

1 DAVID H. KRAMER, SBN 168452
2 MAURA L. REES, SBN 191698
3 LAUREN GALLO WHITE, SBN 309075
4 PETER C. HOLM, SBN 299233
5 WILSON SONSINI GOODRICH & ROSATI
6 Professional Corporation
7 650 Page Mill Road
8 Palo Alto, CA 94304-1050
9 Telephone: (650) 493-9300
10 Facsimile: (650) 565-5100
11 dkramer@wsgr.com
12 mrees@wsgr.com
13 lwhite@wsgr.com
14 pholm@wsgr.com

BRIAN M. WILLEN, *admitted pro hac vice*
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1301 Avenue of the Americas, 40th Floor
New York, NY 10019
Telephone: (212) 999-5800
Facsimile: (212) 999-5899
bwillen@wsgr.com

Attorneys for Defendants
GOOGLE LLC and YOUTUBE, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE DIVISION

13 PRAGER UNIVERSITY,)
14)
15 Plaintiff,)
16 v.)
17 GOOGLE LLC, a Delaware corporation,)
18 YOUTUBE, LLC, a Delaware limited)
19 liability company, and DOES 1-25,)
20 Defendant.)

CASE NO.: 5:17-cv-06064-LHK

**DECLARATION OF ALICE WU
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Date: March 15, 2018
Time: 1:30 PM
Dept.: 8, 4th Floor
Before: Hon. Lucy H. Koh

1 I, Alice Wu, hereby declare as follows:

2 1. I am a Senior Manager for Trust & Safety at YouTube LLC, where I am
3 responsible for managing a team of people that work on policy and enforcement issues related to
4 YouTube's Community Guidelines. I have worked on YouTube content policies since August
5 2009 in different capacities, ranging from YouTube's advertising policies to working with our
6 product and engineering teams on policies and rating guidelines. I make this Declaration in
7 support of YouTube's Opposition to Plaintiff's Motion for a Preliminary Injunction. I have
8 personal knowledge of the facts set forth herein and, if called as a witness, I could and would
9 testify competently thereto.

10 **The YouTube Service and Terms of Use**

11 2. YouTube is a popular online service that enables more than a billion users around
12 the world to upload, view, and share videos and related content. Video creators, who range from
13 amateurs using cell phone cameras to professional filmmakers, can upload videos that they create
14 to the service, and anyone with an Internet connection can view them. YouTube has launched
15 local versions in more than 88 countries and can be navigated in 76 different languages.

16 3. The general public may use YouTube's service, both to upload and to watch
17 videos, for free. YouTube also offers subscription-based services to users, including ad-free
18 access to YouTube.

19 4. YouTube strives to create a space where people all over the world can create and
20 share unique, creative, and original content. As part of this mission, YouTube aims to support
21 "Four Freedoms"—freedom of expression, freedom of information, freedom of opportunity, and
22 freedom to belong—and to create a space where those freedoms can be enjoyed. But while
23 YouTube is committed to giving its users a voice, we also have rules that govern how people
24 may use the service and under what terms they may post videos and other content. YouTube's
25 interest in allowing users to express themselves has always existed alongside such rules and
26 policies, which allow YouTube to remove or restrict access to certain types of user-uploaded
27 content in order to help ensure that the service is safe and enjoyable for all users, including
28

1 minors, families, schools, and those with sensitivities about being exposed to more mature
2 material.

3 5. YouTube allows users “permission to access and use the Service” subject to
4 YouTube’s Terms of Service. These terms take the form of a written agreement between
5 YouTube and its users. Among other provisions of this agreement, the Terms of Service provide
6 that YouTube “reserves the right to decide whether Content violates [its] Terms of Service” and
7 “reserves the right to remove Content.” A true and correct copy of YouTube’s Terms of Service,
8 which are available at <https://www.youtube.com/static?template=terms>, is attached hereto as
9 Exhibit 1.

10 6. YouTube’s Terms of Service incorporate by reference YouTube’s Community
11 Guidelines, which provide additional detail about the kinds of content and activities that are not
12 allowed to appear on YouTube. Together, the Terms of Service and Community Guidelines set
13 out rules for how the YouTube service can be used and give YouTube authority to enforce those
14 rules in various ways. In particular, the Community Guidelines set out twelve non-exclusive
15 “common-sense rules” about content that is prohibited from appearing on YouTube, including
16 prohibitions on sexual content, hateful content, spam, threats, and material that infringes the
17 copyrights of others. A true and correct copy of relevant portions of the YouTube Community
18 Guidelines, which are available at [https://www.youtube.com/yt/about/policies/#community-](https://www.youtube.com/yt/about/policies/#community-guidelines)
19 [guidelines](https://www.youtube.com/yt/about/policies/#community-guidelines), is attached here as Exhibit 2.

20 7. YouTube has also published a number of other policy documents that explain to
21 users the steps that it takes to limit the display of material that might not be appropriate for
22 younger or more sensitive users. Some of these materials are attached. A true and correct copy of
23 the YouTube page “Your Content & Restricted Mode,” which is available at [https://support.](https://support.google.com/youtube/answer/7354993?hl=en)
24 [google.com/youtube/answer/7354993?hl=en](https://support.google.com/youtube/answer/7354993?hl=en), is attached hereto as Exhibit 3. A true and correct
25 copy of the YouTube page “Disable or enable Restricted Mode,” which is available at
26 <https://support.google.com/youtube/answer/174084?co=GENIE.Platform%3DDesktop&hl=en>, is
27 attached hereto as Exhibit 4. A true and correct copy of the YouTube page “Age-restricted
28 content,” which is available at <https://support.google.com/youtube/answer/2802167?hl=en>, is

1 attached hereto as Exhibit 5. A true and correct copy of the YouTube page “Appeal the age
2 restriction on your video,” which is available at [https://support.google.com/youtube/answer/
3 1153367?hl=en](https://support.google.com/youtube/answer/1153367?hl=en), is attached hereto as Exhibit 6.

4 8. In addition to these public policy documents, YouTube also maintains internal
5 review guidelines and training materials that supply further detail about its content policies.
6 YouTube does not disclose these materials to the public because doing so would make it easier
7 for unscrupulous users to find loopholes in policy language or otherwise try to evade YouTube’s
8 rules. But these materials help inform YouTube’s decisions about what content to remove and
9 what content may be subject to classifications that make it easier for more sensitive users to
10 avoid it.

11 **Overview of YouTube’s Content Review Process**

12 9. The amount of video content uploaded to YouTube is massive. Users upload on
13 average more than 400 hours of content to YouTube every minute, or more than 500,000 hours
14 per day on a nearly limitless range of topics.

15 10. To ensure that all of this content complies with YouTube’s policies and guidelines,
16 YouTube uses a combination of automated filtering systems and manual (human) reviewers who
17 review content 24 hours a day, 7 days a week, in multiple languages and countries around the
18 world. These review processes determine whether content on YouTube complies with
19 YouTube’s Community Guidelines and, if so, whether it is appropriate for younger or more
20 sensitive audiences. Given the sheer volume of content posted on the service, this is an enormous
21 job. YouTube has employed thousands of people around the world to review content and apply
22 its Community Guidelines and other content policies.

23 11. To help inform these content-review processes, YouTube invites users to “flag”
24 content that they think might be inappropriate or otherwise in violation of YouTube’s policies. A
25 true and correct copy of YouTube’s instructions for flagging content on its platform, which is
26 available at <https://support.google.com/youtube/answer/2802027?hl=en>, is attached hereto as
27 Exhibit 7.
28

1 12. This tool results in a large number of flags, reflecting the sheer volume of content
2 on YouTube. On average, YouTube users flag hundreds of thousands of videos per day and we
3 also use machine learning systems to flag more content for review by our teams. YouTube has
4 also developed a Trusted Flagger program, comprised of NGOs, government agencies, and
5 others with specific expertise who are provided a bulk-flagging tool to alert YouTube to content
6 that may violate its policies. A true and correct copy of YouTube’s announcement about the
7 Trusted Flagger program, which is available at [https://youtube.googleblog.com/2017/10/an-](https://youtube.googleblog.com/2017/10/an-update-on-our-commitment-to-fight.html)
8 [update-on-our-commitment-to-fight.html](https://youtube.googleblog.com/2017/10/an-update-on-our-commitment-to-fight.html), is attached hereto as Exhibit 8.

9 13. YouTube reviews flagged content 24 hours a day, 7 days a week, and removes
10 any content that it finds to be in violation of the Community Guidelines. If YouTube determines
11 that content does not violate the Community Guidelines, but may not be appropriate for younger
12 audiences, YouTube may age-restrict the video in a manner that makes it unavailable to minors
13 or change the content label (or “rating”) for the video in a manner that makes it unavailable to
14 users who have opted into its “Restricted Mode” feature, which is described in more detail below.

15 14. YouTube receives significant pressure from governments and social interest
16 groups around the world to remove or restrict access to content that those groups find harmful,
17 dangerous, or offensive. For example, Germany’s *Netzwerkdurchsetzungsgesetz* (network
18 enforcement law or NetzDG) requires any internet platform with more than 2 million users to
19 implement more efficient ways to report and delete potentially illegal content, such as slander
20 and hate speech. Platforms that fail to remove such content within 24 hours (or within 7 days for
21 more legally complex content), will be subject to fines of up to 50 million euros.

22 15. In addition to these considerations, YouTube’s efforts to enforce its content
23 policies work to protect users from a wide range of potentially harmful or objectionable content.
24 For example, YouTube continually works to remove videos that promote or glorify terrorism, as
25 well as hate speech that vilifies individuals or groups based on race, ethnicity, or religion. Being
26 able to make these kinds of decisions without fear of liability is essential to YouTube’s self-
27 regulatory efforts and to its goal of allowing for broad expression while keeping the platform
28 safe and enjoyable for as many people as possible.

1 16. Protecting minors and their families is another important aspect of these efforts.
2 In the past year, for example, YouTube has expanded its enforcement guidelines regarding child
3 endangerment, and implemented new age-restriction policies to restrict access to content
4 targeting families with family-friendly characters, but that include mature themes or adult humor.
5 As of November 2017, these efforts already had resulted in the termination of over 50 channels
6 and the removal of thousands of videos. A true and correct copy of YouTube’s announcement of
7 these efforts, which is available at [https://youtube.googleblog.com/2017/11/5-ways-were-](https://youtube.googleblog.com/2017/11/5-ways-were-toughening-our-approach-to.html)
8 [toughening-our-approach-to.html](https://youtube.googleblog.com/2017/11/5-ways-were-toughening-our-approach-to.html), is attached hereto as Exhibit 9.

9 **YouTube’s Restricted Mode**

10 17. Some videos may not violate YouTube’s Community Guidelines but nevertheless
11 may not be appropriate for all users, including minors, students, or those with special
12 sensitivities. With that in mind, YouTube takes various steps to allow those users to protect
13 themselves from exposure to material that they might consider inappropriate.

14 18. One of those tools is “Restricted Mode.” This is an optional setting that gives
15 users the option to automatically filter out videos that YouTube has determined may contain
16 mature content. Restricted Mode allows users to opt into a more limited YouTube experience,
17 one that only includes videos that YouTube has deemed likely to be appropriate for sensitive
18 viewers.

19 19. Many of YouTube’s peer services have similar features. For example, Instagram
20 offers an option to “hide offensive comments,” which enables users to block certain comments
21 that Instagram has determined may be offensive. Descriptions of this Instagram setting can be
22 found at <http://blog.instagram.com/post/162395020002/170629-comments> and
23 <http://blog.instagram.com/post/165759350412/170926-news>. Facebook recently announced a
24 feature that will enable users to “select how much nudity, violence, graphic content and profanity”
25 they are comfortable seeing, and filter out content for them accordingly. A news article
26 describing Facebook’s new feature can be found at [https://techcrunch.com/2017/02/16/facebook-](https://techcrunch.com/2017/02/16/facebook-nudity-filter/)
27 [nudity-filter/](https://techcrunch.com/2017/02/16/facebook-nudity-filter/).

