

YouTube, Inc.
DMCA Complaints
1000 Cherry Ave.
Second Floor
San Bruno, CA 94066

September 19, 2007

RE: Mistaken Removal

Dear YouTube, Inc.;

Please find attached to this letter a list of material removed by you pursuant to 17 U.S.C. Section 512. I have a good faith belief that this material was removed or disabled in error as a result of mistake or misidentification of the material. I declare that this is true and accurate under penalty of perjury under the laws of the United States of America.

For the purposes of this matter, I consent to the jurisdiction of the Federal District Court for the judicial district in which I reside. I also consent to service of process by the person providing notification under Section 512(c)(1)(C) or that person's agent. However, by this letter, I do not waive any other rights, including the ability to pursue an action for the removal or disabling of access to this material, if wrongful.

Having complied with the requirements of Section 512(g)(3), I remind you that you must now replace the blocked or removed material and cease disabling access to it within fourteen business days of your receipt of this notice. Please notify me when this has been done.

I appreciate your prompt attention to this matter. If you have any questions about this notice, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Antonio D. French". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Antonio D. French
(314) 779-9958
PubDef.net
4524 Athlone Ave.
St. Louis, MO 63115

Enclosure

September 19, 2007

Materials mistakenly removed from YouTube on September 18-19, 2007:

More than 500 videos from the account of user "adfrench" (location: www.youtube.com/pubdef/).

To Whom It May Concern:

I'm the editor of the non-partisan political site PubDef.net in St. Louis. We have covered politics in the State of Missouri with the help of YouTube for two years. In fact, we have uploaded over 500 original videos on the site.

Our website is one of the most influential news sites in Missouri. Our coverage has been featured on Meet the Press, Fox News, and numerous newspapers and magazines. In fact, this year *St. Louis Magazine* named us "Best Blog" and the *St. Louis Business Journal* named us one of its "Most Influential" — largely because of our production of original news videos.

I write all that to simply say we are responsible YouTube users who use the site as a journalism tool, and in a manner which has been praised and celebrated.

Yesterday, without warning, our YouTube account was suspended and our videos were taken offline. That account represents nearly two years of work and over 500 completely original news reports.

Yesterday afternoon, for the first time ever, we got a notice that a video had been taken down for "copyright infringement." We had been tracking a brewing scandal in St. Louis dealing with a local aldermen reportedly taking cash payments. We posted a video (http://www.youtube.com/watch?v=Qr_r7XmPqQ8) with clips from a local TV station contrasting one report in which they say they will air a story on the subject and another report in which they failed to follow up as promised. That apparently embarrassed them and they filed a complaint to take the videos down.

While we believe our use of the video falls under the "Fair Use" provision, we completely understand if YouTube doesn't want to get in the middle of that. If given the chance, we would have taken down the video in question.

But we weren't given that chance. My inbox shows a notice of the video's removal was delivered after business hours at 5:29 PM and a second notice, stemming from a complaint from the same TV station over a related video (<http://www.youtube.com/watch?v=8Cimgwvcd6U>), was delivered at 12:03 AM this morning. When we came to the office this morning our YouTube account had been suspended and all 500 of our originally-produced news videos were taken offline.

As I've stated, we are responsible YouTube users. We are members of the press and as a company which creates content everyday, we respect copyrights.

We are willing to take down the two videos in question (which represent less than 1% of our total YouTube content), but we really need to have our account reinstated as soon as possible.

We've considered YouTube a partner in our business model, a partnership which has worked well for nearly two years. This is the first bump in the road and I sincerely hope that we can get through this quickly.

Sincerely,

Antonio D. French
Editor, PubDef.net
(314) 779-9958
(314) 367-3429 Fax