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## Copyright Amendment (Online Infringement) Bill 2015

Google welcomes this opportunity to comment on the *Copyright Amendment (Online Infringement) Bill 2015 (the Bill)*.

### Executive summary

Google recognises and takes seriously the challenge of online piracy. We adopt a multi-faceted approach to tackling piracy:

- Piracy often arises when consumer demand goes unmet by legitimate supply. Google has been at the forefront of creating new, authorised ways for consumers to obtain digital content, thereby creating legitimate alternatives to piracy.
- Providing content creators and owners with control over their content online has been shown to be an effective means of empowering rights holders to tackle piracy without government intervention. Google's Content ID tool allows rights holders to choose - in advance - what they want to happen if their content is uploaded by third parties onto YouTube. So far the majority of rights holder partners choose to allow and monetize the videos that use their content. This makes Content ID not just an anti-piracy solution, but also a new business model for copyright owners and YouTube alike.
- Pirate sites are almost exclusively for-profit enterprises. As long as there is money to be made by their operators, other anti-piracy strategies will be far less effective. Google works closely with other stakeholders to cut off the ability of pirates to make money by rooting out and ejecting rogue sites from our advertising services. We also work with other leaders in the sector to craft best practices aimed at raising standards across the entire online advertising industry.

- We have developed new ad formats to point users to legitimate sources of media when they search for music and movies. This new initiative is currently operating in the US.
- We have further updated our search algorithm which down ranks sites for which we have received a large number of valid DMCA notices.
- We have taken many steps to prevent terms closely associated with piracy from appearing in Autocomplete and Related Search, and we constantly work to improve these algorithms.

Evidence has shown that initiatives of this kind are much more effective than site blocking at effectively addressing online piracy.

In any discussion of online piracy, it is also incredibly important to consider the extent to which the broader legal regime hinders or facilitates anti-piracy initiatives. Currently, the Australian copyright regime is not fully conducive to online services providers engaging in anti-piracy initiatives to the same extent as they are able to in the US and other comparable jurisdictions. This is because in Australia, Google and other online services providers are not currently included in the copyright safe harbours contained in the *Copyright Act*. Currently, the safe harbours - which are based on a notice and takedown regime - can only be relied on by Carriage Service Providers (**CSPs**). In the US (and other comparable jurisdictions), the safe harbours provide a framework for all online service providers to respond promptly to notification from rights holders that their services are being used to host infringing content.

Google strongly welcomed the proposal that the Government outlined in its 2014 Online Copyright Infringement Discussion Paper (***Discussion Paper***) to expand the copyright safe harbours to include all online service providers. This reform would not only encourage local investment and innovation to the benefit of creative industries, it would also provide rights holders with an efficient and effective means of taking immediate self-help action in response to piracy. It is a critical piece of the puzzle when it comes to developing strategies to address piracy. We urge the Committee to recommend that any Copyright Amendment Bill that is introduced to give effect to the proposed site blocking regime also include a provision that would give effect to the proposed amendment to the safe harbour scheme as outlined in the Government's 2014 Discussion Paper.

Google submits that the significant additional regulatory burden and cost that would be imposed on CSPs by a site blocking are not justified by evidence that site blocking regimes are effective. If, however, the Parliament does proceed with a site blocking regime, Google submits that it will be imperative to ensure that the legislation is narrowly targeted so as to avoid legitimate content being blocked, as well as to avoid site blocking being used in ways that were not intended.

## Submission

### Tackling piracy requires a multi-faceted approach

Google takes the challenge of online piracy very seriously. We adopt a multi-faceted approach to piracy:

#### *Create more and better legitimate alternatives to piracy*

Piracy often arises when consumer demand goes unmet by legitimate supply. See, for example, this study on Media Piracy in Emerging Economies published by the United States Social Science Research Council:<sup>1</sup>

*The factor common to successful low-cost models [for addressing piracy], our work suggests, is neither strong enforcement against pirates nor the creative use of digital distribution, but rather the presence of firms that actively compete on price and services for local customers.*

A key way to battle piracy is with better, more convenient, legitimate alternatives to piracy.

