



**The public evidence Google has violated
the DOJ-Google criminal non-prosecution agreement**

*The evidence of Google's compliance failure to prevent further illegal activity
and Google's false, incomplete and misleading representations of compliance*

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* The views expressed in this presentation are the author's; see Scott Cleland's full biography at: www.ScottCleland.com

**Precursor LLC serves Fortune 500 clients, some of which are Google competitors.

Summary & Conclusions

- **In August of 2011, Google [admitted](#) criminal liability for knowingly advertising for rogue pharmacies dispensing drugs without a prescription for seven years despite repeated Government warnings to stop doing so.**
- To settle this criminal matter in advance of a Grand Jury proceeding, Google agreed in the DOJ-Google Criminal Non-Prosecution Agreement ([NPA](#)) to disgorge \$500m in ill-gotten revenues and to obey a two-year remediation requirement designed to deter more Google criminal activity.
 - The [purpose](#) of this presentation is to hold Google accountable to the rule of law and its public representations.
- **The public evidence to date strongly indicates that Google broadly and repeatedly violated the main going-forward remediation requirement in the [NPA](#): to have a “comprehensive compliance and ethics program, and policies, procedures and technological tools designed to detect and prevent violations of these laws and to ensure compliance with internal Company policies and procedures.”**
- **Sadly, the public evidence shows that the [NPA](#) did not deter more Google criminal activity** because:
 - State Attorneys General are publicly charging Google continues to aid and abet criminal activity in violation of the NPA;
 - State Attorneys General investigators have easily found evidence of continued Google criminal advertising on YouTube;
 - Google has been found by the Federal Government to have violated five additional laws during the NPA probation period;
 - Google has spurned several obvious, common sense, measures that would help prevent more criminal activity on Google;
 - Google has ignored NPA prevention requirement for YouTube ads, apparently engaging in willful blindness to the NPA/law; &
 - Google apparently deliberately provided “false, incomplete, and misleading” representations to DOJ prosecutors.
- Importantly, the [mission](#) of the Department of Justice is:
 - *“To enforce the law...; to ensure public safety; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.”*
- **Questions for the DOJ: Have DOJ investigators independently verified:**
 - Google implemented a comprehensive compliance program “to detect and prevent violations” of law per the NPA?
 - Google trained its employees on how to comply with the NPA remediation requirements?
 - That Google has stopped criminal advertising during the last two years per the NPA?
 - Has Google not spurned common sense measures that would help prevent more criminal activity on Google?
 - Has Google applied the NPA remediation program to YouTube advertising?
 - Has Google’s NPA remediation implementation met the [criminal standards](#) of the DOJ’s [United States Attorney Manual](#)?
- **In sum, does the DOJ expect Google -- the company operating America’s top online market, serving over 200 million Americans, and most U.S. online advertisers and publishers -- abide by the NPA and obey the law?**

Outline

- I. Summary & Conclusions
- II. Google's NPA compliance commitment
- III. The evidence Google has violated its NPA commitment
 - A. State AGs publicly charge Google's violated the NPA
 - B. State AGs easily find evidence of criminal advertising
 - C. Google has violated five additional laws during the NPA
 - D. Google spurns obvious common sense prevention measures
 - E. Google ignores NPA prevention requirement for YouTube ads
- IV. Google's *false, incomplete and misleading* representations to DOJ

Appendix:

- A. Google's top unaccountability quotes
- B. Google's consolidated rap sheet -- Parts 1-11
- C. Bio

Google's NPA *"comprehensive compliance"* commitment *"to detect and prevent violations"* of law

Google's NPA Compliance [Commitment](#):

- *"Remediation: 7. The Company represents that it has a comprehensive compliance and ethics program, and policies, procedures and technological tools designed to detect and prevent violations of these laws and to ensure compliance with internal Company policies and procedures."*
 - Google "Company policies and procedures" -- [Code of Conduct](#):
 - *"Obey the Law: Google takes its responsibilities to comply with laws and regulations very seriously and each of us is expected to comply with applicable legal requirements and prohibitions. While it's impossible for anyone to know all aspects of every applicable law, you should understand the major laws and regulations that apply to your work."*

Importantly, the [NPA](#) states:

- *"...it is in the sole discretion of the government to determine whether there has been a deliberate violation of this agreement..."* and
- *"the exercise of that discretion by the government under the agreement is not reviewable by any court."*

Importantly, the [mission](#) of the Department of Justice is:

- *"To enforce the law...; to ensure public safety; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans."*

State Attorneys General charge Google has violated NPA

State & local law enforcement are on the frontlines of combating criminal activity

- At the annual meeting of the National Association of Attorneys General, Mississippi Attorney General Jim Hood presented [evidence](#) and [charged](#) that
 - *“Google is aiding and abetting criminal activity and putting consumers at risk”.*
- Mississippi AG Jim Hood’s press [release](#) said:
 - He *“believes Google breached this agreement”* (NPA); and
 - *“he would provide the Department of Justice with evidence of drug purchases his investigators made... after the DOJ entered an agreement to not prosecute Google for the same conduct.”*
- Nebraska AG Jon Bruning’s press [release](#) said:
 - *“Google stands to make money from ads running in conjunction with instructional videos on everything from illegally purchasing prescription drugs and making fraudulent passports to promoting human trafficking and terrorist propaganda.”*
 - *“I’m deeply disappointed with Google’s lackadaisical attitude toward Internet safety and consumer protection.”*
 - *“The company should be held accountable for profiting from a platform that perpetuates criminal activity.”*

