

Gootube gets take down notices for 100k videos from Viacom. Unfair ? Nope. Gootube gets off easy. Google only responds to takedown notices they receive. Thats nothing.

Simply put, EVERY content owner that is concerned about their videos appearing on Google Video OR Youtube has to evaluate EVERY SINGLE VIDEO on both services to check to see if their copyrights are being violated.

As a copyright owner, to say its time consuming and expensive is an understatement.

Gootube fanboys would argue that copyright owners shouldn't complain. Thats its free pub for the content. Except that on Google Video, you can post any length video and people are putting up [full length movies](#) all the time. Thats not promotion, thats Google profiteering.

Google in one breath says they can't monitor the uploading of the 60k or however many videos are uploaded per day. Yet according to the WSJ:" Viacom spokesman Carl Folta also took issue with the idea that YouTube would only make filtering available to companies who make deals a la Warner Music."

In other words, Google can filter everything and anything, but "chooses not to" unless you do a deal with them.

Rather than "doing no harm" and implementing a technology they say they have in place and saving the MILLIONS of small copyright owners time and money, they choose to save that technology and use it only for those big content owners they can swing deals with. Nice.

We all know that Google and Youtube have always been able to filter to some degree and have used human intervention to scan for hate videos and porn. Is there anyone out there who really believes that the Google and Youtube "communities" scans all 60k daily uploads to protect those that might be offended by a nipple flash or two ? Get real. I have yet to see a "I'm the leading Youtube Video Porn Monitor" response video. Have any users claimed this distinction ? Take my word, if they could, they would.

You can find full length feature films on Google Video and full length TV shows on Youtube but you can't find porn on Youtube. That in and of itself is anti Internet.

Gootube has taken the arrogant position with big media that "You can't stop us. You can't stop people from uploading your copyrighted materials and if you want us to, you have to do a deal with us". With the little copyright owner who feels their work has been illegally hosted on Google Video they simply try to intimidate them.

This is from the Google Website:

"To file a notice of infringement with us, you must provide a written communication (by fax or regular mail — not by email, except by prior agreement) that sets forth the items specified below. Please note that you may be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is infringing your copyrights.

Indeed, in a recent case (please see http://www.onlinepolicy.org/action/legpolicy/opg_v_diebold/ for more information), a company that sent an infringement notification seeking removal of online materials that were protected by the fair use doctrine was ordered to pay such costs and attorneys fees. *The company agreed to pay over \$100,000.* Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney."

Think that might intimidate someone who spent every last penny on their work and then found it hosted on Google Video ?

Lets change that.

Here is the ultimate challenge. Everyone should upload their personal porn collection to Youtube and see what happens. I don't have a personal porn collection any longer. I'm married.

So all you voyeurs, show off what you got. Go for it and report /link the results here.

What better way to call bullshit on Google.

Remember, its not about how they treat Viacom. Vlacom is big enough to take care of itself. It is about hiding behind a law, the DMCA, at the expense of copyright owners, to dominate the online video space.

Update: Well I stand corrected. There is plenty of porn on Google Video. There is even a [category](#) for it. You just have to know how to find it. Still no porn found on Youtube yet. We will see how the uploads go.

Update #2: Someone brought to my attention from the [Youtube Community Guidelines](#):

"Okay, this one is more about us than you. When a video gets flagged as inappropriate, we review the video to determine whether it violates our Terms of Use-flagged videos are not automatically taken down by the system."

Will the lawyers correct me on this . Wouldn't it seem logical that various videos that are obvious copyright violations have been flagged as objectionable ? By their own admission Youtube employees review them. I would guess (and I will only guess since i was previously wrong in part of this post) they have seen content that any rational person would understand to be copyrighted (particularly in this era of all the RIAA and MPAA training we all unfortunately receive). Bottom line is this. If you can train someone to ID porn, you can give them some basic training in identifying materials from someone who just sent you 100k takedown notices.

In which case, they have prior knowledge of infringement, which would place them out of the safe harbor of the DMCA ? A pure hosting service would have no reason to ever review for objectionable material. Its merely a hosting service. Right ?

Remember, the fact that they review flagged videos doesnt prevent them from filtering. It may be the stopgap post filtering, or they may review user as well as automated filter flagged videos. Personally, i dont believe the “community” can catch all the instances of porn being uploaded to Youtube. But I am curious to figure out what they do and how.

Or maybe Im wrong about Youtube and they have porn and objectionable video segregated and i dont know how to find it.

Thanks to all of you who have shared information. Just when i thought it was getting boring, It gets more interesting.

FYI: The last update to this post was Feb 05, 07 at 10:30am. Sorry about the stream of consciousness posting, but readers have shared good stuff and I like to keep all posts self contained.