The recent launch of three new video on demand services in Australia - Netflix, Stan and Presto - will go a long way towards achieving this. Village Roadshow CEO Graham Burke said last month that the launch of Netflix in Australia would help quash film piracy. Mr Burke told The Australian Financial Review: *"Streaming is very important because it's a significant new stream of revenue but also streaming means that people are way less likely to pirate"*.<sup>2</sup>

Google is helping to drive revenue for creative industries by developing licensed products with beautiful user experiences, and by building platforms where our users can legitimately purchase, consume, and discover entertainment and culture. See the Annexure to this submission which sets out more detail about Google's products and platforms.

#### *Tools that put content creators and owners in control of their content online*

We believe in putting content creators and owners in control of their content online, and have developed tools to facilitate this. These include Google's Content ID tool, which is the most advanced content identification system in the world. It enables rights holders to identify user-generated videos that contain copyrighted material to choose - in advance - what they want to happen when those videos are attempted to be uploaded to YouTube. With Content ID, rights holders deliver YouTube reference files (audio-only or video) of content they own, metadata describing that content, and policies describing what they want YouTube to do

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<sup>1</sup> Media Piracy in Emerging Economies, Social Science Research Council, 2011, <http://piracy.ssrc.org>

<sup>2</sup> [Australian Financial Review, 30 March 2015](#)

when it finds a match. YouTube compares videos uploaded to the site against those reference files. Rights holders can choose to block the video, to allow it to be uploaded but follow how often it is viewed, or to allow viewing and to monetise that viewing through ad placement. Our technology automatically identifies the content, and applies the rights holder's preferred policy, before the video can be viewed.<sup>3</sup> Content ID puts the rights holder in the driver's seat.

Content ID is not just an anti-piracy solution, but also a new business model for copyright owners and YouTube alike. The majority of partners using Content ID choose to monetise their claims and many have seen significant increases in their revenue as a result. In the last few years, YouTube has paid over a billion dollars to the music industry. See the Annexure to this submission for information on other Google tools that put creators and owners in control of their content.

### *Rooting out rogue sites from our advertising services - following the money*

The most effective way to combat rogue sites that specialise in online piracy is to "follow the money" by cutting off their money supply. These sites are almost exclusively for-profit enterprises, and so long as there is money to be made by their operators, other anti-piracy strategies will be far less effective.

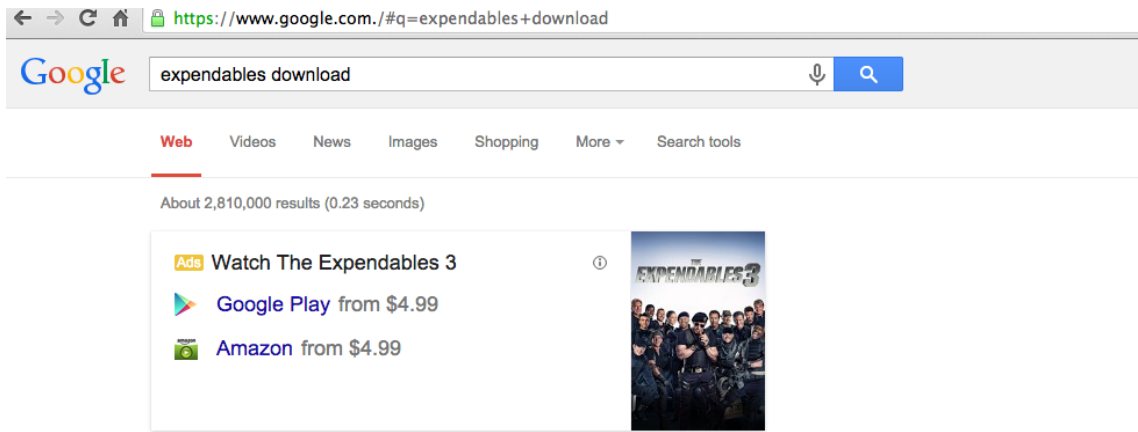
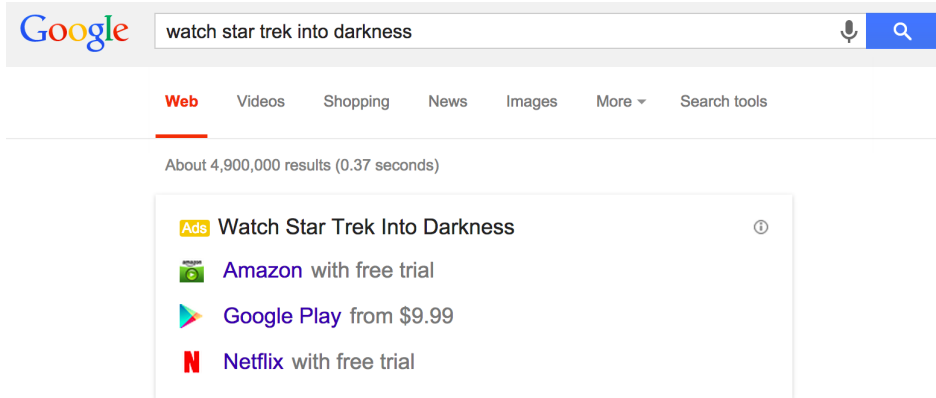
Google does not want to be in business with rogue sites specializing in piracy. As a global leader in online advertising, we are committed to rooting out and ejecting rogue sites from our advertising services. See the Annexure to this submission which sets out more detail about the ways that we are doing this.