State AGs can easily find Google criminal advertising

It wouldn't be easy to find Google advertising for illegal drugs if Google's "comprehensive compliance" program to "detect and prevent violations" was legitimate

- Why would State AGs still be able to easily find Google advertising for illegal import of prescription drugs without a prescription, and other illegal activities like forged official documents, human trafficking, counterfeit goods, piracy etc.?
 - See AG presentations at the recent National Association of Attorneys General meeting on Google profiting from criminal activity like advertising for illegal drugs -- [here](#).
- Why would the Digital Citizens Alliance be able to:
 - Conduct a YouTube search for “buy drugs without a prescription” and get 38,200 results? Or
 - Easily find ads for illegal drugs from Canada? (The NPA's focus)
 - See the Digital Citizens Alliance [report](#): “Google & YouTube and Evil Doers: Too close for Comfort.”

Google has violated five additional laws during the NPA: 2011-2013

Wouldn't a legitimate "comprehensive compliance" program to "detect and prevent violations" of law be expected to actually detect and prevent widespread violations of federal laws?

1. **DOJ: Google Illegally abused Standards Essential Patents (SEP) in 2012** requiring 2013 [FTC enforcement](#) after the [DOJ explicitly warned](#) Google not to abuse SEPs when it approved the Google-Motorola transaction and specifically noted at that time that Google's commitments to not illegally abuse SEPs were "ambiguous."
2. **FTC: [Violated](#) FTC-Google-Buzz non-prosecution agreement** in 2012 and paid record \$22.5m fine with no admission of wrongdoing for deceptively and secretly bypassing Apple Safari browser consumer privacy protections in order to place advertising cookies in violation of the 2011 FTC-Google-Buzz NPA.
3. **FTC: Google officially [committed](#) to stop misappropriating competitor-owned content** in 2012 (like Yelp's reviews) and to fairly represent it to consumers going forward.
4. **U.S. Treasury Department: [shut down](#) 85 online mortgage scams** that in late 2011 were using Google AdWords to run ads making fraudulent claims to desperate homeowners hoping to avoid foreclosures.
5. **Federal Communications Commission: "the FCC [fined](#) Google \$25k** in 2012 for willfully and repeatedly violating an FCC enforcement directive" and for "impeding and delaying" its Street View wiretapping investigation, and preventing the FCC from being able to determine if Google violated wiretapping law or not.

Google broadly spurns obvious common-sense prevention measures

In examining Google's "deliberate" treatment of corporate practices that could "detect and prevent violations" of law, the evidence shows Google has little interest in honoring its NPA commitment to "comprehensive compliance"

- 1. No Google Play curation prevention:** Google's deliberate policy to not approve apps before the public is exposed to them in Google's app store means Google is making no compliance attempt to "*detect and prevent*" known avenues of criminal activity on Google Play in violation of Google's NPA compliance commitment.
 - Google's company policy to not screen or filter for criminal apps is an open invitation and welcome sign for scammers and criminals to prey on Google's tens of millions of Google Play customers. A recent Symantec [study](#) found that the Google Play store is plagued with scam apps. This is [one of many reports](#) of Google Play attracting criminal apps. Google's free open door policy enables dominant scale fastest; it does not protect users.
 - Given Google's knowledge that Google Play attracts broad criminal activity, and its refusal to not involve people in approving apps to better detect and prevent them shows a reckless disregard for the public's safety, much like Google's willful blindness to illegal drug advertising was per the NPA.
- 2. No Google AdWords Quality Score prevention:** Where Google does use humans to rate the "quality" of sites for AdWords advertising purposes, Google still does not try and detect or prevent criminal advertising activity per the NPA.
 - As part of Google's efforts to improve the quality of its ads, Google recently [updated its policy](#) of how its human raters evaluate websites for "quality." It is remarkable that this key management quality control process deliberately excludes trying "to detect or prevent" Google ads for criminal activity when they committed to do so in the NPA.
- 3. Rejected pedophile warning system:** Google deliberately rejected a criminal prevention practice that would flash cautionary messages when people search for obscene material on children using certain obvious keywords.
 - Microsoft & Yahoo have decided [per Business Insider](#) to "flash a message when specific search terms were entered, stating: "Warning Child Abuse material is illegal,"" a prevention best practice experts predict could cut such traffic by half. Again Google deliberately decided against prevention.

Google broadly spurns obvious common-sense prevention measures -- Cont.

In examining Google's "deliberate" treatment of corporate practices that could "detect and prevent violations" of law, the evidence shows Google has little interest in honoring its NPA commitment to "comprehensive compliance"

4. Little search auto-complete prevention: During the NPA probation period, Google didn't try to prevent search auto-complete for many obvious criminal searches, despite it being the easiest criminal prevention practice.

- Since Google has long programmed search auto-complete to not encourage some searches for child pornography and Nazi hate material, it is inexplicable that Google did not program search auto-complete to prevent obvious NPA violations like: "buy oxycontin without a prescription."
- With trillions of searches and an easily detectable finite number of search terms indicating criminal intent, Google could easily prevent search auto-complete algorithmically from effectively auto-suggesting search results for criminal activity that other users searched for.
- **In a 6-18-13 [blog post](#) Google admitted "some auto-complete entries may include phrases that potentially relate to rogue pharmacies." 22 months into the NPA, Why is Google still "evaluating how to address this issue" when they already know how to fix it for child pornography?**

5. Disallows advertiser control over ad placements:

- One of the most logical and obvious ways to detect and prevent advertising for criminal activities would be to enlist the front-line defense of enabling advertisers to pre-determine what kind of sites they do not want their ads served to.
- If Google was serious about comprehensively complying with the NPA commitment to detect and prevent advertising for criminal activities, why does Google prevent its advertiser clients from protecting themselves and users from the advertising promotion of criminal sites?

