

**Katherine Oyama - Global Director of Business Policy, YouTube**  
**Questions for The Record**

**The Role of Private Agreements and Existing  
Technology in Curbing Online Piracy**  
**Questions for the Record**

From Senator Hirono

**1. Last year, a man named Andy Parker testified before the Subcommittee on the Constitution—where I am the Ranking Member. His daughter Alison was a TV reporter in Virginia who was killed live on the air. He testified about the difficulty he has had getting copies of his daughter’s murder removed from YouTube. YouTube has, in essence, told him that if he wants the videos taken down, he has to find the videos himself and report them to the company.**

- a. Is ContentID or similar technology available to people like Mr. Parker who want to automatically flag objectionable content for non-copyright reasons?**

There is no place on YouTube for content that exploits this horrendous act, and we’ve spent the last several years investing in tools and policies to quickly remove it. We deploy machine learning technology, like that used in Content ID, that can now automatically detect over 90% of the videos we remove from YouTube before a human ever reports it. To date, we have removed over 400 copies of this video using this technology. We also offer a trusted flagger program to individuals, users, government agencies, and NGOs. This program allows for bulk flagging and prioritized review.

- b. I understand that Mr. Parker and people volunteering to help him continue to find videos of Alison’s murder on YouTube. Do you commit to working with Mr. Parker on this issue?**

This content is a clear violation of our policies and we're committed to ensuring it isn't on our platform. We use cutting-edge digital fingerprinting technology to detect and remove these copies before they are ever reported by users. In fact, our systems detected and removed over 400 copies of this video before a user ever found or reported them. That said, no system is perfect. We are willing to work directly with Mr. Parker and with organizations that work with him. To that end, we’ve invited organizations such as Lenny Posner’s HONR network, an organization that works with Mr. Parker, into our Trusted Flagger Program. Our teams prioritize the review of content that is flagged to us by Trusted Flaggers, resulting in expedited review and removal of content that violates our policies. Our work here is ongoing and we will remain vigilant.

**From Senator Coons:**

- 1. Testimony at last week's hearing suggests that voluntary measures have not sufficed to combat widespread digital piracy. Some have suggested that the federal government should play a role in establishing, regulating, mediating, or otherwise overseeing standard technical measures, best practices, or other currently voluntary arrangements designed to prevent the unauthorized distribution of copyrighted works.**

- a. Should the federal government serve a role in connection with such standard technical measures, best practices, or other currently voluntary arrangements?**

The framework of the DMCA allows services, like YouTube, to work closely with rightsholders to develop the best practices possible for fighting piracy as it evolves. Indeed, the ability of each platform to innovate in real time with rightsholders as new challenges present themselves is key to creating effective tools. This reality counsels against governmental pressure for standardization or bureaucratized collaboration in this area. Over the years, the market has produced a wide range of accessible rights management tools for rightsholders of all types and sizes. There is every reason to believe that it will continue to do so without government intervention. This is true because it is in the interest of platforms and rightsholders alike to fight piracy. Furthermore, Government intervention could potentially stifle innovation and additional collaboration in this space.

- b. If Congress were to conclude that the federal government should play a role, what role should that be, and what entity is best-positioned to serve in that capacity?**

Currently, we do not believe that it is necessary to expand the federal government's role in establishing, regulating, mediating, or otherwise overseeing the already robust sharing of best practices and collaboration on voluntary initiatives. However, in the past, there have been instances where the federal government has played a helpful role in convening all stakeholders to share their experiences and practices for improving the efficiency and effectiveness of antipiracy tools. We look forward to these continued opportunities to work together and remain committed to voluntary initiatives.

- c. Are there non-governmental entities that would be equally or better situated to serve in this role? If so, how would you suggest that we incentivize them to do so?**

Similar to above, we currently do not see a need for a non-governmental entity to serve in this role. However, if the need arises, we believe that the right incentives within the stakeholder community are already in place to identify and engage such an entity.

