



**Written Testimony of Katherine Oyama  
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**United States House of Representatives  
Energy and Commerce Committee  
Communications & Technology and Consumer Protection & Commerce  
Subcommittees**

**"Fostering a Healthier Internet to Protect Consumers"**

**October 16, 2019**

Chairman Doyle and Chairwoman Schakowsky, Ranking Members Latta and McMorris Rodgers, and distinguished members of the Committee: Thank you for the opportunity to appear before you today. I appreciate your leadership on the important issues of consumer protection, content moderation, and free expression online, and I welcome the opportunity to discuss Google's work in these areas.

My name is Katherine Oyama, and I am the Global Head of Intellectual Property Policy at Google. In that capacity, I also advise the company on public policy frameworks for the management and moderation of online content of all kinds.

At Google, our mission is to organize the world's information and make it universally accessible and useful. We build tools that empower users to access, create, and share information like never before — giving them more choice, opportunity, and exposure to a diversity of opinions.

Our services and many others are positive forces for creativity, learning, and access to information. You can see this everyday in a variety of ways. For instance, online services have long been a place for breaking news, exposing injustices, and sharing content from places without reliable access to other forms of media. The openness of the internet has democratized how stories — and whose stories — get told, and has created a platform where anyone can succeed. Services that host original, user-generated content are stimulating an explosion of new creativity, making it easier than ever for creators of all types — amateur and professional, new and established — to find their audiences.

This creativity and innovation continues to yield enormous economic benefits for the United States. Digital platforms help millions of consumers find legitimate content across the internet, facilitating almost \$29 trillion USD in online commerce each year.<sup>1</sup> In 2018, the internet sector contributed \$2.1 trillion to the U.S. economy and created 6 million jobs.<sup>2</sup> Last year, Google's search and advertising tools alone helped provide \$335 billion of economic activity within the United States for more than 1.3 million businesses, website publishers, and nonprofit organizations.<sup>3</sup>

However, like all means of communications before it, the internet has been used for both the best and the worst of purposes. While educators, artists, and small businesses learned to tap into its openness in order to reach broader audiences, nefarious actors learned to use it as well for their own goals. This is why, in addition to respecting local law, we have developed robust policies, procedures, and community guidelines that govern what activity is permissible on our platforms and update them regularly to meet the changing needs of both our users and society.

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<sup>1</sup> United Nations Conference on Trade and Development, “Global e-Commerce sales surged to \$29 trillion USD” (March 29, 2019), available at <https://unctad.org/en/pages/PressRelease.aspx?OriginalVersionID=505>.

<sup>2</sup> Internet Association, “Measuring The U.S. Internet Sector: 2019” (September 26, 2019), Available at: <https://internetassociation.org/publications/measuring-us-internet-sector-2019/>.

<sup>3</sup> <https://economicimpact.google.com/>

Addressing illegal content is a shared responsibility, and our ability to take action on problematic content is underpinned by section 230 (“§230”) of the Communications Decency Act of 1996. The law not only clarifies where services can be held liable for third-party content, but it also creates the legal certainty necessary for services like ours to take swift action against harmful content of all types. It also does nothing to alter platform liability for violations of federal criminal laws, which are expressly exempted from the scope of the Communications Decency Act. And it makes clear that any entity that is responsible, in whole or in part, for the creation or development of information on its platform also is not immune under §230.

In my testimony today, I will focus on three key areas: (i) the history of §230 and how it has helped the internet grow; (ii) how §230 contributes to our efforts to take down harmful content; and (iii) our policies and systems at Google for tackling illegal and potentially harmful content.

