UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., ET AL.,	
Plaintiffs,	ECF Case
v.	Civil No. 07-CV-2103 (LLS)
YOUTUBE, INC., ET AL.,	
Defendants.	
THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, ET AL., on behalf of themselves and all others similarly situated,	ECF Case
Plaintiffs,	Civil No. 07-CV-3582 (LLS)
v.	
YOUTUBE, INC., ET AL.,	
Defendants.	

DECLARATION OF CHAD HURLEY IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

CHAD HURLEY, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am one of the three founders of YouTube and its Chief Executive Officer. The following facts are true of my own personal knowledge and if called and sworn as a witness, I could and would testify competently to them.

2. Steve Chen, Jawed Karim and I first discussed the idea of launching a video site in early 2005. The concept we developed for the YouTube website was straightforward. From its earliest days, we intended YouTube to be a platform that would give users a convenient way to share personal videos and build a community around posting and viewing those videos. Users would upload their videos by visiting

the YouTube website, creating an account, and then selecting a video file from their computer to upload to YouTube's computer servers. Visitors to YouTube would be able to view videos they and others had uploaded to the website. We envisioned YouTube as a free service and it has always been one; it does not charge users to upload or view videos. This vision of YouTube is what we created in 2005 and what exists today, albeit on a scale beyond what we could have ever imagined.

3. At first, we envisioned that users would post homemade videos with a dating focus, like hotornot.com, except with users posting videos of themselves instead of pictures. *See* Ex. 1 hereto, a true and correct copy of a February 22, 2005 email from Jawed to Steve and me.

4. By the time of the site's beta launch on April 23, 2005, the idea evolved into a more generalized hub for short, personal videos that would cause users to think of us as "the Yahoo of videos" or like "Flickr" (a photo-sharing service) for videos. *See* Ex. 2 hereto, a true and correct copy an email that I sent April 3, 2005 to Steve and Jawed; Ex. 3 is a true and correct copy of an April 1, 2005 email from Jawed to me and Steve.

5. We wanted users to "feature 'You' in the video ... be creative, be fun, be original, be whatever." The entire focus was on videos that were personally created. *See* Ex. 4 hereto, a true and correct copy of an April 25, 2005 email from Steve to me and Jawed; Ex. 5 hereto, a true and correct copy of an April 26, 2005 email string among me, Steve, and Jawed ("We are a site that features creative videos from personal users. It can be dating-oriented or creativity-oriented. We will not restrict.").

6. As I wrote in an email to Steve and Jawed, "so we aren't a film site, but a personal video clips site, for people to upload, store, search, and share their personal

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video clips. . . . I want real people, real videos." *See* Ex. 6 hereto, a true and correct

copy of an email from me to Steve and Jawed dated April 29, 2005.

7. We decided upon the name "YouTube" for our site because we envisioned

the site as a destination for users to upload and broadcast videos of themselves. *See*

Ex. 7 hereto, a true and correct copy of an April 17, 2005 email from Jawed to me and

Steve ("The videos you upload should be about you (hence, YouTube!")). Our company

slogan, "Broadcast Yourself," was also designed to convey the same message; as

Steve said, it was a "succinct and exact slogan" for what we wanted the site to be about.

See Ex. 8 hereto, an April 25, 2005 email from Steve to Jawed and me.

8. Prior to the launch of YouTube, we decided to reject any videos that

appeared on the site in violation of one of the following rules:

- Video must be about YOU
- Video must be appropriate for all audiences
- Video cannot contain contact information
- No copyrighted material

See Ex. 9 hereto, a true and correct copy of an April 20, 2005 email exchange among

Jawed, Steve and me discussing those rules. Further, from its inception, the Terms of

Service of the YouTube site, the online agreement covering the service, prohibited

users from uploading material that violated the copyrights of others.

9. To encourage users to upload creative videos of themselves on the site, we

put an ad on Craigslist (an online classifieds service) seeking people to post videos of

themselves meeting two requirements: "a) videos must be interesting! b) videos must be

created by you!" *See* Ex. 10 hereto, a true and correct copy of an April 28, 2005 email

from Steve to Jawed and me. Other ads that we put out in those early days focused on

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our slogan, "Broadcast Yourself", and invited users to share videos of personal thoughts, feelings, ideas, and expressions.

10. One user who saw our ads wrote us to say how much she appreciated the YouTube service. The user told us that her son-in-law was serving in Iraq, and her daughter was using YouTube to share videos of the couple's baby with him while he was overseas. I thought this was a great example of what YouTube was all about, and the types of videos that we wanted to see on the site. *See* Ex. 11 hereto, a true and correct copy of a July 18, 2005 email string among me, Steve, and Jawed where I wrote "this is exactly what I'm targeting, people that will add videos (video bloggers, people looking for free video hosting, etc.) so it's not really to generate traffic . . . . just good active users." (ellipsis in original).

11. Although we wanted YouTube to offer a wide range of videos and promote free speech, we did not want videos with pornography or unauthorized copyrighted material on the site. *See* Ex. 12 hereto, a true and correct copy of a April 28, 2005 email from Steve to Jawed and me ("As long as there's no nudity or copyrighted materials, we should NOT be removing videos because it doesn't meet any personal preferences."). Steve felt that "it would be cool" if we could give users reasons for rejecting their videos; "there are three [reasons] I can think of right now: -duplicate video—inappropriate content—copyrighted material." *See* Ex. 13 hereto, a true and correct copy of a June 29, 2005 email from Steve to Jawed and me.

