

Google trial in Italy: freedom v. responsibility

June 23 2009, By ARIEL DAVID , Associated Press Writer

(AP) -- Testimony begins Tuesday in the Italian trial of four Google executives accused of defamation and violating privacy for allowing a video to be posted online showing an autistic youth being abused.

All four deny wrongdoing. The case could set the tone for new limits on sharing videos and other content on the Web.

[Google](#) says the case violates EU rules by trying to place responsibility on providers for content uploaded by users.

The Mountain View, California, company also considers the trial a threat to freedom on the Internet because it could force providers into an impossible task - prescreening the thousands of hours of footage uploaded every day onto Web sites like the Google-owned YouTube.

Prosecutors and civil plaintiffs insist they don't want to censor the Internet, and maintain the case is about enforcing Italy's privacy rules as well as ensuring large corporations do their utmost to block inappropriate content, or quickly delete it.

"It's the first case of this kind in Italy and Europe," said Alessandro del Ninno, a lawyer and expert on Internet law. "The risk is that it will force providers to preventively control the content, something that goes against the very nature of the Internet."

The defendants, who are being tried in absentia in Milan, are Google's

senior vice president and chief legal officer David Drummond, former chief financial officer George Reyes, senior product marketing manager Arvind Desikan and global privacy counsel Peter Fleischer.

The probe was sought by Vivi Down, an advocacy group for people with Down syndrome, which alerted prosecutors to the 2006 video showing an autistic student in Turin being beaten and insulted by bullies at school. In the footage, the youth is being mistreated while one of the teenagers puts in a mock telephone call to Vivi Down.

The events shortly preceded Google's 2006 acquisition of YouTube.

Google Italia, which is based in Milan, eventually took down the video, though the two sides disagree on how fast the company reacted to complaints. Thanks to the footage and Google's cooperation, the four bullies were identified and sentenced to community service by a juvenile court.

But prosecutors also sought trial for the Google executives, who could face up to three years in jail, for failing to protect the youth's privacy by allowing the video to be uploaded.

"We feel that bringing this case to court is totally wrong," Google said in a statement ahead of Tuesday's session. "It's akin to prosecuting mail service employees for hate speech letters sent in the post."

"Seeking to hold neutral platforms liable for content posted on them is a direct attack on a free, open Internet," it said.

The trial opened in February, with the court so far dealing with procedural matters. In Tuesday's session a company technician is expected to take the stand to explain how Google Video works.

A ruling is expected in July or after a summer break.

The family of the youth withdrew from the trial when it opened, leaving Vivi Down as the main plaintiff in a civil lawsuit attached to the case.

"It is not correct to talk about censorship, this is not our goal," said Guido Camera, a lawyer for the group. "We ask that at least users be made aware of their responsibilities."

Prosecutors say they are aware Google cannot screen all videos, but maintain the company didn't have enough automatic filters in place as well as warnings to users on privacy and copyright laws. They also say Google didn't have enough workers assigned to its Italian service in order to react quickly to videos flagged as inappropriate by viewers.

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