**2. Much of last week’s testimony focused on the role of social media platforms and content owners in policing digital piracy. Some voluntary agreements designed to thwart online copyright infringement have also involved domain name registries, payment processors, and advertising networks.**

**a. Among these industries, who do you believe has been most effective in voluntarily combating digital piracy, and who should do more?**

Rogue sites that specialize in online piracy are commercial ventures, which means that one effective way to combat them is to cut off their money supply. Google is a leader in rooting out and ejecting rogue sites from our advertising and payment services, and we help establish best practices across the industry. Since 2015, Google and YouTube have partnered with the Trustworthy Accountability Group’s (TAG) to address the issue of piracy, and Google has earned TAG's Certified Against Piracy Seal. [Research](#) commissioned by TAG and undertaken by Ernst & Young LLP in 2017 found that anti-piracy steps taken by the digital advertising industry have reduced ad revenue for pirate sites by between 48 and 61 percent.

**b. Are there additional entities that are playing or should be playing a role in voluntarily combating digital piracy?**

Over the years, we have found that the best way to fight digital piracy, is through compelling and accessible legitimate alternatives. In fact, in recent years, studies have shown that as access to these alternatives increases, piracy declines.<sup>1</sup> Robust cross-industry collaboration and partnerships help enable these legitimate alternatives. Our partnerships with major record labels, performing rights organizations, a multitude of independent labels and music publishers, television networks, and movie studios also generate substantial revenues for the creative industries. In fact, over the last three years, YouTube has paid more than \$30 billion to creators, artists, and media companies.

**3. We heard testimony about YouTube’s Content ID, Facebook’s Rights Manager, and other software tools available to match user-posted content against databases of copyrighted material. Some have expressed concerns that requiring all platforms**

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<sup>1</sup> See, e.g., J. Poort and J. Quintas, *The Decline of Online Piracy: How Markets—Not Enforcement—Drive Down Copyright Infringement*, 34 AM. U. INT’L L. REV. 807 (2019), <https://www.ivir.nl/projects/global-online-piracy-study/>; A. Cuntz and K. Bergquist, *Exclusive Content and Platform Competition in Latin America*, WIPO Economic Research Working Paper No. 63, 2020, [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_econstat\\_wp\\_63.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_econstat_wp_63.pdf).

**to use such tools would be unduly burdensome and serve to entrench larger, more established platforms. How do you suggest that we make this type of anti-piracy technology available to all creators without stifling innovation?**

One of the major strengths of the DMCA safe harbors has been the statute's ability to accommodate innovative technologies far beyond what Congress could have envisioned 22 years ago. In this way, the DMCA has fostered continued voluntary collaboration between online service providers and rightsholders as both opportunities and challenges online have evolved. One example of this collaboration facilitated by the DMCA safe harbors is YouTube's Copyright Management Suite, including Content ID and our other tools. These tools are designed to fit the variety of creator needs on YouTube. Other platforms may come up with different tools that meet creators' needs. In fact, our work at YouTube is just one example of both the innovation and collaboration that the DMCA has spurred. Mandating a particular technological approach or technology would almost certainly stifle innovation in this space.

**4. Some witnesses warned that voluntary agreements can exclude and disadvantage smaller entities in the creative ecosystem, including creators and content owners, internet users, and internet platforms. If voluntary anti-piracy agreements are to remain truly voluntary, how do we ensure that everyone has a seat at the table?**

We agree that all stakeholders should have a seat at the table, and have welcomed the views of different constituencies on our anti-piracy initiatives. For example, we have hosted creator roundtables and have frequent dialogues with stakeholders such as institutional rightsholders, smaller companies, civil society, and copyright trade associations. Our policies and practices have evolved as a result.

**Questions from Senator Blackburn:**

**1. Technological and social changes since the enactment of the Digital Millennium Copyright Act in 1998 have dramatically increased the amount of content-sharing on the internet, stressing the notice-and-takedown system. How has YouTube adapted its copyright enforcement policies to meet this growing challenge over time?**

YouTube has made significant improvements to our copyright enforcement policies since the inception of YouTube, including the investment of over \$100M in our Copyright Management Suite. Our Copyright Management Suite now includes three different kinds of tools (the webform, Content ID, and Copyright Match Tool), each of which is designed to meet the different needs of the creator and rightsholder community. Most recently, we developed the Copyright Match Tool after collaborating with creators. Any creator can apply for access to the tool. We are always working to expand access to more powerful features while balancing the need to protect creators, viewers, and other rightsholders from significant disruptions that result from the misuse of these tools with platform-wide reach. We have also seen a dramatic shift in rightsholder

preference to monetize and license rather than block content that appears on YouTube. In fact, over the last three years, YouTube has paid more than \$30 billion to creators, artists, and media companies.