Google ignores NPA prevention requirement for YouTube ads

This deliberate NPA non-compliance is willful blindness

- YouTube is fully integrated with Google in most every way. YouTube is the second largest generator of searches in the world and the number three most-visited site after Google.com and Facebook.com per Alexa.
- Despite that integrated reality, Google implies in its 6-18-13 [blog post](#) on “Combating rogue online pharmacies” that YouTube is not subject to the NPA’s requirement of a “comprehensive compliance” program “to detect and prevent violations” of laws.
 - *“**Enforcing YouTube guidelines:** YouTube has implemented robust [community guidelines](#) governing uploaded content and user activity on YouTube. These guidelines prohibit spam, which includes the posting of large amounts of untargeted, unwanted, and repetitive content. YouTube’s guidelines also prohibit the sale of illegal goods or promotion of dangerous activities. Our teams respond around the clock when such content is reported to us. To make the notification process as effective as possible, YouTube provides a flagging tool under every video on the site that lets users and law enforcement easily alert us whenever a video contains content that violates YouTube’s policies regarding pharmaceuticals or illegal drugs.*
 - *Earlier this month, YouTube was notified of a number of videos promoting pharmaceuticals that violated its guidelines, and immediately removed them. YouTube will continue doing so when notified.”* [The notifications likely came from State AGs and/or [DCA](#) involving criminal ads.]
- In this post that directly relates to Google’s core violation under the NPA of **knowingly** marketing and profiting from rogue pharmacy sales, Google is still only reacting to others’ notifications of criminal activity; **this is willful blindness** for not taking actions “to detect or prevent” known criminal activity on its own like it promised in the NPA.
- Moreover, Google’s claimed “robust [community guidelines](#)” for YouTube are not robust in that they have not been updated to implement Google’s NPA commitment to have a “comprehensive compliance” program “to detect and prevent violations” of drug laws.

Google-YouTube's willful blindness flouts NPA & federal criminal law

- Remarkably after the NPA settlement, Google continues to implicitly assert in its [post](#) "Combating rogue online pharmacies" that YouTube advertising enjoys a [Section 230](#) ISP "safe harbor" from liability for the criminal activity of others on its network. It does not.
- Unfortunately for Google:
 - [Section 230](#) expressly excludes federal criminal law violations from the safe harbor;
 - Google has admitted liability to violating federal criminal laws & disgorged ill-gotten profits in the NPA;
 - Google agreed to remediate, i.e. "to detect and prevent violations" of laws under the NPA; and
 - Google profits from partnering with sites that advertise their illegal activity via Google and YouTube.
- Simply, Google-YouTube's willful blindness flouts both the NPA & federal criminal law.

	No Google Advertising	Google Advertised
Legal Content	Section 230 "Safe Harbor"	Section 230 "Safe Harbor"
Illegal Content	Section 230 "Safe Harbor"	GOOGLE LIABLE No Section 230 "Safe Harbor"

← **Google's NPA Commitment to detect and prevent violations of law**

The evidence Google knowingly gave DOJ “false, incomplete or misleading...information” in the NPA

- Google’s senior executives and legal team likely knew when Google agreed to the NPA, that it had no intention of implementing a “**comprehensive** compliance...program...to detect and **prevent** violations” [bold added], because doing so would contravene Google’s “open” philosophy and free-wheeling culture that opposes the curation (screening) of content, apps or software.
- It is likely Google knowingly has resisted compliance with the NPA from 2011-2013, for the same philosophical reasons Google resisted Government warnings to stop advertising for rogue pharmacies from 2004-2011.
 - Google’s open philosophy considers preventative filtering, screening, or curating others content to be censorship of free speech and anti-innovation.
 - Thus Google generally outsources responsibility for detection of problems to users, advertisers, property owners, third parties.
- Overall, despite the NPA, it is apparent that Google simply does not believe, or act like, it is Google’s responsibility “to detect and prevent” known violations of laws; it is the responsibility of those affected or harmed by the illegal content to detect and report it to Google, which then will react after-the-fact with a take down.
 - That’s because Google’s “open” [philosophy](#) puts multiple Google corporate priorities above and ahead of preventing violations of criminal law: e.g. free speech, openness, innovation without permission, scale, speed, and automation over human involvement.
 - Google has created a **de facto Google philosophy of willful blindness** to the law and also a [culture of unaccountability](#).
- Google has practically re-imagined the Section 230 safe harbor to indemnify Google of any aiding and abetting of criminal behavior, when the statute clearly excludes Federal criminal violations from the Section 230 safe harbor.
 - DOJ knows there is no free speech defense or Section 230 safe harbor immunity for knowingly aiding & abetting criminal activity.
- At bottom, Google’s signatories of the NPA had to know it was very unlikely that Google’s leadership would agree to change Google’s longstanding “open” operating philosophy to comply with its NPA “prevent” commitment.
 - Google’s extensive record of NPA non-compliance from 2011-2013 indicates Google either believed the NPA remediation to be irrelevant boiler plate language or was betting that politically DOJ would not hold them accountable to the NPA in the end.