12. In July 2005, Steve and I had an exchange about a popular video site called filecabi.net that was similar to stupidvideos.com and big-boys.com in that they were all focused on hosting silly or prank-oriented videos. In that exchange, I described our

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vision for what we hoped YouTube would become, and what it in fact did become: "I would really like to build something more valuable and more useful . . . actually build something that people will talk about and changes the way people use video on the internet." Steve replied: "another thing, still a fundamental difference between us and most of those other sites. we do have a community and it's ALL user generated content." *See* Ex. 14 hereto, true and correct copy of an email string between me and Steve dated July 29, 2005 (ellipsis in original).

13. In August 2005, we put together a presentation outline for Sequoia Capital, a prominent venture capital firm that expressed interest in funding our company. In that presentation outline, we described our "Company Purpose" as follows: *"To become the primary outlet of user-generated video content on the Internet, and to allow anyone to upload, share, and browse this content."* *See* Ex. 15 hereto, a true and correct copy of the Sequoia Capital presentation outline dated August 21, 2005 (emphasis in original).

14. That same month, when my brother Brent Hurley signed on as an employee of YouTube, he sent us an email describing the site as he found it at the time: "I think the 'slices of life' content our users provide is so unique. YouTube is reality TV at its best and most pure form. The database of content already collected amazes me." *See* Ex. 16, a true and correct copy of an email string among Brent Hurley, me, and other YouTube employees dated August 7, 2005.

15. As the YouTube site began to get more uploads in the summer of 2005, we started to come across situations where we encountered videos uploaded by users that were potentially unauthorized. For example, in one instance, I saw a video that looked like a network television show. Steve, Jawed and I are not lawyers. As a small start-up

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working out of my garage during early and mid-2005, we did not have lawyers to advise us on copyright issues. But we viewed the posting of potentially unauthorized material as a problem, and we agreed that we wanted to put a stop to it. *See* Ex. 17 hereto, a true and correct copy of a June 26, 2005 email thread among Steve, Jawed and me.

16. As a founder with a significant stake in the company, the last thing I wanted was for it be seen as or to become a haven for infringing or illegal content. The options we envisioned for YouTube were the standard evolutionary paths for a startup: an initial public offering, or acquisition by another company. We all believed that those options would not be available to us if our business was based or dependent upon illegitimate activities.

17. To make sure that is not how the site developed, when we started seeing an uptick in the number of videos uploaded to the site, we adopted a screening process to remove videos that we guessed were unauthorized copyrighted content, and told users that such content was unwelcome. *See* attached hereto, true and correct copies of emails among Steve, Jawed, and me in July and August 2005: Ex. 18 ("[I] just unapproved and rejected the britney toxic music video."); Ex. 19 ("this guy has a ton of music videos that need to be removed."); Ex. 20 (noting that user uploaded clips from a Hong Kong movie and concluding "I think we should reject all that [stuff]."); Ex. 21 (adding videos for review because "this is blatant copyrighted stuff"). As I put it in response to an inquiry from a user about why a video was rejected: "Yes, I believe this was a music video, right? So, it was rejected because it was copyrighted material. We are trying to build a community of real user-generated content and moving forward we are going to be more proactive about screening videos upfront." *See* Ex. 22 hereto, a

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true and correct copy of an email I wrote dated July 3, 2005.

18. Despite our efforts, we quickly learned that this screening process was not scalable and was ineffective in identifying unauthorized material. Among other things, we realized that we were regularly making mistakes and taking down videos that actually were authorized and had been uploaded by the content owner. As a result, we ceased engaging in this practice as a general matter.

19. In the meantime, we were devising strategies to encourage users to post authorized material. For example, in the upload process, we added spaces for users to provide the date and place at which they recorded the video they were uploading. We intended that to signal to users that the site was constructed for personal videos that they themselves had recorded. *See* Ex. 23 hereto, a true and correct copy of a June 26, 2005 email string among Jawed, Steve, Mike Solomon and me.

20. By September 2005, we added a community flagging feature that allowed users to flag inappropriate and unauthorized copyrighted content. *See* Ex. 24 hereto, a true and correct copy of a September 6, 2005 email from Steve to all YouTube employees. Because we were concerned about ordinary users' ability to determine whether particular videos were uploaded to YouTube with or without permission, and because we were uncertain of the legal implications, we decided to eliminate the community flagging feature for copyright. However, it remained our express policy to actively discourage copyright infringement, to remind users in our standard communications that they needed to own all copyrights to the materials they uploaded to the site, and never to promote or encourage the posting of unauthorized material. *See* Ex. 25 hereto, a true and correct copy of an email from me to Steve and Jawed

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dated September 25, 2005. ("we should never promote piracy or tell them how to do it. we should respond saying the canned response, you should own all copyrights to the material you upload.").

21. In September 2005, we secured a commitment for our first venture capital investment from Sequoia Capital. We also engaged outside legal counsel to assist us in enhancing our copyright protection efforts on the site. We posted additional information on the site setting forth our prohibition on unauthorized copyrighted material, informed users that posting such materials would result in the termination of their account, and displayed clear instructions to copyright holders on how to provide notice to our designated agent of allegedly unauthorized materials that users had uploaded. Shortly thereafter, we formally registered our agent with the U.S. Copyright Office. *See* Ex. 26 hereto, a true and correct copy of our agent registration, signed by me, and cover letter.

22. As shown by a description of YouTube that I drafted in October 2005, our plan for the site continued to center on personal, user-generated video clips. It had nothing to do with encouraging or capitalizing on copyright infringement:

> YouTube is a new service that allows people to easily upload, tag, and share personal video clips. Digital cameras with video recording capability are quickly becoming a commodity consumer technology. As people continue to record more video clips, YouTube will fill the need of quickly distributing their content worldwide.

See Ex. 27 hereto, a true and correct copy of an October 26, 2005 email that I sent to my brother, which encloses this description.