### **§230 and the Growth of the Internet**

As the Committee knows, §230 was first introduced in the 1990s as a result of a rising number of legal cases, including *Cubby, Inc. v. CompuServe Inc.*, and *Stratton Oakmont, Inc. v. Prodigy Services Co.*, which created a tenuous position for internet users and services. Courts found CompuServe not at fault for illegal user content because it had made no attempt to moderate, while holding Prodigy legally responsible after it had taken an “editorial” role in user content by moderating some of it. As a result of these cases and others, the law at that stage actually disincentivized taking action on truly harmful content online. §230 changed that calculus for platforms, incentivizing action against harmful content. The §230 “good Samaritan” provision was specifically introduced to incentivize self-monitoring and facilitate content moderation.

In the intervening years, the importance of §230 to the US economy has only grown. It has generated a robust internet ecosystem where commerce, innovation, and free expression all thrive — while at the same time enabling providers to develop content detection mechanisms and take aggressive steps to fight online abuse. §230 is a key contributor to the US’s \$172 billion trade surplus in digital services.<sup>4</sup> It is also critical in ensuring continued economic growth: A recent study found that over the next decade, §230 will contribute an additional 4.25 million jobs and \$440 billion in growth to the economy.<sup>5</sup> Furthermore, investors in the startup ecosystem -- who drive early investment in new technologies -- have said that weakening online safe harbors would have a recession-like impact on investment.<sup>6</sup> §230 is also a differentiator for the US: China, Russia, and others take a very different approach to regulating and censoring speech online, sometimes including speech that is critical of political leaders.<sup>7</sup>

### **§230 and Corporate Responsibility Online**

Perhaps the best way to understand the importance of §230 is to think about what might happen if it were not in place. Without §230, platforms could face liability for decisions around removal of content from their platforms. Review sites (like Yelp, TripAdvisor, or Angie’s List) might be sued for defamation claims brought by a restaurant, hotel, or an electrician trying to suppress their negative reviews.

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<sup>4</sup> Internet Association, “A Look At American Digital Exports” (January 23, 2019), available at: <https://internetassociation.org/publications/a-look-at-american-digital-exports/>

<sup>5</sup> NetChoice and the Copia Institute, “Don’t Shoot The Message Board: How Intermediary Liability Harms Online Investment and Innovation” (June 25, 2019), available at: <https://netchoice.org/report-section-230-enables-american-innovation-to-flourish-igniting-investment-opportunities-for-startups/>.

<sup>6</sup> Booz & Company, Inc., “The Impact of U.S. Internet Copyright Regulations on Early-Stage Investment A Quantitative Study” (2011), available at <https://www.fifthera.com/perspectives-blog/2014/12/9/the-impact-of-internet-copyright-regulations-on-early-stage-investment>.

<sup>7</sup> See: Aunpam Chander, “How Law Made Silicon Valley” (August 15, 2013), available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2340197](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2340197); Adrian Shahbaz, “Freedom on the Net 2018”, available at <https://freedomhouse.org/report/freedom-net/freedom-net-2018/rise-digital-authoritarianism>; AccessNow and EDRI, “Content regulation – what’s the (online) harm?” (October 9, 2019), available at <https://edri.org/content-regulation-whats-the-online-harm/>.

Professional and business sites, like LinkedIn and Glassdoor, might face liability if one of their users circulated a false rumor about what it's like to work at a particular company. Marketplaces like Amazon, eBay, and OfferUp might be sued for negative product reviews. Crowdfunding sites like Patreon and GoFundMe could face liability if a user posted comments about someone else that were perceived to be defamatory. Video platforms like YouTube and content-sharing apps like Instagram might face legal claims for removing videos they determined could harm or mislead users. Even email providers and search engines might be sued for trying to weed out spam and malware. Without §230, search engines, video sharing platforms, political blogs, startups, and review sites of all kinds would either not be able to filter content at all (resulting in more offensive online content, including adult content, spam, security threats, etc.) or would over-filter content (including important cases of political speech) -- in either scenario, harming consumers and businesses that rely on and use these services every day.

