

YouTube ordered to take down anti-Muslim film

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This Sept. 20, 2012 file photo shows Cindy Lee Garcia, right, one of the actresses in the film "Innocence of Muslims," and attorney M. Cris Armenta at a news conference before a hearing at Los Angeles Superior Court in Los Angeles. A federal appeals court ordered YouTube on Wednesday to take down an anti-Muslim film that sparked violence in many parts of the Middle East. The decision by a divided three-judge panel of the 9th U.S. Circuit Court of Appeals in San Francisco reinstated a lawsuit filed against YouTube by an actress who appeared in the video. The 9th Circuit said the YouTube posting infringed actress Cindy Lee Garcia's copyright to her role, and she, not just the filmmaker, could demand its removal. (AP Photo/Jason Redmond, file)

(AP)—A U.S. appeals court ordered YouTube on Wednesday to take down an anti-Muslim film that sparked violent riots in parts of the Middle East and death threats to the actors.

The decision by a divided three-judge panel of the 9th U.S. Circuit Court of Appeals in San Francisco reinstated a lawsuit filed against YouTube by an actress who appeared briefly in the 2012 video that led to rioting and deaths because of its negative portrayal of the Prophet Muhammad.

YouTube resisted calls by President Barack Obama and other world leaders to take down the video, arguing that to do so amounted to unwarranted government censorship and would violate the Google-owned company's free speech protections. Besides, the company argued that the filmmakers and not the actors of "Innocence of Muslims" owned the copyright and only they could remove it from YouTube.

And typically, that's the case with the vast majority of clips posted on YouTube—and Hollywood in general—that don't violate decency laws and policies. But the 9th Circuit said Wednesday that this case was far from typical and that the actress, Cindy Lee Garcia, retained a copyright claim that YouTube must respect. That's because she believed she was acting in a different production than the one that ultimately appeared online.

"Had Ms. Garcia known the true nature of the propaganda film the producers were planning, she would never have agreed to appear in the movie," said Cris Armenta, Garcia's attorney.

Google argues that the actress had no claim to the film because filmmaker Mark Basseley Youssef wrote the dialogue, managed the

entire production and dubbed over Garcia's dialogue during postproduction editing.

Writing for the court, Chief Judge Alex Kozinski said the ruling was not a blanket order giving [copyright protection](#) to every actor, but that in this case, Garcia's performance was worthy of copyright protection.

Youssef, the filmmaker, was sentenced to 21 months in prison for check fraud in 2010 and barred from accessing the Internet without court approval. He was returned to prison in 2012 for violating terms of his probation and was released on probation in September 2013.

Garcia was paid \$500 to appear for five seconds in a film she was told was called "Desert Warrior" that she thought had nothing to do with religion or radical Islam. When the clip was released, her lines were dubbed to have her character asking Muhammad if he was a child molester.

"This is a troubling case," Kozinski wrote. "Garcia was duped into providing an artistic performance that was used in a way she never could have foreseen. Her unwitting and unwilling inclusion in Innocence of Muslims led to serious threats against her life. It's disappointing, though perhaps not surprising, that Garcia needed to sue in order to protect herself and her rights."

For Google, the ruling represents a nettlesome issue if allowed to stand. The company fears that bit players and extras appearing in popular clips will now be emboldened to send takedown notices to YouTube unless settlements can be reached with the filmmakers.

Google Inc., which has removed the clip, said it will appeal the decision to a special 11-judge panel of the appeals court. The next move after that would be to ask the U.S. Supreme Court to review the case.

"We strongly disagree with this ruling and will fight it," said Google spokeswoman Abbi Tatton.

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