1 20. Likewise, parental control features such as the V-Chip have been standard among
2 television and cable providers for decades. Like Restricted Mode, the V-Chip can be enabled to
3 block programming based on parental guidelines ratings, which are assigned according to the
4 industry-designed TV ratings system. The FCC's description of the operation of the V-Chip can
5 be found at [https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-](https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-children-watch)
6 [children-watch](https://www.fcc.gov/consumers/guides/v-chip-putting-restrictions-what-your-children-watch).

7 21. Restricted Mode is completely optional. By default, the feature is turned off, and
8 YouTube users are free to decide whether to enable it. When Restricted Mode is turned on by a
9 user, that user will see a more limited selection of YouTube videos, which YouTube has
10 determined are likely to be appropriate for the more sensitive members of its audience.

11 22. Only a tiny subset of YouTube's users chose to activate Restricted Mode. On an
12 average day, approximately 1.5% percent of YouTube's users have Restricted Mode enabled.
13 Those users include parents who may share their devices with their younger teenage children,
14 institutions such as schools and libraries, or just members of the public who don't wish to be
15 exposed to videos that address more mature topics. For example, Common Sense Media, a
16 nonprofit devoted to educating the public about minors' use of media and technology,
17 recommends that parents enable Restricted Mode to make YouTube safer for their families.
18 Common Sense Media's recommendations regarding Restricted Mode can be found at
19 [https://www.commonsensemedia.org/youtube/is-there-a-way-to-filter-out-all-of-the-bad-](https://www.commonsensemedia.org/youtube/is-there-a-way-to-filter-out-all-of-the-bad-language-and-age-inappropriate-videos-on-youtube)
20 [language-and-age-inappropriate-videos-on-youtube](https://www.commonsensemedia.org/youtube/is-there-a-way-to-filter-out-all-of-the-bad-language-and-age-inappropriate-videos-on-youtube).

21 23. Far from being a tool for censorship, Restricted Mode actually allows YouTube to
22 keep more videos on the service. Because users who are especially sensitive have the option to
23 use Restricted Mode to limit what they see on YouTube, we are able to keep the general
24 YouTube service more open and diverse, with the kind of more mature content available that we
25 otherwise might be faced with pressure from users and others to remove from the platform
26 altogether.

YouTube's Processes For Classifying Videos In Connection With Restricted Mode

24. Restricted Mode works by excluding from display certain categories of videos YouTube has identified as containing potentially mature content that some more sensitive users may not wish to view. While those videos are not displayed to the small portion of users that have turned on Restricted Mode, they remain available to all other users on YouTube's general service.

25. More specifically, Restricted Mode operates in conjunction with YouTube's content rating guidelines. Under these guidelines, YouTube rates all videos on the service according to a multi-level rating scale, using a combination of automated filtering technology and manual review. Videos that YouTube determines are safer and more family-friendly have ratings such as "G" or "PG." Videos rated in these categories are available in Restricted Mode. Videos that are deemed to contain content that falls into one of the six broad Restricted Mode categories described below are rated "Teen," "MA" ("Mature"), or higher, depending on the severity, graphicness, and/or focus of the mature content in the video. That is, more strongly mature content will be rated "MA" or higher, while potentially mature content will be rated "Teen." Videos rated as "Teen" or higher are excluded from Restricted Mode. Thus, users who have enabled Restricted Mode are able to view only videos that have lower content ratings, such as "PG" or "G."

26. YouTube's content rating categories were named in reference to the parental guidelines ratings established by the television industry. Based on requests from our content creators and advertisers, as well as user feedback and public commentary, the "Teen" and "MA" categories were designed to correspond to users' general expectations about content that is appropriate only for teen or adult audiences.

27. Content may be classified as "Teen" or higher—and thus excluded from Restricted Mode—if it falls within one or more of six general categories:

- **Drugs and alcohol:** Talking about drug use or abuse, or drinking alcohol in videos.
- **Sexual situations:** Overly detailed conversations about or depictions of sex or sexual activity. Some educational, straightforward content about sexual education, affection, or

1 identity may be included in Restricted Mode, as well as kissing or affection that's not
2 overly sexualized or the focal point of the video.

- 3 • **Violence:** Graphic descriptions of violence, violent acts, natural disasters and tragedies,
4 or even violence in the news.
- 5 • **Mature subjects:** Videos that cover specific details about events related to terrorism, war,
6 crime, and political conflicts that resulted in death or serious injury, even if no graphic
7 imagery is shown.
- 8 • **Profane and mature language:** Inappropriate language, including profanity.
- 9 • **Incendiary and demeaning content:** Video content that is gratuitously incendiary,
10 inflammatory, or demeaning towards an individual or group.

11 See Exhibit 3. These public categories are fleshed out by more detailed internal guidelines that
12 help YouTube's reviewers categorize content and help to make sure reviewers are not making
13 decisions based on their own subjective opinions.

14 28. The categories that can lead to "Teen" or higher labeling are based on established
15 criteria used to rate video content (e.g., "violence" and "profane and mature language"). While
16 YouTube's content review guidelines are detailed and thoroughly developed to guide our content
17 reviewers, we also broadly define our content categories to allow room for the widely varying
18 context we see in these videos and to allow YouTube's reviewers to consider that context in
19 determining how to classify videos.

20 29. The classification of videos in connection with YouTube's rating system is done
21 using both an automated system and manual review. Most ratings are determined by the
22 automated system, which constantly scans videos as they are uploaded or updated. This system
23 examines various characteristics, including the video's title, metadata, a transcription of the
24 language used in the video, among other factors, to determine whether the video should be
25 classified as "Teen" or "Mature." Automated classifications are constantly checked against
26 manual reviews for accuracy as part of the quality and improvement process of our classifiers.

27 30. Manual review is used in different circumstances. Whenever a user appeals a
28 Restricted Mode classification by using YouTube's Restricted Mode feedback form, a human

1 reviewer will review the video and, depending on his or her review, may change the video's
2 classification if a reviewer determines the initial classification made by the automated system
3 should be adjusted according to YouTube's guidelines. When YouTube's manual review team
4 receives a formal feedback request, the team is presented with the video content at issue, but not
5 the video channel or other information regarding the video's origin or uploader. In addition,
6 videos that are flagged by users may in some circumstances undergo manual review that can
7 result in the assignment of a "Teen" or "Mature" rating.

8 31. Because YouTube's ratings decisions are context-dependent, nuanced, and based
9 on criteria derived in part from our understanding of user expectations, Restricted Mode
10 classifications often require case-by-case judgment calls and may evolve based on user feedback.

11 32. YouTube invites users to submit instances where they think YouTube's systems
12 have incorrectly classified a given video or where they wish to ask YouTube to review a video
13 that is currently unavailable in Restricted Mode. To do so, users can use YouTube's official
14 Restricted Mode feedback form, which is available at [https://support.google.com/youtube/
15 contact/yt_restricted_mode](https://support.google.com/youtube/contact/yt_restricted_mode). YouTube reviews all videos submitted to its attention through this
16 process to evaluate whether, in its judgment, the material was properly classified by the
17 automated system. A true and correct copy of YouTube's Restricted Mode Feedback Form is
18 attached here as Exhibit 10.

19 33. In some cases, and where appropriate, YouTube changes the classification
20 determinations made by its automated system following a user objection. The majority of these
21 changes involve reclassifying a video as less objectionable—i.e., changing a rating from "Teen"
22 to "PG."

23 34. YouTube uses these instances of reclassification to improve and train its
24 automated systems to more accurately rate videos. When a reviewer adds a "correct" manual
25 classification to a video, that data is fed back into the automated system as "ground truth"
26 training data for the classifier, which improves the system's accuracy moving forward.

27
28

1 **YouTube’s Age-Restriction Policies**

2 35. In addition to Restricted Mode, YouTube also operates a related feature that
3 restricts access to certain videos based on viewers’ age. When a video is age-restricted, a
4 warning screen displays before the video plays, and the video will not be shown to users who are
5 logged out, are under age 18, or have Restricted Mode enabled.

6 36. Videos are only age-restricted following manual review or at the election of
7 YouTube’s content creators. When YouTube manually reviews a video that has been flagged by
8 users who consider the video “inappropriate,” it may determine that the video should be age-
9 restricted under YouTube’s policies. In addition, YouTube creators can independently decide to
10 age-restrict their own videos.

11 37. Although age-restriction and Restricted Mode both serve to help more sensitive
12 users avoid mature content, they operate in different ways. Restricted Mode screens a broader
13 range of content (both content that is age-restricted and content rated as potentially mature like
14 “Teen” or “MA”), but age-restrictions apply to a wider group of users. Restricted Mode only
15 applies to users who have chosen to enable the feature. Age-restrictions apply to all YouTube
16 users under the age of 18.

17 **YouTube’s Classification of PragerU Videos**

18 38. PragerU’s YouTube channel describes PragerU as “an online video resource
19 promoting knowledge and clarity on life’s biggest and most interesting topics.” Currently,
20 PragerU’s channel has posted 345 videos and has over 1.2 million subscribers. A true and correct
21 copy of the “About” page for PragerU’s YouTube channel, which is available at
22 <https://www.youtube.com/user/PragerUniversity/about>, is attached here as Exhibit 11.

23 39. We have applied the ratings policies and classification processes described above
24 to all of the videos publicly available on PragerU’s channel. Based on those processes, 41 of
25 PragerU’s videos—only 11.9% of the 345 videos currently available on PragerU’s channel—are
26 currently classified as “Teen” or higher and thus are unavailable in Restricted Mode. The rest of
27
28

1 PragerU's videos (approximately 88%) are rated "PG" or "G" and are available in Restricted
2 Mode. None of PragerU's videos are age restricted.

3 40. The classifications of PragerU's videos that are currently rated "Teen" or higher
4 are based entirely on the content of those videos. Attached hereto as Exhibit 12 is a list of
5 PragerU videos on YouTube that are rated "Teen," or higher. All of the videos listed in this chart
6 were manually reviewed by YouTube. In that review process, YouTube confirmed that the Teen
7 ratings for those videos were correct and consistent with YouTube's policies and guidelines.

8 41. YouTube's classification of PragerU's videos as "Teen" is not based on political
9 or ideological disagreement with PragerU or with the messages communicated by its videos. Nor
10 were they based on the fact that the videos had been uploaded by PragerU. To the contrary,
11 YouTube trains its reviewers not to consider the identity of the uploader or whether they agree or
12 disagree with the ideological content of the video in determining the proper classification for
13 videos.

14 42. The appropriateness of the Teen ratings assigned to the PragerU videos listed
15 above is clear from the videos themselves. To give a few specific examples: In a PragerU video
16 entitled "Born to Hate Jews" the narrator discusses how he used to think Jews in Israel were
17 engaged in genocide and violence against Muslims. [https://www.youtube.com/watch?
18 v=xCQEmeGfFmY](https://www.youtube.com/watch?v=xCQEmeGfFmY). Another video entitled "Why isn't Communism as hated as Nazism?"
19 describes mass murders and other atrocities in Communist countries. [https://www.youtube.com/
20 watch?time_continue=1&v=nUGkKKAogDs](https://www.youtube.com/watch?time_continue=1&v=nUGkKKAogDs). Another video, entitled "Are 1 in 5 Women Raped
21 at College?," <https://www.youtube.com/watch?v=K0mzqL50I-w>, includes an animated depiction
22 of a nearly naked man lunging at a group of women and discusses college rape culture and the
23 level of consent that should be required to engage in sexual activity. A video titled "Are the
24 Police Racist?" <https://www.youtube.com/watch?v=UQCQFH5wOJo&t=213s>, discusses
25 whether law enforcement engages in systemic racial discrimination and includes animations of
26 police officers and black men pointing guns at people. YouTube concluded that these and some
27 other similar PragerU videos, which deal with sexual situations, mature subject matter, and
28 violent imagery, do not meet the Restricted Mode guidelines, which are designed to meet the

1 needs of users that have chosen a more limited YouTube viewing experience free from
2 potentially mature content. Based on that, YouTube assigned those videos a “Teen” or higher
3 rating, which keeps them available to anyone using YouTube’s general service, but not available
4 to users who have chosen to activate Restricted Mode (unless and until those users turn off
5 Restricted Mode).