**2. Copyright owners have complained about a serious and ever-growing whack-a-mole problem with online copyright infringement. How does YouTube work with copyright owners to address this problem?**

In addition to the public webform, we offer access to Copyright Match and Content ID to new applicants who apply via YouTube's [Copyright Management Suite application form](#). Content ID is our solution for those with the most complex rights management needs, such as movie studios, record labels, music publishers, and other service providers that hold rights to audiovisual content. Thousands of rightsholders use Content ID to manage their rights effectively. These partners in turn represent several hundred thousand artists and creators of copyright protected content. Smaller, independent creators can also access Content ID through a number of vendors that manage their rights on a daily basis. Rightsholders or their agents provide YouTube with reference files for the works they own, along with metadata such as the title and detailed ownership rights. Based on these references, YouTube creates digital "fingerprints" for the works in question and then conducts automated scans of the platform to determine when content in an uploaded video matches the reference content. Rightsholders use YouTube's content management system (CMS) — the interface for managing the use of their content on the platform — to instruct the system to either block, monetize, or track matching content and to address ownership conflicts and disputes among Content ID partners and uploaders. Thanks to the different options that Content ID gives copyright owners, it's not just a rights management tool, but a growing revenue-generation tool for creators. The Copyright Match Tool brings the power of Content ID matching technology to more creators and rightsholders. Creators using the Copyright Match Tool simply need to be the first to upload a video to YouTube and then they are shown subsequent uploads of that video. For rightsholders that do not distribute their content on the platform, they can use our private upload feature in conjunction with the Copyright Match Tool to help them effectively manage their content on YouTube.

**3. How does YouTube resolve a dispute involving a copyright owner who discovers a match with Content ID and a user claiming fair use or a mistaken match?**

If a user receives a Content ID claim on their video that they believe is wrong, they can [dispute](#) the claim. The copyright owner will be notified and will have 30 days to review the dispute and respond. The copyright owner can then choose to release the claim, uphold the claim, submit a DMCA takedown notice, or let the claim expire. If the copyright owner upholds the claim, the user then can further appeal. After a user appeals, the copyright owner can either release the claim, let it expire, or file a DMCA takedown notice. Once the copyright owner has filed a

takedown notice, YouTube follows the notice-and-counter-notice process prescribed in the DMCA. If a user believes their use of content is protected under the fair use doctrine or if the user believes there is a mistaken match, then the user may file a counter-notice and dispute the rightsholder's claim. Consistent with *Lenz v. Universal Music Corp*, rightsholders are obliged to consider fair use prior to initiating a takedown or block.

**4. Does YouTube's process of resolving these disputes put greater burden on the copyright owner or the user allegedly infringing on the protected content?**

We carefully weigh the relative burdens on both the claimant and the user whose video has received a Content ID claim. We continually review this process to identify opportunities for improvements and have modified it over the years in response to partner and user concerns.

**5. Does YouTube enforce copyright protections through any notice-and-stay-down measures by proactively removing previous infringing uploads and stopping future infringing uploads?**

All of the tools in YouTube's Copyright Management Suite, including the webform, use technology to prevent the reupload of matching content.

