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# Italian Appeals Court Acquits 3 Google Executives in Privacy Case

By ERIC PFANNER  
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PARIS — An appeals court in Milan on Friday overturned the conviction of three Google executives on charges of violating Italian privacy laws, in a decision that the company hailed as a victory for Internet freedom.

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The ruling, by a panel of three judges, nullified a 2010 decision in which the executives were found guilty and sentenced to six-month suspended sentences by a lower court judge who

said they had been too slow to remove a video from a Google-owned Web site in which teenagers bullied an autistic boy.

The original verdict raised alarms about [threats to Internet freedom in Italy](#). Google and many other Internet companies have consistently maintained that they cannot, and should not, be required to review the content of user-generated material before it is posted on their sites.

Google insists that it acted swiftly to take down the video in question after being alerted to it, on grounds that the content violated its terms of service. Google said Friday that the successful appeal had vindicated its position. "We're very happy that the verdict has been reversed and our colleagues' names have been cleared," Giorgia Abeltino, the policy manager at Google Italy, said in a statement. "Of course, while we are delighted with the appeal, our thoughts continue to be with the family, who have been through the she said, referring to the autistic boy.

The company said the ruling also affirmed the assumption that Web sites that m host to user-generated videos and other homemade material were not performing an editorial function. Under E.U. law, hosting services are not held responsible for content, even though courts across the region have sometimes disagreed on what constitutes a host. "The decision is welcome in that it removes a substantial threat to digital platforms and to the contributions to speech coming from them," said Marco Ricolfi, co-director of the Nexa Center for Internet and Society in Turin.

While Google has often been asked or ordered to take down videos, it says this was the only case of criminal convictions on charges stemming from a video's content.

The three executives were convicted in absentia. Pending the appeal the three — Peter Fleischer, chief privacy counsel; David Drummond, senior vice president and chief legal officer; and George Reyes, a former chief financial officer — had been suspended.

The company had nonetheless been concerned about the possible precedents from the decision. And guilty verdicts could have had other ramifications, like making it difficult for the executives to serve on corporate boards or to fulfill other functions that require a clean record.

The video was posted on a Google site, now defunct, that predated the company's acquisition of YouTube, the world's most popular video sharing service. After the ruling,

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there had been talk that Google might have to go so far as to shut down YouTube in Italy, because the company said it would be impossible to vet the 72 hours of video content that are uploaded onto YouTube around the world every minute.

More generally, the original verdict had fueled concerns that Italy was out of step with its peers in the Western world in its approach to the Internet. Besides adverse court rulings, there are perennial proposals from Italian lawmakers, for example, to rein in bloggers by requiring them to post corrections of their errors. And the television company Mediaset, controlled by former Prime Minister Silvio Berlusconi, has been fighting a long-running battle with Google over copyright issues.

In the past year, with a new prime minister, Mario Monti, in place there have been signs that Italian institutions and society are growing more comfortable with the sometimes messy aspects of the Internet. In May, for example, Italy's highest court, the Supreme Court of Cassation, overturned the conviction of a Sicilian blogger, Carlo Ruta, on charges of publishing a "clandestine newspaper." The law in question, which dates to 1948, requires newspapers to be licensed, but the appeals court determined that a blog did not constitute a newspaper.

Corrado Passera, minister for economic development, has promoted a digital agenda that has included measures to digitize Italy's public services, to ease regulations and to decrease the tax burden for start-ups. The government also provided €750 million, or nearly \$990 million, to create broadband connections in remote areas.

"Our hope is that both on the political side and the legal side, things are going in a more progressive direction," said Luca Nicotra, campaign director at Agorà Digitale, a group that lobbies against restrictions on the Internet.

While the appeals court released its decision in the Google case on Friday, its reasoning was not immediately clear, because Italian courts publish detailed explanations of verdicts several weeks or months after the actual decision.

*Gaia Pianigiani contributed reporting from Rome.*

*This article has been revised to reflect the following correction:*

**Correction: December 21, 2012**

An earlier version of this article misidentified Giorgia Abeltino, the policy manager at Google Italy, as a man. She is a woman.

A version of this article appeared in print on December 22, 2012, in The International Herald Tribune.

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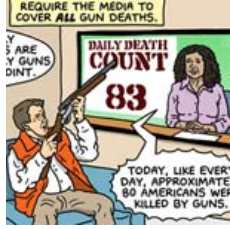
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