### *Ad formats that point users to legitimate sources of media when they search for music and movies*

Google is experimenting with new ad formats in search results on queries related to music and movies that will help people find legitimate sources of media. It will also help authorised platforms reach new users. For the relatively small number of queries for movies that include terms like "download," "free," or "watch," we've begun to show a new type of ad in the U.S. that helps users easily find legitimate access to the content they are looking for.

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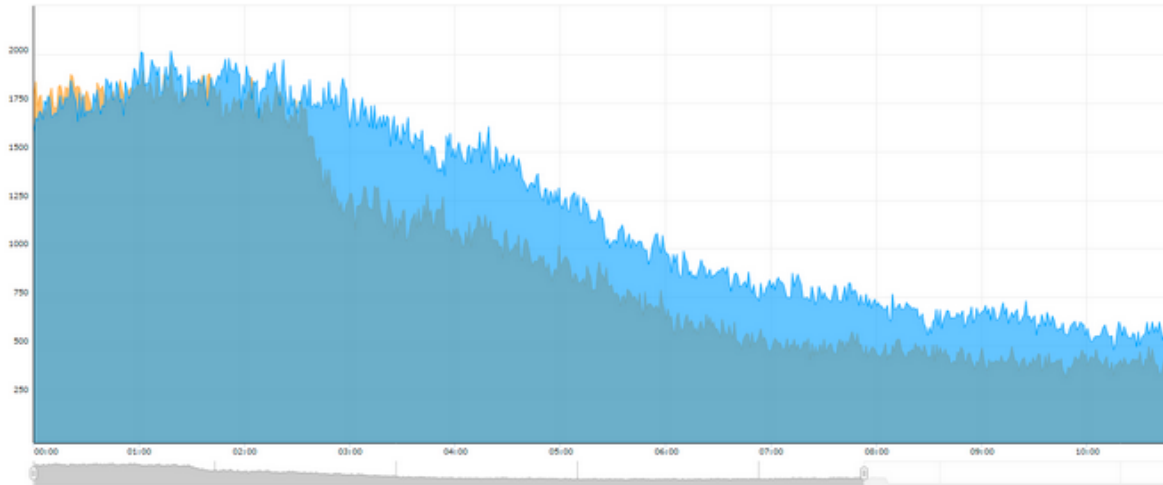
<sup>3</sup> Content ID is described here: <https://support.google.com/youtube/answer/2797370?hl=en>



### *Site ranking and demotions*

As of late last year, Google has further updated its algorithm to downrank offending pirate sites and links for which we received a large number of valid DMCA notices, and we believe this has already had an impact on piracy. The graph below illustrates a day-to-day traffic comparison conducted by TorrentFreak before and after the changes were implemented. The graph shows a significant loss in traffic which Isohunt.to solely attributes to Google's changes.

### Torrent site traffic drop



### Site blocking as a means of addressing piracy

There is increasing evidence to suggest that site-blocking is not the most effective means of stopping piracy. A recent study of the piracy “ecosystem”<sup>4</sup> - in which the authors conducted a detailed analysis of the effectiveness of various anti-piracy measures - found that anti-piracy efforts directed towards blocking access to pirated content have not been successful. These authors suggest that more effective anti-piracy strategies included those that we have discussed above: providing legitimate content that is more attractive to consumers than pirating content, and focussing on interrupting the flow of money to rogue sites.