**6. Participation in Google's Content ID program is limited and is open only to content owners who own a large amount of original material. Many small creators—lesser known filmmakers and musicians—suffer a significant disadvantage when they are excluded from participating. What is Google's purpose for limiting participation in the Content ID program?**

Everyone has access to YouTube's Copyright Management Suite, which gives rightsholders control of their copyrighted material on YouTube. We work with rightsholders to match them to appropriate features based on the scale of their copyrighted content on YouTube and the resources they have dedicated to responsibly manage their content online. Content ID, for example, requires users to make a high level of operational investment, without which other rightsholders could have their rights impaired and lawful expression could be inappropriately impacted. Thousands of rightsholders use Content ID to manage their rights effectively. These partners in turn represent several hundred thousand artists and creators of copyright protected content. Smaller, independent creators can also get access to Content ID through a number of vendors that can manage their rights on a daily basis. We are always working to expand access to more powerful features while balancing the need to protect creators, viewers, and other rightsholders from the potentially significant disruption that can result from the misuse of these tools. When considering access to powerful tools, we also must account for the risk that some rightsholders may not have implemented robust processes around the management of these tools, resulting in unintended consequences for other creators, rightsholders, and users.

**7. Technologies today like Content ID can help protect a creator’s content from online piracy. However, many smaller copyright holders have not been allowed to participate in these programs. What can we do to ensure that technologies to identify and protect against piracy are available to all, as opposed to just a few big players?**

All creators and rightsholders have access to at least one of the tools in our copyright management suite. Everyone — regardless of size or need — has access to the webform. It remains the most streamlined and efficient way to submit claims, and we have invested considerable resources into making the webform easy to use and effective for the vast majority of use cases. We also offer access to Copyright Match and Content ID to new applicants who apply via YouTube’s [Copyright Management Suite application form](#). Today, over 1.5 million channels have access to the Copyright Match tool and thousands of rightsholders use Content ID to manage their rights effectively. These Content ID partners in turn represent several hundred thousand artists and creators of copyright protected content. We are always working to expand access to more powerful features while balancing the need to protect creators, viewers, and other rightsholders from the potentially significant disruption that can result from the misuse of these tools.

**8. How many content moderators does YouTube directly employ to monitor copyrighted content on its platform?**

- a. We have global teams working 24/7 to review copyright takedown requests and counter-notices from users. Over the years, we have made significant investment in addressing copyright infringement on our platforms, which includes over \$100 million to develop and operate our tools.

**9. How many content moderators does YouTube employ through third party contractors to monitor copyrighted content on its platform?**

- a. As we mentioned above, we have global teams working 24/7 to review copyright takedown requests and counter-notices from users. Over the years, we have made significant investments to address copyright infringement on our platforms, which includes over \$100 million to develop and operate our tools.

**10. To what extent does YouTube rely on algorithmic enforcement to monitor copyrighted content on its platform?**

- a. Both Content ID and Copyright Match use automated matching technology to identify copyrighted content on YouTube. However, the success of our matching technology depends on receiving accurate reference files and metadata from rightsholders.

**11. Is it correct to say that YouTube’s algorithms cannot produce absolute 100% accuracy in recognizing and taking down content?**

- a. It is correct that no matching technology is 100% accurate. However, YouTube is improving Content ID constantly. For example, Content ID can now catch efforts to evade detection like changing a video’s aspect ratio, flipping images horizontally, and speeding up or slowing down the audio. Today, over 99% of copyright issues on YouTube are handled through Content ID, rather than the notice-and-takedown process.

**12. How often do algorithmic enforcement programs produce “false positives,” or situations when legally playable music associated with a reference file is inappropriately blocked?**

When considering access to powerful tools, we also must account for the risk that some rightsholders may not have implemented robust processes around the management of these tools, resulting in unintended consequences for other creators, rightsholders, and users. For example, inaccurate claims have been placed on [public domain NASA footage](#), [white noise](#), [public interest journalism](#), and [original videos from popular creators](#), in many cases disabling those videos until we were able to take corrective action. While it is impossible to completely eliminate false positives, our teams work hard to prevent and detect bad reference files and claims.

**13. Many songwriters and musicians to combine their own vocals or instrumentals with work created by others and “loops” from audio libraries. The “fair use” doctrine allows songwriters to upload technically infringing work if the new production is a critique, is in the public domain, or transforms the original work to make it new. Does YouTube’s algorithm enforcement technology have the capability to recognize the difference between work that is legally playable under the fair use doctrine and work that is not?**

The Copyright Act expressly provides that the fair use of a copyrighted work is not an infringement of copyright. No existing automated matching technology, including YouTube’s Content ID, has the ability to apply the four factor test required under the Copyright Act for a fair use assessment.