Appendix A: Top Google Unaccountability Quotes

- *“Google’s leadership does not care terribly much about precedent or law.”* An [admission](#) by a top Google lawyer in Stephen Levy’s book [In The Plex](#), 4-11.
- *“If we could wave a magic wand and not be subject to US law, that would be great;”* said Google Co-founder Sergey Brin [to The Guardian](#), 4-15-12,
- *“Google is melding a positive office culture with minimal accountability controls.”* The company's goal is *“to think big and inspire a culture of yes”* Google Chairman Eric Schmidt before the [Economic Club](#) in Washington, per [Washington Internet Daily](#) 6-10-08.
- *“Sergey and Larry almost always decided to take the risk. They were pretty fearless.”* Doug Edwards author of *“I’m Feeling Lucky: Confessions of Google Employee Number 59.”* 7-27-11 [quoted in The Telegraph](#).
- *“We try not to have too many controls.” “People will do things that they think are in the interests of the company. We want them to understand the values of the firm, and interpret them for themselves.”* Nikesh Aurora, Head of Google European Operations, [to the FT](#), 9-21-07
- *“People don’t want to be managed”* Google CEO Larry Page in Stephen Levy’s book [In the Plex](#), 4-11.
- *“The word ‘control’ is not such a strong word at Google.”* Google Chairman Eric Schmidt responding to a question about how he controls such a vast company as Google is, [from The Telegraph](#), 7-1-10.
- *“Launch first, correct later”* Google Chairman Eric Schmidt in explaining that rapid release of Google products is part of Google's ultra-creative DNA, 6-3-10, [per the FT](#).
- *“At Google, we give the impression of not managing the company because we don’t really. It sort of has its own borg-like quality if you will. It sort of just moves forward.”* Google Chairman Eric Schmidt, [to Gigaom](#), 5-2-11.
- *“Whack-a-mole is our life”* Google Chairman Eric Schmidt, in response to the FT's question of "how Google is coping with the constant eruption of controversy over its handling of privacy, copyright and other tricky public policy issues." 6-3-10, [per the FT](#).
- *“Show me a company that failed because of litigation. I just don’t see it.”* Google CEO [Larry Page](#) 1-13

Appendix B -Part 1: Google's Consolidated Rap Sheet

Introduction

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

NAME: Google Inc. -- HQ in Mountain View California; offices in 40 countries; \$54b annual revenues; 55% gross profit margin; ~54,000 employees

AKA: Youtube, Android, Google+, DoubleClick, Chrome, AdWords, AdSense

LEADERS: Larry Page, CEO & Co-founder; Eric Schmidt, Executive Chairman; Sergey Brin Co-founder; David Drummond, Chief Legal Officer

TURF: **83%** global searches (Netmarketshare); **93%** US mobile advertising (emarketer); **~50%** of global online advertising revenues (ZenithOptimedia)

CONSUMERS AT RISK:

U.S.: Search: 175m; YouTube: 160m; Android: 135m; Chrome 110m; Social Media: 90m; Gmail: 60m

Global: Search: 1.2b; YouTube: 1b; Android: 900m; Chrome: 750m; social media: 600m; Gmail: 425m

CORE PROBLEM: America's worst scofflaw runs the world's largest and dominant information marketplace for finding and monetizing online content

MODUS OPERANDI:

BUSINESS M.O. "Ask for forgiveness, not permission;" "launch first, fix later;" "think big & inspire a culture of yes;" "minimal accountability controls"

Assume ISP safe harbor indemnifies for willful blindness; Google need only react, not act proactively to address well-known criminal activity on Google

Assume minimal responsibility for Google-hosted content; put responsibility on others to crowdsource detect, & report wrongdoing on Google

Argues: laws don't apply to Google/Internet (except for safe harbor); laws are outdated or anti-innovation; Google's use of others' copyrights is fair use

Deny any conflicts of interest; bait with free products to gain dominance then switch to payment model; play innovation as get-out-of-jail-free card

Assume everything digital is public, fair game and sharable; urge everyone to be transparent to Google, while Google remains exceptionally secretive

LEGAL M.O. Challenge validity of applicable law & any application to Internet; settle with no admission wrongdoing; routinely move to seal all discovery

Publicly claim to fully cooperate with authorities, while privately fighting, slow-rolling & challenging basic discovery to exhaust litigants

Use PR: to paint Google as the victim & user benefactor; to foster jury nullification; to profess superior ethics with "Don't be evil" corporate motto

Appendix B - Part 2: Google's Consolidated Rap Sheet Summary

Note: Official Actions in Red; Lawsuits/Court Cases in Purple

SUMMARY OF VIOLATIONS:

142 incidents, 13 countries/EU/6 continents; 34 official actions: 1 criminal, 7 fraud, 4 theft, 11 antitrust, 11 privacy; 6 near-record fines 3 countries

Under antitrust investigation in 11 countries & EU; sued for infringement/theft by 12 different industries; >20 cybersecurity lapses in last 2 years

Google's dominance & complicity could make it the #1 marketer of illicit drugs, forged documents, human trafficking, counterfeiting & content theft

Google's extensive cumulative record of wrongdoing could put Google at risk of criminal negligence/recklessness/racketeering/conspiracy charges

CRIMINAL: At least 7 years of willfull blindness & reckless disregard for public safety for marketing: drug imports without prescription/counterfeit goods

Google has shown it can police/filter child pornography & Nazi hate speech, but is unwilling to police/filter vast known swaths of criminal activity