23. YouTube became enormously popular in a short time. At the time YouTube officially launched its service in December 2005, it was receiving more

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than 6,000 new video uploads each day, and its users were watching more than 2.5 million videos each day. By February 2006, the number of uploads had jumped to 20,000 per day, and users were watching more than 18 million videos per day. In the month of July 2006, users uploaded over 2.1 million video clips to the site, and watched more than 3 billion videos. By December 2007, users were uploading more than 300,000 videos each day and site traffic had soared to 800 million daily video views. By July 2008, uploads had reached more than 400,000 per day. *See* Exs. 28 & 29 hereto, true and correct copies of site statistics for the YouTube service.

24. During this period of rapid growth, we continued to go out of our way to respect the copyrights of content owners. For example, when a "Saturday Night Live" skit entitled "Lazy Sunday" was uploaded to YouTube in December 2005 and drew an enormous amount of views from users, I reached out to NBC to determine whether the video was authorized to be on YouTube. *See* Ex. 30 hereto, a true and correct copy of the email that I sent to NBC.

25. Although I contacted NBC on December 28, 2005, YouTube did not hear back about NBC's position regarding the video until February 3, 2006, when I received a letter from NBC thanking us for opening a dialogue and asking that YouTube remove the Lazy Sunday video from our website. *See* Ex. 31 hereto, a true and correct copy of NBC's response to me.

26. YouTube is now the world's fourth largest Internet site. Site traffic on YouTube has soared to over one billion video views per day. Today, more than 24 hours of new video are uploaded to the site every minute—that is almost four years

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worth of new video created every day.

27. Not only have the volume and range of videos uploaded to YouTube exceeded our expectations, but our community of users has too. YouTube users don't just post videos to YouTube and watch videos on YouTube, they interact with one another *through* YouTube. They form friendships, ask each other questions, invite responses, find organ donors, participate in contests, rally in support of one another, and challenge each other. Our users have used YouTube to create a new model for how individuals, companies, organizations and governments communicate. Its development has been both astonishing and humbling, and it has come without us ever seeking to grow the site or earn revenue from any unauthorized use of copyrighted material.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 3, 2010

Chad Hurley

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Hurley Exhibit 1

From:	Jawed Karim ▉▉▉▉▉▉▉▉▉
Sent:	Tuesday, February 22, 2005 10:36 AM
To:	Chad Hurley ▉▉▉▉▉▉▉▉▉; Steve Chen ▉▉▉▉▉▉
Subject:	Strategy: please comment

Product design:

The site should look good, but not too professional. It should look like
it was thrown together by a couple of guys. Note that hotornot and
friendster, while easy to use, don't look professional, and yet they've
had enormous success. We don't want to look too professional because it
scares people off. Subconsciously, if it looks professional, people think
it's expensive to use.

The most important aspect of the design is ease of use. Our moms should be
able to use the site easily.

Timing/Competition:

I think our timing is perfect. Digital video recording just became
commonplace last year since this is now supported by most digital cameras.

There is one site I'm aware of: stupidvideos.com, that also hosts videos
and allows viewers to rate them. Luckily the site hasn't caught on very
much. We should discuss why this is the case, and why we expect our site
to gain more traction.

Note that they have the simplest possible implementation: they simply host
AVI and MPEG files, just like mpegnation.com, a site that hosts videos for
use in auctions. Auto-converting uploaded videos to flash will set us
apart from the rest, especially if the flash player is slick.

Site Focus:

Our focus should implicitly be dating, just like hotornot. Note that
hotornot is a dating site without seeming too much like one. This puts
people at ease. I believe that a dating-focused video site will draw much
more attention than stupidvideos. Why? Because dating and finding girls is
what most people who are not married are primarily occupied with. There
are only so many stupid videos you can watch.

Also, most people have little motivation to post their own "stupid" video.
Such videos are pretty difficult to make: you have to do something stupid,
which might be embarrassing or painful, and it requires planning. And
what's the payoff? Even if your video is popular, what do you get out of
it?

A personal dating-video however is easy to put together, and the reward is
clear: potential contacts from people who want to date you. People will be
motivated to put up their videos, and it takes a minimal time investment
to do so.

The fact that stupidvideos.com is thriving, making 14k/mo, and having been
around since 2001 is a big encouragement. It shows that such a site does
in fact work, despite bandwidth cost concerns, and I believe we can far

exceed the popularity of this site. We should look at them closely, for
example see what ISP they are using, and possibly call their ISP to see
what rate they paying for bandwidth.

Rollout:

