

Italian judge says profit behind Google verdict

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A Milan judge convicted three Google employees of violating the privacy of an autistic teen because the Internet giant sought profit when it hosted an online video of him being bullied, according to the judicial reasoning obtained Monday by The Associated Press.

Italian law requires a finding of malicious intent in such a conviction. Judge Oscar Magi said he believes the Google employees acted with malice because the Internet giant clearly intended to profit by selling advertising on the site where the footage was posted.

"In simple words, it is not the writing on the wall that constitutes a crime for the owner of the wall, but its commercial exploitation can," Magi wrote in the 111-page document.

The three employees were given suspended six-month sentences in a verdict that drew swift condemnation from defenders of Internet freedom. Google said it was studying the decision.

"But as we said when the verdict was announced, this conviction attacks the very principles of freedom on which the Internet is built," Google said in a statement. "If these principles are swept aside, then the Web as we know it will cease to exist, and many of the economic, social, political and technological benefits it brings could disappear. These are important points of principle, which is why we and our employees will vigorously appeal this decision."

The charges stemmed from a complaint by Vivi Down, an advocacy group for people with Down syndrome that was named in the 2006 video posted on a video-sharing service Google ran before acquiring YouTube later that year.

The footage showed an autistic student in Turin being pushed, pummeled with objects, including a pack of tissues, and insulted by classmates, who called him a "mongoloid."

The prosecutor's case emphasized that the video had been viewed 5,500 times over the two months it was online, when it climbed to the top of Google Italy's "most entertaining" video list and had more than 80 comments, including users urging its removal.

Google argued that it was unaware of the offensive material and acted swiftly to remove it after being notified by authorities, taking the video down within two hours.

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