6 **Communications with PragerU About YouTube’s Classifications**

7 43. YouTube’s records indicate that, before initiating this litigation, PragerU had
8 never submitted a formal feedback request via YouTube’s Restricted Mode feedback form to
9 review the classification of its videos.¹ On a few occasions, however, PragerU contacted
10 YouTube’s Partner Support and Policy teams to challenge the classifications of its videos and
11 asked that their videos be made available in Restricted Mode.

12 44. My understanding is that YouTube received the first of these requests from
13 PragerU in the summer of 2016. YouTube responded to this request by explaining that Restricted
14 Mode is an optional setting, and that PragerU’s videos all still appear on YouTube’s general
15 service, even if they are not available to users who have enabled Restricted Mode. YouTube also
16 explained that it applies the same standards to everyone, and classifies videos according to its
17 policies and based on the intent, focus, and metadata of the video. Finally, we acknowledged that
18 YouTube would be happy to review (and, if appropriate, change) any automatic classifications
19 that a manual reviewer might disagree with.

20 45. Over the next few months, PragerU repeatedly requested explanations about why
21 certain of its videos were not available in Restricted Mode and asked what it could do to make its
22 videos available. PragerU also claimed that YouTube was censoring its videos based on the
23 political viewpoint expressed in those videos. PragerU asserted that several videos it described as
24

25
26 ¹ I understand that since PragerU filed this lawsuit, it has submitted several feedback requests
27 for YouTube to review the automated classifications of approximately seven of its videos.
28 YouTube has done so, manually reviewed those videos, changed the classification where that
was found to be appropriate (for three of the videos) and determined that all the rest were
correctly classified.

1 “liberal” were available in Restricted Mode when PragerU’s videos on the same or “similar
2 topics” were not.

3 46. YouTube repeatedly responded to these inquiries. We explained that our
4 classification and review processes are nuanced and context-specific: “Often it’s not the right
5 approach to say that videos with the same topic should get the same rating. We’ll need to take
6 into consideration what the intent of the video is, what the focus of the video is, what the
7 surrounding metadata of the video explains.” We also explained that our manual reviewers
8 would review any automated classifications that PragerU believed should be changed. That
9 process was followed. YouTube reported the results of those manual reviews to PragerU,
10 explaining in some cases that YouTube’s review had led to changes in certain videos’
11 classification (making them available to view in Restricted Mode), while in other cases the
12 review confirmed that video in question was appropriately rated and would not be available in
13 Restricted Mode.

14 47. We also asked PragerU to provide examples of the third-party videos that PragerU
15 referenced, so that we could determine whether those videos were correctly classified. I
16 understand that PragerU provided some of those examples via email, and later submitted a longer
17 list of third-party videos in the complaint filed in this case.

18 48. As I explained above, YouTube has manually reviewed all of the PragerU videos
19 that are currently classified as “Teen” and confirmed that they were properly classified.

20 49. The same is true of the various third-party videos that PragerU identified in its
21 complaint as “liberal” or “left wing.” Attached hereto as Exhibit 13 is a chart listing third-party
22 videos identified by PragerU in its complaint, along with the rating of each.

23 50. As the examples in this chart show, it is the content of the video in question, not
24 considerations of politics or ideology, that drive YouTube’s rating decisions. Where YouTube
25 finds that the content of a video warrants a “Teen” rating, it applies that rating regardless of the
26 identity of the creator of the video or the political viewpoint being expressed. Consistent with
27 that policy, YouTube has applied the “Teen” rating to videos from creators from across the
28 political spectrum on similar types of topics as those addressed in PragerU’s videos. For example,

1 as of February 8, 2018, the following videos have been rated “Teen” and are unavailable in
 2 Restricted Mode:

3 Video Title	4 Channel Name	5 URL
6 US- North Korea War “At Any Moment”	7 The Young Turks	8 https://www.youtube.com/watch?v=G2OhavOE9Jw
9 Surprising Information about American Sexuality	10 The Young Turks	11 https://www.youtube.com/watch?v=vqy44BgkoKA
12 Trump Still Thinks Mexico Will Pay For The Wall	13 The Late Show with Stephen Colbert	14 https://www.youtube.com/watch?v=VIjGs_RIjCQ
15 The Trump Presidency	16 Last Week Tonight	17 https://www.youtube.com/watch?v=1ZAPwfrtAFY
18 Confederacy	19 Last Week Tonight	20 https://www.youtube.com/watch?v=J5b_-TZwQOI

21 51. As noted above, fewer than 12% of the videos on PragerU’s channel are rated
 22 “Teen” or higher and are unavailable to users who have enabled Restricted Mode. In comparison,
 23 at present, numerous YouTube channels that represent viewpoints across the political spectrum
 24 have higher, and sometimes significantly higher, percentages of their videos unavailable in
 25 Restricted Mode. The following chart provides some examples of third-party channels and, for
 26 each, the percentage of videos that are unavailable in Restricted Mode:


27 Channel Name	28 % Unavailable in Restricted Mode
Real Time with Bill Maher	1.12%
TEDx Talks	1.52%
Crash Course	5.66%
The Late Show With Stephen Colbert	12.68%
Huffington Post	13.90%
The History Channel	24.43%
Midweek Politics	24.46%
Vox.com	28.27%
Sam Seder	36.14%
BuzzFeedVideo	40.12%

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Al Jazeera English	44.34%
Democracy Now	46.00%
NowThis World	47.46%
Last Week Tonight	49.78%
The Daily Show	54.50%
The Young Turks	70.62%

52. These numbers reinforce the fact that YouTube’s ratings decisions strive to be politically neutral. Those decisions, both generally and with respect to PragerU’s videos, are based on the nature of the topics that the videos address and how the videos choose to engage with those topics. Where PragerU’s videos do not include material that warrants a “Teen” or higher rating, they have not received a “Teen” or higher rating. That is the case for the vast majority of PragerU’s videos, which are rated “PG” or lower—and thus available to users who have activated Restricted Mode.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of February 2018, at San Bruno, California.

By: 

 Alice Wu

EXHIBIT 1



Search



- About
- Press & Blogs
- Copyright
- Safety
- Creators & Partners
- Advertising
- Developers
- Help

TERMS OF SERVICE

- Paid Service Terms of Service
- Paid Service Usage Rules
- Collecting Society Notices
- Copyright Notices
- Community Guidelines

Terms of Service

Community Guidelines

1. Your Acceptance

- A. By using or visiting the YouTube website or any YouTube products, software, data feeds, and services provided to you on, from, or through the YouTube website (collectively the "Service") you signify your agreement to (1) these terms and conditions (the "Terms of Service"), (2) Google's Privacy Policy, found at <https://www.youtube.com/t/privacy> and incorporated herein by reference, and (3) YouTube's Community Guidelines, found at https://www.youtube.com/t/community_guidelines and also incorporated herein by reference. If you do not agree to any of these terms, the Google Privacy Policy, or the Community Guidelines, please do not use the Service.
- B. Although we may attempt to notify you when major changes are made to these Terms of Service, you should periodically review the most up-to-date version <https://www.youtube.com/t/terms>). YouTube may, in its sole discretion, modify or revise these Terms of Service and policies at any time, and you agree to be bound by such modifications or revisions. Nothing in these Terms of Service shall be deemed to confer any third-party rights or benefits.

2. Service

- A. These Terms of Service apply to all users of the Service, including users who are also contributors of Content on the Service. "Content" includes the text, software, scripts, graphics, photos, sounds, music, videos, audiovisual combinations, interactive features and other materials you may view on, access through, or contribute to the Service. The Service includes all aspects of YouTube, including but not limited to all products, software and services offered via the YouTube website, such as the YouTube channels, the YouTube "Embeddable Player," the YouTube "Uploader" and other applications.
- B. The Service may contain links to third party websites that are not owned or controlled by YouTube. YouTube has no control over, and assumes no responsibility for, the content, privacy policies, or practices of any third party websites. In addition, YouTube will not and cannot censor or edit the content of any third-party site. By using the Service, you expressly relieve YouTube from any and all liability arising from your use of any third-party website.
- C. Accordingly, we encourage you to be aware when you leave the Service and to read the terms and conditions and privacy policy of each other website that you visit.

3. YouTube Accounts

- A. In order to access some features of the Service, you will have to create a YouTube or Google Account. You may never use another's account without permission. When creating your account, you must provide accurate and complete information. You are solely responsible for the activity that occurs on your account, and you must keep your account password secure. You must notify YouTube immediately of any breach of security or unauthorized use of your account.
- B. Although YouTube will not be liable for your losses caused by any unauthorized use of your account, you may be liable for the losses of YouTube or others due to such unauthorized use.

4. General Use of the Service—Permissions and Restrictions

YouTube hereby grants you permission to access and use the Service as set forth in these Terms of Service, provided that:

- A. You agree not to distribute in any medium any part of the Service or the Content without YouTube's prior written authorization, unless YouTube makes available the means for such distribution through functionality offered by the Service (such as the Embeddable Player).
- B. You agree not to alter or modify any part of the Service.
- C. You agree not to access Content through any technology or means other than the video playback pages of the Service itself, the Embeddable Player, or other explicitly authorized means YouTube may designate.
- D. You agree not to use the Service for any of the following commercial uses unless you obtain YouTube's prior written approval:
 - the sale of access to the Service;
 - the sale of advertising, sponsorships, or promotions placed on or within the Service or Content; or
 - the sale of advertising, sponsorships, or promotions on any page of an ad-enabled blog or website containing Content delivered via the Service, unless other material not obtained from YouTube appears on the same page and is of sufficient value to be the basis for such sales.
- E. Prohibited commercial uses do not include:
 - uploading an original video to YouTube, or maintaining an original channel on YouTube, to promote your business or artistic enterprise;
 - showing YouTube videos through the Embeddable Player on an ad-enabled blog or website, subject to the advertising restrictions set forth above in Section 4.D; or
 - anv use that YouTube expressly authorizes in writing.

(For more information about what constitutes a prohibited commercial use, [see our FAQ.](#))

- F. If you use the Embeddable Player on your website, you may not modify, build upon, or block any portion or functionality of the Embeddable Player, including but not limited to links back to the YouTube website.
- G. If you use the YouTube Uploader, you agree that it may automatically download and install updates from time to time from YouTube. These updates are designed to improve, enhance and further develop the Uploader and may take the form of bug fixes, enhanced functions, new software modules and completely new versions. You agree to receive such updates (and permit YouTube to deliver these to you) as part of your use of the Uploader.
- H. You agree not to use or launch any automated system, including without limitation, "robots," "spiders," or "offline readers," that accesses the Service in a manner that sends more request messages to the YouTube servers in a given period of time than a human can reasonably produce in the same period by using a conventional on-line web browser. Notwithstanding the foregoing, YouTube grants the operators of public search engines permission to use spiders to copy materials from the site for the sole purpose of and solely to the extent necessary for creating publicly available searchable indices of the materials, but not caches or archives of such materials. YouTube reserves the right to revoke these exceptions either generally or in specific cases. You agree not to collect or harvest any personally identifiable information, including account names, from the Service, nor to use the communication systems provided by the Service (e.g., comments, email) for any commercial solicitation purposes. You agree not to solicit, for commercial purposes, any users of the Service with respect to their Content.
- I. In your use of the Service, you will comply with all applicable laws.
- J. YouTube reserves the right to discontinue any aspect of the Service at any time.

5. Your Use of Content

In addition to the general restrictions above, the following restrictions and conditions apply specifically to your use of Content.