**14. Please describe the process of YouTube’s take down and notice appeal process under Section 512 of the Digital Millennium Copyright Act of 1998.**

YouTube has a robust notice and counter-notice process consistent with the process outlined in the DMCA. Rightsholders can submit a takedown notice through our [public webform](#). If a user believes a takedown was submitted in error (i.e., the user had a license for the allegedly infringing content or the allegedly infringing content was used pursuant to a copyright exception, like fair use), that user can file a counter-notice. If the counter-notice meets the requirements set out in Section 512, then it will be forwarded to the original claimant, who has 10 business days to provide evidence that they have initiated a court action to keep



the content down. We detail [the notice](#) and [counter-notice](#) process in our help center.

**15. How does the makeup of a hashing algorithm influence whether Content ID technology categorizes two pieces of music as the same and correctly identifies the second as infringing?**

In order for Content ID to work accurately, rightsholders must provide YouTube with reference files of works they own, metadata describing that content, and the action they want YouTube to apply when Content ID finds an appropriate match. If any of these are flawed, it can cause significant impacts to the entire YouTube ecosystem.

**16. How does the makeup of a search algorithm influence whether Content ID technology categorizes two pieces of music as the same and correctly identifies the second as infringing?**

Google Search is a separate product and its algorithms have no impact on Content ID.

**17. Can Content ID technology ever run into problems with detecting and recognizing copyrighted work when analyzing music suffering from poor data quality?**

As noted above, without accurate reference files and metadata from rightsholders, Content ID will not operate correctly. Content ID's technology depends on complete and accurate reference files and corresponding data about rights ownership. Obtaining complete and accurate data from rightsholders can be particularly challenging with respect to music, where there are often multiple rights and rightsholders for a single song.

**18. Can Content ID technology ever run into problems with detecting and recognizing copyrighted work when analyzing music that could be legally playable under the fair use doctrine?**

No existing automated matching technology, including YouTube's Content ID, has the ability to apply the four factor test required under the Copyright Act for a fair use assessment. Instead, we provide a robust dispute and counter-notice process, to help users push back against incorrect claims.

**19. Describe the efforts that YouTube has taken to engage with leaders and stakeholders of the creative community to generate input into the development of YouTube's copyright enforcement policies.**

In developing YouTube's Copyright Management Suite, we have engaged with stakeholders in both the creative and user communities. Our recent work on the Copyright Match Tool is an example of that collaboration. We also updated our Community Guidelines last year to prohibit "how-to" videos that show users how to gain unauthorized free access to audio, audiovisual content, software, or subscription services that would normally require payment. As the challenge of

online piracy evolves, we are continually working with rightsholders to improve our policies, tools, features, and functionality.

**20. What steps can YouTube take in the future to ensure greater oversight in the effectiveness of Content ID's ability to recognize and take down copyright work?**

The effectiveness of Content ID depends primarily on current, complete, and accurate data from rightsholders. Under current law, rightsholders are not required to provide us with any data about their works, so we rely heavily on our voluntary agreements and relationships to ensure we get sufficient information that ultimately enables rightsholders to manage their works online.

**21. Will YouTube commit to providing greater transparency to the copyright community over the metrics of Content ID's accuracy and effectiveness?**

Over the past several years we've released data regarding Content ID's effectiveness, including data on how the vast majority of copyright needs on YouTube are processed using Content ID, and how the technology has delivered billions of dollars to rightsholders. We're exploring new ways to release this, and other data, in a more routine fashion.

Questions from Chairman Tillis:

**1. I've heard that the current notice-and-takedown system in section 512 casts a shadow over most interactions between copyright owners and online service providers (OSPs) – including any negotiations. If section 512 is re-written, how do you think that would change the pervasiveness of voluntary agreements and the types of voluntary agreements that copyright owners and service providers are willing to enter into?**

One of the major strengths of the DMCA safe harbors has been the statute's ability to accommodate innovative technologies far beyond what Congress could have envisioned 22 years ago. In this way, the DMCA has fostered continued voluntary collaboration between online service providers and rightsholders as both opportunities and challenges online have evolved. Changes to section 512 could have significant consequences for the entire ecosystem, including potentially stifling collaboration on voluntary agreements and investments in new technology to fight piracy.