Although we want our product to get out ASAP, it must be ready for
primetime. Our design and features should be superior to stupidvideos when
we launch. Before public launch we should have a private launch, which
requires a password to access the site. During the private launch phase we
should encourage our friends to populate the site with dating-oriented
videos. This way, when we launch to the world, visitors will know what
kinds of videos they should upload.
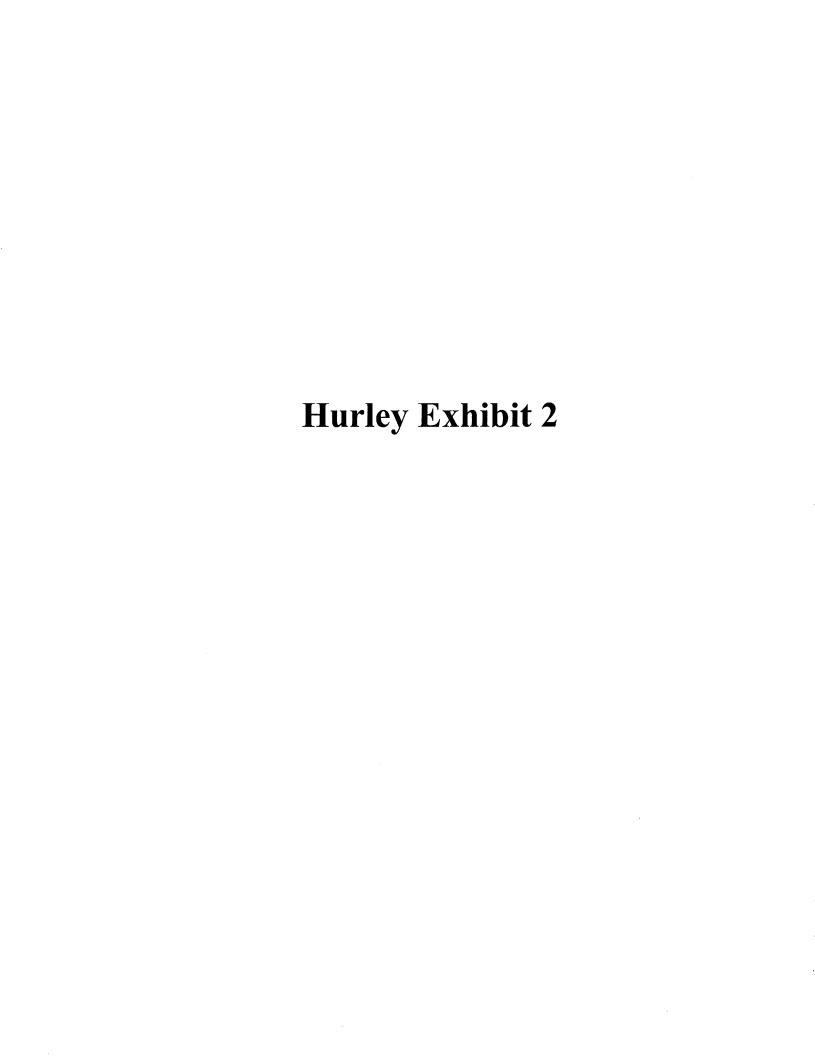
Private launch target date: May 15th.

Jawed

Jawed Karim   http://jawed.com/

"First, let me make it very clear, poor people aren't necessarily
killers. Just because you happen to be not rich doesn't mean you're
willing to kill." - George W. Bush, Washington, D.C., May 19, 2003

Hurley Exhibit 2

To: "'Chad Hurley'" █████████████
From: "Steve Chen" ██████████
Cc: "'Jawed'" █████████
Bcc:
Received Date: 2005-04-04 09:03:42 GMT
Subject: RE: deploying to live

Okay, cool. I think we're all in agreement then.

So, Chad, if you can figure out a way to blend together the two, HotOrNot and Flickr, into one common site, let's hear it! One problem I saw with the channels was that it's not just about channels but like all the features/payment models would be different too, you know?

It seems like you're pretty opposed to the idea of two different sites though. Why is that? I'm curious.

Yahoo of videos, I like it.

-s

-----Original Message-----
From: Chad Hurley █████████████████
Sent: Sunday, April 03, 2005 10:37 PM
To: Steve Chen
Cc: 'Jawed'
Subject: Re: deploying to live

Yes, I see your point. I thought that our site would become the hub of short, personal videos and we could have channels to separate the differences. We would be the Yahoo of videos in a way.

Lets get together as soon as we can and really talk about this. But I think we are all on the same page to launch our current product as is.
We need to figure out where we are going down the road.

-Chad

On Apr 3, 2005, at 8:12 PM, Steve Chen wrote:

> I agree with you on the most part. The primary motivation for
> creating a new site is the intended audiences and consequently the
> payments model. I feel that these differences are irreconcilable to
> the point where they can't be the same site.
>
> For HotOrNot, it's about dating. The intended audience are hip
> college kids with raging hormones trying to hook up. The payments
> model would be based on connections and interaction between members.
>
> For Flickr, it's about creativity and colleague acceptance. The
> intended audience would be designers, artists, and creative folks.
> The payments model would be based on hosting, backups, and management
> abilities.
>
> Those differences are the motivators for me to not merge the two.

