

**Congress of the United States**  
**Washington, DC 20515**

**VIA ELECTRONIC TRANSMISSION**

September 3, 2019

Mr. Sundar Pichai  
Chief Executive Officer  
Google LLC  
1600 Amphitheatre Parkway  
Mountain View, CA 94043  
USA

Dear Mr. Pichai:

We write today regarding Google's efforts related to platform responsibility in the digital environment. Over the last year, Google has appeared before multiple House and Senate committees to discuss this issue. In response to questions from our congressional colleagues regarding efforts Google is taking to stem widespread distribution of infringing content, you have routinely pointed to YouTube's "Content ID" system as an example.

YouTube Content ID is described as a "strong set of tools to prevent copyright infringing material from appearing."<sup>1</sup> We understand that Content ID is a technology developed by Google and voluntarily made available to creators. We appreciate Google's efforts to combat the illegal distribution of content on YouTube.

It has also come to our attention that access to the Content ID system is only granted to companies that "own exclusive rights to a *substantial body* of original material that is *frequently uploaded* by the YouTube user community."<sup>2</sup> We are concerned that copyright holders with smaller catalogs of works cannot utilize Content ID, making it more difficult or impossible for them to effectively protect their copyrighted works from infringement and, ultimately, impacting their livelihoods. We have heard from copyright holders who have been denied access to Content ID tools, and as a result, are at a significant disadvantage to prevent the repeated uploading of content that they have previously identified as infringing. They are left with the choice of spending hours each week seeking out and sending notices about the same copyrighted works, or allowing their intellectual property to be misappropriated.

The core copyright industries in the United States provide over 5.7 million jobs and generate \$1.3 trillion toward the country's gross domestic product, accounting for 6.85% of the U.S. economy.<sup>3</sup>

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<sup>1</sup> *Online Platforms and Market Power, Part 2: Innovation and Entrepreneurship: Hearing Before the Subcomm. on Antitrust, Commercial & Admin. Law of the H. Comm. on the Judiciary*, 116th Cong. (2019), <https://judiciary.house.gov/legislation/hearings/online-platforms-and-market-power-part-2-innovation-and-entrepreneurship>.

<sup>2</sup> *Using Content ID*, YOUTUBE HELP, <https://support.google.com/youtube/answer/3244015> (last visited Aug. 15, 2019).

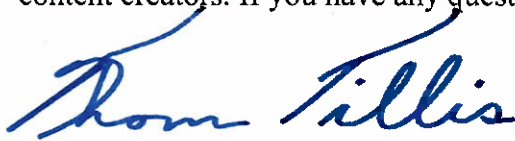
<sup>3</sup> Stephen E. Siwek, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2018 REPORT 3, 6 (2018), <https://iipa.org/files/uploads/2018/12/2018CpyrtRptFull.pdf>.

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Preserving these industries is of great importance to our economy and to our nation's ability to compete internationally. Given the significant impact this technology could have on these industries and the creators that are at their heart, we respectfully request your participation in a roundtable with Congressional offices and members of the creative community to discuss the following questions and issues.

1. In general, how does the Content ID technology work? Compared to other available mechanisms for rights holders to identify potentially infringing works on Google's platforms, how much day-to-day involvement of rights holders is needed?
2. How do the user and Google work together to identify and block illegal material? To what extent is Content ID dependent upon user engagement and interaction?
3. Please describe generally which types of rights holders currently are permitted to use Content ID, including how Google assesses whether a rights holder owns a "substantial body of original material" and whether such material is "frequently uploaded."
  - a. How often does a piece of content need to appear on YouTube in order to be considered a "frequently uploaded" work?
  - b. Is "frequently uploaded" an absolute or relative measure?
4. Please describe any terms and conditions related to the use of Content ID.
5. Other than YouTube, on what Google platforms is Content ID used to identify and block infringing material? For example, do you use it to block the distribution of infringing material on Blogger, Google Photos, and Google Drive, among others? If not, do you plan to implement Content ID or similar safeguards on these platforms?
6. Does Google plan to provide access to Content ID to a larger number of rights holders? If so, when? If not, what challenges prevent you from doing so?

We ask that you reply by October 30, 2019 with a date for this roundtable, which will be no later than the end of the 2019 calendar year. Again, we appreciate the efforts that you have made to combat distribution of infringing content on YouTube. Given its apparent benefits to rights holders, we hope that you will consider making Content ID and the benefits it provides available to a larger category of content creators. If you have any questions, please do not hesitate to contact us.

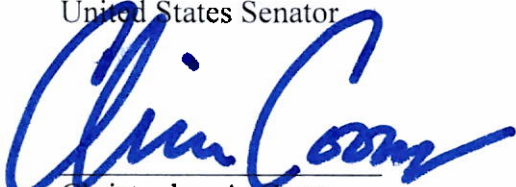


Thom Tillis  
United States Senator

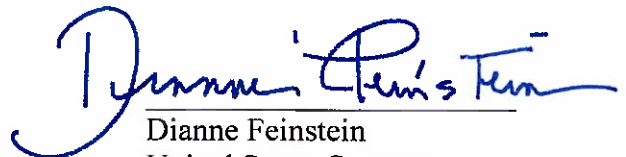
Sincerely,



Marsha Blackburn  
United States Senator

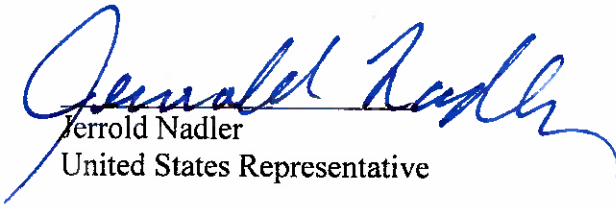


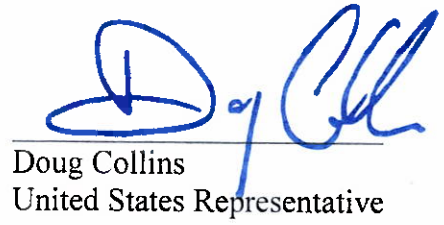
Christopher A. Coons  
United States Senator



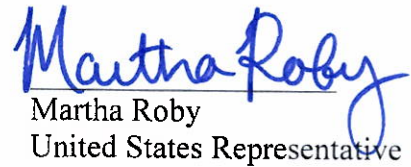
Dianne Feinstein  
United States Senator

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Jerrold Nadler  
United States Representative

  
Doug Collins  
United States Representative

  
Adam B. Schiff  
United States Representative

  
Martha Roby  
United States Representative