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系所：科法所
科目：法學概論與文獻評析

文獻評析(100%)(題目於第三頁)

Google executives convicted in Italy over abuse video

Google says it is 'deeply troubled' by conviction of three officials on privacy charges over bullying video hosted on site

John Hooper in Rome
guardian.co.uk, Wednesday 24 February 2010 14.30 GMT

Google responded furiously today after an Italian court found three of its executives guilty of violating the privacy of a child with autism who was shown being bullied in a video posted on its site.

The company vowed to appeal against the ruling, which it described as "an attack on the fundamental principles of freedom on which the internet was built". The three executives were given six-month suspended sentences.

The two prosecutors who brought the case against the US-based firm praised the ruling for protecting personal interest above corporate profit.

"We are very satisfied because by means of this trial we have posed a serious problem: that is to say, the protection of human beings, which must prevail over corporate interests," they said in a statement.

The video, which showed the boy being beaten and insulted, was made by four students at a Turin secondary school in May 2006. It was posted to Google Video on 8 September and remained there until 7 November, when it was taken down after a complaint by Italian police.

The case has potentially vast implications for the future of the internet. Hosting platforms such as Facebook and YouTube argue that they cannot be held responsible for content created by their users until they are informed that something is illegal. The Italian prosecutors contended that Google was negligent in not removing the video sooner.

This issue became fundamental to the trial. Google's lawyers said the company had taken the video off the site within three hours of being formally notified by the Italian police. But the

prosecution argued that it had shot to the top of the most-viewed list and been a subject of heated controversy long before.

The indictments had been sought by a local lobby group for people with Down's syndrome, and the four Google executives were sent for trial before a Milan judge, charged with libel. Three, including Google's senior vice-president and chief legal officer, David Drummond, were also charged with privacy violations.

The judge, Oscar Magi, dismissed the libel accusations but upheld the other charges. The other two people sentenced were Google's retired chief financial officer George Reyes and its global privacy counsel, Peter Fleischer. The judge also ordered that a summary of the sentence should be published in all of Italy's main national daily newspapers.

The Down's syndrome lobby group and Milan city council, both of whom have sought damages for libel, had their petitions rejected. The relatives of the boy who was shown being bullied had also brought a civil suit against the executives, but their case was dropped.

All of Google's employees, who were convicted in absentia, denied wrong doing. It is expected that the company's lawyers will argue on appeal that the verdict is at odds with an EU directive from 2000 that gave hosting platforms a so-called "safe harbour" from prosecution, so long as they acted promptly to remove illegal content.

In a statement, Google called the outcome of the case "surprising to say the least, since our colleagues had nothing to do with the video in question: they did not make it; they did not upload it, and they have not seen it.

"We are deeply troubled by this conviction for another equally important reason," it added. "It attacks the very principles of freedom on which the internet is built. 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."

The prosecutors maintained that "this was not a trial about freedom of the internet as some have said. Instead, and for the first time in Italy, a serious issue has been raised about the rights of the individual in today's society."

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