FRAUD: 7 different official actions in 4 countries against Google for deception, fraud & obstruction in different arms of the enterprise

ANTITRUST: 11 different official predatory antitrust violations over 6 years; & under investigation in 11 countries & EU

INFRINGEMENT/THEFT: Sued for intellectual property infringement by 12 different industries; 4 government infringement actions from 3 countries

Well-established pattern of taking others' property without permission: copyright, patents, trademarks, trade secrets, confidential/private info

PRIVACY: Record privacy fines from FTC, FCC & State AG in U.S.; officially sanctioned 11 times for privacy violations in multiple countries

CYBERSECURITY LAPSES: Over 20 different types of serious cybersecurity lapses in the last two years alone

Google's overriding corporate priority for speed, appears to create a Google reckless disregard for privacy, safety, security, & property permissions

Google's policy of no curation of content or apps means minimal prevention

Appendix B - Part 3: Google's Consolidated Rap Sheet Criminal

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2013	US State AG	Charges "Google is aiding and abetting criminal activity and putting consumers at risk"	http://tinyurl.com/ms2bgs1
2013	US Congress	Letter calling Google out for hosting human trafficking app on Google Play targeting students	http://tinyurl.com/lkdgov3
2012	US Congress	Congressional letter to Google urging it to do more in opposing human-trafficking sites	http://tinyurl.com/l3d3pg5
2011	US DOJ	Google agrees to criminal Non-Prosecution Agreement to avoid executive prosecution risk	http://bit.ly/pv2ITY
2011	US DOJ	\$500m criminal fine for complicity in marketing illegal prescription drug imports	http://1.usa.gov/grimxO
2011	RI US Attorney	RI AG stated: "Larry Page knew what was going on" in marketing illicit drug sites	http://tinyurl.com/3rxood8
2011	US	An FBI sting exposed Google's pervasive complicity with marketing criminal sites	http://tinyurl.com/amvqp2b

Appendix B - Part 4: Google's Consolidated Rap Sheet

Fraud

Note: Official Actions in Red; Lawsuits/Court Cases in Purple

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2013	UK	Tax fraud probe of claim that none of Google's 1300 UK employees sell advertising	http://tinyurl.com/pzsnqm
2013	UK	Google whistleblower provides email evidence of Google tax avoidance fraud	http://tinyurl.com/av8mrdg
2012	US FTC	Google fined record \$22.5m for deceiving users to bypass of Safari privacy settings	http://tinyurl.com/kd9w4hy
2012	US FCC	\$25,000 fine for deliberately obstructing FCC wiretapping probe	http://on.wsj.com/lGzuWD
2012	Australia	Appeals Court ruled Google advertising was deceptive	http://bit.ly/Hi099t
2011	France	French tax authorities raided Google's Paris office; asked the company for \$2.2b in back taxes	http://tinyurl.com/bnvyxo5
2011	US Treasury	85 Google advertised mortgage scams shut down as fraudulent	http://bit.ly/sxuyjL
2011	US FTC	Google-buzz privacy practices were ruled deceptive	http://1.usa.gov/hR4sgV
2011	US IRS	IRS investigating aggressive shifting of income to avoid taxes	http://bloom.bg/oi2cGY

Appendix B - Part 5: Google's Consolidated Rap Sheet Infringement/Theft

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2013	US	Studios ask Google to stop promoting piracy by posting links to all taken down pirate content	http://tinyurl.com/mob5jon
2013	US	RIAA shows Google's pledge to combat music piracy in Google results is ineffective	http://tinyurl.com/b3nolx9
2013	US	Google Books new synching to Google Drive is a "book pirate's dream"	http://tinyurl.com/d77869d
2013	US FTC	Google committed to FTC to no longer misappropriate competitors' content like Yelp reviews	http://tinyurl.com/abxj83o
2012	France	French newspapers settle copyright suit over Google News scraping for \$82m	http://tinyurl.com/ch8sssz
2012	Belgium	Belgian newspapers settle six-year copyright suit over Google News scraping for \$6m	http://tinyurl.com/a42ltrw
2012	France	French President warned Google it would pass legislation if Google did not pay news links	http://tinyurl.com/lmhkchj
2012	Germany	German Parliament introduces legislation for Google to pay Newspapers for aggregating links	http://tinyurl.com/kkijytn
2012	US	CamUp sues Google for stealing its trade secrets to launch Google Hangout	http://tinyurl.com/crjxs8x
2012	US Court	Court: jury could find Google ads confused Rosetta Stone trademarks	http://yhoo.it/lvSaW1
2012	US Court	Court: jury could find Google-YouTube willful blindness infringement of Viacom	http://bit.ly/Hj9y2U
2012	Kenya	Caught systematically stealing business directory contacts	http://bit.ly/yoKWLz
2012	US Congress	Google led/orchestrated political opposition to kill anti-piracy legislation SOPA/PIPA	http://tinyurl.com/7xtzqzz
2011	US Court	Federal Judge rejects Book Settlement as anti-competitive	http://scr.bi/g6YCKP
2011	US FTC	Yelp complains that Google is misappropriating Yelp content for Google profits	http://tinyurl.com/3vg8ceq
2011	US Court	Buysafe sues for patent infringement & theft of trade secrets over Google's Trusted Stores	http://selnd.com/rGsvul
2011	US Court	Paypal sues for theft of trade secrets over Google Wallet	http://bloom.bg/mNjzvs
2010	US Court	Oracle sues Android for patent/copyright infringement	http://cnet.co/dfow29
2010	US Court	Skyhook Wireless sues for multiple patent infringement	http://bit.ly/HIN0ZU
2010	US DOJ	Opposed revised Book Settlement as mass copyright infringement	http://bit.ly/d1t6yP
2009	France	Govt. opposed book settlement: violated authors' copyrights	http://on.ft.com/J0nWqW
2009	Germany	Govt. found book settlement violated international law	http://bloom.bg/HBoxV2
2007	US Court	Viacom sued YouTube for illegal business model; \$1b infringement	http://bit.ly/Jk7Mnk
2006	Belgium	Settled copyright suit with Writers/Photographers: Google News	http://bit.ly/HOy8me
2004	US	Paid \$250m settlement for violating Overture's ad auction patents	http://bit.ly/lzKEuM