- A. The Content on the Service, and the trademarks, service marks and logos ("Marks") on the Service, are owned by or licensed to YouTube, subject to copyright and other intellectual property rights under the law.
- B. Content is provided to you AS IS. You may access Content for your information and personal use solely as intended through the provided functionality of the Service and as permitted under these Terms of Service. You shall not download any Content unless you see a "download" or similar link displayed by YouTube on the Service for that Content. You shall not copy, reproduce, distribute, transmit, broadcast, display, sell, license, or otherwise exploit any Content for any other purposes without the prior written consent of YouTube or the respective licensors of the Content. YouTube and its licensors reserve all rights not expressly granted in and to the Service and the Content.
- C. You agree not to circumvent, disable or otherwise interfere with security-related features of the Service or features that prevent or restrict use or copying of any Content or enforce limitations on use of the Service or the Content therein.
- D. You understand that when using the Service, you will be exposed to Content from a variety of sources, and that YouTube is not responsible for the accuracy, usefulness, safety, or intellectual property rights of or relating to such Content. You further understand and acknowledge that you may be exposed to Content that is inaccurate, offensive, indecent, or objectionable, and you agree to waive, and hereby do waive, any legal or equitable rights or remedies you have or may have against YouTube with respect thereto, and, to the extent permitted by applicable law, agree to indemnify and hold harmless YouTube, its owners, operators, affiliates, licensors, and licensees to the fullest extent allowed by law regarding all matters related to your use of the Service.

6. Your Content and Conduct

- A. As a YouTube account holder you may submit Content to the Service, including videos and user comments. You understand that YouTube does not guarantee any confidentiality with respect to any Content you submit.
- B. You shall be solely responsible for your own Content and the consequences of submitting and publishing your Content on the Service. You affirm, represent, and warrant that you own or have the necessary licenses, rights, consents, and permissions to publish Content you submit; and you license to YouTube all patent, trademark, trade secret, copyright or other proprietary rights in and to such Content for publication on the Service pursuant to these Terms of Service.
- C. For clarity, you retain all of your ownership rights in your Content. However, by submitting Content to YouTube, you hereby grant YouTube a worldwide, non-exclusive, royalty-free, sublicenseable and transferable license to use, reproduce, distribute, prepare derivative works of, display, and perform the Content in connection with the Service and YouTube's (and its successors' and affiliates') business, including without limitation for promoting and redistributing part or all of the Service (and derivative works thereof) in any media formats and through any media channels. You also hereby grant each user of the Service a non-exclusive license to access your Content through the Service, and to use, reproduce, distribute, display and perform such Content as permitted through the functionality of the Service and under these Terms of Service. The above licenses granted by you in video Content you submit to the Service terminate within a commercially reasonable time after you remove or delete your videos from the Service. You understand and agree, however, that YouTube may retain, but not display, distribute, or perform, server copies of your videos that have been removed or deleted. The above licenses granted by you in user comments you submit are perpetual and irrevocable.
- D. You further agree that Content you submit to the Service will not contain third party copyrighted material, or material that is subject to other third party proprietary rights, unless you have permission from the rightful owner of the material or you are otherwise legally entitled to post the material and to grant YouTube all of the license rights granted herein.
- E. You further agree that you will not submit to the Service any Content or other material that is contrary to the YouTube Community Guidelines, currently found at https://www.youtube.com/t/community_guidelines, which may be updated from time to time, or contrary to applicable local, national, and international laws and regulations.

F. YouTube does not endorse any Content submitted to the Service by any user or other licensor, or any opinion, recommendation, or advice expressed therein, and YouTube expressly disclaims any and all liability in connection with Content. YouTube does not permit copyright infringing activities and infringement of intellectual property rights on the Service, and YouTube will remove all Content if properly notified that such Content infringes on another's intellectual property rights. YouTube reserves the right to remove Content without prior notice.

7. Account Termination Policy

- A. YouTube will terminate a user's access to the Service if, under appropriate circumstances, the user is determined to be a repeat infringer.
- B. YouTube reserves the right to decide whether Content violates these Terms of Service for reasons other than copyright infringement, such as, but not limited to, pornography, obscenity, or excessive length. YouTube may at any time, without prior notice and in its sole discretion, remove such Content and/or terminate a user's account for submitting such material in violation of these Terms of Service.

8. Digital Millennium Copyright Act

A. If you are a copyright owner or an agent thereof and believe that any Content infringes upon your copyrights, you may submit a notification pursuant to the Digital Millennium Copyright Act ("DMCA") by providing our Copyright Agent with the following information in writing (see 17 U.S.C 512(c)(3) for further detail):

- A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
- Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled and information reasonably sufficient to permit the service provider to locate the material;
- Information reasonably sufficient to permit the service provider to contact you, such as an address, telephone number, and, if available, an electronic mail;
- A statement that you have a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
- A statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

You may direct copyright infringement notifications to our DMCA Agent at 901 Cherry Ave., San Bruno, CA 94066, email: copyright@youtube.com, fax: 650-872-8513. For clarity, only DMCA notices should go to the Copyright Agent; any other feedback, comments, requests for technical support, and other communications should be directed to YouTube customer service through <https://support.google.com/youtube>. You acknowledge that if you fail to comply with all of the requirements of this Section 5(D), your DMCA notice may not be valid.

B. Counter-Notice. If you believe that your Content that was removed (or to which access was disabled) is not infringing, or that you have the authorization from the copyright owner, the copyright owner's agent, or pursuant to the law, to post and use the material in your Content, you may send a counter-notice containing the following information to the Copyright Agent:

- Your physical or electronic signature;
- Identification of the Content that has been removed or to which access has been disabled and the location at which the Content appeared before it was removed or disabled;
- A statement that you have a good faith belief that the Content was removed or disabled as a result of mistake or a misidentification of the Content; and
- Your name, address, telephone number, and e-mail address, a statement that you consent to the jurisdiction of the federal court in San Francisco, California, and a statement that you will accept service of process from the person who provided notification of the alleged infringement.

If a counter-notice is received by the Copyright Agent, YouTube may send a copy of the counter-notice to the original complaining party informing that person that it may replace the removed Content or cease disabling it in 10 business days. Unless the copyright owner files an action seeking a court order against the Content provider, member or user, the removed Content may be replaced, or access to it restored, in 10 to 14 business days or more after receipt of the counter-notice, at YouTube's sole discretion.

9. Warranty Disclaimer

YOU AGREE THAT YOUR USE OF THE SERVICES SHALL BE AT YOUR SOLE RISK. TO THE FULLEST EXTENT PERMITTED BY LAW, YOUTUBE, ITS OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS DISCLAIM ALL WARRANTIES, EXPRESS OR IMPLIED, IN CONNECTION WITH THE SERVICES AND YOUR USE THEREOF. YOUTUBE MAKES NO WARRANTIES OR REPRESENTATIONS ABOUT THE ACCURACY OR COMPLETENESS OF THIS SITE'S CONTENT OR THE CONTENT OF ANY SITES LINKED TO THIS SITE AND ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ANY (I) ERRORS, MISTAKES, OR INACCURACIES OF CONTENT, (II) PERSONAL INJURY OR PROPERTY DAMAGE, OF ANY NATURE WHATSOEVER, RESULTING FROM YOUR ACCESS TO AND USE OF OUR SERVICES, (III) ANY UNAUTHORIZED ACCESS TO OR USE OF OUR SECURE SERVERS AND/OR ANY AND ALL PERSONAL INFORMATION AND/OR FINANCIAL INFORMATION STORED THEREIN, (IV) ANY INTERRUPTION OR CESSATION OF TRANSMISSION TO OR FROM OUR SERVICES, (V) ANY BUGS, VIRUSES, TROJAN HORSES, OR THE LIKE WHICH MAY BE TRANSMITTED TO OR THROUGH OUR SERVICES BY ANY THIRD PARTY, AND/OR (V)

ANY ERRORS OR OMISSIONS IN ANY CONTENT OR FOR ANY LOSS OR DAMAGE OF ANY KIND INCURRED AS A RESULT OF THE USE OF ANY CONTENT POSTED, EMAILED, TRANSMITTED, OR OTHERWISE MADE AVAILABLE VIA THE SERVICES. YOUTUBE DOES NOT WARRANT, ENDORSE, GUARANTEE, OR ASSUME RESPONSIBILITY FOR ANY PRODUCT OR SERVICE ADVERTISED OR OFFERED BY A THIRD PARTY THROUGH THE SERVICES OR ANY HYPERLINKED SERVICES OR FEATURED IN ANY BANNER OR OTHER ADVERTISING, AND YOUTUBE WILL NOT BE A PARTY TO OR IN ANY WAY BE RESPONSIBLE FOR MONITORING ANY TRANSACTION BETWEEN YOU AND THIRD-PARTY PROVIDERS OF PRODUCTS OR SERVICES. AS WITH THE PURCHASE OF A PRODUCT OR SERVICE THROUGH ANY MEDIUM OR IN ANY ENVIRONMENT, YOU SHOULD USE YOUR BEST JUDGMENT AND EXERCISE CAUTION WHERE APPROPRIATE.

10. Limitation of Liability

IN NO EVENT SHALL YOUTUBE, ITS OFFICERS, DIRECTORS, EMPLOYEES, OR AGENTS, BE LIABLE TO YOU FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES WHATSOEVER RESULTING FROM ANY (I) ERRORS, MISTAKES, OR INACCURACIES OF CONTENT, (II) PERSONAL INJURY OR PROPERTY DAMAGE, OF ANY NATURE WHATSOEVER, RESULTING FROM YOUR ACCESS TO AND USE OF OUR SERVICES, (III) ANY UNAUTHORIZED ACCESS TO OR USE OF OUR SECURE SERVERS AND/OR ANY AND ALL PERSONAL INFORMATION AND/OR FINANCIAL INFORMATION STORED THEREIN, (IV) ANY INTERRUPTION OR CESSATION OF TRANSMISSION TO OR FROM OUR SERVICES, (V) ANY BUGS, VIRUSES, TROJAN HORSES, OR THE LIKE, WHICH MAY BE TRANSMITTED TO OR THROUGH OUR SERVICES BY ANY THIRD PARTY, AND/OR (VI) ANY ERRORS OR OMISSIONS IN ANY CONTENT OR FOR ANY LOSS OR DAMAGE OF ANY KIND INCURRED AS A RESULT OF YOUR USE OF ANY CONTENT POSTED, EMAILED, TRANSMITTED, OR OTHERWISE MADE AVAILABLE VIA THE SERVICES, WHETHER BASED ON WARRANTY, CONTRACT, TORT, OR ANY OTHER LEGAL THEORY, AND WHETHER OR NOT THE COMPANY IS ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE FOREGOING LIMITATION OF LIABILITY SHALL APPLY TO THE FULLEST EXTENT PERMITTED BY LAW IN THE APPLICABLE JURISDICTION.

YOU SPECIFICALLY ACKNOWLEDGE THAT YOUTUBE SHALL NOT BE LIABLE FOR CONTENT OR THE DEFAMATORY, OFFENSIVE, OR ILLEGAL CONDUCT OF ANY THIRD PARTY AND THAT THE RISK OF HARM OR DAMAGE FROM THE FOREGOING RESTS ENTIRELY WITH YOU.

The Service is controlled and offered by YouTube from its facilities in the United States of America. YouTube makes no representations that the Service is appropriate or available for use in other locations. Those who access or use the Service from other jurisdictions do so at their own volition and are responsible for compliance with local law.

11. Indemnity

To the extent permitted by applicable law, you agree to defend, indemnify and hold harmless YouTube, its parent corporation, officers, directors, employees and agents, from and against any and all claims, damages, obligations, losses, liabilities, costs or debt, and expenses (including but not limited to attorney's fees) arising from: (i) your use of and access to the Service; (ii) your violation of any term of these Terms of Service; (iii) your violation of any third party right, including without limitation any copyright, property, or privacy right; or (iv) any claim that your Content caused damage to a third party. This defense and indemnification obligation will survive these Terms of Service and your use of the Service.

12. Ability to Accept Terms of Service

You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in these Terms of Service, and to abide by and comply with these Terms of Service. In any case, you affirm that you are over the age of 13, as the Service is not intended for children under 13. If you are under 13 years of age, then please do not use the Service. There are lots of other great web sites for you. Talk to your parents about what sites are appropriate for you.

