

In previous posts, i had said that the minute Youtube got bought, the media companies would sue them because there were now deep pockets to pursue for a big payday.

The more I read and the more I thought about it since the Google/Youtube deal, I realize that is the exact opposite of what should happen and probably will happen.

Rather than suing Gootube, the media companies will first sue several of the imitators and competitors that have no money whatsoever. They wont sue those companies to get money, they will sue a bunch of those companies to build precedent. In particular, they will sue to get clarification on the DMCA Safe Harbor laws. Are these little companies, that do basically what Youtube does, protected by the DMCA safe harbor rules ?

If they can win some judgements saying these little sites are not protected by Safe Harbor rules, then they have all the leverage in the world to dictate licensing terms to sites that until now have not proactively enforced copyright but have instead chosen to rely on rightsholders takedown notices. If one of those sites has deep pockets, then it could turn into a payday for rightsholders, whether via lawsuit or licensing terms.

One more thing about this whole discussion about Youtube, Google and how the DMCA might be interpreted.

There has been a lot of discussion about whether Gootube, together or seperately would qualify under the safe harbor laws. Some think yes, others like me, think not. But the reality is this. Whatever copyright owners let Gootube get away with, there will be an unlimited number of sites that copy that approach.

However Google tries to monetize Youtube, others will try to replicate that model. If when its all said and done, Google falls within the Safe Harbor rules of the DMCA, you can expect thousands of spam websites, the multimedia equivalent of splogs, to spring up. Just as its simple to automate the process of creating a blog or website and then populating that site with RSS feeds and ads by Google, Yahoo or another ad syndicator, [just like this](#) it will be just as easy to create a website that automates the uploading of a server full of multimedia content, movies, music, whatever.

This is what will happen. THousands of times a day.

Someone will fill a huge server (s) full of everything and anything,movies, music, termpapers, pictures, whatever they think has the greatest chance to make them money. THEN they will create host splogs. Lots of them. The splogs will be optimized to enable scripts/bots to upload content, and users to download that content.

There will be the standard disclaimer on each splog that they probably steal right from Google or Youtubes site. There will be an about link providing where to snail mail the take down notice. The servers with all the content will go from splog to splog, automatically uploading great content. You will see best-report36.com/top10songs or best-reports45.com/itunes100, best-reports55.com/foxprimetimeschedule, et c, etc, etc. In addition to the great content, you will see multimedia ads in whatever format Google uses that has been copied by competitors. As long as they can place the multimedia ads in such a fashion they can pay for the bandwidth, what could go wrong ? According to some, all of it is legal and protected.

The splog creators have the full protection of the Safe Harbor rules. Users uploaded the content. The sploggers took down content when asked. Maybe if they are tricky, they will populate each with at least 51pct of non infringing videos. Of course every site will have the same non infringing videos, but so what.

There in lies the rub. Whatever Gootube is allowed to do is going to be replicated thousands of times. Searching tens of thousands of splog sites you dont know exist for your content is an awful tough job. Supoenaing sites to get information about users who did the uploading from the big server becomes futile when the registration required nothing more than a random gmail address.

I just dont think the MPAA and RIAA and their members are going to accept this inevitable scenario. Its quite possible that by the time they are under siege with all of this, Gootube will have 100pct of its content licensed. If not, then after they go after the little guys to set precedent, they will go after the big guys and their deep pockets.

Here is a sample of a [Splog](#). Notice the ads