Site blocking also has the potential to be used in ways that were unintended, included by blocking legitimate content.

For each of these reasons, in the event that the Parliament does proceed with a site blocking regime, it will be imperative to ensure that the legislation is narrowly targeted, and that any blocking order applies only to infringing content.

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<sup>4</sup> [“Clickonomics: Determining the Effect of Anti-Piracy Measures for One-Click Hosting.”](#) Northeastern et al., 2013.

## Comments on the Bill

### *How to ensure that site blocking orders are narrowly targeted*

The Discussion Paper - which first flagged the proposal to enact a site blocking regime - referred to *websites*, or *internet sites*, containing infringing material. The Bill uses the terms “online location”. Google submits that whichever term is used, it should be defined in the Bill so as to avoid an overbroad application that would have unintended consequences.

We note that the Explanatory Memorandum (**EM**) seeks to give some guidance. Firstly, the EM provides the following examples of “online locations” that either infringe copyright or facilitate an infringement of copyright:

*For example, this would include circumstances where a **website** provides torrent files that facilitate the download and upload of copyright material without the permission of the copyright owner. It would also include **websites** that provide links to, or host, infringing material, as well as **online storage services** that are used to store infringing material. (Our emphasis)*

The EM also states that the primary purpose test in proposed s 115A(1)(c) would operate to ensure that an entire website was not blocked unless the primary purpose of the website was to infringe copyright or facilitate the infringement of copyright:

*Thus, a website such as [www.youtube.com](http://www.youtube.com) or [www.blogger.com](http://www.blogger.com) would not prima facie satisfy the test as being an online location that infringes or facilitates infringement of copyright.*

While we welcome these statements in the EM, it should not be left to the EM to ensure that courts do not construe the term “online location” in such a way as to block legitimate content. The policy intention set out in the EM - ie to block only those websites that “flagrantly disregard” the rights of copyright owners - must be made clear on the face of the Bill.

It would be preferable, in our submission, to include a definition in the Bill that ensured that a court directed any blocking injunction only to the web page or pages that contained infringing material. This is due to the significant harm that can arise from overbroad site blocking initiatives (see the recent example of thousands of sites inadvertently being blocked as a result of ASIC exercising a power under s.313 of the *Telecommunications Act 1997*).

One possibility would be to define “online location” to mean “*the uniform resource locator directing users to an individual web page or pages infringing copyright or facilitating access to content that infringes copyright*”. -Another approach would be to include a legislative note to this effect in proposed s 115A.

In the event that the Bill is not amended, Google submits that the EM should provide further clarification to the effect that any blocking order should apply only to the web page or pages that have been found by the court to have the relevant primary purpose of infringement. In other words, any site blocking order should be framed as narrowly as possible to avoid capturing non-infringing sites and content.

### *The concept of “facilitating” infringement of copyright*

We understand the Government’s policy intention is to catch sites that have the primary purpose of facilitating access to infringing content. The EM states that the intention is “*to allow a specific and targeted remedy to prevent those online locations which flagrantly disregard the rights of copyright owners from facilitating access to infringing copyright content*”.

Uncertainty about what is meant by the term “facilitate” could potentially lead to the Bill being used to prevent conduct that does not amount to an infringement of copyright under Australian copyright law, such as blocking Australian internet users from accessing websites that provide users with access to a virtual private network (VPN). This would be at odds with the view expressed by the Government to the effect that the *Copyright Act* does not make it illegal to use a VPN to access overseas content, including from video on demand sites such as Netflix.<sup>5</sup> VPNs also have many other legitimate purposes, including privacy and security.

The intention of the Bill would be better reflected, and the unintended consequences discussed above would be avoided, if it were made clear that the “facilitation” aspect of the Bill is intended to target online locations that have the primary purpose of facilitating access to infringing content or to another online location that infringes copyright. This is conduct that would almost certainly amount to copyright infringement under Australian law.