13. Assignment

These Terms of Service, and any rights and licenses granted hereunder, may not be transferred or assigned by you, but may be assigned by YouTube without restriction.

14. General

You agree that: (i) the Service shall be deemed solely based in California; and (ii) the Service shall be deemed a passive website that does not give rise to personal jurisdiction over YouTube, either specific or general, in jurisdictions other than California. These Terms of Service shall be governed by the internal substantive laws of the State of California, without respect to its conflict of laws principles. Any claim or dispute between you and YouTube that arises in whole or in part from the Service shall be decided exclusively by a court of competent jurisdiction located in Santa Clara County, California. These Terms of Service, together with the Privacy Notice at <https://www.youtube.com/t/privacy> and any other legal notices published by YouTube on the Service, shall constitute the entire agreement between you and YouTube concerning the Service. If any provision of these Terms of Service is deemed invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect the validity of the remaining provisions of these Terms of Service, which shall remain in full force and effect. No waiver of any term of these Terms of Service shall be deemed a further or continuing waiver of such term or any other term, and YouTube's failure to assert any right or provision under these Terms of Service shall not constitute a waiver of such right or provision. YouTube reserves the right to amend these Terms of Service at any time and without notice, and it is your responsibility to review these Terms of Service for any changes. Your use of the Service following any amendment of these Terms of Service will signify your assent to and acceptance of its revised terms. YOU AND YOUTUBE AGREE THAT ANY CAUSE OF ACTION ARISING OUT OF OR RELATED TO THE SERVICES MUST COMMENCE WITHIN ONE (1) YEAR AFTER THE CAUSE OF ACTION ACCRUES. OTHERWISE, SUCH CAUSE OF ACTION IS PERMANENTLY BARRED.

Dated: June 9, 2010



Language: English ▾

Location: United States ▾

Restricted Mode: Off ▾

History

Help

[About](#) [Press](#) [Copyright](#) [Creators](#) [Advertise](#) [Developers](#) [+YouTube](#)
[Terms](#) [Privacy](#) [Policy & Safety](#) [Send feedback](#) [Test new features](#)

EXHIBIT 2



Policies and Safety

When you use YouTube, you join a community of people from all over the world. Every cool, new community feature on YouTube involves a certain level of trust. Millions of users respect that trust and we trust you to be responsible too. Following the guidelines below helps to keep YouTube fun and enjoyable for everyone.

You might not like everything you see on YouTube. If you think content is inappropriate, use the [flagging feature](#) to submit it for review by our YouTube staff. Our staff carefully reviews flagged content 24 hours a day, 7 days a week to determine whether there's a violation of our Community Guidelines.



[Community Guidelines](#)

[Safety Tools & Resources](#)

[Reporting & Enforcement](#)

Here are some common-sense rules that'll help you steer clear of trouble. Please take these rules seriously and take them to heart. Don't try to look for loopholes or try to lawyer your way around the guidelines—just understand them and try to respect the spirit in which they were created.



Nudity or sexual content

YouTube is not for pornography or



Harmful or dangerous content

sexually explicit content. If this describes your video, even if it's a video of yourself, don't post it on YouTube. Also, be advised that we work closely with law enforcement and we report child exploitation.

[Learn more](#)

Don't post videos that encourage others to do things that might cause them to get badly hurt, especially kids. Videos showing such harmful or dangerous acts may get age-restricted or removed depending on their severity. [Learn more](#)



Hateful content

Our products are platforms for free expression. But we don't support content that promotes or condones violence against individuals or groups based on race or ethnic origin, religion, disability, gender, age, nationality, veteran status, or sexual orientation/gender identity, or whose primary purpose is inciting hatred on the basis of these core characteristics. This can be a delicate balancing act, but if the primary purpose is to attack a protected group, the content crosses the line.

[Learn more](#)



Violent or graphic content

It's not okay to post violent or gory content that's primarily intended to be shocking, sensational, or disrespectful. If posting graphic content in a news or documentary context, please be mindful to provide enough information to help people understand what's going on in the video. Don't encourage others to commit specific acts of violence.

[Learn more](#)



Harassment and cyberbullying

It's not ok to post abusive videos and comments on YouTube. If harassment crosses the line into a malicious attack it can be reported and may be removed. In other cases, users may be mildly annoying or petty and should be ignored. [Learn more](#)



Spam, misleading metadata, and

Everyone hates spam. Don't create misleading descriptions, tags, titles, or thumbnails in order to increase views. It's not okay to post large amounts of untargeted, unwanted or repetitive content including comments and private messages.

[Learn more](#)



Threats

Things like predatory behavior, stalking, threats, harassment, intimidation, invading privacy, revealing other people's personal information, and inciting others to commit violent acts or to violate the Terms of Use are taken very seriously. Anyone caught doing these things may be permanently banned from YouTube. [Learn more](#)



Copyright

Respect copyright. Only upload videos that you made or that you're authorized to use. This means don't upload videos you didn't make, or use content in your videos that someone else owns the copyright to, such as music tracks, snippets of copyrighted programs, or videos made by other users, without necessary authorizations. Visit our Copyright Center for more information. [Learn more](#)



Privacy

If someone has posted your personal information or uploaded a video of you without your consent, you can request removal of content based on our Privacy Guidelines. [Learn more](#)



Impersonation

Accounts that are established to impersonate another channel or individual may be removed under our impersonation policy. [Learn more](#)

YouTube

About

Blogs

Merchandise

Jobs

Partners

Advertise

Creators

Developers

Press

YouTube Red

Preferred Lineups



Resources

[Policies & Safety](#)

[Copyright](#)

[Brand Guidelines](#)

[Help Center](#)

[Privacy](#)

Connect

 [Twitter](#)

 [Instagram](#)

 [Facebook](#)

 [Google+](#)

 [Tumblr](#)

[English](#)

© 2017 YouTube

[Terms](#)

EXHIBIT 3

YouTube Help

Your content & Restricted Mode

Restricted Mode is an optional setting that has been available since 2010, and is used by a small subset of users, such as libraries, schools, and public institutions, who choose to have a more limited viewing experience on YouTube. Restricted Mode is turned off for viewers by default. Learn how to [turn Restricted Mode on or off](#).

What does Restricted Mode do?

Restricted Mode was created to provide viewers who wanted to better control the content they see on YouTube with an option to choose an intentionally limited YouTube experience.

Viewers can choose to [turn Restricted Mode on](#) for their personal accounts. It may also be turned on for computers in libraries, schools, and other public institutions by the institution's system administrator. Viewers who turn on Restricted Mode cannot see comments on videos.

How does Restricted Mode work?

There are two ways a video can end up being unavailable when Restricted Mode is turned on.

- Primarily, our automated system looks at signals like the video's metadata, title, and the language used in the video.
- Additionally, some videos may not be available in Restricted Mode as a result of human reviewers applying an age-restriction to a video.

We understand that our automated system isn't perfect and it sometimes makes mistakes when assessing which videos to make available in Restricted Mode. We're always looking to improve our automated systems.

Will my content show if my viewers have Restricted Mode turned on?

Videos containing potentially mature content will not be shown to viewers who have Restricted Mode turned on.

- **Drugs and alcohol:** Talking about drug use or abuse, or drinking alcohol in videos.
- **Sexual situations:** Overly detailed conversations about or depictions of sex or sexual activity. Some educational, straightforward content about sexual education, affection, or identity may be included in Restricted Mode, as well as kissing or affection that's not overly sexualized or the focal point of the video.
- **Violence:** Graphic descriptions of violence, violent acts, natural disasters and tragedies, or even violence in the news.
- **Mature subjects:** Videos that cover specific details about events related to terrorism, war, crime, and political conflicts that resulted in death or serious injury, even if no graphic imagery is shown.
- **Profane and mature language:** Inappropriate language, including profanity.
- **Incendiary and demeaning content:** Video content that is gratuitously incendiary, inflammatory, or demeaning towards an individual or group.

We know there is a risk that some important content could be lost if we were to apply these rules without context. We value stories where individuals discuss their personal experiences and share their emotions. Sharing stories about facing discrimination, opening up about your sexuality, and confronting and overcoming discrimination is what makes YouTube great, and we will work to ensure those stories are included in Restricted Mode. But just a reminder, to be included, your content must follow the guidelines above!

Is Restricted Mode the same as age-gating or age-restricting videos?

No, a video that is not available in Restricted Mode is not necessarily age-restricted.

Age-restricted content may not be appropriate for all audiences, and is not visible to users who are logged out, are under 18 years of age, or have Restricted Mode enabled. Learn more about age-restricted content.

How do I check to see if my videos are being filtered by Restricted Mode?

To check, you can [turn on Restricted Mode](#) and search to see if the video appears or go directly to the video's URL to see if it's viewable. **Note:** At times, videos are not available in RM upon initial upload, as our system reviews them. Please allow some time before checking for availability.

Is my video filtered in Restricted Mode if it's flagged as inappropriate by the community?

A video is not automatically filtered from Restricted Mode if it is [flagged by the community](#).

Flagged videos are reviewed by our team for violations of our Community Guidelines. Some videos don't violate our policies, but may not be appropriate for all audiences. In these cases, our review team may place an age restriction on the video. Videos that are age-restricted will not appear for users that have Restricted Mode turned on.

Does Restricted Mode affect monetization for my videos?

You can still [monetize videos](#) even if they may not be available when Restricted Mode is on.

[My videos are being filtered by Restricted Mode. How do I stop this?](#)

If you [edit the video](#), it may be reviewed again by our system. If after reviewing our [guidelines](#) you still feel your video should appear in Restricted Mode, please let us know by submitting your [feedback](#).

Restricted Mode feedback

Restricted Mode will never be perfect, but your feedback helps us improve our systems.

If your videos are not currently available in Restricted Mode and you believe they should be, please send us your feedback. Although you won't receive a response to your submission, **we do review every video** you submit and update the video's availability in Restricted Mode if it should be available.

Before submitting, please take a moment to review our [Restricted Mode guidelines](#).

Channel URL *

Example: youtube.com/channel/UCUZHfZ9jIKrLroW8LcyJEQQ or youtube.com/user/partnersupport

Video URL *

Enter your video URL. You can add up to 20 videos. Separate multiple URLs with commas.

Are there other details about your videos and Restricted Mode that you'd like to share?

* Required field

SUBMIT

Was this article helpful?

YES

NO



Search YouTube Help



Sign in

EXHIBIT 4

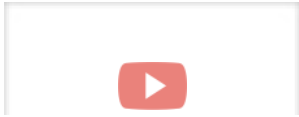
YouTube Help

Disable or enable Restricted Mode

Restricted Mode is an optional setting that you can use to help screen out potentially mature content that you may prefer not to see or don't want others in your family to see.

We use many signals—such as video title, description, metadata, Community Guidelines reviews, and age-restrictions—to identify and filter out potentially mature content. Restricted Mode is available in all languages, but due to differences in cultural norms and sensitivities, the quality may vary.

When restricted mode is enabled, you will not be able to see comments on the videos you watch.



Restricted mode on YouTube

Turn Restricted Mode on or off

Computers in libraries, universities, and other public institutions may have Restricted Mode enabled by the system administrator. If you're using a public computer and can't disable Restricted Mode, contact your system administrator.

 Search YouTube Help


 [Sign in](#)

Before you start: Restricted Mode works on the browser or device level, so you must turn it on for each browser you use. If your browser supports multiple profiles, you must enable it for each profile. If you want Restricted Mode to stay enabled for anyone using this browser, you can lock Restricted Mode.

There are two versions of the YouTube desktop experience, the [current version](#) and the old version. Follow the instructions for the experience you have.

Current desktop experience

Turn Restricted Mode on or off

1. Go to the account icon .
2. Click **Restricted Mode**.
3. In the dialog box that appears, toggle restricted mode to on or off.

