

# GENIUS

July 16, 2019

The Honorable David N. Cicilline  
Chairman  
Subcommittee on Antitrust,  
Commercial and Administrative Law  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

The Honorable F. James Sensenbrenner  
Ranking Member  
Subcommittee on Antitrust,  
Commercial and Administrative Law  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

## **Written Statement for the Record**

Dear Chairman Cicilline and Ranking Member Sensenbrenner:

When Google went public in 2004, it included the following quote from its co-founder Larry Page in its public offering filings: “We want you to come to Google and quickly find what you want. Then we’re happy to send you to the other sites. . . . We want to get you out of Google and to the right place as fast as possible.”

Since 2004, something has changed. In 2019, according to data gathered by SparkToro, Google directs less than half of its search traffic to other sites, keeping the rest within the Google universe. This shift has profound consequences for competition and innovation. Google was built to help users explore a diverse and open internet, and now its behavior poses a unique threat to that ecosystem.

Google swallows so much of its own search traffic in large part due to a feature it calls “information boxes” — panels highlighting Google’s own products that the company places in search results above links out to the wider web. The presence of these information boxes on Google’s search result pages significantly impacts the traffic to the sites that appear below the boxes.

Genius is a company dedicated to music knowledge, specializing in producing accurate transcriptions of song lyrics. For nearly 10 years, millions of people have come to Genius to find the lyrics to the songs they love.

Music fans are often surprised to learn that there is no canonical database of song lyrics. Instead, the lyrics you find online are almost always the product of individual transcription efforts. Genius gets lyrics in two ways: 1) fans transcribe them by listening to songs and post them to our website, and 2) artists provide them directly to Genius. Our company has invested a decade and millions of dollars developing a platform that allows fans to collaboratively transcribe and annotate lyrics, as well as building relationships with songwriters and artists who send us lyrics directly.

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More than two years ago we provided Google with evidence that it was displaying lyrics copied from our website in the information boxes that it places above all other links in its search results.

We showed Google that a number of lyrics in their lyrics information boxes contained a unique pattern of curly and straight apostrophes that we had embedded. When the two types of apostrophes were converted to Morse code dots and dashes, they spelled out the phrase “red handed” (see Attachment A). We embedded this “watermark” in a sample of lyrics on Genius, and we analyzed how frequently our watermark appeared in Google’s lyrics information boxes. Our analysis showed that the copying is both widespread and systematic.

We repeatedly presented this evidence to Google executives over the last two years, most recently in a letter dated April 22, 2019, and Google did nothing to address the issue. It was only when the Wall Street Journal published our evidence last month that Google sprung into action.

Almost immediately after Google was contacted by the Wall Street Journal, our watermark disappeared from the lyrics information boxes. However, the lyrics displayed by Google remain exactly the same as those found on Genius — the only change was to remove the evidence that they were copied.

Google said in a statement that they “take data quality and creator rights very seriously” and that they were “investigating this issue with our data partners and if we find that partners are not upholding good practices we will end our agreements.”

Shortly thereafter Google announced that lyrics information boxes would now include an attribution to the data partners that provided it with the lyrics. This would be encouraging, except for the fact that all of the lyrics we flagged for Google as featuring our watermark — and thus clearly copied from Genius — are currently attributed to another company.

Google’s behavior over the last two years and its recent responses raise a number of questions:

- If Google “takes data quality and creator rights very seriously” and if it was repeatedly notified by Genius about this issue over the last two years, why was it only once the Wall Street Journal published an article in June that Google decided to investigate?
- What has Google’s investigation found? Does it believe that its partners are “upholding good practices” in light of the evidence they have seen that they

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are displaying lyrics systematically copied from Genius? If their investigation is still ongoing, when does Google anticipate it will be complete?

- Why did Google remove the Genius watermark from all lyrics information boxes that featured it, but leave the lyrics themselves exactly the same? In other words, why did Google remove the evidence that it was displaying copied content, but leave the copied content itself in place?
- Did Google itself remove the Genius watermark from their lyrics information boxes? If not, did Google direct any of its partners to remove the Genius watermark?
- At Google's request, Genius provided it with 20 examples of lyrics displayed in their information boxes that featured Genius's watermark. Why does Google attribute those lyrics to another company instead of Genius?
- Google publishes a set of guidelines for their Search Quality Raters (see Attachment C). Search Quality Raters are people Google contracts to assess the quality of their search results. Google uses data drawn from the raters to inform adjustments to their search ranking algorithm.

