

May 15, 2013

Mr. Todd Brix
General Manager, Windows Phone Apps and Store
Microsoft Corp.
One Microsoft Way
Redmond, WA 98052-7329

VIA MAIL AND EMAIL (toddbrix@microsoft.com)

Dear Mr. Brix:

We recently became aware of a Microsoft-authored YouTube application for Windows Phone 8 available at <http://www.windowsphone.com/en-us/store/app/youtube/dccb1ac6-a89a-df11-a490-00237de2db9e>. It appears that the application: (1) allows users to download videos from YouTube; (2) prevents the display of advertisements in YouTube video playbacks; and (3) plays videos that our partners have restricted from playback on certain platforms (e.g., mobile devices with limited feature sets). These features directly harm our content creators and clearly violate our Terms of Service. We request that you immediately withdraw this application from the Windows Phone Store and disable existing downloads of the application by Wednesday, May 22, 2013.

Content creators make money on YouTube by monetizing their content through advertising. Unfortunately, by blocking advertising and allowing downloads of videos, your application cuts off a valuable ongoing revenue source for creators, and causes harm to the thriving content ecosystem on YouTube. In addition, your application overrides specific decisions made by some content creators to keep their content from displaying on certain types of devices, which in many cases are due to exclusive distribution arrangements those content creators have with third parties. YouTube's agreements with creators give them choices in how their content is presented and distributed, and your application takes away that control.

The YouTube Terms of Service and API Terms of Service, posted at <http://www.youtube.com/t/terms> and <https://developers.google.com/youtube/terms>, were written to protect content creators from this type of abuse. They clearly prohibit downloads of videos from the site and prohibit accessing any portion of YouTube videos by any means other than through the use of an authorized YouTube player. They also bar applications that modify, replace, interfere with or block advertisements placed by YouTube in videos. In addition to violating those provisions of the Terms of Service, your application also uses YouTube's protected trademarks in ways that likely confuse consumers as to the source of the application and whether it is affiliated with or approved by YouTube. The YouTube API Branding Guidelines (<https://developers.google.com/youtube/branding>) state that you may never use the YouTube logo or the YouTube name in conjunction with the overall name or description of your application, product or service.

There are now more than one million channels earning revenue through the YouTube partner program, ranging from channels containing content from aspiring young stars and educators to well-known shows from large media companies and news organizations. We are proud to say that thousands of YouTube channels are making six figures a year. We were surprised and disappointed that Microsoft chose to launch an application that deliberately deprives content creators of their rightful earnings, especially given that Windows Phone 8 users already have access to a fully-functional YouTube application based upon industry-standard HTML5 through the web browser.

YouTube is committed to providing a platform for creators to upload content, reach a global audience and even make a living from that content. Thank you in advance for respecting the rights of those creators by



immediately removing this application from the Windows Phone Store.

Very truly yours,



Francisco Varela
Director, Global Platform Partnerships
YouTube, LLC