Appendix B - Part 6: Google's Consolidated Rap Sheet

Antitrust

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2013	EU	EU is investigating alleged anti-competitive Android licensing and exclusivity deals	http://tinyurl.com/mrpp7d9
2013	US FTC	FTC investigating anti-competitive tying by DoubleClick in display ads	http://tinyurl.com/qfgaujc
2013	Canada	Canadian authorities open broad antitrust investigation of Google's business practices	http://tinyurl.com/o8tdadv
2013	EU	EU issued Statement of Objections finding Google abused Standards Essential Patents	http://tinyurl.com/cu2p2j5
2013	India	India's competition commission is investigating Google's Search business practices	http://tinyurl.com/mfn5q7u
2013	EU	To avoid \$4b antitrust fine Google offered remedies to 4 violations	http://tinyurl.com/apbpuhl
2013	EU	Found search dominance abuse favoring own links over competitors'	http://tinyurl.com/ahun3ae
2013	EU	Found Google took competitors' content, then represented it as own	http://tinyurl.com/ahun3ae
2013	EU	Found Google shut out advertising competitors via exclusivity terms	http://tinyurl.com/ahun3ae
2013	EU	Found Google unfairly restricts seamless transfer of ad campaigns	http://tinyurl.com/ahun3ae
2013	US FTC	Prohibited Google's anti-competitive abuse of SEP patent licenses	http://tinyurl.com/amvuxth
2013	US FTC	Google committed to FTC to no longer abuse competitors' content	http://tinyurl.com/abxj83o
2013	US FTC	Google committed to FTC to not favor its Adwords API licensees	http://tinyurl.com/abxj83o
2012	US TX AG	Google refuses Texas AG request for business documents in discovery	http://tinyurl.com/celua3n
2012	US DOJ	Officially warned to not abuse standards essential patents	http://1.usa.gov/wXgxNv

Appendix B - Part 7: Google's Consolidated Rap Sheet

Antitrust, Continued

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2012	S. Korea	Considering max penalty for systematic obstruction of justice	http://bit.ly/IAFlvg
2011	US Senate	Senators find complaints warrant "thorough" FTC investigation	http://tinyurl.com/75rmfza
2011	Brazil	Competitors' file complaint over Google's advertising practices	http://reut.rs/tDYRr1
2011	India	Antitrust authorities urged to investigate ad practices	http://bit.ly/o96JZa
2011	Argentina	Authorities investigating search dominance/ad discrimination	http://bit.ly/HLWbCi
2011	US DOJ	DOJ/Court will police ITA acquisition antitrust problems	http://1.usa.gov/hLTkwi
2011	US Court	Federal Judge rejects Book Settlement as anti-competitive	http://scr.bi/g6YCKP
2010	US DOJ	DOJ confirms Google a monopoly by approving #2 Yahoo & #3 Microsoft search alliance	http://tinyurl.com/met54yl
2010	France	Authorities ruled Google search monopoly, found discrimination	http://on.wsj.com/a7a99J
2010	US Court	Found to be broadly colluding to limit employees' compensation	http://1.usa.gov/awhR5K
2010	US DOJ	Opposed revised Book Settlement as anti-competitive/illegal	http://tinyurl.com/4qxn24y
2010	US Court	Skyhook sues over unlawful interference with contracts	http://bit.ly/IJRzAX
2010	Germany	Companies file complaints: search discrimination/infringement	http://nyti.ms/7u9zvW
2009	UK	Foundem files complaint, documents predatory ad penalties	http://tinyurl.com/bj7uhl2
2009	US FTC	Forced Google CEO off Apple's Board as anti-competitive	http://1.usa.gov/oJJhC
2009	Italy	Investigation of complaints of Google abusing its ad dominance	http://bit.ly/IF18Ck
2008	US DOJ	Threatened antitrust suit to block Google-Yahoo ad Agreement	http://tinyurl.com/yctzc5f