On page 108 of the most recent set of guidelines (published in May 2019) Google instructs raters to score results from lyrics websites (such as Genius) as "MM" or "Moderately Meeting" a lyrics-searching user's intent, writing that "many pages [on lyrics websites] are not 100% accurate."

However, on page 93 of the guidelines, Google instructs raters to score the Google's own lyrics information boxes as "FullyM" or "Fully Meet[ing]" a lyrics-searching user's intent — the highest possible score.

How does Google explain this rating disparity given that it is displaying lyrics copied from Genius in their lyrics information boxes?

- On page 38 of the guidelines document Google writes:

"Important: The Lowest rating is appropriate if all or almost all of the [content] on the page is copied with little or no time, effort, expertise, manual curation, or added value for users. Such pages should be rated Lowest, even if the page assigns credit for the content to another source."

How does Google reconcile this stated policy with the fact that it is preferencing content in its lyrics information boxes that it knows was copied from another source?

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- Google's lyrics information boxes frequently appear in search results as a part of larger search features that include links to revenue-generating Google products, such as YouTube and Google Play (see Attachment B). How much revenue does Google derive from these links on an annual basis?

Getting answers to these questions would greatly help Genius—as well as the wider ecosystem of small, innovative technology companies—better understand Google's effect on competition and the open internet.

As it stands, we have serious concerns. When Google uses its market power to ensure their own lyrics information boxes always rank first — and populates those boxes with content copied from Genius — it deprives Genius of the traffic and revenue we need to be able to create great products for consumers and to compete with Google.

We thank the Subcommittee for the opportunity to tell our story and for its efforts to address this important issue.

A handwritten signature in black ink, appearing to read 'Ben Gross', with a stylized flourish at the end.

Ben Gross  
Chief Strategy Officer  
Genius Media Group, Inc.

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## Attachment A: Genius Watermark example

Google

alessia cara not today lyrics

X

ALL

VIDEOS

NEWS

IMAGES

MAPS

S

Not Today

Song by Alessia Cara

OVERVIEW

LYRICS

PEOPLE ALSO SEARCH FOR

Someday I won't be afraid of my head  
Someday I will not be chained to my bed  
Someday I'll forget the day he left  
But surely not today  
One day I won't need a PhD  
To sit me down and tell me what it all means  
Maybe one day it'll be a breeze, ah  
But surely not today, but surely not today

Oh, you don't know what sadness means  
Til you're too sad to fall asleep  
One day I'll be snoozing peacefully  
But surely not today, surely not today

One day I'll swear the pain will be a blip  
I'll have the hardest time recalling it  
I'll be the king of misery management  
But surely not today  
One day that song won't make me cry anymore (Oh no no)  
One day I'll get up off the bathroom floor (Hey, yeah)  
Oh, piece by piece I'll be restored  
But surely not today, surely not  
Eh, not today

Oh, you don't know what happy means  
If it's only in your dreams  
I'll be acquainted with my jollities  
But surely not today, yeah, surely not today

Surely not-, surely, surely not-  
Surely not-, surely not today

One day the thought of him won't hurt the same  
Won't need distractions to get through the day  
I guess I hope I'm gonna be okay  
Cause I'm not today

Songwriters: Alessia Caracciolo  
Not Today lyrics © Sony/ATV Music Publishing LLC

^

Show less

No.	Apostrophe Style	Morse Code	English
1	Straight	Dot	R
2	Curly	Dash	
3	Straight	Dot	
4	Straight	Dot	E
5	Curly	Dash	D
6	Straight	Dot	
7	Straight	Dot	
8	Straight	Dot	H
9	Straight	Dot	
10	Straight	Dot	
11	Straight	Dot	A
12	Straight	Dot	
13	Curly	Dash	
14	Curly	Dash	N
15	Straight	Dot	
16	Curly	Dash	
17	Straight	Dot	D
18	Straight	Dot	
19	Straight	Dot	
20	Curly	Dash	D
21	Straight	Dot	
22	Straight	Dot	

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## Attachment B: Examples of monetized Google search products featuring lyrics

The screenshot shows a Google search result for the query "alessia cara not today". At the top is the Google logo and the search bar containing the query. Below the search bar are navigation links for "All", "Videos", "News", "Images", "Shopping", "More", "Settings", and "Tools". The search results indicate "About 2,260,000 results (0.81 seconds)".