> What do
> you think?
>
> -s
>
> -----Original Message-----
> From: Chad Hurley ███████████████████
> Sent: Sunday, April 03, 2005 8:06 PM
> To: Steve Chen
> Cc: 'Jawed'
> Subject: Re: deploying to live
>
> I agree we launch the site as a dating/connection site, but evolve the
> site into more. I don't think we need to build another site
> necessarily.
>
> This is what I wanted to talk about at the next meeting. I don't know
> if Flickr would work as well for video. It's much more difficult to
> get the video on your computer, edit it, export it, and upload it to
> the web.
> Posting photos and typing daily blogs is sooo much more straight
> forward.
> Plus, photos are easier to browse, letting someone go through many in
> a short amount of time.
>
> If we solve some of these problems, I think it can work. But
> currently, I think we are going in the right direction... we are
> letting people put up short videos with a "purpose" and that add
> "value". Dating is a good start for our company, people want to see
> and be seen, and would be willing to pay to make a connection.
>
> We build on this idea of "purpose" and "value" videos to make more
> channels.
> Like, I was talking about at one meeting, a product channel would be a
> good extension... people would have the "purpose" of selling there
> product and we add "value" by hosting the video for the time the
> auction is live. So, for this channel, the payment scheme would be
> different, like a flat fee for each video hosted.
>
> Thoughts?
>
> -Chad
>
>
>
>
> On Apr 3, 2005, at 6:56 PM, Steve Chen wrote:
>
>> Chad, do you agree?
>>
>> If we agree, let's work on compiling a list of remaining big-ticket
>> todos we need to have for private 1.0 launch.
>>
>> In parallel, let's also start talking about the Flickr YouTube idea.
>> Chad,
>> do you have a good name for this already? :)
>>
>> -s

```
>>
>> -----Original Message-----
>> From: Jawed ███████████████
>> Sent: Sunday, April 03, 2005 6:47 PM
>> To: Steve Chen
>> Cc: 'Chad Hurley'
>> Subject: RE: deploying to live
>>
>> That makes the most sense... agreed.
>>
>>
>> Jawed
>>
>> _____
>> Jawed Karim                http://jawed.com/
>>
>> On Sun, 3 Apr 2005, Steve Chen wrote:
>>
>>> So, you guys, what do you think about the strategy of finishing up
>>> YouTube as a Video Dating site.  Then after we launch 1.0 YouTube,
>>> start brainstorming on all a Flickr-like Video site?
>>>
>>> -s
>>>
>>> -----Original Message-----
>>> From: Chad Hurley ███████████████████
>>> Sent: Sunday, April 03, 2005 6:21 PM
>>> To: Steve Chen
>>> Cc: 'Jawed'
>>> Subject: Re: deploying to live
>>>
>>> Yeah, I know what you mean, I noticed the email chatter dropped
>>> off...
>>> I was busy last week with house crap, Jawed's family is in town,
>>> plus he just quit PayPal and is enjoying his time off, and you are
>>> buying a new place. So, I think last week wasn't good for anyone.
>>>
>>> But yes, lets get the energy back up this week. Let's get together
>>> for another meeting... I have some ideas on why we will be different
>>> than flickr.
>>>
>>> -Chad
>>>
>>>
>>>
>>> On Apr 3, 2005, at 5:00 PM, Steve Chen wrote:
>>>
>>>> Okay, I wanted to start thinking about it.
>>>>
>>>> What are the availability for you guys?  I want to keep the energy
>>>> going for the next couple weeks until we launch.
>>>>
>>>> I'm going to be working on the convert scripts with the new
>>>> directory structure.  Let me know what else you guys want me to
>>>> look at.
>>>>
>>>> -s
>>>>
```

>>>> -----Original Message-----
>>>> From: Jawed ████████████████
>>>> Sent: Sunday, April 03, 2005 11:20 AM
>>>> To: Steve Chen
>>>> Cc: Chad Hurley
>>>> Subject: Re: deploying to live
>>>>
>>>> I think we can look into it, but we definitely shouldn't buy or set
>>>> anything up. These are things that can be done on 24 hr notice.
>>>>
>>>> There will be a lot of options to discuss, so let's just wait until
>>>> we are actually nearly ready to deploy.
>>>>
>>>> We also still need a PayPal account to test the membership stuff
>>>> with.
>>>>
>>>> Jawed
>>>>
>>>> _____
>>>> Jawed Karim   http://jawed.com/
>>>>
>>>> On Sun, 3 Apr 2005, Steve Chen wrote:
>>>>
>>>>> hey guys --
>>>>>
>>>>> should I start looking into getting us the live server and getting
>>>>> ready for deployment?
>>>>>
>>>>> -s
>>>>>
>>>>
>>>
>>>
>>>
>>
>

<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE plist PUBLIC "-//Apple Computer//DTD PLIST 1.0//EN" "http://www.apple.com/DTDs/PropertyList-1.0.dtd">
<plist version="1.0">
<dict>
        <key>flags</key>
        <integer>8590195845</integer>
        <key>original-mailbox</key>
        <string>imap://m3092049@mail.chadhurley.com/INBOX/old-messages</string>
        <key>remote-id</key>
        <string>2750</string>
</dict>
</plist>

Hurley Exhibit 3

To: "Steve Chen" ███████████ , "Chad Hurley" ███████████
From: "Jawed" ███████████
Cc:
Bcc:
Received Date: 2005-04-01 02:20:32 GMT
Subject: new direction

Chad and I were discussing today that the focus of the site should be more
like flickr. Basically a repository for all kinds of personal videos on
the internet. Just like flickr. The dating may emerge implicitly, but
after thinking about it more, I think that forcing dating would limit
potential. We could certainly encourage dating content through
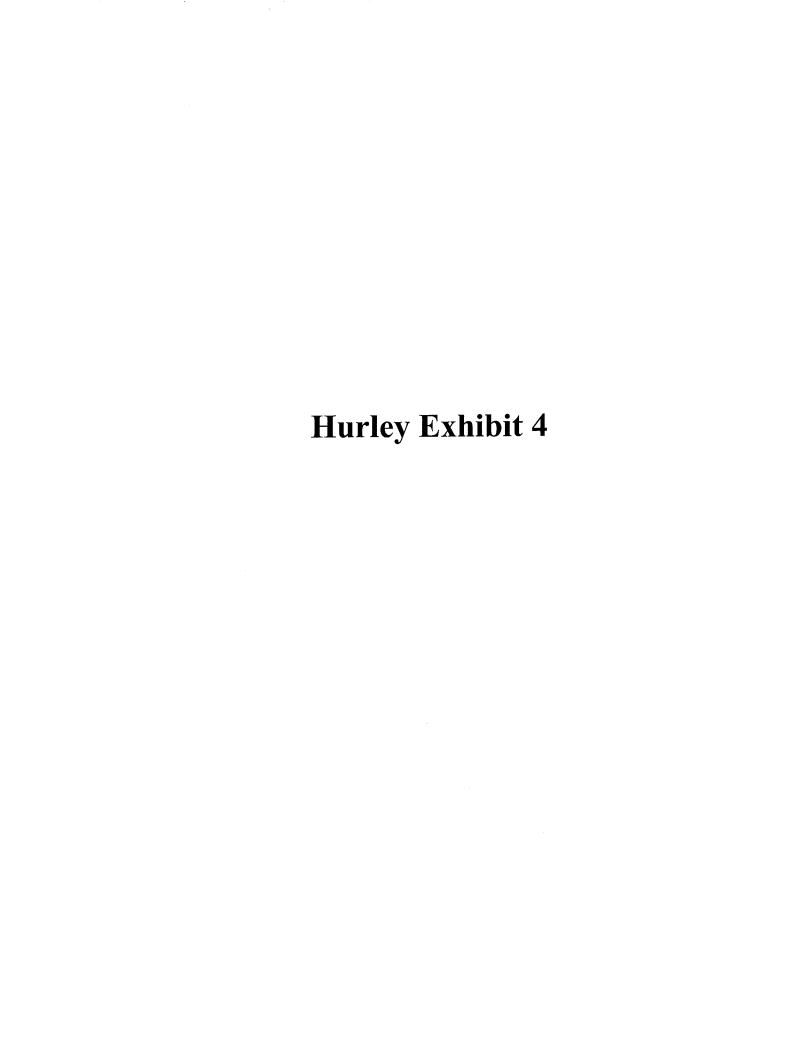pre-population of such content.