Appendix B - Part 8: Google's Consolidated Rap Sheet

Privacy

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2013	US	Google files "Big Brother" patent to scan databases for policy/law violation terms	http://tinyurl.com/l1xn34o
2013	Germany	Privacy authority fined Google near the max amount for illegal WiFi data collection	http://tinyurl.com/bp9ya9e
2013	US Congress	Privacy caucus letter to Google asked privacy protection questions about Google Glass'	http://tinyurl.com/ba7b4yj
2013	US State AG	38 State AGs fined Google \$7m for mass unauthorized collection of private WiFi data	http://tinyurl.com/b6tg8na
2013	US	Google Glass banned by casinos in several states as facilitation for cheating	http://tinyurl.com/lkxprzh
2013	EU	EU found Google non-compliant with CNIL's privacy investigation; plans sanctions this summer	http://tinyurl.com/c65yxdm
2012	EU	Google maps for iPhone default for user tracking violated EU Data Protection Law per Germany	http://tinyurl.com/adl4m2v
2012	US	Google Now's pedometer card tracks user walking/biking distances by default without consent	http://tinyurl.com/a6rcqly
2012	US FTC	US FTC fines Google record \$22.5m for deception/bypassing Safari browser privacy settings	http://tinyurl.com/9djunwj
2012	US CA	Gmail users file class action accusing Google of violating California's Invasion of Privacy Act	http://tinyurl.com/97r9ens
2012	Australia	Google found more Australia Street View data that it did not destroy but had promised to	http://tinyurl.com/9z15m73
2012	UK	Google did not destroy all UK Street View data that it assured UK govt. it had destroyed	http://tinyurl.com/c72m65r
2012	UK	Google's UK privacy manager conflicted as he oversaw UK privacy investigation of Street View	http://tinyurl.com/6mwbelk
2012	US FCC	US FCC Street View WiSpy probe disproved Google story it was a rogue engineer's mistake	http://politico.pro/McNbyg
2012	USFCC	US FCC fines Google \$25k for impeding/delaying its Street View wiretapping probe	http://bit.ly/IC1y8x
2012	US	Google Drive terms of service grant Google broad rights to users' private info in cloud	http://bit.ly/I1OLNk
2012	US	Stanford researcher found Google bypassed users' privacy protections on Apples's browser	http://on.wsj.com/ytg5EB
2012	EU	Google rejected EU request to delay new privacy policy to see if it complied with EU law	http://bit.ly/vZgiQD
2012	US State AG	Google refuses to meet with 36 US Attorneys General about objections to new privacy policy	http://on.wsj.com/wxlDCB
2012	US FTC	Google introduces new privacy policy without opt-out required by FTC enforcement decree	http://bit.ly/IPa9EH

Appendix B - Part 9: Google's Consolidated Rap Sheet

Privacy, Continued

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2012	US FTC	EPIC asks US FTC to probe if "Search Plus Your World" violates FTC enforcement decree	http://bit.ly/AeE1kv
2011	US CA	Google fails to fulfill its LAPD contract to ensure private/secure Gmail for law enforcement	http://bit.ly/qbGOFN
2011	US	Chinese hackers accessed private Gmail accounts of US Cabinet and Defense Dept. officials	http://wapo.st/iVnEVq
2011	US DOJ	Google abused user privacy by knowingly geo-targeting them with ads to buy illegal drugs	http://1.usa.gov/qrjmxO
2011	France	French privacy authority fines Google \$144k for Street View privacy invasion without consent	http://tinyurl.com/adp5afp
2011	US	Android tracks users' movements thousands of times a day without the user's knowledge	http://on.wsj.com/gDfmEV
2011	US	Google TV prevented users from installing privacy/security software for protection	http://bit.ly/bvtbk0
2011	US FTC	Google settled with US FTC over charges of Google-Buzz deceptive privacy practices	http://1.usa.gov/hR4sgV
2011	US DOJ	US DOJ catches Google misrepresenting it had privacy/security certifications it did not have	http://bit.ly/i4AJHs
2011	US	"Doodle4Google" art contest sign-up required children to provide partial social security #s	http://bit.ly/f3cD2O
2010	33 Countries	Google Street View's unauthorized recording of private WiFi communications in 33 nations	http://bit.ly/aOyj98
2010	US	Google engineer caught stalking underage teens and spying on their private chats/emails	http://gaw.kr/bVrNQ3
2009	US	Librarians opposed Google Book Settlement because it had no privacy protections	http://bit.ly/JZQfH
2008	US	Google opposed posting its privacy policy on its homepage as required by California law	http://bit.ly/LSm19A
2007	US	Privacy International ranked Google worst in the world for privacy for "hostility to privacy"	http://bit.ly/KybXGp
2007	US	Google Street View raised privacy concerns with public photos of private home interiors	http://nyti.ms/L3BxjE
2007	US	Google Docs's terms of service claims perpetual rights to users' private material	http://zd.net/iumtqH
2007	US	Privacy watchdogs opposed Google-DoubleClick merger on privacy grounds	http://bit.ly/JTmFJJ
2006	US	Poll of Google users shows that they incorrectly believe search is private/not identifiable	http://bit.ly/JTmFJJ
2006	US	Google publicly displayed a live feed of everyone's private search terms in its lobby	http://scoble.it/8aIX37
2005	US	Google Earth publicly exposed aerial views of White House roof endangering its security	http://bit.ly/JZi7kl
2004	US	Thirty-one privacy groups oppose Gmail scanning emails to target advertising personally	http://bit.ly/Npl4HW
2002	US	GoogleWatch predicts: <i>"Google is a privacy time bomb/a privacy disaster waiting to happen"</i>	http://bit.ly/WiKv

