

# Italy convicts Google execs over uploaded video

By Hibah Yousuf, staff reporter

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NEW YORK (CNMoney.com) -- A judge in Milan found three Google executives guilty Wednesday of violating Italy's privacy code over a video that was uploaded on the search giant's video platform, the company said.

After being notified about the video -- which showed students bullying an autistic classmate -- by Italian police in 2006, Google took the video down within hours, said Matt Sucherman, the company's vice president and deputy general counsel for Europe, the Middle East and Africa, in a blog post.

He added that the company continued to work with authorities to help identify the student who uploaded the video, and she and other students involved were sentenced to 10 months of community service by a court in Turin, Italy. The video was uploaded to Google Video, prior to the company's purchase of YouTube.

Sucherman said a public prosecutor in Milan then indicted four Google executives -- senior vice president and chief legal officer David Drummond, chief privacy counsel Peter Fleischer, marketing executive Arvind Desikan and former chief financial officer George Reyes -- for criminal defamation and

violation of the country's privacy code.

All but Desikan were found guilty of the privacy charge, and the judge found all four executives not guilty of criminal defamation.

Google said it plans to appeal the court's decision because its employees "had nothing to do with the video in question" and for its implications on Internet freedom and censorship.

"In essence this ruling means that employees of hosting platforms like Google Video are criminally responsible for content that users upload," Sucherman said. "Common sense dictates that only the person who films and uploads a video to a hosting platform could take the steps necessary to protect the privacy and obtain the consent of the people they are filming."

Following the sentencing, Google's lawyer Giuseppe Banan told reporters that legal codes do not require Google, the Internet or any other company to control content before it is uploaded to the Web.

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But prosecutor Alfredo Robledo said "the right of enterprise cannot rule over that of dignity of the human being," and expressed his satisfaction with the judge's ruling.

In his blog post, Sucherman argued that Google acted in harmony with European Union law, which protects hosting providers as long as they remove illegal content once notified of its existence.

Sucherman said if Web sites such as Blogger, YouTube, and other social networks are held responsible for the text, photos, and videos uploaded to them, "then the Web as we know it will cease to exist, and many of the economic, social, political and technological benefits it brings could disappear."

Google is also being [investigated](#) by European antitrust officials, who have received complaints about the search giant's practices from three different European Internet companies.



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