Because of §230, we enforce rigorous policies to ensure that our platforms are safe, useful, and vibrant for our users. It may be hard to recall the early days of the internet, when a search could yield page after page of duplicate, irrelevant content. §230 is critical to the removal of spam and malware, helping users access the information they are seeking. At Google, we have had responsible content policies in place from the early days of our company; and as time has gone by, they have evolved alongside our products.

### **Our Policies and Systems**

Our strategy for tackling illegal and potentially harmful content is tailored to each of our platforms. For each of our products, we have a specific set of rules and guidelines that are suitable for the type of platform, how it is used, and the risk of harm associated with it. These approaches range from clear policies and community guidelines, with mechanisms to report content that violates them, to increasingly

effective artificial intelligence (AI) and machine learning that can facilitate removal of harmful content before a single human user has been able to access it. We also now have over 10,000 people across Google working on content moderation and removal on our platforms and have invested hundreds of millions of dollars in these efforts.

## **YouTube**

Around 2 billion people come to YouTube every month and over 500 hours of video are uploaded every minute — making it one of the largest living collections of cultural content ever assembled in one place. The vast majority of this content is positive, ranging from “how-to” tutorials, family videos, journalism, and entertainment to educational and artistic content and more. In fact, over a billion educational videos are viewed on YouTube each day. At the same time, YouTube continues to drive revenue to creators on the platform. YouTube channels making over six figures in revenue are up 40 percent over the last year. And in the last 12 months alone, we've paid out over \$3 billion to the music industry.

While problematic or borderline content on YouTube accounts for less than 1% of the content on the platform, we are constantly working to draw effective, appropriate lines. Deciding what content is allowed on our platforms, while preserving people's right to express themselves, is a big responsibility. It means developing rules that we can enforce consistently. It means balancing respect for diverse viewpoints and giving a platform to marginalized voices, while developing thoughtful policies to tackle egregious content that violates our rules. Over the years, we have developed a variety of tools in response to content challenges. On YouTube, we remove content that violates our policies, elevate authoritative content, reduce the spread of borderline content, and reward trusted creators.

YouTube’s Community Guidelines provide clear rules of the road for what content we do and do not allow.<sup>8</sup> We police content that violates these guidelines in two key ways: (1) a thorough review system that combines the efforts of machines and humans to enforce our policies; and (2) the support of our community members who flag content that violates our guidelines. As a result, videos that violate our policies generate a fraction of a percent of the views on YouTube.

We use a mix of machines and people to enforce our policies at scale. Machine learning is allowing us to identify and remove violative content faster than ever before. And our investment in technology enables us to address enforcement of our content policies at scale. Machines flag suspect videos for review by trained teams, who can analyze the content and take quick action. This system has had a major impact on the way we tackle harmful content, and has helped our human reviewers remove content more quickly.

The statistics show that our machine learning tools are able to remove violative content at scale. Between April and June 2019, YouTube removed over 9 million videos for violating our community guidelines.<sup>9</sup> Over 87% of these were first flagged by machines rather than humans. Of those detected by machines, 81% were never viewed. YouTube also removed over 537 million comments that violated our community guidelines, 99% of which were detected by our automated flagging systems. This accounts for only a fraction of the billions of comments posted on YouTube each quarter.

As mentioned earlier, we have a “flagging” system through which our user community helps enforce our policies by notifying us of any content that violates our guidelines. The option to report or “flag” content that breaches our community guidelines is available under every YouTube video and comment, and we receive flags from an

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<sup>8</sup> <https://www.youtube.com/about/policies/#community-guidelines>

<sup>9</sup> <https://transparencyreport.google.com/youtube-policy/removals?hl=en>.

engaged and diverse global community. Along with providing YouTube users with a means to flag content, we have built a network of what we call “Trusted Flaggers”. These are experts, often associated with non-governmental or specialist organizations, who have a high accuracy rate in identifying videos that might violate our guidelines. Between April and June 2019, we removed 1,152,263 videos thanks to Trusted Flaggers and users, which helped us to identify and take action against content that does not meet our community guidelines.