The primary result is a video player from Vevo, showing a close-up of Alessia Cara's face with a play button overlay. Below the video player, the title "Alessia Cara - Not Today - YouTube" is displayed, followed by the URL <https://www.youtube.com/watch?v=0jMPXRDYpkQ>.

Below the video player, the "Lyrics" section is visible, showing the following text:

Someday, I won't be afraid of my head  
Someday, I will not be chained to my bed  
Someday, I'll forget the day he left  
But surely not today... [More](#)

Source: LyricFind

Below the lyrics, the "Available on" section lists several music services: Spotify, Play Music, Deezer, and iHeartRadio.

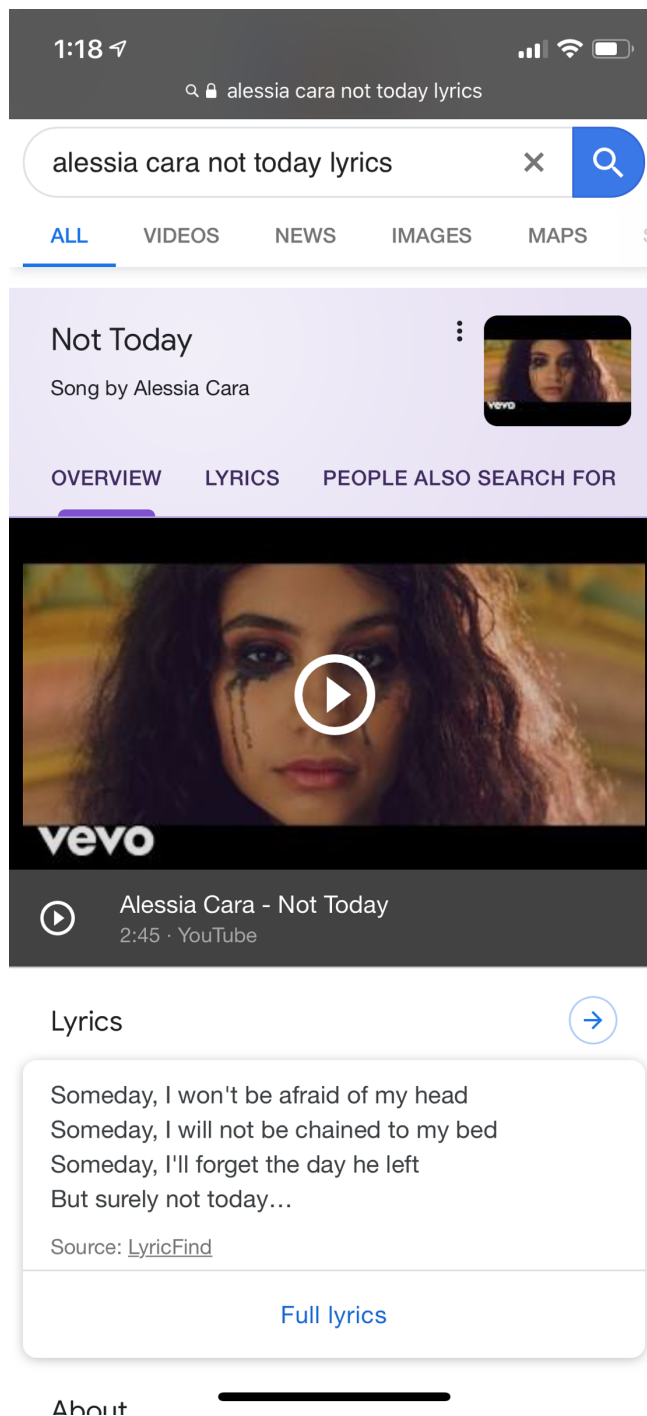
Below the "Available on" section, the "Artist" is listed as Alessia Cara, the "Album" as The Pains of Growing, the "Released" date as 2018, and the "Genre" as Pop.

At the bottom, the "People also search for" section displays a row of related search results, including "Growing Pains", "Trust My Lonely", "I Don't Want To", "Out Of Love", "A Little More", "7 Days", and "Easier Said". Each result includes a small thumbnail image and the artist's name, Alessia Cara. A "View 15+ more" link is also present.

*Google desktop search result page featuring prominent YouTube player and link out to Google Play subscription service*

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## Attachment B: Examples of monetized Google search products featuring lyrics



*Google mobile search result page featuring prominent YouTube player*

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## **Attachment C: Google's Search Quality Rater Guidelines (May 2019)**

[Attached in full separately]