**2. I've heard from numerous stakeholders that the criteria and eligibility requirements for entering Content ID are neither transparent nor clear. Can you help me understand who qualifies for Content ID and who qualifies for another program you have called Copyright Match? a. Will you commit to making the criteria for Content ID publicly available and on your website? If not, why not?**

We offer access to Copyright Match and Content ID to new applicants who apply via YouTube's [Copyright Management Suite application form](#). The eligibility criteria for each copyright management tool is described in [YouTube's Help](#)

[Center](#). A history of sending YouTube complete and valid copyright takedown requests to remove allegedly infringing content serves as a necessary indicator that an applicant both needs scaled tools and understands copyright.

- 3. I previously sent letters to YouTube, along with a bipartisan and bicameral group of congressional colleagues, on September 3, 2019 and February 6, 2020, asking for detailed responses regarding the operation of Content ID and Copyright Match? Will you please provide, in your response to these QFRs, detailed and responsive answers to each question posed in those two letters, instead of the perfunctory and non-responsive answers previously provided? If not, why will you not answer these questions and make such information publicly available?**

We appreciate the opportunity to respond to both the September 3, 2019 and the February 6, 2020 letters, as well as the regular dialogue with your staff. While we believe that our previous responses to your questions in writing represent the full scope of our views and insights, we also have addressed these matters further in responses to these questions, at the roundtable in December of 2019, and in our written testimony for the December 2020 hearing. We remain willing to continue the conversation with you in the coming weeks and months.

- 4. What other things is YouTube doing to work with copyright owners and combat piracy? Beyond Content ID, how has YouTube invested in voluntary initiatives? Has YouTube developed any new programs this year to aid creators who are being hit both by piracy and the pandemic?**

As the challenge of online piracy evolves, we are continually working with rightsholders to improve our policies, tools, features, and functionality. For example, earlier this year, we acted on concerns we heard from content industry stakeholders by updating our Community Guidelines to prohibit “how-to” videos that show users how to gain unauthorized free access to audio, audiovisual content, software, or subscription services that would normally require payment. We have also continuously invested in various approaches to combat illegal stream ripping, including by improving our technical infrastructure and working together with third parties to run various technical experiments and explorations. We have also looked for new ways to provide more value to creators and copyright owners throughout the COVID-19 pandemic. We have developed more features and functionalities for live-streams (and have supported thousands of live-streams in the last year) and hosted over 8,500 creators at 160 online events through our YouTube Spaces program. We contributed to COVID-relief funds, like MusiCares, and hosted a 3-day online music festival to raise money for independent music venues who are suffering from loss of business revenues due to the pandemic.

- 5. Does YouTube offer any program or technological tool for a creator who doesn't qualify for Content ID and wants to keep their content off of YouTube altogether? If not, is this an indication that YouTube only provides tools for fighting copyright piracy when it, in fact, financially benefits?**

YouTube provides best in class tools for fighting piracy to all creators and rightsholders. Everyone has access to at least one tool in YouTube's Copyright Management Suite, which includes three main tools: the webform, Content ID and Copyright Match. These tools give rightsholders control of their copyrighted material on YouTube, and all of them use technology to prevent the reupload of matching content. Any copyright owner can use the webform regardless of whether they are monetizing content on YouTube, and some of our institutional Content ID users choose to only block, and not monetize, their content on YouTube. Furthermore, creators who do not distribute or monetize their content on the platform can use our "private upload" feature in conjunction with the Copyright Match Tool to help them effectively manage their content on YouTube.

