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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

MARIA SCHNEIDER and PIRATE  
 MONITOR LTD, individually and on behalf of  
 all others similarly situated;

Plaintiffs,

vs.

YOUTUBE, LLC; GOOGLE LLC; and  
 ALPHABET INC.;

Defendants.

CASE NO. 5:20-cv-4423

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

1 Plaintiffs Maria Schneider and Pirate Monitor LTD, as and for their Complaint against  
2 Defendants YouTube, LLC (“YouTube”), Google LLC (“Google”), and Alphabet Inc. (“Alphabet”)  
3 (collectively, “Defendants”), allege upon personal knowledge as to acts and events taking place in  
4 their presence or upon information and belief for all other acts as follows:

### 5 INTRODUCTION

6 1. This case is about copyright piracy. YouTube, the largest video-sharing website in  
7 the world, is replete with videos infringing on the rights of copyright holders. YouTube has  
8 facilitated and induced this hotbed of copyright infringement through its development and  
9 implementation of a copyright enforcement system that protects only the most powerful copyright  
10 owners such as major studios and record labels. Plaintiffs and the Class are the ordinary creators of  
11 copyrighted works. They are denied *any* meaningful opportunity to *prevent* YouTube’s public display  
12 of works that infringe their copyrights—no matter how many times their works have previously  
13 been pirated on the platform. They are thus left behind by YouTube’s copyright enforcement system  
14 and instead are provided no meaningful ability to police the extensive infringement of their  
15 copyrighted work. These limitations are deliberate and designed to maximize YouTube’s (and its  
16 parents Google’s and Alphabet’s) focused but reckless drive for user volume and advertising  
17 revenue. Moreover, the Plaintiffs and the Class are not only prevented from using any meaningful  
18 enforcement tool, but the system in place actually exacerbates the harms caused to them including  
19 in a manner that bars Defendants from the protections of any safe harbors under applicable  
20 copyright laws such as the Digital Millennium Copyright Act (“DMCA”).

21 2. The copyright management tool that YouTube provides to the behemoths of the  
22 creative industry is Content ID—a digital fingerprint tool that compares videos being uploaded on  
23 YouTube to a catalogue of copyrighted material submitted by those entities permitted to utilize  
24 Content ID. Content ID is not only unavailable to Plaintiffs and the Class, but it actually insulates  
25 the vast majority of known and repeated copyright infringers from YouTube’s repeat infringer  
26 policy, thereby encouraging its users’ continuing upload of infringing content.

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1           3. Defendants Alphabet, Google, and YouTube reap billions of dollars annually from  
2 the online hosting of videos, including millions of works that infringe on the exclusive copyrights  
3 of Plaintiffs and the Class. Defendants permit and facilitate this infringement because it furthers  
4 their growth and revenue strategies and because they have determined that Plaintiffs and the Class—  
5 unlike YouTube’s preferred Content ID partners—lack the resources and leverage necessary to  
6 combat copyright infringement on the scale at which it is perpetuated on YouTube.

7           4. YouTube has more than 2 billion users worldwide every month, which according to  
8 Defendants is “almost one-third of the internet.” Users watch more than one billion hours of videos  
9 every single day, equating to approximately 5 billion videos viewed each day. YouTube estimates  
10 that more than 720,000 hours of videos—more than 82 years’ worth—are uploaded every day,  
11 equating to more than 500 hours of content uploaded every minute.

12           5. However, to become the preferred platform for both uploaders and viewers,  
13 Defendants knowingly permitted YouTube also to become a hotbed of piracy. From its start,  
14 YouTube recognized that its success was highly dependent on the rapid growth in online postings  
15 (or “uploads”) of “user-generated content,” to be uploaded quickly and with no prepublication  
16 diligence, making the unauthorized upload of copyrighted material unavoidable. Google purchased  
17 YouTube with full knowledge of YouTube’s rampant copyright piracy, yet Google chose to foster  
18 YouTube’s growth rather than protect copyright holders; it even refused to implement anti-piracy  
19 tools it had previously developed on another video sharing platform designed to curb such  
20 infringement.