### *Factors that should be considered by a court when determining whether to make a site blocking order*

While the Bill requires the court to consider whether a site blocking order is a proportionate response in the circumstances, there is no express requirement in the Bill for the court to consider freedom of speech. Google submits that the court should be expressly required to consider whether making a site blocking order would “*unreasonably interfere with the fundamental right of internet users to freedom of speech, and whether the injunction being sought is targeted in such a way as to bring an end to the infringement of copyright without affecting internet users’ lawful access to information.*”

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<sup>5</sup> <http://www.malcolmturnbull.com.au/policy-faqs/online-copyright-infringement-faqs#VPN>



We also submit that the court should be required to consider whether the operator of the online location has provided a means for copyright owners to take self help in relation to infringing content. One way of doing this is a notice and takedown scheme. Another is YouTube's Content ID tool, which we have discussed above. In our submission, a site blocking order should not be permitted if the operator of the website has provided a simple and effective self-help method for rights holders to prevent infringing content from being accessed. It would impose an unreasonable and unwarranted burden on CSPs, and the courts, if rights holders could avoid using simple self-help mechanisms and instead seek the intervention of the courts.

## **Safe harbours**

Tackling piracy effectively requires a legal regime that facilitates anti-piracy initiatives. That includes robust copyright safe harbours that provide a framework for online service providers to respond promptly to notification from rights holders that their services are being used to host infringing content.

Currently, the Australian copyright regime does not fully achieve this. The safe harbours contained in Part V Division 2AA of the Copyright Act - which are based on a notice and takedown regime - can only be relied on by CSPs. In the US (and other comparable jurisdictions), the safe harbours provide a framework for all online service providers to respond promptly to notification from rights holders that their services are being used to host infringing content.

The lack of a safe harbour for online service providers is also a serious impediment to the growth of Australia's digital economy. Common activities - transmitting data, caching, hosting and referring users to an online location - are not covered by the scheme. Providers of these services do not have the benefit of the same safe harbour that applies to their equivalents overseas, and that applies to Australian CSPs. This is despite CSPs and online service providers having virtually the same inability to directly control, initiate or direct their users' online activities. This discrepancy means that an online service provider in Australia is put in a position where it must assess whether it can carry out all of its online operations in Australia, whether it can rely on legal arguments/defences to justify its activities and whether it can operate under the uncertain rights resolution processes that providers outside the safe harbour must attempt to manage. As a result, online service providers (as well as other operators of large networks such as schools and universities) are exposed to a greater level of uncertainty and risk than CSPs, which operates as a direct disincentive to the development of a digital economy in Australia. It is a necessary part of any business case analysis for any company contemplating establishing services in Australia (whether as a start-up deciding whether to commence operations or an established company deciding whether to expand operations) to evaluate the potential legal risks and operational uncertainties of doing business in-country. Google submits that the lack of a safe harbour will be highlighted as a

serious potential risk factor - potentially making Australia a less attractive venue to set up business. This is a serious impediment to the future of Australia's digital economy.

A recent study produced by the international think-tank *Fifth Era & Engine* has shown that Australian investors see the **increased anti-piracy regulations as main inhibitors to further investment into the digital content intermediaries** in the country.

The study found that 80% of Australian investors are deterred from investing in new digital content platforms due to the risks they are exposed to as a result of the **lack of safe harbours** and **emerging anti-piracy legislation**. (Source: [www.fifthera.com/perspectives](http://www.fifthera.com/perspectives)) These investors believe that the digital content intermediaries that offer user-generated music and video are particularly exposed to potential new legislation, and that the current legal environment makes it hard to assess the future prospects of an investment in this space.

This is an important finding, demonstrating that further development of legitimate sources of copyright content for Australia largely depends on flexible and progressive regulation stimulating innovation and economic growth.

Innovative copyright policy today should be focused on maximising the value of intellectual property to support creative industries as well as Internet platforms enabling IP monetization online. Google submits that the discussion around amending copyright legislation in Australia should be evolving towards introducing better safe harbour protections for all Internet platforms and flexible exceptions and limitations that set grounds for copyright growth, jobs creation and new benefits for the digital economy which is booming in Australia.