- 6. I understand YouTube is often asked to provide Content ID to all copyright owners. I just want to ask you this: will you commit to making Content ID and Copyright Match available on fair, reasonable, and non-discriminatory terms? If not, why?**

Today, over 1.5 million channels have access to the Copyright Match Tool and thousands of rightsholders use Content ID to manage their rights on YouTube. These Content ID partners in turn represent several hundred thousand artists and creators of copyright-protected content. As we mentioned earlier, we offer access to Copyright Match and Content ID to new applicants who apply via YouTube's [Copyright Management Suite application form](#). The eligibility criteria for each copyright management tool are described in [YouTube's Help Center](#). A history of sending YouTube complete and valid copyright takedown requests to remove allegedly infringing content serves as the primary and necessary indicator that an applicant both needs scaled tools and understands copyright. When considering access to powerful tools, we also must account for the risk that some rightsholders may not have implemented robust processes around the management of these tools, resulting in unintended consequences for other creators, rightsholders, and users.

- 7. I understand that YouTube also is often asked to provide Content ID to its competitors, even though as I understand it YouTube has invested heavily in developing Content ID. When an OSP develops a technology that is beneficial for combating piracy, what obligation is there – or should there be – for other OSPs to develop, or acquire, similarly effective tech? Relatedly, can YouTube use its industry leadership to help other OSPs develop their own technologies for combatting piracy?**

Content ID is built specifically for YouTube. Rightsholders deliver reference files (audio-only or audiovisual) for works they own, metadata describing that content,

and what action they want YouTube to apply when Content ID finds an appropriate match. YouTube then compares videos uploaded to the site against those reference files and automatically identifies the work and applies the rightsholder's preferred action for that content. It is not possible to use this system for other types of content, and Content ID is not a one-size-fits-all system. We would be happy to share our experiences with other stakeholders.

**8. Section 512 contains a requirement that OSPs accommodate and not interfere with standard technical measures (or STMs). Why is it that after 22 years, industry still has not identified a single STM?**

The absence of the development of standard technical measures is an artifact of market diversity and service differentiation, rather than a policy failure. Rather than standard technical measures, individual platforms have developed their own service-specific, voluntary measures to assist rightsholders with enforcement and monetization. For YouTube, those voluntary measures include automated content recognition tools (Content ID and Copyright Match) and machine-to-machine handling of bulk removal requests (Content Verification Program).

**9. Will you commit to meeting with interested copyright owners to discuss issues with Content ID and Copyright Match and working in good faith with them to address ongoing issues with copyright piracy on your platform?**

We have worked closely with copyright owners for many years—investing in new tools, policies, features, and functionality to better fight piracy. We are committed to continuing this work in the future.

**10. At the hearing, a witness on another panel directed a series of questions to YouTube. I would like to ask you to answer those questions here:**

**a. Will YouTube commit to giving a transparent and public explanation for how it decides who receives access to their tools?**

The eligibility criteria for each copyright management tool are described in [YouTube's Help Center](#).

**b. Will YouTube make a real, live, human customer support employee available to explain the reasons that creators have been denied access and to give them the opportunity to appeal?**

- i. Every individual that completes the application for access to copyright management tools receives a response explaining the action taken on their application. That response also indicates that if they disagree with the decision or their circumstances change, they are free to re-apply after 90 days. Creators who wish to appeal a copyright tools access decision can also always respond directly to our email and someone will be in touch with them. Having the applicant respond directly to the email they receive allows us to more efficiently and effectively respond to each unique case. As always, the best context an applicant can provide is to

have a track record of making valid copyright removal requests using the account they're applying from.

**c. Once YouTube has verified a copyrighted piece of content, will it proactively remove previous infringing uploads and stop future infringing uploads?**

The webform, Copyright Match tool, and Content ID all use technology to prevent the reupload of matching content. That being said, even when YouTube is given notice that a particular user was unauthorized to upload a particular work, only the rightsholder knows whether subsequent or other previous uploaders may or may not be licensed to upload the content.

**d. And, most importantly, will YouTube commit to working with Members' offices and creators to expand access for individual copyright holders – regardless of whether they are “authorized” YouTube distributors?**

There is no requirement that a rightsholder must be an 'authorized distributor' or have their content viewable on YT to use our copyright enforcement tools. Furthermore, we are always working to expand access to more powerful features while balancing the need to protect creators, viewers, and other rightsholders from the potentially significant disruption that can result from the misuse of these tools. We would be happy to further collaborate with your office on this issue.