



BET Networks > Famous Music > MTV Networks > Paramount Pictures

Michael D. Fricklas
Executive Vice President
General Counsel and Secretary

April 11, 2007

Fred von Lohmann, Esq.
Senior Intellectual Property Attorney
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

By Email: fred@eff.org

Dear Fred:

Following up on our discussions and prior correspondence, I wanted to let you know that in the near future the Viacom Inc. website will advise persons who believe that their videos have been taken down from YouTube by mistake that they may send us a counternotice at counternotices@viacom.com. The website will include an explanation along the following lines of how to use this mailbox:

If you feel that Viacom or any other content owner has misidentified your content as infringing, resulting in it being taken down from YouTube in error, you may file a counternotification directly with YouTube. The link below will take you to YouTube's instructions for filing an official counternotification.

<http://www.google.com/support/youtube/bin/answer.py?answer=59826&topic=10554>

If you believe your content was misidentified by Viacom, you may if you prefer send us an informal notice by emailing counternotices@viacom.com. You should include the URL of the clip you believe was taken down in error, your contact information and as much other information as you can provide about your clip. We will handle these notices essentially the same way as if we received a notice from YouTube. There are some legal differences, however, and we cannot give you legal advice as to how you should proceed. Our goal is to review all of these notices within one business day, although unusual volume, unusually complicated issues or other factors could delay our review."

Further, our website will contain language along the following lines describing Viacom's approach with respect to fair use:

Fair Use and Availability of Viacom Content on Authorized Websites

Viacom recognizes that the "fair use" doctrine may permit some use of limited amounts of copyrighted material for specific purposes such as criticism, commentary, teaching or parody. You may learn more about some of the factors that apply in making a fair use determination at the following link on the Copyright Office website: <http://www.copyright.gov/fls/fl102.html>

There are no specific rules to determine whether a particular use is fair use. Although our policy is not to take down material that we believe is a good faith fair use of our content, we cannot give you legal advice on this subject and we may enforce our rights if we disagree with a claim of fair use. There is no need to determine whether a proposed use of our content is fair use if you are accessing content on Viacom's own websites such as mtv.com, iFilm.com, comedycentral.com, nickelodeon.com, paramount.com or BET.com and are making proper use of the tools available on those sites which enable various functions, including, in some cases, uploading and embedding. Click here for links to some of Viacom's many websites. [link]

We appreciate your help in making sure our policies are state of the art and respectful of situations where it appears that good faith end users are entitled to the fair use defense. Please contact us in the event that you believe there are other reasonable steps we can take to ensure our actions appropriately balance the interests of all concerned.

Sincerely,