Our efforts do not end there, as we are constantly adapting to new challenges and looking for ways to improve our policies. We work closely with experts on an ongoing basis as we review our policies and, in 2018 alone, we made more than 30 updates. For example, in June 2019 we updated our existing community guidelines for hate speech to make it clear that our rules specifically prohibit videos alleging that one group of people is superior in order to justify discrimination, segregation, or exclusion based on qualities like age, gender, race, caste, religion, sexual orientation, or veteran status.<sup>10</sup> In addition, our guidelines now make it crystal clear that we will remove content denying that well-documented violent events took place, like the Holocaust. These changes to our approach toward hateful content were developed in consultation with dozens of experts in subjects like violent extremism, supremacism, civil rights, and free speech.

### **Search and Google Ads**

Google Search is a web search engine that indexes hundreds of billions of webpages. That index is well over 100 billion gigabytes in size. We do not host the content in Search and cannot influence its mere presence online, so we take different approaches to keeping people safe when using the product, including the use of ranking algorithms to surface relevant and high quality information. We also take measures to prevent poor quality or harmful content from rising in search results.

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<sup>10</sup> <https://youtube.googleblog.com/2019/06/our-ongoing-work-to-tackle-hate.html>



When it comes to removing web pages from Google Search, we are strongly guided by local law and decisions from the courts. This includes removing child sexual abuse material, copyright infringing material, and other illegal content. Our approach is based on the belief that, when it comes to questions about what information should be stripped from public availability, those lines are better drawn by lawmakers than by Google. That being said, there are some narrow circumstances<sup>11</sup> in which we may remove links from organic listings, including when we identify violations of our guidelines<sup>12</sup> — for example, sites with deceptive or manipulative behavior designed to deceive our users. Google suppresses or demotes approximately 19 billion web spam impressions from Search results every day.

While we need to prevent bad actors from gaming our systems through manipulation, spam, fraud, or other forms of abuse, we understand that transparency is crucial to maintaining user trust. So in addition to publishing our Search Quality Rater Guidelines, we provide information about Search on our “How Search Works” site.<sup>13</sup> We also publish an annual Transparency Report,<sup>14</sup> sharing data on how government actions and policies affect privacy, security, and access to information online. The Transparency Report provides users with detailed information on removals to ensure they understand how and why Google removes content from its platforms.

Finally, in order to protect users and enable a safe advertising ecosystem, we have strict policies across our advertising products and enforce them using both automated and human evaluation.<sup>15</sup> In 2018 we took down 2.3 billion ads for violating our policies.<sup>16</sup> That’s more than six million bad ads every day, and we’re able to

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<sup>11</sup> <https://www.google.com/search/howsearchworks/mission/open-web/>

<sup>12</sup> <https://support.google.com/webmasters/answer/35769?hl=en>

<sup>13</sup> <https://www.google.com/search/howsearchworks/>

<sup>14</sup> <https://transparencyreport.google.com/>

<sup>15</sup> <https://support.google.com/adspolicy/answer/6008942?hl=en>

<sup>16</sup> <https://www.blog.google/products/ads/enabling-safe-digital-advertising-ecosystem/>

prevent the majority of fraud and policy violations before ads are ever even shown. This includes ads removed from approximately 1.2 million pages, more than 22,000 apps, and nearly 15,000 sites across our ad network for violations of policies directed at misrepresentative, hateful, or other low-quality content. Using improved machine learning technology, we were able to identify and terminate almost one million bad advertiser accounts, nearly double the amount we terminated in 2017.

## **Conclusion**

We take the safety of our users very seriously and value our close and collaborative relationships with law enforcement, government agencies, and policymakers. We understand that these are difficult issues of great interest to Congress and want to be responsible actors who are a part of the solution. As these issues evolve, Google will continue to invest in the people and technology to meet the challenges at hand. We look forward to continued collaboration with the Committee as it examines these issues. Thank you for your time. I look forward to taking your questions.