



Twitter, Inc.
1355 Market St #900
San Francisco, CA 94103

December 11, 2020

Dear Senator Tillis,

Thank you for your letter regarding Twitter's copyright practices and policy position. Twitter's purpose is to serve the public conversation. We are committed to improving the collective health, openness, and civility of public conversation on our platform.

As you point out, rightsholders are a vital component of the public conversation occurring on Twitter, and we have had an ongoing dialogue and working relationships with the content industry to protect copyrighted material since Twitter first began allowing media uploads on the platform in 2011. We believe transparency is critical, and we launched our first [Transparency Report](#) that included copyright complaints in 2012.

Twitter is different from many of our larger industry peers on this issue. As a platform used primarily for conversation, the percentage of media posted overall is much lower, and we currently allow much shorter media clips than those of our industry peers. Given our unique position in the industry, we appreciate your interest in our engagement with rightsholders and look forward to continuing this dialogue as Congress continues to examine the Digital Millennium Copyright Act. To address the questions you posed in your letter dated November 23, 2020:

1. What is Twitter's policy with regard to the use of copyrighted works on its site?

Twitter responds to copyright complaints submitted under the DMCA pursuant to our [copyright policy](#). Section 512 of the DMCA outlines the statutory requirements necessary for formally reporting copyright infringement, as well as providing instructions on how an affected party can appeal a removal by submitting a compliant counter-notice.

Twitter will respond to reports of alleged copyright infringement, such as allegations concerning the unauthorized use of a copyrighted image as a profile or header photo, allegations concerning the unauthorized use of a copyrighted video or image uploaded through our media hosting services, or Tweets containing links to allegedly infringing materials.

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?

Twitter is unique among our industry peers and remains a text-first service for the creation of content. When media is shared on Twitter, it is often in service of commentary or criticism to drive real-time, public conversations and debate. For example, when our customers post snippets of third-party content (videos, photos and GIFs), they are frequently doing so in an exercise of political and newsworthy speech, and for the purpose of commentary and criticism (not to share and watch pirated content). As you can see in our [transparency reports](#), the number of takedown notices Twitter receives annually is a fraction of what other platforms receive and reflects the fact that allegedly infringing material is a small fraction of the total Tweets uploaded to Twitter.

We are actively engaged with the RIAA and many other rightsholder bodies regarding copyright concerns they have. We dedicate significant resources to quickly respond to takedown notices, and we work with rightsholders and representative bodies to address specific concerns if and when they arise.

- 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?**

Twitter responds to all legitimate copyright complaints as laid out in Section 512 of the DMCA. Furthermore, Twitter does not allow for full-length music streaming as some of our competitors do. A full accounting of actions taken to protect copyrighted material on our platform can be found in our [Transparency Report](#). For 2019, the total copyright takedown notices we received worldwide from all rightsholders was less than 285,000; those notices resulted in 1.1 million pieces of media removed in 2019 worldwide.

- 4. How many takedown notices has Twitter received each year since it launched in 2006?**

Notably, Twitter was a text-only service from its creation in 2006 until 2011, when native media uploads first launched on the platform. First published on July 2, 2012, our biannual [Twitter Transparency Report](#) highlights trends in legal requests, intellectual property-related requests, and email privacy best practices. The report also provides insight into whether or not we take action on these requests. The Transparency Report includes the total number of Digital Millennium Copyright Act takedown notices and counter notices received for Twitter and Periscope content, along with data about the top five copyright reporters across both platforms. As reported there, the total number of copyright takedown notices Twitter has received since 2012 is 822,125.

- 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?**

Twitter works with creators to protect their work on our platform and has followed much of the Copyright Office and Patent & Trademark Office studies through our industry trade associations. We would direct you to [these comments](#) for one example of our historical engagement with the 512 study.

6. What does Twitter think is the role of voluntary agreements and technological measures in curbing copyright piracy online?

One important consideration as we contemplate voluntary agreements and technological measures is that in certain circumstances, heightened specificity can hurt small businesses that are launching new apps and platforms. Small companies will not necessarily have the resources to afford expensive third-party technical solutions. Additionally, we are always concerned that voluntary agreements will further entrench the market dominant players.

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.

Twitter has many discussions with industry partners, some of which result in successful partnerships. We are constantly seeking new avenues to build trust with our partners and secure a healthy conversation on the platform. One such effort is a beta test for [live-to-live video blocking](#) done in concert with broadcast partners.

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.

As we have indicated to staff during recent briefings, Twitter does not publish the details of our DMCA repeat infringer policy in order to avoid abuse.

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?

Please refer to our responses above to Questions 2 and 3.

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?

Twitter engages in many policy discussions through the efforts of our industry trade associations.

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?

We ensure that all decisions are made at Twitter without using political viewpoints, party affiliation, or political ideology, whether related to automatically ranking content on our service or how we develop or enforce the Twitter Rules. Our Twitter Rules are not based on ideology or a particular set of beliefs. We believe strongly in being impartial, and we strive to enforce our Twitter Rules fairly. Twitter uses a combination of machine learning and human review to adjudicate reports of violations and make determinations on whether the activity violates our rules.

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?

Twitter relies on rightsholders, who are in the best position to know whether use of their content is infringing or not, to notify us of infringing material on Twitter. Twitter's response to copyright complaints may include the removal or restriction of access to allegedly infringing material. If we remove or restrict access to content in response to a copyright complaint, Twitter will make a good-faith effort to contact the affected account holder with information concerning the removal or restriction of access, including a full copy of the complaint, along with instructions for filing a counter-notice.

In an effort to be as transparent as possible regarding the removal or restriction of access to Tweeted content, we clearly mark withheld Tweets and media to indicate to viewers when content has been withheld in response to a complaint from a rightsholder. We also send a redacted copy of each copyright complaint that we process to [Lumen](#), where they are posted to a public-facing website, with all personal information removed.

Thank you again for the opportunity to engage with you and your staff on this important issue. We look forward to continuing the dialogue. Please do not hesitate to reach out if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lauren".

Lauren Culbertson
Head of U.S. Public Policy