21           6. Given the two-sided market YouTube functions in—where it wants to drive both  
22 viewers and content providers--Defendants’ motives are obvious. The ready availability of pirated  
23 content is the source of “network effects.” A vast library of pirated content draws users to the site,  
24 and the growth in users incentivizes the posting of more content on YouTube, which in turn enables  
25 Defendants to reap more advertising revenue. Building extensively on the backs of copyright holders  
26 who never gave authorization for their works to be displayed on YouTube, Defendants report that  
27 they now derive \$15 billion in revenue from advertising on YouTube, as well as unspecified billions  
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1 from subscriptions, other YouTube services, and the exploitation and monetization of personal data  
2 harvested from all of its users.

3         7. In addition to the billions of dollars of direct advertising revenue, the Google search  
4 and advertising platform independently gains massive value capitalizing on the rapid upload of  
5 materials, much of which infringes on class members' copyrights. Every time a viewer engages with  
6 the YouTube platform, Google harvests valuable information on individual user preferences and  
7 aggregate user demographics. This data is used to develop targeted advertising for YouTube, for  
8 Google, and further across the internet via Google's AdSense, AdX, and AdManager products and  
9 services, each of which generate additional billions of dollars for Defendants. Google is estimated  
10 to control 40% of the online advertising market, with much of it built on data it gathers from  
11 YouTube viewers drawn to the website by infringing material.

12         8. Faced with litigation by major music studios and other significant rights holders,  
13 Defendants have crafted distinct and disparate systems of copyright "enforcement" on their  
14 platform. For those entities with vast stores of copyright material and thus the leverage to require  
15 Defendants to appease their copyright management concerns, YouTube created its Content ID  
16 program, which allows qualifying copyright owners automatically to identify and manage their  
17 content on YouTube. Videos uploaded to YouTube are scanned against a database of files that have  
18 been submitted to Defendants by those qualifying copyright owners. Such owners get to decide  
19 what happens when content in a video on YouTube matches a work they own; the available options  
20 are (on a country-specific basis) to block the whole infringing video from being viewed, monetize  
21 the infringing video by running ads against it (in some cases sharing revenue with the uploader), or  
22 track the infringing video's viewership statistics.

23         9. Smaller rights holders, including Plaintiffs and the Class, are, however, denied  
24 access to Content ID and thus are relegated to vastly inferior and time-consuming manual means  
25 of trying to police and manage their copyrights such as scanning the entirety of YouTube postings,  
26 searching for keywords, titles, and other potential identifiers. Plaintiffs and the Class must then file  
27 individual takedown notices with YouTube via a web-form, email, or postal mail for each video  
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their searches identify. Defendants have, in effect, created a two-tiered system whereby the rights of large creators with the resources to take Defendants to court on their own are protected, while smaller and independent creators like Plaintiffs and the Class are deliberately left out in the cold.

10. The inequities of these disparate systems are pervasive. The following table contrasts the protections offered by Content ID with those accorded ordinary copyright enforcers.

Content ID	Ordinary Rights Enforcers
Screening is performed at the moment of upload, before a video is published on YouTube preventing public availability through YouTube of the infringing material.	Screening is performed only after a video is uploaded, published on YouTube and the infringing material is available to the general public.
Screening is performed automatically using the digital fingerprint system provided by YouTube that automatically compares the actual content of each uploaded video with the entire catalog of Content ID-protected works.	Screening (if any) must be performed through keyword searches in an attempt to identify infringing works via titles, authors, and keywords attached to the video by the uploader.
Content ID automatically imposes the rights holder's enforcement option to block the infringing video from publication on the platform, to monetize the infringing video through advertising revenue, or monitor download statistics of the infringing video.	Once the rights holder identifies infringing videos, the rights holder must file a takedown notice with YouTube for each offending video, specifying the URL location of the offending work, and providing evidence of the holder's right to enforce the copyright. After a delay of days or weeks during which the infringing material remains publicly available and the harm caused by the infringement continues, YouTube may suspend or remove the video.

11. The superior protections of the Content ID system are completely denied to Plaintiffs and the Class no matter how many times their copyright protected works are infringed on the YouTube platform. If a rights holder does not have the economic clout to qualify for Content ID, YouTube refuses to add their works to the Content ID catalog for prepublication protection even if those works have previously been infringed on YouTube hundreds or even thousands of times. Through its use of these systems, YouTube exerts significant control over which infringing videos may be published on its site and which infringing videos are never viewed by the public.

12. Moreover, Defendants have completely divorced their Content ID system from their legally mandated repeat-infringer policy. The DMCA provides a safe harbor against copyright

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