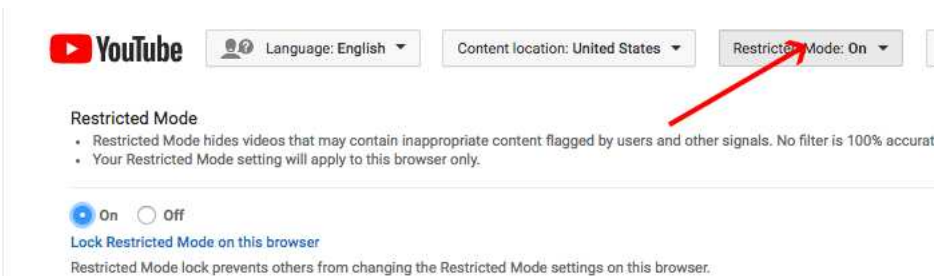
Stuck in Restricted Mode even after attempting to disable?

If you've entered your username and password, and Restricted Mode remains on, try contacting your system administrator for additional assistance.

Old desktop experience

Turn Restricted Mode on or off

1. Scroll to the bottom of any YouTube page and click the **Restricted Mode** drop-down menu.
2. Select **On** or **Off**.
3. Click **Save**.



The screenshot shows the YouTube desktop interface. At the top, there is a navigation bar with the YouTube logo, a language dropdown set to 'English', a content location dropdown set to 'United States', and a 'Restricted Mode: On' dropdown menu. A red arrow points to this dropdown menu. Below the navigation bar, the 'Restricted Mode' section is visible, containing two bullet points: 'Restricted Mode hides videos that may contain inappropriate content flagged by users and other signals. No filter is 100% accurate' and 'Your Restricted Mode setting will apply to this browser only.' At the bottom of this section, there are two radio buttons: 'On' (selected) and 'Off'. Below the radio buttons, there is a link 'Lock Restricted Mode on this browser' and a note: 'Restricted Mode lock prevents others from changing the Restricted Mode settings on this browser.'

Save

Once enabled, Restricted Mode remains on, even if you sign out. If another person signs in to YouTube, Restricted Mode will still be on. If you want to make sure that other users on the computer can't change the setting, be sure to lock Restricted Mode and sign out of the account.

[Lock or unlock Restricted Mode](#)

Lock Restricted Mode

1. Sign in to YouTube.
2. Scroll to the bottom of any YouTube page and click the **Restricted Mode** drop-down menu.
3. Select **Lock Restricted Mode on this browser**.
4. When prompted, enter your password.

Unlock Restricted Mode

1. Sign in to YouTube.
2. Scroll to the bottom of any YouTube page and click **Unlock Restricted Mode on this browser**.
3. When prompted, enter your password.
4. Scroll to the bottom of the page and select **Off**.
5. Click **Save**.

Stuck in Restricted Mode even after attempting to disable?

If you've entered your username and password, and Restricted Mode remains on, try contacting your system administrator for additional assistance.

Was this article helpful?

YES

NO

Safety Center

Protecting your privacy

Harassment and cyberbullying

Suicide and self injury

Parent resources

Educator resources

Teen safety

Disable or enable Restricted Mode

Additional resources

Privacy and safety settings

EXHIBIT 5

YouTube Help

Age-restricted content

Some videos don't violate our policies, but may not be appropriate for all audiences. In these cases our review team may place an age restriction when we're notified of the content. Age-restricted videos are not visible to users who are logged out, are under 18 years of age, or have [Restricted Mode](#) enabled.

When evaluating whether content is appropriate for all ages, here are some of the things we consider:

- [Vulgar language](#)
- [Violence and disturbing imagery](#)
- [Nudity and sexually suggestive content](#)
- [Portrayal of harmful or dangerous activities](#)

To learn more about what you can do to avoid having your video age-restricted, please visit our [Policy Center](#).

If you are looking to monetize your video, please review our policies as age-restricted videos will not be eligible for monetization and will also not be shown in certain sections of YouTube. Age-restricted videos are also not eligible to be used for ads.

Was this article helpful?

Reporting Center

[Flag inappropriate content](#)[Other reporting options](#)[Community Guidelines strike basics](#)[Appeal Community Guidelines strikes](#)[Age-restricted content](#)[Account terminations](#)[Videos locked as private](#)

EXHIBIT 6

YouTube Help

Appeal the age restriction on your video

Our Community Guidelines describe what content is allowed and not allowed on YouTube. They are the rules of the road and every video must adhere to them. When videos violate these guidelines, we remove them. Some videos don't violate our policies, but may not be appropriate for all audiences. We [age-restrict](#) these. In deciding whether to age restrict content we consider issues such as violence, disturbing imagery, nudity, sexually suggestive content, and portrayal of dangerous or illegal activities.

When a video is age-restricted, a warning screen displays before the video plays. Only users 18 years of age or older can then proceed to view the material. In order to reduce the chances of users accidentally stumbling across these videos, they are not shown in certain sections of YouTube.

Appealing the Age Restriction on your Video

Users have the ability to appeal an age-restriction. If your video was age-restricted you can appeal it on your account [Video Manager](#) page by clicking on the "Appeals Link" next to your age-restricted video. The YouTube team will review your request and take further action if appropriate. Please note that you may only appeal the age restriction on your video once.

Was this article helpful?

Appeal strikes and restrictions

[Changes to account standing](#)[Appeal Community Guidelines strikes](#)[Copyright strike basics](#)[Strike basics for content managers](#)[Appeal the age restriction on your video](#)

Creators

Resources for Creators

Check out the [creator resources](#) available to help you build your channel and connect with the community.

EXHIBIT 7

YouTube Help

Flag inappropriate content

We rely on YouTube community members to flag content that they find inappropriate. When something is flagged, it's not automatically taken down. Flagged content is reviewed along the following guidelines:

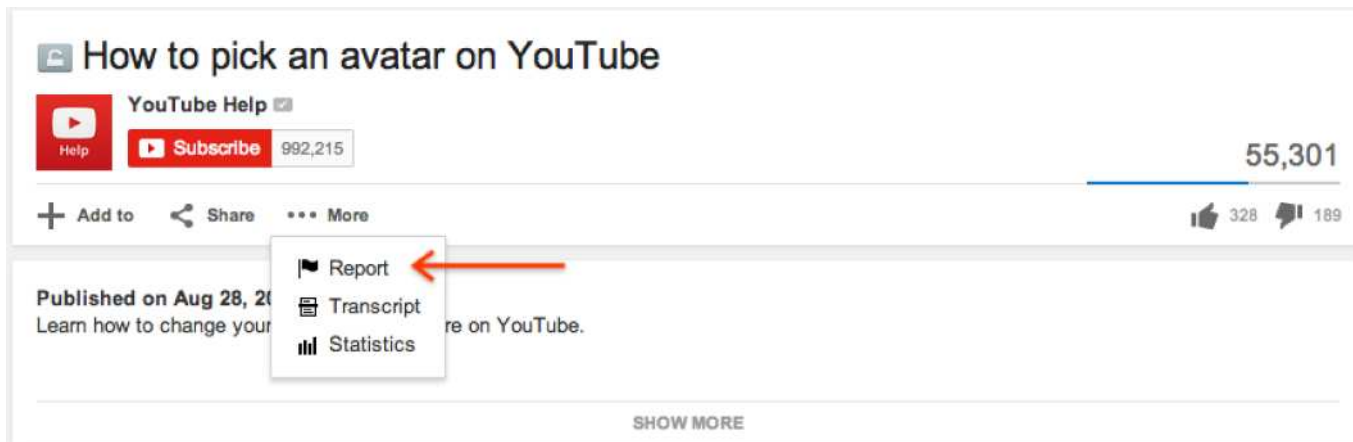
- Content that violates our [Community Guidelines](#) is removed from YouTube.
- Content that may not be appropriate for all younger audiences may be age-restricted.

[COMPUTER](#) [ANDROID](#) [IPHONE & IPAD](#)

Flag a video


YouTube staff review flagged videos 24 hours a day, seven days a week. A video can be flagged at any time once uploaded to YouTube and then it is reviewed by YouTube staff. If no violations are found by our review team, no amount of flagging will change that and the video will remain on our site. Flagging videos is anonymous, so other users can't tell who flagged a video.

1. Log in to YouTube.
2. Below the player for the video you want to flag, click **More**.
3. In the drop-down menu, choose **Report**.
4. Select the reason for flagging that best fits the violation in the video.
5. Provide any additional details that may help the review team make their decision including timestamps or descriptions of the violation.




Flag a thumbnail

You can flag a video thumbnail that you see in your feed.

1. Go to the thumbnail you'd like to flag.
2. Below the thumbnail, click More  .
3. Click **Report**.
4. Select the reason for reporting.
5. Click **Report**.

Flag a comment

The "Report spam or abuse" link allows the community to report spam comments left on videos they upload or watch. If enough users mark a comment as spam, it becomes hidden under a "Marked as Spam" link. By clicking the "Show link" you can see the comment again. The video's uploader has the ability to "unmark" a comment as spam.

1. Go to the comment you'd like to report.
2. Click More  .
3. Click **Report spam or abuse**.
4. Select the reason for flagging.


Use the "Report spam or abuse" feature with extreme caution. If you misuse it, you may be prohibited from using YouTube.

My comment was marked as spam incorrectly

If you believe a comment you made was marked as spam but you don't believe it to be, you can [contact the video's uploader](#) and ask them to reinstate your comment.

Flag a live chat message

Flagging allows community members to report inappropriate messages left on live streams.

1. Go to the message you'd like to report.
2. Click More  .
3. Click **Report**.
4. Select the reason for flagging.

Flag a channel




How to flag a channel:

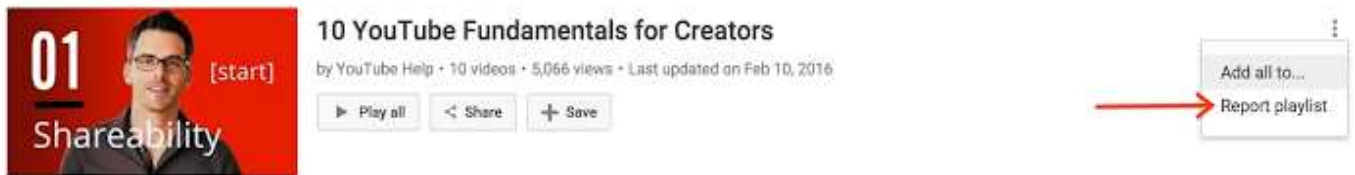
1. Log in to YouTube.
2. Go to the channel page you want to report.
3. Click **About**.

4. Click the flag drop down.
5. Select the option that best suits your issue.



Flag a playlist

1. Log in to YouTube.
2. Go to the playlist content page you'd like to report.
3. Click More .
4. Select **Report playlist**.



Was this article helpful?

YES

NO

Reporting Center

Flag inappropriate content

Other reporting options

Community Guidelines strike basics

Appeal Community Guidelines strikes

Age-restricted content

Account terminations

Videos locked as private

EXHIBIT 8



Official Blog

Broadcast Yourself

An update on our commitment to fight violent extremist content online

Tuesday, October 17, 2017

In June, we announced [four steps](#) we're taking to combat terrorist content on YouTube:

1. Better detection and faster removal powered by machine learning;
2. More expert partners to help identify violative content;
3. Tougher standards for videos that are controversial but do not violate [our policies](#); and
4. Amplified voices speaking out against hate and extremism.

We shared our progress across these steps in [August](#) and wanted to update you again on where things are today.

Better detection and faster removal

We've always used a mix of human flagging and human review together with technology to address controversial content on YouTube. In June, we introduced

machine learning to flag violent extremism content and escalate it for human review.

We continue to get faster here:

- **Over 83 percent** of the videos we removed for violent extremism in the last month were taken down before receiving a single human flag, **up 8 percentage points** since August.
- Our teams have manually reviewed **over a million videos** to improve this flagging technology by providing large volumes of training examples.

Inevitably, both humans and machines make mistakes, and as we have increased the volume of videos for review by our teams, we have made some errors. We know we can get better and we are committed to making sure our teams are taking action on the right content. We are working on ways to educate those who share video meant to document or expose violence on how to add [necessary context](#).

