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Google Shields Own Backside With Antipiracy Filter



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Google's introduction of technology to out illegally posted copyrighted content on YouTube may be more useful in keeping Google out of hot water than in keeping intellectual property under the owner's control. In order for the new video identification system to work, copyright holders have to give Google access to all of their protected content, which isn't likely to happen.

Google (Nasdaq: GOOG)  has launched a beta version of video identification technology designed to flag unauthorized content on [YouTube](#) . The move follows its implementation of audio fingerprinting software from Audible Magic earlier this year.

By filtering out pirated videos, Google aims to further cement YouTube's compliance with the Digital Millennium Copyright Act.

Named "[Video](#) Identification," the beta "is the next step in a long list of content policies and tools that we have provided copyright owners so that they can more easily identify their content and manage how it is made available on YouTube," David King, YouTube product manager, [wrote in a blog](#).

This new [system](#) extracts key visual aspects of uploaded videos and compares that information with reference material provided by copyright holders. It can recognize videos based on a variety of factors, according to Google.

A necessary component is the cooperation of copyright holders, who will have to provide the necessary information for the system recognize their work.

King of Content?

Copyright holder participation may well be a sticking point, Peter Vogel, a partner with Gardere Wynne Sewell, told TechNewsWorld.

"It remains to be seen whether copyright holders will want to provide all of their content to Google, who after all is already accumulating data on everybody," said Sewell. "I can see some people hesitating at letting them accumulate a repository of every piece of copyright content in the world."

The filtering tool lets copyright holders choose whether to block or allow continued publication of a questionable video on YouTube. As an added incentive -- perhaps offered in anticipation of participant reluctance -- Google is offering content owners the opportunity to create revenue from YouTube traffic .

Missing Pieces

It's doubtful that many content owners will want to participate, commented Rich Pearson, senior marketing  director at Attributor, a provider of copyright protection and content identification services.

"They might be reluctant because it is a conflict of interest," he noted. "Google is already lining its pockets with (US)\$5 billion in revenue from AdSense at the same time. And now it wants to monetize even more video content?"

Beyond that objection, there are many unanswered questions important to copyright holders, Pearson told TechNewsWorld. How will the video filter handle content that is already posted on YouTube? Will it remove copies retroactively? Will use of the [technology](#) be extended to text and image content? Will copyright holders and media companies be given control over the context in which their video can be used -- for example, how many minutes or what percentage of the total piece can be copied ?

"This sets a precedent where publishers have to play whack a mole," Pearson pointed out. In the last couple of months, at least five different video-hosting sites have launched. Will intellectual property owners have to provide full copies of their content to every site that pops up to keep it from posting pirated material?

Legal Protection

One reason for Google's push for participation is the legal protection this filtering technology offers. Already battling [Viacom](#) (NYSE: VIAb)  over pirated content that appeared on YouTube, Google is clearly searching for an automated solution to the problem.

For a publisher to get protection under the DMCA's  Safe Harbor provision, it has to claim that it didn't have actual knowledge of infringing material on its site, or that it was not aware of facts or circumstances pointing to infringing activity, explained Ross Dannenberg, shareholder at Banner & Witcoff.

"Google would be hard pressed to claim relief under either provision," he told TechNewsWorld. "This filtering technology appears to give them the ability to act expeditiously to remove or disable infringing material." 

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