Appendix B - Part 10: Google's Consolidated Rap Sheet

Cybersecurity Lapses

Note: Official Actions in Red; Lawsuits/Court Cases in Purple

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2013	US	Google no longer allows users the option of turning off chat history for Hangouts	http://tinyurl.com/mp9o8og
2013	US	Google engineer released code to teach hackers how to crash or gain control over Windows	http://tinyurl.com/n6xarg4
2013	US	Learned Chinese hackers into Google were "rooting around Google's servers for at least a year"	http://tinyurl.com/mbngwea
2013	US	Learned Chinese hackers accessed sensitive database of U.S. surveillance targets	http://tinyurl.com/mbngwea
2013	US	"Hacker uses an Android to remotely attack and hijack an airplane" per ComputerWorld	http://tinyurl.com/bn68pmg
2013	US	Google Glass was hacked and "jailbroken" just after supposedly being locked down	http://tinyurl.com/lcb4ksx
2013	US	Family of Android malware infecting Google Play learned to be more widespread than thought	http://tinyurl.com/crsc8uq
2013	US	Android security flaw allowed the bypass of a major Google security sign-in flaw for 7 months	http://tinyurl.com/bbty7ln
2013	US	Google Play found to share users' names/emails with developers without users' permission	http://tinyurl.com/b7a75g3
2013	US	F-Secure study: Android accounted for 96% of mobile malware attacks in 4Q12	http://tinyurl.com/bcf9hsb
2013	US	Fragmentation leaves Android phones vulnerable to hackers & "smishing" consumer fraud	http://tinyurl.com/b4ytsku
2012	US	Android app verification service misses 85% of sideloaded malware per NCSU study	http://tinyurl.com/aq858s8
2012	US	Scientists test 13k Android Apps find 8% fail to protect bank and social media log-ins	http://tinyurl.com/9c5to42
2012	US FBI	FBI Internet Crime Center warns of malware targeting Android phone operating system	http://tinyurl.com/9lj4u8q

Appendix B - Part 11: Google's Consolidated Rap Sheet

Cybersecurity Lapses, Continued

Note: **Official Actions in Red**; **Lawsuits/Court Cases in Purple**

YEAR	JURISDICTION	DESCRIPTION	MORE INFO
2012	US	Hacking Experts demonstrated new ways to attack and take over Android phones	http://tinyurl.com/ces79n4
2012	US	Google Wallet shut down for week because users' PIN to access money wasn't private	http://bit.ly/AzksAM
2012	US	Lookout report found Android toll-fraud malware creeps into cellphone bills	http://tinyurl.com/bv54nzy
2012	US	Google's automated screening process missed app uploads of trojan malware for weeks	http://tinyurl.com/bn543px
2012	US	Android Apps found to share personal data with advertisers without users' knowledge	http://bit.ly/waUjb6
2012	US	By design Android app developers don't need user's permission to access users' photos	http://bit.ly/KOUGfs
2011	US	Android defaults set to collect & implement network passwords without user's permission	http://tek.io/k42Kr9
2011	US	Only Google made all of Wikileaks' stolen private/secret cables publicly searchable	http://reut.rs/ieeUFO
2011	US	Android's no-curation-policy means no privacy/security by design for users private info	http://bit.ly/nxPnH7
2011	US	Google enabled public download of 35 million personal profiles, adding to identity theft risk	http://bit.ly/kMxUJN
2011	US	Android's lax security found to enable hackers easy access to users private information	http://bit.ly/trp25m
2010	US	Chinese hackers stole Google's entire password security/privacy software system	http://nyti.ms/JzMOHs
2009	US	Google depends on others to discover Google's privacy/security vulnerabilities	http://bit.ly/N4mdbk
2009	US	Google's centralization of all information creates "single-point-of-failure" for privacy/security	http://amzn.to/MgmSr3
2007	US	Google exposed 2,000 college students social security #s & personal info in search results	http://bit.ly/LPEzrn
2004	US	Google chooses an "all-eggs-in-one-basket" search database design called "Big Table"	http://bit.ly/EB3J
2004	US	Google desktop function exposed as big spyware risk for users compromising privacy	http://bit.ly/KRZ3BG

Appendix C - Bio: Scott Cleland, President, Precursor[®] LLC

- **Bio:** Scott Cleland was the first analyst to foresee that Google would become a global monopoly with unprecedented market power and minimal accountability that would lead to severe competition, privacy, property, and security problems. He has written more Google antitrust, privacy, and accountability research than anyone in the world.
- Cleland is a precursor: a research analyst with a track record of industry firsts and a history of spotlighting harmful industry behavior and misrepresentation. He is President of Precursor[®] LLC, a Fortune 500 research consultancy focused on the future of Internet competition, privacy, security, property rights, and algorithmic markets. Scott Cleland is author of the book: *Search & Destroy: Why You Can't Trust Google Inc.* Cleland also authors the widely-read www.PrecursorBlog.com; and publishes www.GoogleMonitor.com.
- He served as Deputy United States Coordinator for International Communications and Information Policy in the George H. W. Bush Administration. Eight Congressional subcommittees have sought Cleland's expert testimony and *Institutional Investor* twice ranked him the #1 independent telecom analyst. Scott Cleland has been profiled in *Fortune*, *National Journal*, *Barrons*, *WSJ's Smart Money*, and *Investors Business Daily*. Cleland's Full Biography can be found at: www.ScottCleland.com
- **Scott Cleland's Three Congressional Testimonies on Google:**
 1. Before the Senate Judiciary Subcommittee on Antitrust on the Google-DoubleClick Merger, September 27, 2007. http://googleopoly.net/cleland_testimony_092707.pdf
 2. Before the House Energy and Commerce Subcommittee on the Internet on Google Privacy issues, July 17, 2008. http://www.netcompetition.org/Written_Testimony_House_Privacy_071707.pdf
 3. Before House Judiciary Antitrust Subcommittee, on Evolving Digital Marketplace, September 16, 2010. http://www.googleopoly.net/Written_Testimony_House_Judiciary_Competition_Subcommittee_9-16-10.pdf