Google strongly welcomed the proposal that the Government outlined in its 2014 Discussion Paper to expand the copyright safe harbours to include all online service providers. This reform would not only encourage local investment and innovation to the benefit of creative industries, it is also an important provide rights holders with an efficient and effective means of taking immediate self-help action in response to piracy. It is a critical piece of the puzzle when it comes to developing strategies to address piracy.

Google urges the Committee to recommend that any Copyright Amendment bill that is introduced to give effect to the proposed site blocking regime also include a provision that would give effect to the proposed amendment to the safe harbour scheme as outlined in the Government's 2014 Discussion Paper.

## *Annexure: Google's approach to managing copyright online*

Google takes the challenge of online piracy very seriously, and we are meeting this challenge in the following ways:

### *Create more and better legitimate alternatives to piracy*

#### YouTube Partners

YouTube's community includes not only a billion individual users, but also more than a million partner channels from over 30 countries that earn money from their videos - from independent musicians and creators to some of the world's biggest record labels, movie studios, and news organisations. A majority of advertising revenue goes to the rights holder or creator.

YouTube has developed a series of tools and programs to help content partners thrive, including partnerships with every major record label, as well as hundreds of collecting societies, independent labels, and music publishers to license recorded music on the site. As a result of partnerships like these, YouTube generates hundreds of millions of dollars each year for the content industry. More than a million channels in dozens of countries are earning revenue from the YouTube Partner Program, and thousands of channels are making six figures per year. Partner revenue is up over 50% from 2013 to 2014. Google invested tens of millions of dollars into Content ID, the YouTube copyright management system. The result is that since 2007 over \$1 billion was paid out to partners who have chosen to monetize their claims using Content ID.

Each time a music fan chooses YouTube over an unauthorised source for music, it's a win against piracy. Unlike previous generations of music fans who were raised on unauthorised sources for music, today's young fans have YouTube as a legal, compelling way to experience music online. And because of our licensing agreements with our partners in the music industry, rights holders are paid when fans visit YouTube to experience music videos.

We're always looking for new ways to help creators reach their audience, and have taken steps to bring new creator and user experiences to life. We launched YouTube Music Key beta in the U.S. last year. Later this year we'll be also offering new models of revenue growth for partners on YouTube through an ad-free monthly subscription version. This will allow partners to get revenues from both subscription offerings and the already existing ads-based model.<sup>6</sup>

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<sup>6</sup> See more on this:

<http://www.bloomberg.com/news/articles/2015-04-08/google-plots-new-youtube-subscription-service-as-soon-as-this-year>.

## Google Play

There are more than a billion active Android users around the world, presenting a tremendous opportunity to creative industries.

Google Play is a service that helps rights holders and creators sell their applications or content directly to Google users, particularly on Android. It's a digital store where people can find, purchase and enjoy entertainment for their devices - from computers to tablets to smartphones. We've partnered with all of the major record labels, publishers, and movie studios to offer millions of songs and books, thousands of movies and TV shows, and hundreds of magazines that can be enjoyed across devices. Google Play has expanded rapidly into new countries in the last year: Play Music is available in 58 countries, Play Movies in more than 100 countries, and Play Books in 65 countries. In Australia, Google Play's most frequently purchased show is Game of Thrones, and one of the most purchased albums is Triple J's Hottest 100.

- Music

Google Play offers a store where users can purchase new music, a music locker to store existing collections of songs, and a subscription service to access millions of songs from the Google Play collection. Today there are more than 25 million songs available for purchase from Google Play. Google also has "scan-and-match" licenses that enable users to access their personal music collections from any connected device, without the time-consuming process of uploading those files. Our new music subscription service, All Access, lets users listen to millions of songs on-demand for a monthly fee. These products are driving revenue for the music industry. And thanks to our partnerships with rights holders around the world, Google Play Music is available to a global audience.

- Movies and TV shows

Google Play has partnered with all of the major film studios in the U.S. and many local studios in Australia and countries overseas to offer thousands of movies and TV shows that can be rented or purchased. We also offer innovative features that take advantage of a digital format to drive user engagement, such as Info Cards that appear when a movie or TV show is paused and that give more information about the actors and music in a scene.

