



CONTENT CREATORS COALITION

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January 29, 2018

The Honorable Chuck Grassley, Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Bob Goodlatte, Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Grassley and Chairman Goodlatte:

We write to request that the House and Senate Judiciary Committees, as well as the respective subcommittees with jurisdiction over antitrust issues, schedule hearings in response to reports that Google is leveraging its platform monopoly to silence artists.

Google's actions are clearly aimed at thwarting the Congressional review of the Digital Millennium Copyright Act's safe harbors as well as the public debate about the issue. This not only hurts artists, who aren't receiving fair compensation for their music from the YouTube platform monopoly, but also leaves consumers with less music as the next generation of artists disappear.

As you know, an unprecedented groundswell of artists have called out Google for gaming outdated laws to facilitate YouTube's profiteering from rampant music piracy on its service.¹ In filings to the United States Copyright Office, a cross section of music creators argue that the DMCA's safe harbors are actually "safe havens" that

¹ Rob Levine, "Taylor Swift, Paul McCartney Among 180 Artists Signing Petition For Digital Copyright Reform," *Billboard*, June 20, 2016.

allow platform monopolies to use the ubiquity of unlicensed free music on their services as a cudgel in negotiations to drive down their own licensing costs.²

We are deeply troubled by recent reports indicating that “(Google’s) YouTube (service) has asked musicians to agree not to disparage the streaming-video service in exchange for promotional support, according to people familiar with the matter, a way to quell persistent criticism by artists.”³ Simply put, Google has abused its monopoly power to give artists pennies on the dollar and appears to be further abusing that power to buy the silence of artists who might otherwise speak out and draw public scrutiny to these practices.

This is not the first time Google has resorted to underhanded tactics to thwart a full Congressional and public airing of its abuses. When our organization placed ads on YouTube criticizing its treatment of artists, our ads were censored without explanation.⁴ Internal emails give the strong appearance that Google’s influence-purchasing machine successfully ousted Google critics, the Open Markets Initiative (now the independent “Open Markets Institute”), from the New America Foundation.⁵

With jurisdiction over copyright and antitrust laws, the Judiciary Committees are uniquely situated to get to the bottom of these apparent abuses. We ask that you do so swiftly.

Thank you for your consideration of our request.

Sincerely,

Melvin Gibbs, President
John McCrea, Vice President
Tommy Manzi, Treasurer
Rosanne Cash, Vice President At Large
Tift Merritt, Vice President At Large
Matthew Montfort, Vice President At Large

CC: The Honorable Jerry Nadler, Ranking Member, House Committee on the Judiciary
The Honorable Tom Marino, Chairman, House Judiciary Subcommittee on Regulatory Reform,
Commercial and Antitrust Law

²Music Community Submission in re DMCA, Section 512 Study, United States Copyright Office, March 2016.

³ Lucas Shaw, “YouTube’s Support for Musicians Comes With a Catch,” *Bloomberg*, January 23, 2018; *See also* Dani Deahl, “YouTube is asking its promoted artists not to insult the company,” *The Verge*, January 23, 2018.

⁴ Richard Morgan, “YouTube suspends critic’s ad account, then reverses course,” *New York Post*, October 30, 2017.

⁵ Kenneth P. Vogel, “Google Critic Ousted From Think Tank Funded by the Tech Giant,” *New York Times*, August 30, 2017.

The Honorable David Cicilline, Ranking Member, House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law

The Honorable Dianne Feinstein, Ranking Member, Senate Committee on the Judiciary

The Honorable Mike Lee, Chairman, Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights

The Honorable Amy Klobuchar, Ranking Member, Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights