

Google sues people who “weaponized” DMCA to remove rivals’ search results

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Google yesterday sued a group of people accused of weaponizing the Digital Millennium Copyright Act (DMCA) to get competitors’ websites removed from search results. Over the past few years, the foreign defendants “created at least 65 Google accounts so they could submit thousands of fraudulent notices of copyright infringement against more than 117,000 third-party website URLs,” said Google’s lawsuit filed in US District Court for the Northern District of California.

Another 500,000 URLs were also targeted, according to Google. “To date, Defendants’ scheme has forced Google to investigate and respond to fraudulent takedown requests targeting more than 117,000 third-party website URLs, as well as takedown requests targeting more than half a million additional third-party URLs that are likely fraudulent based on preliminary investigation,” the lawsuit said.

Google filed the lawsuit against Nguyen Van Duc and Pham Van Thien, who are both said to live in Vietnam, and 20 defendants whose identities are unknown. Google alleged that the defendants “appear to be connected with websites selling printed t-shirts, and their unlawful conduct aims to remove competing third-party sellers from Google Search results.”

Google hopes to use the court system to deter further copyright-takedown abuse. But the lawsuit helps show how easy it is for fraudsters to game Google's system for responding to DMCA notices.

"Defendants have weaponized copyright law's notice-and-takedown process and used it not for its intended purpose of expeditiously removing infringing content, but instead to have the legitimate content of their competitors removed based on false allegations," the lawsuit said. "Defendants' illegal, fraudulent scheme harms consumers, third-party businesses, and Google; stifles competition; and threatens to tarnish Google's trusted brand."

Google said it removed a "significant" number of search results based on the fraudulent takedowns. "Unfortunately, to ensure compliance with the DMCA and in reliance on the information submitted in Defendants' takedown requests, Google's system removed a significant number of third-party website URLs targeted by Defendants for a period of time before Google and/or the websites' owners figured out what was going on and took appropriate steps to reinstate the URLs," Google said.

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Defendants impersonated Elon Musk and Amazon

According to Google, some or all of the 20 Doe defendants "are individuals or entities working at the direction of and/or in active concert with Defendants Nguyen and Pham to prepare and submit thousands of fraudulent takedown requests to Google."

In the defendants' most egregious series of takedown requests, spanning from August to December 2022, they allegedly "submitted fraudulent takedown requests targeting more than

35,000 website URLs from a Google customer that spends tens of millions of dollars per year on Search Ads.” The customer’s website traffic plunged during the 2022 holiday season, “resulting in over \$5 million in revenue losses for that customer (and its sellers), with a corresponding loss to Google of between \$2 and \$3 million, before Google was able to reinstate all the targeted URLs,” the lawsuit said.

The defendants provided fake names in their takedown requests and “falsely purported to represent large companies (e.g., Amazon, Twitter, NBC News), sports teams (e.g., Philadelphia Eagles, Los Angeles Lakers, San Diego Padres), prominent individuals (e.g., Elon Musk, Taylor Swift, LeVar Burton, Kanye West), and famous bands (e.g., Blink 182),” the Google lawsuit said.

For example, “Defendants falsely claimed to represent Elon Musk, alleging infringement of a t-shirt with a logo with the text ‘Pharmacy Technician,’” the lawsuit said. Defendants falsely claimed to represent Amazon in a notice alleging “infringement of a t-shirt with the text ‘In 2006 Beyonce Said To The Left, To The Left And My Political Compass Was Born,’” Google said.

In other takedown notices, the defendants are accused of listing fake company names or providing “plainly disingenuous information in the company name field on the Copyright Webform, such as ‘TESTTT’ and ‘this is funny game.’”

“Defendants signed and submitted their thousands of fraudulent takedown requests containing false information under penalty of perjury,” Google said.

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