- Books and Magazines

Google Play is home to the world's largest selection of eBooks – with more than 5 million titles available. More than 48,000 publishers have joined the Partner Program to promote their books online, including nearly every major U.S. publisher. We have also partnered with major publishers to offer hundreds of magazines for purchase or subscription in the Google Play store, creating a new market for magazines and newspapers. Users are able to access their books and magazines on any of their devices.

- Apps and games

Google Play is an engine of economic opportunity for application and game developers because it gives them a free platform to build on and reach millions of users. More than a million apps and games are available for sale or for free on Google Play, and they've been downloaded over 50 billion times. Several of the most popular apps are delivering licensed music, movies, and TV shows to users.

### *Tools that put content creators and owners in control of their content online*

We believe in putting content creators and owners in control of their content online, and have developed the following tools to facilitate this.

#### Content ID

Content ID - developed and launched by Google in 2007 - is the most advanced content identification system in the world. It enables rights holders to identify user-uploaded videos that are entirely or partially their content, and choose - in advance - what they want to happen when those videos are found. Rightsholders deliver YouTube reference files (audio-only or video) of content they own, metadata describing that content, and policies describing what they want YouTube to do when it finds a match. YouTube compares videos uploaded to the site against those reference files. Our technology automatically identifies the content and applies the rights holder's preferred policy.

Thanks to the options that Content ID affords to copyright owners, it's not just an anti-piracy solution, but also a new business model for copyright owners and YouTube alike. The majority of partners using Content ID choose to monetise their claims and many have seen significant increases in their revenue as a result.

Content ID is good for users as well. When copyright owners choose to monetize or track user-submitted videos, it allows users to continue to freely remix and upload a wide variety of new creations using existing works. Since 2007 we've paid out over \$1 billion to partners who have chosen to monetize their claims using Content ID.

#### YouTube Copyright Center

Copyright owners and their representatives can submit copyright removal notices through the *YouTube Copyright Center*, which offers an easy-to-use web form, as well as extensive information aimed at educating YouTube users about copyright.

### Content Verification

YouTube also offers a *Content Verification* Program for rights holders who have a regular need to submit high volumes of copyright removal notices and have demonstrated high accuracy in their prior submissions. This program makes it easier for rights holders to search YouTube for material that they believe to be infringing, quickly identify infringing videos, and provide YouTube with information sufficient to permit us to locate and remove that material, all in a streamlined manner intended to make the process more efficient.

### Google Web Search

There are more than 60 trillion addresses on the web. Only an infinitesimal portion of those infringe copyright, but those infringing pages cannot be identified by Google without the cooperation of rights holders. We don't want to include links to infringing pages in our search results, and that's why Google needs the cooperation of copyright owners to notify us when they discover that a search result infringes their rights and should be removed. To help copyright owners submit these notices, Google has developed a streamlined submission process. There is no search engine that processes as many copyright removal notices as Google does, and none that process them more quickly.

*Copyright owners and their agents submitted more than 224 million web pages for removal in 2013.*

*We ultimately removed more than 99 % of all URLs specified in these copyright removal requests. For the remaining sites, we either needed additional information, were unable to find the page, or concluded that the material was not infringing.*

*Our average turnaround time for copyright notices is less than 6 hours.*

### Using Copyright Removal Notices in Ranking

In addition to removing pages from search results when notified by copyright owners, Google also factors in the number of valid copyright removal notices we receive for any given site as one signal among the hundreds that we take into account when ranking search results. As a result, sites with high numbers of valid removal notices may appear lower in search results. We believe that this ranking change should help users find legitimate, quality sources of content more easily.

### *Rooting out rogue sites from our advertising services - following the money*

The most effective way to combat rogue sites that specialise in online piracy is to "follow the money" by cutting off their money supply. These sites are almost exclusively for-profit

enterprises, and so long as there is money to be made by their operators, other anti-piracy strategies will be far less effective.

