

United States Senate

WASHINGTON, DC 20510

VIA ELECTRONIC TRANSMISSION

March 29, 2021

Mr. Sundar Pichai
Chief Executive Officer
Alphabet, Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Mr. Mark Zuckerberg
Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Ms. Susan Wojcicki
Chief Executive Officer
YouTube
901 Cherry Ave.
San Bruno, CA 94066

Mr. Jack Dorsey
Chief Executive Officer
Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

Mr. Emmett Shear
Chief Executive Officer
Twitch Interactive, Inc.
350 Bush Street
San Francisco, CA 94104

Dear Ms. Wojcicki and Messrs. Pichai, Zuckerberg, Dorsey, and Shear:

We write you today regarding the issue of online copyright piracy. As you may know, last year the Senate Judiciary Committee Subcommittee on Intellectual Property conducted a year-long, bipartisan review of digital copyright laws and online piracy. We write you today to seek your assistance in combating rampant online copyright piracy that undermines the U.S. intellectual property system and, in doing so, the U.S. economy.

The Committee's year-long review developed an extensive record through multiple public hearings, staff roundtables, and written testimony. This review was complemented by the United States Copyright Office's report culminating in its Section 512 Study, which itself was based on years of engagement with stakeholders and the public. Taken together, the Committee's review and Copyright Office's report demonstrate that online copyright piracy has proliferated over the past two decades and presents a major threat to the economic health and well-being of American creators and the United States' broader creative economy.

At the Committee's hearing in December, we heard from witnesses about voluntary steps that your companies could take, without further delay, to meaningfully curb online copyright piracy. These include (1) providing copyright owners and creators with mechanisms to search for copyright piracy, at scale, on your platforms; (2) standardizing efficient mechanisms for sending takedown notices that would reduce deficient or improper notices and accelerate the takedown of infringements identified in such web forms; and (3) taking steps to prevent the continued reappearance of the same infringing material on the same platform after it has been properly taken down. In our view, these voluntary improvements that you could make to the current digital copyright ecosystem could significantly

reduce the prevalence of online copyright piracy and may negate the need for congressional action to rectify this situation.

To help us better understand the extent to which voluntary efforts to combat online copyright piracy can sufficiently address some of the issues raised in the Committee's year-long review, we ask that you answer the following questions by no later than April 29, 2021:

1. Based on the Committee's year-long review, we have identified three voluntary measures that your company could take to address online copyright piracy. Will you commit to implementing these measures? If so, when? If not, why not?
2. If you will not commit to implementing the voluntary measures we have identified, what additional measures can and will you take on a voluntary basis to address online copyright piracy? Please be as specific and detailed as possible.
3. To the extent you implement voluntary measures to combat online copyright piracy, including rights manager tools, will you commit to making such tools available to *all* content creators on fair and transparent terms? If not, why not?
4. In the Committee's December hearing, witnesses provided examples of unwillingness by some platforms to engage in conversations with many content creators to combat online copyright piracy? Is this true? If so, why? If not, please detail steps you are taking to regularly engage with content creators and rights holders to combat online copyright piracy.
5. Finally, to what extent do you believe the issue of online copyright piracy can be resolved by your companies working proactively with content creators? In other words, is the issue of online copyright piracy most effectively resolved through legislative changes or can it be better addressed by private actors working together constructively on a voluntary basis?

Thank you for your prompt attention to this matter and for your engagement on this important issue. In addition to answering our questions by the required deadline, we also ask that you, as industry leaders in each of your respective areas, consider engaging directly with relevant stakeholders to find ways to voluntarily address copyright piracy. Please identify next steps you intend to take to facilitate such discussions. As a follow-up to the responses we receive, we may consider asking the Copyright Office to facilitate continuing conversations with a goal of developing additional voluntary solutions that can be used by stakeholders across industries in support of similar approaches to address the problem of online piracy.

With the multitude of issues facing Congress and the American people, we welcome the opportunity to hear about the efforts private actors can take voluntarily to address a serious issue without the need for additional legislation and federal regulation. If you have any questions, please do not hesitate to contact us.

Sincerely,



Thom Tillis
United States Senator



Patrick Leahy
United States Senator

Marsha Blackburn

Marsha Blackburn
United States Senator

Mazie K. Hirono

Mazie K. Hirono
United States Senator

Chris Coons

Christopher A. Coons
United States Senator