

This past week I decided to subpoena Google to get the names of users that were uploading copies of our movies. I have no intention of pulling an RIAA and suing the users. I do have every intention of sending subpoenas early and often to get the names and emails of users uploading our content they have pirated.

Why ? To learn.

I expect that the users will have given fake information, but I want to confirm that is the case. It will be a useful data point. (I will be interesting to see if when there is ultimately a legal battle, that the courts will allow a company to present itself as a hosting company when it has no idea who ANY of its customers are and it has no business model that creates revenues from hosting.) I suspect that from time to time we will get the emails and actually be able to make contact with users. That is when it could get interesting. I want to ask them some simple questions. The first of which is why ? Sure there are a lot of possible and obvious answers, but maybe they will tell me something new or interesting that I can learn from.

The 2nd question will be whether they were induced by Google in any way to upload the video. Not that I think Google coerced them in any way. I don't. But I want to know if they feel that Google endorses and supports uploading and streaming of pirated content. I want to know why they ignored the warnings that are on the video upload page.

Knowledge comes not just from subpoenas.

[This is a page](#) that has the first 9 minutes of our movie [The Host](#) (which opens today, Friday March 9th across the country . See it, its a great movie.). We decided to not send a takedown notice for this clip. In fact, there were several of the clips we didn't send notices for.. Again, as a learning experience.

The comments on this page could potentially be very interesting. As you can note, we sent takedown notices for clips 4 through 13.

[silverskates216](#) (1 week ago)

youtube deleted 4& up so I have to re-upload it. It may take some time.

([Reply](#)) ([Spam](#))

[poooh666666](#) (15 hours ago)

can you re-upload the rest ? because the website that the links go to don't allow us to upload even one file at once . please ?

([Reply](#)) ([Spam](#))

[silverskates216](#) (13 hours ago)

I tried to re-upload and it won't work. Plus that would endanger my account. If you message me with details of what the exact problem is I may be able to fix it.

What is interesting from the comments is that the re-upload didn't work. Does this mean Youtube is proactively filtering content ? Of course the user could be lying or just had tech problems. Who knows. But if they are proactively filtering, they lose ALL of their Safe Harbor protections.

The 2nd point of interest is that we didn't send takedown notices for parts 2 or 3 of the movie, but they are now gone. Why would the user take it down but leave up the first clip ? **Did somebody at Youtube take it on themselves to take it down ?** No idea. Again, if they did, goodbye to all the Safe Harbor protections.

Then there is the link by the user to rapidshare for the movie (which hopefully will be down by the time you read this). Is this the start of a trend ? Use Youtube as the "catalog" or a way to create traffic, but host on a 3rd party ? Time will tell.

And it appears they are now removing pages they had content that has been removed for whatever reason. Has anyone noticed this ?

One more thing.

It may surprise you that I don't have a problem with what Rapidshare is doing. I see them as legit, while you know how I feel about Gootube. Why ? Because Rapidshare is really a hosting service. They have customers who pay for the service. They don't create an index of the videos they host. They don't try to create traffic for the infringing videos they host. . They do what a hosting service does. They host.

If by chance someone uploads pirated content to them, they truly don't see it. They didn't create a napster/youtube like environment where you can search for any video. The video is only available when the uploader publishes the link.

Rapidshare deserves every bit of the protection the DMCA Safe Harbors offer. If we see our content with a rapidshare link published, as it is in this case. We will send the takedown notice and move on.

Contrast that with Gootube that flaunts their position that when pirated content is hosted on Youtube or Google Video, they are legally safe. Think that might send a message that encourages their users to upload pirated content ? Think maybe people who ignore the copyright warnings prior to uploaded pirated content might feel safe doing so because of Google's public position ? Or the fact that they see pirated content all over Youtube and Google Video, so it must be ok to ignore the warnings ?

I know a hosting company when I see one. Google Video and Youtube are not hosting companies.

ads saying don't upload pirated content