But generally I think we just want to be a "video bin", just like flickr
is a picture bin... anything, whatever. Just an easy way to post videos.

Like flickr, we should also target the blogging community (early adopters)
with APIs and with flash HTML snippets they can embed in their blogs.

So I believe that we should think much more like flickr than hotornot.

Jawed

Jawed Karim   http://jawed.com/

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE plist PUBLIC "-//Apple Computer//DTD PLIST 1.0//EN" "http://www.apple.com/DTDs/PropertyList-1.0.dtd">
<plist version="1.0">
<dict>
        <key>flags</key>
        <integer>8590195841</integer>
        <key>original-mailbox</key>
        <string>imap://m3092049@mail.chadhurley.com/INBOX/old-messages</string>
        <key>remote-id</key>
        <string>2716</string>
</dict>
</plist>
```

Hurley Exhibit 4

From:	Steve Chen ███████████████
Sent:	Monday, April 25, 2005 2:58 PM
To:	'Jawed' ████████████████
Cc:	'Chad Hurley' ██████████████
Subject:	RE: description

Yes. We want to force users to feature "You" in the video. That's it. Be creative, be fun, be original, be whatever.

A blend of both Flickr and Hot-or-Not. Hot-or-Not always has pictures of you. But it's always just a straight pose. We want videos of you, but it could be doing anything -- a talent, a hot pose, a dance, whatever.

-s

-----Original Message-----
From: Jawed ██████████████
Sent: Monday, April 25, 2005 3:54 PM
To: Steve Chen
Cc: Chad Hurley
Subject: Re: description

Agreed. Let's move away slightly from dating. More of a community site of videos about "you" (or "me").

Jawed

_____
Jawed Karim   http://jawed.com/

On Mon, 25 Apr 2005, Steve Chen wrote:

> I think it would be cool to have a description field for the video.
>
> Things I see going in there are "what was i doing when i made this
> video", "explanation of what the video is supposed to be depicting",
> "how did i make the video", "location of the video shoot", "anything
> else the author wants to express".
>
> Moving again more towards bloggish-idea. Chad and I chatted about
> this -- I think you two talked about it too -- that we're going to
> stick with Personal Videos / Video Blogging but move one step up from just
pure dating.
>
> -s
>

Hurley Exhibit 5

I completely agree with eveyrthing you said. I also have received that feedback from many people -- the "straight/bi-sexual" thing is too forced.

-s

-----Original Message-----
From: Jawed ███████████
Sent: Tuesday, April 26, 2005 6:22 PM
To: Steve Chen
Cc: 'Chad Hurley'
Subject: RE: latest flash checked in?

We may not be able to figure everything out tonight, but that's ok.

We also should be careful to not drastically change our model every two days, or without actually seeing the user reaction on a bigger scale than 20 users.

Right now I think we should not be as dating-centric. Many people have told me that the "straight/bi-sexual" thing seems too forced.

We just want people to have fun, we shouldn't FORCE them into dating. How about just a small change, and allowing people to select non-dating interaction with people.

Jawed

Jawed Karim   http://jawed.com/

On Tue, 26 Apr 2005, Steve Chen wrote:

> We should meet.
>
> Hmm. I'm already going to be down there at 5. I didn't want to stick
> around for 4 hours in PA if I didn't have to.
>
> But hey -- regarding the HorN vs Flickr. I thought we were all on the
> same page as of last night.
>
> We are a Personal Video site. Drawing analogies to HorN and Flickr
> will not work because we embody qualities of both.
>
> We are a site that features creative videos from personal users. It
> can be dating-oriented or creativity-oriented. We will not restrict.
> We want to create a community around connections made by users viewing
> one another's videos.
>
> Do you guys agree?
>
> -s

>
> -----Original Message-----
> From: Chad Hurley █████████████
> Sent: Tuesday, April 26, 2005 3:30 PM
> To: Jawed
> Cc: Steve Chen
> Subject: Re: latest flash checked in?
>
> lets all meet @ 9. where do you want to meet.
>
> we need to sit down and talk. I still feel like the HorN idea and
> flickr idea are tearing our site apart. we really have to pick one.
>
> -chad
>
>
> On Apr 26, 2005, at 3:26 PM, Jawed wrote:
>
> > I have dinner plans but I can do stuff after 9.
> >
> >
> > Jawed
> >
> > _____
> > Jawed Karim   http://jawed.com/
> >
> > On Tue, 26 Apr 2005, Chad Hurley wrote:
> >
> >> I keep playing with the flash and going back and forth between
> >> designs/layouts for this stuff. We need to have a meeting and
> >> discuss things. What time are you going to be in Palo Alto?
> >>
> >> -chad
> >>
> >>
> >>
> >> On Apr 26, 2005, at 3:16 PM, Jawed wrote:
> >>
> >>> Yes, see my email from yesterday. It's checked in.
> >>>
> >>>
> >>> Jawed
> >>>
> >>> _____
> >>> Jawed Karim   http://jawed.com/
> >>>
> >>> On Tue, 26 Apr 2005, Steve Chen wrote:
> >>>
> >>>> Chad, are you still working on the Flash? If we want to solidify
> >>>> something to be pushable to Live tonight, I need to start
> >>>> cranking on the Flash stuff.
> >>>>
> >>>> Also, Jawed, are you sending back the video descriptions?
> >>>>
> >>>> -s
> >>>>
> >>
> >>
> >>
> >
> >

>

Hurley Exhibit 6

From:	Chad Hurley ███████████████
Sent:	Friday, April 29, 2005 2:58 PM
To:	Steve Chen ████████████
Cc:	'Jawed' ███████
Subject:	Re: http://www.studentfilms.com/

Hey guys,

I was thinking... looking for creative people to post videos and
targeting sites like this for inspiration is only going to make us into
another movie site, like ifilm or atom films. I really think we should
focus on real personal clips that are taken by everyday people. We'll
still allow short films like this, but I think what would set us apart
from all the other movie sites out there, would be the flickr aspect...
so we aren't a film site, but a personal video clips site, for people
to upload, store, search, and share their personal video clips.

To compare this to the photo idea in another way, we wouldn't be a
professional stock image site, but a personal photo site, like
shutterfly, snapfish or ofoto.

I just really don't want to become another ifilm or atom films. I want
real people, real videos.

-Chad

On Apr 29, 2005, at 3:44 PM, Steve Chen wrote:

> i think we should have that for wherever we show films.
>
> show the film length, channel/genre, the average rating (graphically
> with
> stars), number of raters. i think we should add the reviews asap and
> show
> that too.
>
> -s
>
> -----Original Message-----
> From: Jawed ████████████
> Sent: Friday, April 29, 2005 3:36 PM
> To: Chad Hurley; Steve Chen
> Subject: http://www.studentfilms.com/
>
> http://www.studentfilms.com/
>
>
> Jawed
>
> _____
> Jawed Karim   http://jawed.com/
>

Hurley Exhibit 7

Q: What kind of videos can I upload?

A: The videos you upload should be about you (hence, YouTube!). Show off your unique style, talents, hobbies, or anything else about yourself you want to share with the world. We don't allow any nudity and your video must be appropriate for all audiences. Videos which violate these rules will be removed.

--

Q: How many videos can I upload?

A: You can have a maximum of five videos on the site. You can always upload more videos by deleting one of your older videos.

--

Q: How long can my video be?

A: There is no time limit on your video, but the video file you upload must be less than 50 MB in size.

--

Q: What video file formats can I upload?

A: YouTube accepts video files from most digital cameras in the .AVI, .MOV, and .MPG file formats.

--

Q: How can I make my videos more entertaining?

A: We encourage you to spice up your videos by using simple video editing software such as Windows MovieMaker (included with every Windows installation), or Apple iMovie. Using these programs you can easily edit your videos, add soundtracks, etc.

--

Jawed

Jawed Karim   http://jawed.com/

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE plist PUBLIC "-//Apple Computer//DTD PLIST 1.0//EN" "http://www.apple.com/DTDs/PropertyList-1.0.dtd">
<plist version="1.0">
<dict>
        <key>flags</key>
```

```
            <integer>8590195841</integer>
            <key>original-mailbox</key>
            <string>imap://m3092049@mail.chadhurley.com/INBOX/old-messages</string>
            <key>remote-id</key>
            <string>3043</string>
</dict>
</plist>
```