The European Commission has embraced a follow-the-money approach to tackling online piracy. In June 2014, the Commission released an Action Plan<sup>7</sup> to address infringements of intellectual property rights in the EU. It includes the following:

*This Communication focuses on the enforcement of IPRs. It seeks to build upon the consensus that IP enforcement policy ought to be focussed on the fight against commercial scale IP infringing activity which is the most harmful. It aims to propose new enforcement policy tools, such as a so-called “follow the money” approach seeking to deprive commercial scale infringers of the revenue flows that draw them into such activities.*<sup>8</sup>

### Best practices

As a global leader in online advertising, Google is committed to rooting out and ejecting rogue sites from our advertising services. We are also working with other leaders in the industry to craft best practices aimed at raising standards across the entire online advertising industry. For example:

- In April 2011, Google was among the first companies to certify compliance in the Interactive Advertising Bureau’s (IAB’s) Quality Assurance Certification program, through which participating advertising companies will take steps to enhance buyer control over the placement and context of advertising and build brand safety.<sup>9</sup> This program will help ensure that advertisers and their agents are able to control where their ads appear across the web.
- In July 2013, Google worked with the White House’s Office of the U.S. Intellectual Property Enforcement Coordinator (IPEC) and other leading ad networks to participate in Best Practices and Guidelines for Ad Networks to Address Piracy and Counterfeiting.<sup>10</sup> Under these best practices, ad networks will maintain and post policies prohibiting websites that are principally dedicated to engaging in copyright piracy from participating in the ad network’s advertising programs.
- Google is currently working with the Audited Media Association of Australia (AMAA) on the Australian Digital Advertising Principles.

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<sup>7</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014DC0392>

<sup>8</sup> Ibid

<sup>9</sup> IAB, “Quality Assurance Guidelines,” November 2011 <<http://goo.gl/BfOny>>

<sup>10</sup> The White House, “Coming Together to Combat Online Piracy and Counterfeiting,” July 2013 <<http://goo.gl/86x1QE>>

By working across the industry, these best practices should help reduce the financial incentives for pirate sites by cutting off their revenue supply while maintaining a healthy Internet and promoting innovation.

### AdSense

More than two million web publishers use AdSense to make money from their content on the web, making it the chief Google advertising product used by online publishers. The overwhelming majority of those publishers are not engaged in any kind of copyright infringement. AdSense has always prohibited publishers from using AdSense to place ads on pages that contain pirated content, and Google proactively monitors the AdSense network to root out bad publishers.

Since 2012, we have ejected more than 73,000 sites from our AdSense program, the vast majority of those caught by our own proactive screens. Almost all AdSense ad formats include a link that permits a copyright owner to report sites that are violating Google's policies. Copyright owners may also notify us of violations through a web form.

Each time we receive a valid copyright removal notice for Search, we also blacklist that page from receiving any AdSense advertising in the future.

Google does not want to be in business with rogue sites specializing in piracy. Thanks to our ongoing efforts, we are succeeding in detecting and ejecting these sites from AdSense. While a rogue site might occasionally slip through the cracks, the data suggests that these sites are a vanishingly small part of the AdSense network. For example, we find that AdSense ads appear on far fewer than 1% of the pages that copyright owners identify in copyright removal notices for Search.

### DoubleClick

DoubleClick offers a suite of online advertising platform solutions for both advertisers and web publishers. The principal customers for DoubleClick services are large advertisers, ad agencies, large publishers, and ad networks. It is virtually unheard of for these sorts of commercial entities to be operating rogue sites specializing in copyright infringement.

DoubleClick also offers a free service to smaller web publishers on a self-service basis through the DoubleClick for Publishers (DFP) Small Business program. Although the program has policies in place to prohibit its use in connection with infringing activity, rogue publishers have tried to sneak in through this door. Publishers do not pay Google to use this platform, nor does Google pay them for using it. Nevertheless, Google has revised its policies and stepped up enforcement efforts for DoubleClick for Publishers Small Business in an effort to



deny rogue sites access to the service as a platform for serving ads sourced from other networks.

### AdWords

AdWords is Google's premier advertising product, responsible for the advertisements that appear next to Google search results, as well as the text advertisements on sites across the web. Advertisers pay Google for these placements, generally on a cost-per-impression or cost-per-click basis.

Rogue sites specializing in online piracy generally do not use AdWords. Google receives very few complaints regarding AdWords being used by rogue pirate sites. Nevertheless, we maintain strict policies forbidding the use of AdWords to promote copyright infringement. We take a variety of proactive and reactive steps, through both manual and automated review, to enforce our policies.

### Industry Self-Regulation

Industry-based best practices are another self-regulatory, market based approach, being used to great effect in the battle against piracy.