS demo until Thursday as that is the day March Madness
>>>> begins, and

>>>> CBS has exclusive rights to the tournament. Our goal is to get
>>>> CBS to
>>>> start claiming as much as possible, as soon as possible. We want
>>>> them
>>>> to claim this content because we can only monetize content that
>>>> has been
>>>> claimed. Of course CBS is also dependent on claiming the

>>>> content to
>>>> make money. We are confident that the thousands of likely user
>>>> uploads
>>>> will drive much more traffic than the clips uploaded by CBS
>>>> directly.

>>>>
>>>> Will CBS be uploading the March Madness clips via the web or SFTP?

>>>>
>>>> Please note that CBS should be using their specific NCAA tourney
>>>> login
>>>> for this type of claiming, allowing us to take this content down
>>>> within
>>>> 2 weeks of the end of the tournament (when their rights expire).

>>>>
>>>> We probably want to push the onus on CBS to take down their content
>>>> in a timely fashion. The bigger issue is how will we takedown all
>>>> UGC that they claim (which I assume needs to be done as well)?

>>>>
>>>> In one of the emails it sounded like CBS can do Wednesday. Let's
>>>> push
>>>> for that instead.

>>>>
>>>> Kenji can you help with this?

>>>>
>>>> Thanks,
>>>> David

>>>>
>>>> Alwin Chi wrote:

>>>> > [+kenji]

>>>> >

>>>> > Hi David,

>>>> >

>>>> > I believe Kenji has been working on setting up the call with

>>>> Rebecca

>>>> > Borden on CYC next Thursday. I just sync'd up with Ken

>>>> and it

>>>> sounds

>>>> > like this is the same discussion. Let touch base next Tue/Wed
>>>> before
>>>> > we have this call and decide to drive this conversation with
>>>> CBS --
>>>> > sounds like we are talking to quite a few executives and
>>>> lawyers on
>>>> > this upcoming call.
>>>> >
>>>> > Regards,
>>>> > Alwin
>>>> >
>>>> > On 3/9/07, *David G King* < dgking@google.com
>> <mailto:dgking@google.com>
>>>> > <mailto: dgking@google.com <mailto:dgking@google.com>>
>>>> > <mailto: dgking@google.com <mailto:dgking@google.com>
>> <mailto:dgking@google.com <mailto:dgking@google.com>>>> wrote:
>>>> >
>>>> > Thanks for the heads up. Alwin is the TAM on CBS so I'll
>>>> work
>>>> > with him
>>>> > on getting a demo out early next week.
>>>> >
>>>> > Alwin, can you please reach out to CBS and set up a
>> training
>>>> time?
>>>> > Tuesday would be ideal. Please invite me along and
>> I'll do
>>>> the demo
>>>> > with you. Ken just setup a well run Webex demo today with
>>>> NBA - I'd
>>>> > suggest we do the same thing with CBS. I'm sure Ken
>> will be
>>>> happy to
>>>> > help you set that up if you haven't done it that way
>> before.
>>>> >
>>>> > Thanks,
>>>> > dk
>>>> >
>>>> > Jamie Byrne wrote:
>>>> > >
>>>> > > On the phone it sounds like they are not totally bought
>>>> off on
>>>> > CYC and
>>>> > > seem confused about legal terms around it.
>>>> > >
>>>> > > Would be good to get appropriate folks trained as early
>>>> in the
>>>> > week as
>>>> > > possible.
>>>> > >
>>>> > > Tip-off is at 9am on Thursday. Clips will be on the
>>>> site by
>>>> > 12:00 PST.
>>>> > >
>>>> > > Thanks
>>>> > >
>>>> > > Jamie

>>>> > >
 >>>> > > Matthew Liu wrote:
 >>>> > >> We are giving CBS access to CYC before then. It is
 >>>> ready. BBC
 >>>> > and NBA
 >>>> > >> already have access. David, when were you planning on
 >>>> handing over
 >>>> > >> the login/password? CBS will need a couple days to get
 >>>> acquainted
 >>>> > >> with the tools and trained so sooner is better.
 >>>> > >>
 >>>> > >>
 >>>> > >> On Mar 9, 2007, at 12:46 PM, Jamie Byrne wrote:
 >>>> > >>
 >>>> > >>>
 >>>> > >>> Warner is not involved in the March Madness thing.
 >>>> > >>>
 >>>> > >>> However -- we do need to get CBS ready to Claim NCAA
 >>>> content
 >>>> > via CYC.
 >>>> > >>>
 >>>> > >>> The Tournament starts on Thursday.
 >>>> > >>>
 >>>> > >>> What our our next steps there?
 >>>> > >>>
 >>>> > >>> Jamie
 >>>> > >>>
 >>>> > >>> Matthew Liu wrote:
 >>>> > >>>> Hey guys,
 >>>> > >>>>
 >>>> > >>>> Yesterday I met with Yujin from Warner. He mentioned
 >>>> that he
 >>>> > heard
 >>>> > >>>> some rumors that Warner might be involved in the CBS
 >>>> March
 >>>> > Madness
 >>>> > >>>> campaign I was running. This is news to me. Can you
 >>>> clarify
 >>>> > if this
 >>>> > >>>> is or is not the case?
 >>>> > >>>>
 >>>> > >>>> Matt
 >>>> > >>>>
 >>>> > >>>>
 >>>> > >>>> Matthew Liu
 >>>> > >>>> Product Manager
 >>>> > >>>> [REDACTED] | matthew@youtube.com
 >> <mailto:matthew@youtube.com>
 >>>> <mailto:matthew@youtube.com <mailto:matthew@youtube.com>>
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>> >>> > --
>> >>> > Regards,
>> >>> > Alwin Chi
>> >>> > Technical Account Manager, PSO, Google

>> >>>
>> >>>
>> >>>
>> >>> --
>> >>> Best Regards,
>> >>>
>> >>> Ken Motoyama
>> >>> Sales Engineer
>> >>> Google

>> >>> O [REDACTED]
>> >>> M [REDACTED]

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>> Best Regards,
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>> Ken Motoyama
>> Sales Engineer
>> Google
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