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The two rivals

[Viacom Presents YouTube Case Details](#)

"YouTube removes pornography but our content is still there"

Let me tell you the short story so far and then I'll present you the opinion of Viacom concerning the lawsuit against YouTube. Some time ago, Viacom demanded YouTube to remove almost 100.000 clips from the page because the company receives praises and money for the content offered by other publishers. Viacom, the owner of MTV and Comedy Central, sustained YouTube must remove all these videos because they own them and Google refuses to pay for the content provided by their company. YouTube had nothing to do than to agree and started the removal. Just after the removal was started, Viacom made an interesting announcement: they will sue YouTube for copyright infringement. Although they are requiring \$1 billion in damages, a sum that is almost as big as the investment made by Google for YouTube (\$1.6 billion in October 2006) many analysts sustained the company has no chance to win the case, as YouTube agreed to the removal and started to delete videos. There were numerous topics concerning the case but the general counsel of Viacom decided to publish their opinion about YouTube and the recently filed lawsuit. As you might know, YouTube is currently defending their rights using an important part of the Digital Millennium Copyright Act that sustains the company doesn't infringe the copyrights as long as the users are free to upload the files on the page. Viacom underlines another paragraph of the act that sustains the law is not available to YouTube because the site obtains financial profits and has the ability to control the uploaded content. "Does YouTube have "knowledge" of copyrighted material on its site? Does it have the "right and ability to control" the content? Yes and yes. If the public knows what's there, then YouTube's management surely does. YouTube's own terms of use give it clear rights, notably the right to take anything down. YouTube actively monitors its content. For example, its managers remove pornography and hate content and, as was recently reported, claim they can detect and remove "spam." Without knowledge and control, how could YouTube create "channels" and "featured videos" sections on its site? YouTube has even offered to find infringing content for copyright owners -- but only if they do a licensing deal first," Viacom sustained on the article published on The Washington Post.