More experts

Outside experts are essential to advising us on our policies and flagging content for additional inputs that better train our systems. Our partner NGOs bring expert knowledge of complex issues like hate speech, radicalization, and terrorism.

We have **added 35 NGOs** to our Trusted Flagger program, which is 70 percent of the way towards our goal. These new partner NGOs represent **20 different countries** and include NGOs like the International Center for the Study of Radicalization at King's College London and The Wahid Institute in Indonesia, which is dedicated to promoting religious freedom and tolerance.

Tougher standards

We started applying tougher treatment to videos that aren't illegal and don't violate our [Guidelines](#), but contain controversial religious or supremacist content. These videos remain on YouTube, but they are behind a warning interstitial, aren't recommended,

monetized, and don't have key features including comments, suggested videos, and likes. This is working as intended and helping us strike a balance between upholding free expression, by providing a historical record of content in the public interest, while also keeping these videos from being widely spread or recommended to others.

Amplify voices speaking out against hate and extremism

We continue to support programs that counter extremist messages. We are researching expansion for [Jigsaw's Redirect Method](#) to apply this model to new languages and search terms. We're heavily investing in our [YouTube Creators for Change](#) program to support Creators who are using YouTube to tackle social issues and promote awareness, tolerance and empathy. Every month these Creators release exciting and engaging new videos and campaigns to counter hate and social divisiveness:

- In September, three of our fellows, from [Australia](#), the [U.K.](#), and the [U.S.](#), debuted their videos on the big screen at the Tribeca TV festival, tackling topics like [racism](#), [xenophobia](#), and [experiences of first generation immigrants](#).
- Local YouTube Creators in Indonesia partnered with the [MAARIF Institute](#) and YouTube Creators for Change Ambassador, [Cameo Project](#), to visit ten different cities and train thousands of high school students on promoting tolerance and speaking out against hate speech and extremism.
- We're adding two new local Creators for Change chapters, in Israel and Spain, to the network of chapters around the world.

In addition to this work supporting voices to counter hate and extremism, last month [Google.org announced a \\$5 million innovation fund](#) to counter hate and extremism. This funding will support technology-driven solutions, as well as grassroots efforts like community youth projects that help build communities and promote resistance to radicalization.

Terrorist and violent extremist material should not be spread online. We will continue to heavily invest to fight the spread of this content, provide updates to governments, and collaborate with other companies through the Global Internet Forum to Counter Terrorism. There remains more to do so we look forward to continuing to share our progress with you.

The YouTube Team



EXHIBIT 9



Official Blog

Broadcast Yourself

5 ways we're toughening our approach to protect families on YouTube and YouTube Kids

Wednesday, November 22, 2017

In recent months, we've noticed a growing trend around content on YouTube that attempts to pass as family-friendly, but is clearly not. While some of these videos may be suitable for adults, others are completely unacceptable, so we are working to remove them from YouTube. Here's what we're doing:

- 1. Tougher application of our Community Guidelines and faster enforcement through technology:** We have always had strict policies against child endangerment, and we partner closely with regional authorities and experts to help us enforce these policies and report to law enforcement through NCMEC. In the last couple of weeks we expanded our enforcement guidelines around removing content featuring minors that may be endangering a child, even if that was not the uploader's intent. In the last week we terminated over 50 channels and have removed thousands of videos under these guidelines, and we will continue to work quickly to remove more every day. We also implemented policies to [age-restrict](#) (only available to people over 18 and logged in) content with family

entertainment characters but containing mature themes or adult humor. To help surface potentially violative content, we are applying machine learning technology and automated tools to quickly find and escalate for human review.

2. **Removing ads from inappropriate videos targeting families:** Back in June, [we posted an update](#) to our advertiser-friendly guidelines making it clear that we will remove ads from any content depicting family entertainment characters engaged in violent, offensive, or otherwise inappropriate behavior, even if done for comedic or satirical purposes. Since June, we've removed ads from 3M videos under this policy and we've further strengthened the application of that policy to remove ads from another 500K violative videos.
3. **Blocking inappropriate comments on videos featuring minors:** We have historically used a combination of automated systems and human flagging and review to remove inappropriate sexual or predatory comments on videos featuring minors. Comments of this nature are abhorrent and we work with NCMEC to report illegal behavior to law enforcement. Starting this week we will begin taking an even more aggressive stance by turning off all comments on videos of minors where we see these types of comments.
4. **Providing guidance for creators who make family-friendly content:** We've created a platform for people to view family-friendly content – YouTube Kids. We want to help creators produce quality content for the YouTube Kids app, so in the coming weeks we will release a comprehensive guide on how creators can make enriching family content for the app.
5. **Engaging and learning from experts:** While there is some content that clearly doesn't belong on YouTube, there is other content that is more nuanced or challenging to make a clear decision on. For example, today, there are many cartoons in mainstream entertainment that are targeted towards adults, and feature characters doing things we wouldn't

necessarily want children to see. Those may be OK for YouTube.com, or if we require the viewer to be over 18, but not for someone younger. Similarly, an adult dressed as a popular family character could be questionable content for some audiences, but could also be meant for adults recorded at a comic book convention. To help us better understand how to treat this content, we will be growing the number of experts we work with, and doubling the number of Trusted Flagggers we partner with in this area.

Across the board we have scaled up resources to ensure that thousands of people are working around the clock to monitor, review and make the right decisions across our ads and content policies. These latest enforcement changes will take shape over the weeks and months ahead as we work to tackle this evolving challenge. We're wholly committed to addressing these issues and will continue to invest the engineering and human resources needed to get it right. As a parent and as a leader in this organization, I'm determined that we do.

Johanna Wright, Vice President of Product Management at YouTube



EXHIBIT 10



Describe your issue



YouTube Help

Restricted Mode feedback

Restricted Mode will never be perfect, but your feedback helps us improve our systems.

If your videos are not currently available in Restricted Mode and you believe they should be, please send us your feedback. Although you won't receive a response to your submission, **we do review every video** you submit and update the video's availability in Restricted Mode if it should be available.

Before submitting, please take a moment to review our [Restricted Mode guidelines](#).

Channel URL *

Example: youtube.com/channel/UCUZHfZ9jIKrLroW8LcyJEQQ or youtube.com/user/partnersupport

Video URL *

Enter your video URL. You can add up to 20 videos. Separate multiple URLs with commas.

Are there other details about your videos and Restricted Mode that you'd like to share?

* Required field

SUBMIT

EXHIBIT 11



PragerU
1,239,405 subscribers

SUBSCRIBE 1.2M

- HOME
- VIDEOS
- PLAYLISTS
- COMMUNITY
- CHANNELS
- >

Description

PragerU is an online video resource promoting knowledge and clarity on life's biggest and most interesting topics. We gather some of the world's best thinkers and distill their best ideas into free, 5-minute videos on things ranging from history and economics to science and happiness. Enjoy.

Stats

Joined Jun 10, 2009

318,643,365 views



Details

For business inquiries: [VIEW EMAIL ADDRESS](#)

Country: United States

Links



PragerU

1,239,405 subscribers

SUBSCRIBE 1.2M

HOME

VIDEOS

PLAYLISTS

COMMUNITY

CHANNELS



EXHIBIT 12

Exhibit 12: PragerU Videos Unavailable to Users in Restricted Mode

No.	Video Title	URL
1	Why Don't Feminists Fight for Muslim Women?	https://www.youtube.com/watch?v=wJkFQohIKNI
2	Where Are the Moderate Muslims?	https://www.youtube.com/watch?v=Y9Enx4XxO1E
3	Radical Islam: The Most Dangerous Ideology	https://www.youtube.com/watch?v=-LGzrYUGXdI
4	Why Do People Become Islamic Extremists?	https://www.youtube.com/watch?v=-IchGuL501U
5	Israel's Legal Founding	https://www.youtube.com/watch?v=12KJa4a0d64
6	The Least Diverse Place in America	https://www.youtube.com/watch?v=y0HKgs-0zDY
7	Who's More Pro-Choice: Europe or America?	https://www.youtube.com/watch?v=IHrihwWJv8o
8	What's Holding the Arab World Back?	https://www.youtube.com/watch?v=aAOzlinU94g
9	What ISIS Wants	https://www.youtube.com/watch?v=v7f0bKIOwys
10	Gender Identity: Why All the Confusion?	https://www.youtube.com/watch?v=yAAIFya89aw&t=190s
11	Gun Rights Are Women's Rights	https://www.youtube.com/watch?v=2iKBEJp92CA
12	Why America Must Lead	https://www.youtube.com/watch?v=MSvWH-Y8eeY
13	Dennis Prager and J-Street's Alan Elsner Debate Israel	https://www.youtube.com/watch?v=NzZ0t1Mt9VE
14	The Most Important Question About Abortion	https://www.youtube.com/watch?v=AMwkQVpy98A
15	How Iraq Was Won and Lost	https://www.youtube.com/watch?v=WJIHCczsbJo
16	Is the Death Penalty Ever Moral?	https://www.youtube.com/watch?v=8dnVZibrV6g
17	Did Bush Lie About Iraq?	https://www.youtube.com/watch?v=LgQw8EhPJWw
18	How American Students React to the U.S. Flag Versus the ISIS Flag	https://www.youtube.com/watch?v=DGFJO3nohgo
19	Islam and Terrorism (5/23/17)	https://www.youtube.com/watch?v=CQnerEsgJgE

Exhibit 12: PragerU Videos Unavailable to Users in Restricted Mode

No.	Video Title	URL
20	Born to Hate Jews	https://www.youtube.com/watch?v=xCQEmeGfFmY
21	What's Wrong with Socialism?	https://www.youtube.com/watch?v=WCUq0V-3mgo
22	How Is Muslim Immigration to Sweden Working Out?	https://www.youtube.com/watch?v=QCE_vEdA9WU
23	Israel: The World's Most Moral Army	https://www.youtube.com/watch?v=tN1MkAGuVyY
24	Why America's Military Must Be Strong	https://www.youtube.com/watch?v=W5o_KdvC1c8
25	College Made Me a Conservative	https://www.youtube.com/watch?v=MVJXi6IXWYI
26	Is Fascism Right Or Left?	https://www.youtube.com/watch?v=m6bSsaVL6gA
27	Pakistan: Can Sharia and Freedom Coexist?	https://www.youtube.com/watch?v=nPG4H3XUX1Q
28	PragerU Live: David French (6/20/17)	https://www.youtube.com/watch?v=s2-oBb3xwYM
29	Is Islam a Religion of Peace?	https://www.youtube.com/watch?v=5AkAGc5nOXw
30	The "Anti-Hate" Group That Is a Hate Group	https://www.youtube.com/watch?v=qNfNH0lmYdM
31	Do White Americans Have White Privilege?	https://www.youtube.com/watch?v=41rwBgrWmUs
32	If You Live in Freedom, Thank the British Empire	https://www.youtube.com/watch?v=sSnJSUU_7q0
33	Are The Police Racist?	https://www.youtube.com/watch?v=UQCQFH5wOJo
34	Islamic Terror: What Muslim Americans Can Do	https://www.youtube.com/watch?v=WXXlhKELxEo
35	Dennis Prager: Why Socialism Makes People Selfish	https://www.youtube.com/watch?v=h-BQJ2zQlkg
36	Are 1 in 5 Women Raped at College?	https://www.youtube.com/watch?v=K0mzqL50I-w
37	Why America Invaded Iraq	https://www.youtube.com/watch?v=T2tbpUqNwRU
38	PragerU Live: Alan Dershowitz (6/28/17)	https://www.youtube.com/watch?v=0d5r6PjbTkg
39	Why Isn't Communism as Hated as Nazism?	https://www.youtube.com/watch?v=nUGkKKAogDs

Exhibit 12: PragerU Videos Unavailable to Users in Restricted Mode

No.	Video Title	URL
40	Was the Civil War About Slavery?	https://www.youtube.com/watch?v=pcy7qV-BGF4
41	What's Wrong With E-Cigarettes?	https://www.youtube.com/watch?v=XW4duMgxEI0