Hurley Exhibit 8

From: Steve Chen ███████████████

Sent: Monday, April 25, 2005 5:01 PM

To: 'Jawed' ████████████

Cc: 'Chad Hurley' █████████████

Subject: RE: going with merrill lynch?

_____

yes, i completely, completely agree.

the "broadcast yourself" is such a succint and exact slogan for what we want.

-s

-----Original Message-----
From: Jawed ████████████
Sent: Monday, April 25, 2005 5:58 PM
To: Steve Chen
Cc: 'Chad Hurley'
Subject: RE: going with merrill lynch?

This is why I think the "broadcast yourself" slogan must be central to the site, and to the design. It needs to appear somewhere.

That way people will understand what the site is supposed to be when they visit.

Jawed

_____
Jawed Karim   http://jawed.com/

On Mon, 25 Apr 2005, Steve Chen wrote:

> here, let me try to summarize.
>
> we are a video site about you, hence the "broadcast yourself" slogan.
> "dating" is one aspect of it as well as "blogging". i don't see why
> they must be mutually exclusive. if we don't have to be exclusive, we
> shouldn't be, thus not walling off a potential group of customers.
>
> -s
>
> -----Original Message-----
> From: Jawed ████████████
> Sent: Monday, April 25, 2005 5:25 PM
> To: Chad Hurley
> Cc: Steve Chen
> Subject: Re: going with merrill lynch?
>
> screw blogging.
>
> we should just be a site where you can post videos of yourself.
>
> broadcast yourself. that's it.
>
> if can be dating if you want to make it dating, but there is no pressure.

