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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

VIA ELECTRONIC TRANSMISSION

November 23, 2020

Mr. Jack Dorsey
Chief Executive Officer
Twitter, Inc.
1355 Market St #900
San Francisco, CA 94103

Dear Mr. Dorsey:

I was incredibly disappointed to learn that Twitter has declined my invitation to send a witness to my subcommittee's December 15 hearing on the role of voluntary agreements and technological measures in addressing copyright piracy online. My staff has been working with yours for months to identify an appropriate witness. Similarly, both when we talked last Monday and again Tuesday at the Senate Judiciary Committee hearing, I asked whether you would assist my subcommittee in good faith by sending a witness, and on both occasions you refused to commit.

As I mentioned to you, this hearing is the final in a series of hearings the Subcommittee on Intellectual Property has held this year to review the Digital Millennium Copyright Act. These hearings have featured approximately 50 witnesses, and I have been determined to include a diversity of interests, equities, and perspectives. For this final hearing, it is critical that the subcommittee hear about how key online platforms combat piracy via voluntary agreements and technological measures. To this end, I also asked Mark Zuckerberg, CEO of Facebook, if he would send a witness, and unlike you and your team, he pledged to.

But Twitter has been less engaged in working with copyright owners on voluntary measures and technological tools, and now has rebuffed my request to testify. The only reasonable conclusion one can draw from your actions is that Twitter simply does not take copyright piracy seriously.

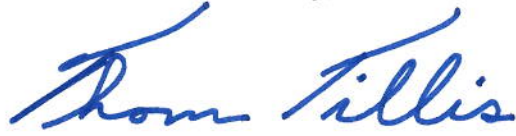
Since you have refused to send a witness, I ask that you answer the following questions in writing as a supplement to the hearing record by no later than December 4, 2020. If you do not answer these questions, I will need to work with the full committee Chair and Ranking Member to find another way to compel your testimony.

1. What is Twitter's policy with regard to the use of copyrighted works on its site?
2. I have heard that Twitter has been slow to respond to copyright infringement on its platform and also refused to negotiate licenses or business agreements with music

- publishers or record labels. In contrast, other major social media companies have done the right thing and mitigated infringing activity on their platforms by entering into negotiated license agreements to allow uses of music. Does Twitter seek licenses for the use of music? If so, in what instances? Has Twitter made efforts to negotiate license agreements with music publishers and record labels to ensure songwriters and artists are compensated?
3. Despite the tremendous value that music brings to Twitter's business, your platform continues to host and permit rampant infringement of music files on its platform. In 2019, over one million notices were sent to Twitter by record companies alone, and tens of thousands more from music publishers. Twitter has not taken meaningful steps to address the scale of the problem. Instead, your company claims that it already goes above and beyond what the law requires. What steps has Twitter taken to ensure no unlicensed music is made available?
 4. How many takedown notices has Twitter received each year since it launched in 2006?
 5. In recent years, Congress has held several hearings related to section 512 of title 17, the U.S. Copyright Office administered a major study on section 512, and the U.S. Patent and Trademark Office issued a policy paper on copyright in the digital economy and best practices related to section 512. How has Twitter engaged in these government efforts to reduce copyright infringement online and ensure that technology companies are free to grow without doing so at the expense of hard-working creators?
 6. What does Twitter think is the role of voluntary agreements and technological measures in curbing copyright piracy online?
 7. What voluntary agreements has Twitter entered into with copyright owners to help combat copyright piracy on its service? Please identify all such agreements, as well as any prospective voluntary measures that were not agreed to.
 8. How do these voluntary agreements tie into Twitter's repeat infringer policy? In responding, please provide specific details about Twitter's repeat infringer policy.
 9. Can you give me an update on Twitter's ongoing issues with RIAA and the steps you are taken to be more proactive in taking down the content of musicians and other artists that is being pirated on your site?
 10. How has Twitter participated in the dialogue that the U.S. Copyright Office convened on standard technical measures, as referenced in section 512 of title 17?
 11. Twitter has gone to great lengths to moderate content on its service, including flagging, disclaiming, and even censoring content from conservatives. How many human moderators does Twitter utilize, and how many of them handle alleged copyright infringement?
 12. It is my understanding that Twitter utilizes both technological tools and human moderators to flag, disclaim, and censor content. What proactive steps does Twitter take to address copyright piracy on its site? Are there technological filters or human moderators dedicated to identifying and removing clearly infringing content before a copyright owner sends a takedown notice?

Thank you for your prompt attention to these questions. I hope that you will respond by December 4 and demonstrate to my colleagues and I that you do, in fact, take copyright piracy seriously.

Sincerely,

A handwritten signature in blue ink that reads "Thom Tillis". The signature is fluid and cursive, with the first name "Thom" and last name "Tillis" clearly distinguishable.

Thom Tillis
Chairman

Subcommittee on Intellectual Property