EXHIBIT 13

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
Real Time with Bill Maher: The Hunting Ground (HBO)	https://www.youtube.com/watch?v=JINxoR-S5To	Real Time with Bill Maher	Teen
Your vagina is not a car: Clementine Ford at TEDxSouthBankWomen	https://www.youtube.com/watch?v=ATISgVUKetI	TEDx Talks	Teen
Full Interview: Joe Biden on How to End the Rape Crisis Plaguing College Campuses	https://www.youtube.com/watch?v=Vkh_cY3-aTw	Mic	Teen
Author Jon Krakauer on new book "Missoula" and college rape epidemic	https://www.youtube.com/watch?v=nGI9K20QCgs	CBS This Morning	Teen
A Life Of Rape Culture Brynne Thomas TEDxYouth@TCS	https://www.youtube.com/watch?v=oYppe9kyUxY	TEDx Talks	Teen
Lady Gaga sings about campus rape	https://www.youtube.com/watch?v=ogoq6ddJsMU	ABS-CBN News	Teen
Why Korea Split Into North and South Korea	https://www.youtube.com/watch?v=l0E9KeI8BtE	WonderWhy	PG
The Korean War: Every Day	https://www.youtube.com/watch?v=fBeiD6kGugE	EmperorTigerstar	Teen
The Korean "War" Explained: US History Review	https://www.youtube.com/watch?v=okQzZhL81tE	Hip Hughes	PG
Are Islam and Feminism Mutually Exclusive Get Real Refinery29	https://www.youtube.com/watch?v=0Vduu3_c5xo	Refinery29	PG
What Islam really says about women Alaa Murabit	https://www.youtube.com/watch?v=FETryXMpDI8	TED	PG
ADVICE TO MUSLIM WOMEN (About Dajjal) - Tim Humble Animated	https://www.youtube.com/watch?v=KnBD7pTAqj8	Practical Islam	Teen

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
What Does It Mean To Be A Feminist In Islam?	https://www.youtube.com/watch?v=MpdXrKqWx14	NowThis World	PG
What The West Gets Wrong About Muslim Women	https://www.youtube.com/watch?v=IzKyzS8Y6IY	NowThis World	PG
How to Deal with the Police Parents Explain	https://www.youtube.com/watch?v=coryt8IZ-DE	Cut	PG
Keith Lamont Scott's Brother-in-Law: The Role of Racism in Police Shootings For Peete's Sake OWN	https://www.youtube.com/watch?v=M0sgKs7PUU8	OWN	Teen
Real Time with Bill Maher: A System of Racism (HBO)	https://www.youtube.com/watch?v=QNIkrsnZ5N0	Real Time with Bill Maher	MA
FIRST PRESSER! Seahawks Michael Bennett speaks on racism and police brutality allegations	https://www.youtube.com/watch?v=Hl6I1U-MsTw	ABC15 Arizona	PG
Looking Back At Ferguson And Jon Stewart: Real Talk With AJ+	https://www.youtube.com/watch?v=XSx2TuuoDB0	AJ+	PG
Vote For Jeremy Corbyn?	https://www.youtube.com/watch?v=wFs-HFSO3A8	Lex Croucher	PG
Justice: What's The Right Thing To Do? Episode 01 "THE MORAL SIDE OF MURDER"	https://www.youtube.com/watch?v=kBdfcR-8hEY	Harvard University	PG
6th Commandment: Do Not Murder	https://www.youtube.com/watch?v=rbTvXX3Csq8	Jack Kern	PG
Stephen Gets A Straight Answer Out Of Donald Rumsfeld	https://www.youtube.com/watch?v=4Z3z7DvoA-M	The Late Show with Stephen	PG

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
		Colbert	
Iraqi governing council president says Saddam was pursuing WMD	https://www.youtube.com/watch?v=XzEeoytICKs	AP Archive	PG
Natalie Morales on gun control Larry King Now Ora.TV	https://www.youtube.com/watch?v=S0lZk2XGvPQ	Larry King	PG
New York Passes 'Strictest' Gun Control Law	https://www.youtube.com/watch?v=PmxXikPUYIQ	David Pakman Show	PG
'We just gotta get guns out of people's hands' – Nevada state senator	https://www.youtube.com/watch?v=vEuWUnxQIRc	RT America	Teen
Who Should Be Denied a Gun Permit?	https://www.youtube.com/watch?v=I0q3Jccj5Hg	Bloomberg	PG
Why Men Look At Other Women	https://www.youtube.com/watch?v=oFfMyxefC38	2Minutes2Know	Teen
Monogamy	https://www.youtube.com/watch?v=uH_rIT0juiM	SciShow	PG
What could be wrong with monogamy? Marc de Hond at TEDxEde	https://www.youtube.com/watch?v=9aKPy1SvYPs	TEDx Talks	Teen
Is He Looking at Other Women? - by Claire Casey (for Digital Romance TV)	https://www.youtube.com/watch?v=aaXMlMk48PE	DigitalRomanceInc	PG
The Blog - Reasons Men Check Out Other Women And How To Handle It (Pt.2) Cool TV	https://www.youtube.com/watch?v=r5DjiWLFvPE	Wazobia Max	Teen
Genocide: Worse Than War Full-length documentary PBS	https://www.youtube.com/watch?v=w7cZuhqSzzc	PBS	Teen
Communism vs. Socialism: What's The	https://www.youtube.com/watch?v=FrtDZ-LOXFw	NowThis World	PG

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
Difference?			
What Is Communism?	https://www.youtube.com/watch?v=qElx_EyTTKA	NowThis World	PG
Communists, Nationalists, and China's Revolutions: Crash Course World History #37	https://www.youtube.com/watch?v=UUCEeC4f6ts	CrashCourse	PG
Immigrants On Voting As New Americans	https://www.youtube.com/watch?v=Qtfehx0V5uI	BuzzFeedVideo	PG
TEENS REACT TO DACA (ILLEGAL IMMIGRATION POLICY)	https://www.youtube.com/watch?v=QyexzwiFE3U	FBE	Teen
Why a Wall Won't Stop Immigration	https://www.youtube.com/watch?v=K_P9PR5ckFk	CollegeHumor	PG
Why Walls Won't Secure The U.S.–Mexico Border AJ+	https://www.youtube.com/watch?v=Yh3fez9CyXg	AJ+	PG
Red news, blue news: Islamophobia	https://www.youtube.com/watch?v=rZKqxxoUoYs	CNN	Teen
Why Do People Hate Muslims? Ustadh Nouman Ali Khan	https://www.youtube.com/watch?v=1eJn8IT-fD8	DailyIslamicReminder	Teen
Islamophobia and Islamophilia: An Unusual Connection Nazia Kazi TEDxStocktonUniversity	https://www.youtube.com/watch?v=nh-PdWBjkh4	TEDx Talks	PG
Islamophobia: Melissa Boigon at TEDxGallatin 2013	https://www.youtube.com/watch?v=t8htxQmVyBM	TEDx Talks	PG
How can the EU lead the world in human rights?	https://www.youtube.com/watch?v=moZbFNZItO8	The Graduate Institute Geneva	PG
America Is Once Again Ready to Lead': Trump Lays Out Bold, Inspirational Vision	https://www.youtube.com/watch?v=Tg5YInftvEw	CBN News	PG

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
John McCain: America must lead	https://www.youtube.com/watch?v=s6jSpEr-yNw	Financial Times	PG
Obama at West Point: America Must Lead the World	https://www.youtube.com/watch?v=ON0O-kP2ssE	Bloomberg	PG
Islam, the Quran, and the Five Pillars All Without a Flamewar: Crash Course World History #13	https://www.youtube.com/watch?v=TpcbfxtdoI8	CrashCourse	PG
Islam and Politics: Crash Course World History 216	https://www.youtube.com/watch?v=ka8csjsmX6I	CrashCourse	PG
Mansa Musa and Islam in Africa: Crash Course World History #16	https://www.youtube.com/watch?v=jvnU0v6hcUo	CrashCourse	PG
How Islam Began - In Ten Minutes	https://www.youtube.com/watch?v=PDxKxnVZtgo	TrueTube	PG
What is Sharia Law and its Principles? Dr. Jasser Auda	https://www.youtube.com/watch?v=odmySqc9Qa8	Quran Speaks	PG
Who Recognizes The State Of Palestine?	https://www.youtube.com/watch?v=Idad9kZ5Ccw	AJ+	PG
Diversity Of Thought Vidya Spandana TEDxPortland	https://www.youtube.com/watch?v=-4mjDiGL-V0	TEDx Talks	PG
Why is Hollywood so white? Colin Stokes TEDxBeaconStreet	https://www.youtube.com/watch?v=OyM-2_5cmkA	TEDx Talks	PG
The Oscars' horrible lack of diversity, explained in 2 minutes	https://www.youtube.com/watch?v=oicts7KOnY4	Vox	PG
1st Trimester Medical Abortion: Abortion Pills	https://www.youtube.com/watch?v=IRDnVSMr5j0	Live Action	Teen

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
Aspen Baker: A better way to talk about abortion	https://www.youtube.com/watch?v=P5Mpo4JQZhw	TED	PG
Stacey and Coleen Share Their Abortion Experiences Loose Women	https://www.youtube.com/watch?v=cMtCYVJ6trI	Loose Women	Teen
Abortion and Sex Malayalam Dr. Jose Joseph & Renjini Menon	https://www.youtube.com/watch?v=gw713r8tFiA	Sex & Health	Teen
Myanmar Muslims fear fate of persecuted Rohingya	https://www.youtube.com/watch?v=IOTy_A5fskI	Al Jazeera English	PG
Obama: Christianity Causes A Lot Of Violence Too NowThis	https://www.youtube.com/watch?v=raqGgcsuDAw	NowThis News	PG
Early Christian Persecution	https://www.youtube.com/watch?v=hJR0A9phBc8	Ryan Reeves	PG
Not in my Name - Muslims against ISIS	https://www.youtube.com/watch?v=hAxIOC8Zisc	Conflict Studies	PG
Who Is The Muslim Brotherhood?	https://www.youtube.com/watch?v=INm6DufrgEk	AJ+	Teen
Violent Buddhists Target Muslims in Myanmar: The Daily Show	https://www.youtube.com/watch?v=J2Qq-RPYb_I	The Daily Show with Trevor Noah	Teen
Smoking vs Vaping	https://www.youtube.com/watch?v=haqi4xvjvKo	AsapSCIENCE	PG
E-cigarettes linked to incurable 'Popcorn Lung' disease	https://www.youtube.com/watch?v=45j-kR_-jMo	WKBW TV Buffalo, NY	Teen
Is Marijuana Smoke Healthier Than Tobacco Smoke?	https://www.youtube.com/watch?v=fNBTD7awlno	Seeker	Teen
Celebrating the LGBT Community In Sports With GAME FACE FANDEMONIUM	https://www.youtube.com/watch?v=kUzTh7nIRLE	HitFix	PG

Exhibit 13: Third-Party Videos Identified by PragerU in the Complaint

Title	URL	Channel	Rating
Quickie			
That Moment You Realize You're Transgender	https://www.youtube.com/watch?v=P-hj5gZwzow	SoulPancake	PG
Jazz and Her Grandpa Argue About Being Transgender I Am Jazz	https://www.youtube.com/watch?v=NgG8vwRVktk	tlc uk	PG
Bottom Surgery I Am Jazz	https://www.youtube.com/watch?v=lG-U8oFpa8o	tlc uk	Teen
Transgender Teen Shares Powerful Message	https://www.youtube.com/watch?v=E0v_idyvjco	ABC News	PG
Women's Self-defense That Actually Works! (Gracie Jiu-Jitsu)	https://www.youtube.com/watch?v=pndPbpHLpos	GracieBreakdown	Teen
Top 7 Self Defense Moves that Women Need to Know	https://www.youtube.com/watch?v=j_YOvLi06-0	Poway Personal Trainer	PG
☆Pepper Spray, Personal Safety, Self Defense Tips for Women☆	https://www.youtube.com/watch?v=ION8QGej9To	Dr. Tracy Timberlake	PG