\>
\>
\> Jawed
\>
\>_____
\> Jawed Karim   http://jawed.com/
\>
\> On Mon, 25 Apr 2005, Chad Hurley wrote:
\>
\> \> so which way are we moving? i keep getting mixed signals from both
\> \> of you. Are we moving towards blogging or dating?
\> \>
\> \>
\> \>
\> \>
\> \> On Apr 25, 2005, at 3:58 PM, Jawed wrote:
\> \>
\> \> \> Yup, I agree.
\> \> \>
\> \> \> Chad, let's put in the design for this and I can hook up the code.
\> \> \> Oh yeah, we should probably NOT make the web page title "Tune in
\> \> \> hook
\> up".
\> \> \>
\> \> \> Can we make "Broadcast yourself" more prominent.
\> \> \>
\> \> \> I think we should have "Broadcast yourself" in big letters somewhere.
\> \> \> That
\> \> \> is what the site is all about.
\> \> \>
\> \> \> Also, I want to keep signup the same but just take out the sex stuff.
\> \> \>
\> \> \>
\> \> \> Jawed
\> \> \>
\> \> \>_____
\> \> \> Jawed Karim   http://jawed.com/
\> \> \>
\> \> \> On Mon, 25 Apr 2005, Steve Chen wrote:
\> \> \>
\> \> \>\>
\> \> \>\> More feedback about us not going with dating.
\> \> \>\>
\> \> \>\> -s
\> \> \>\>
\> \> \>\>
\> \> \>\> _____
\> \> \>\>
\> \> \>\> From: Breitenbach, Patrick [mailto:pbreitenbach@paypal.com]
\> \> \>\> Sent: Monday, April 25, 2005 3:55 PM
\> \> \>\> To: Steve Chen
\> \> \>\> Subject: RE: going with merrill lynch?
\> \> \>\>
\> \> \>\>
\> \> \>\> I'm not sure I have any.
\> \> \>\>
\> \> \>\> I don't know how comfortable I am with it being dating oriented.
\> \> \>\>
\> \> \>\> Do you want to keep this under wraps or blow it out?
\> \> \>\>
\> \> \>\> _____

> > >>
> > >> From: Steve Chen ███████████████
> > >> Sent: Monday, April 25, 2005 3:53 PM
> > >> To: Breitenbach, Patrick
> > >> Subject: RE: going with merrill lynch?
> > >>
> > >>
> > >> we have approve/unapprove things in place on the admin side.
> > >>
> > >> it's just a matter of getting videos in now...
> > >>
> > >> want to put a video in??????
> > >>
> > >> -s
> > >>
> > >>   _____
> > >>
> > >> From: Breitenbach, Patrick [mailto:pbreitenbach@paypal.com]
> > >> Sent: Monday, April 25, 2005 3:28 PM
> > >> To: Steve Chen
> > >> Subject: RE: going with merrill lynch?
> > >>
> > >>
> > >> nice. it works really well. how you gonna keep out the parn?
> > >>
> > >>   _____
> > >>
> > >> From: Steve Chen ███████████████
> > >> Sent: Monday, April 25, 2005 3:23 PM
> > >> To: Breitenbach, Patrick
> > >> Subject: RE: going with merrill lynch?
> > >>
> > >>
> > >> www.youtube.com
> > >>
> > >>   _____
> > >>
> > >> From: Breitenbach, Patrick [mailto:pbreitenbach@paypal.com]
> > >> Sent: Monday, April 25, 2005 3:13 PM
> > >> To: Steve Chen
> > >> Subject: RE: going with merrill lynch?
> > >>
> > >>
> > >> that would be today.
> > >>
> > >>   _____
> > >>
> > >> From: Steve Chen ███████████████
> > >> Sent: Friday, April 22, 2005 1:52 PM
> > >> To: Breitenbach, Patrick
> > >> Subject: RE: going with merrill lynch?
> > >>
> > >>
> > >> 3 more days!
> > >>
> > >>   _____
> > >>
> > >> From: Breitenbach, Patrick [mailto:pbreitenbach@paypal.com]
> > >> Sent: Friday, April 22, 2005 1:00 PM
> > >> To: Steve Chen
> > >> Subject: RE: going with merrill lynch?

```
> > >>
> > >>
> > >> what's da url?
> > >>
> > >>
> >
> >
> >
>
>
>
```

Hurley Exhibit 9

From:	Chad Hurley ███████████████████
Sent:	Wednesday, April 20, 2005 1:35 PM
To:	Jawed ████████████████
Cc:	Steve Chen ████████████████
Subject:	Re: Message from YouTube (fwd)

I like it.

On Apr 20, 2005, at 1:33 PM, Jawed wrote:

> When your video gets rejected, you get this email.
>
> ---------- Forwarded message ----------
> Date: Wed, 20 Apr 2005 12:59:01 -0700 (PDT)
> From: noreply@youtube.com
> To: ████████████
> Subject: Message from YouTube
>
> Dear jawed,
>
> Your video entitled "Minnesota Doggie" has been rejected because it
> violates one of the following rules:
>
> * Video must be about YOU
> * Video must be appropriate for all audiences
> * Video cannot contain contact information
> * No copyrighted material
>
> We look forward to another video from you. Thanks,
>
> The YouToube Team
>
>

Hurley Exhibit 10

YouTube.com is in need of creative content! Unleash your creative side and earn $20 in the process!

YouTube.com is a web-based community based around creative and fun videos. We are seeking folks who possess a dash of technical know-how and a truckload of flare.

If you are female or an extremely creative male between the ages of 18 to 45 and if you have a digital camera that can create short video clips, please follow these steps to earn $20:

1. Visit the website at www.YouTube.com and sign up for a new account.
2. Contact steve@youtube.com with the username you used to sign up.
3. Upon approval, upload 3 different videos of yourself. There are some simple requirements for the videos we'd like to see:

   a) videos must be interesting!
   b) videos must be created by you!

4. After uploading the videos, please send another email to steve@youtube.com. You will consequently receive $20 via PayPal.

Our hope is that this experience will not much of your time and you'll have a bit of fun in the process. Of course, we'd prefer it if you would continue to use the site and help grow out this budding community.

-s