

# **Viacom-YouTube secrets to be exposed in lawsuit**

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A legal tussle pitting media conglomerate Viacom Inc. against online video leader YouTube is about to get dirtier as a federal judge prepares to release documents that will expose their secrets and other confidential information.

The information expected to be unsealed Thursday will include some of the evidence that Viacom and Google-owned YouTube have collected to prove their respective points, but have kept under wraps so far during their 3-year-old dispute over copyright law.

The sensitive material is emerging now because Viacom and YouTube are citing some of the documents as they try to persuade U.S. District Judge Louis Stanton in New York to decide the case without a trial. Stanton isn't likely to decide on a so-called summary judgment for several more months.

Each side will likely be pointing to things that the other might find embarrassing.

The evidence is expected to provide insights into the early strategies of YouTube co-founders Chad Hurley and Steve Chen and how they responded to copyright complaints that quickly accumulated a few months after the Web site's 2005 debut. The documents also could reveal whether other media suitors, including Viacom, tried to buy YouTube before getting trumped by Google Inc., which acquired YouTube for \$1.76 billion in 2007.

Viacom, the owner of Paramount Pictures and cable TV channels that include Comedy Central, sued YouTube in 2007 seeking more than \$1 billion in damages.

Viacom alleges that YouTube built its early success by rampantly infringing on copyrights. YouTube maintains it follows the copyright laws governing the Internet.

Viacom seems particularly interested in sharing some of the documents that it gathered from YouTube and Google. The company, based in New York, argued for a quick release of the records shortly after it and YouTube filed their motions for summary judgments.

YouTube's lawyers unsuccessfully tried to persuade Stanton to keep the documents under seal until this summer.

One of the biggest disputes in the case is how YouTube monitored its site for copyright violations before Google bought it.

Viacom contends YouTube's employees realized copyright-protected video was being illegally posted on the Web site, but routinely looked the other way because they knew the professionally produced material would help attract a bigger

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audience and encourage return visits.

YouTube lawyers have contended there was no way to know whether copyright-protected video was coming from pirates or movie and TV studios looking to use the Web site as a promotional tool. If a studio issued a notice of a copyright violation, YouTube says it promptly removed the specified clip as required under the Digital Millennium Copyright Act.

The 1998 federal law generally protects service providers such as YouTube from copyright claims as long as they promptly remove infringing material when notified about a violation. The outcome could hinge on whether Viacom can prove YouTube knew about the copyright abuses without formal notice from Viacom.

Although other content producers also initially complained about copyright abuse at YouTube, most major movie studios and music labels have struck revenue-sharing deals with the Web site.

YouTube won over much of the professional media by developing technology that automatically detects video and audio claimed by its copyright owners.

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