

Mr. Eric Schmidt
CEO
Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043
USA

Paris, 21 August 2008

Dear Mr. Schmidt,

Reporters Without Borders would like to refer you to the defamation lawsuit that the Indian construction company Gremach brought against your Indian subsidiary, Google India Private Ltd, in February over criticism of Gremach that a blogger posted anonymously on your blog platform, Blogger.com.

The Bombay high court has just ordered your subsidiary to reveal the identity of the blogger, who uses the pseudonym "Toxic Writer."

You are of course aware that a similar request made by the Chinese government in 2004 to the US company Yahoo! resulted in journalist Shi Tao being sentenced to 10 years in prison on 30 April 2005 on a charge of "illegally divulging state secrets abroad." You must also be aware of the ensuing public relations disaster for Yahoo! and the apology that Jerry Yang had to give the US Congress after it held him responsible for his client's imprisonment.

It is your cooperation that is now being sought by a country's authorities to punish a blogger. We know that you have yielded to information control requests in China in the past. We dare to hope that you have learned the lessons of the Shi Tao/Yahoo! case and that you will not allow yourself or your company to be dragged into a similar situation.

You agreed to censor your search engine in China in 2006 and to comply with the Communist Party's demands by creating Google.cn. This situation highlights the need for the US Congress to lose no time in passing the Global Online Freedom Act (GOFA) that was

introduced by Representative Chris Smith. This bill would protect US companies operating in foreign countries where they could be asked to reveal their clients' personal data, as is the case now. GOFA would require all such requests to be submitted to the US government, thereby extricating the companies from a delicate situation.

According to the Indian government, Google India Private Ltd must comply with local law, which is asking it to reveal the identity of the offending content's author. However, in India, the law governing the use of personal data does not specify whether the parties concerned can oppose their disclosure. Your only possible defense would be to prove that you were not aware of this violation of the law and that it took place despite your warning – one that would obviously have to be demonstrated.

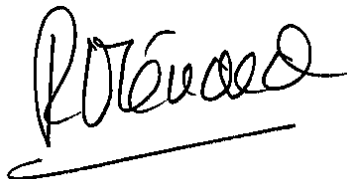
“Toxic writer” is not guilty of any crime except expressing his opinions online and it is astonishing that a democratic country such as India should pursue an action of this kind. It shows how necessary it is for corporations such as yours to be protected from this sort of request in the countries in which they are based.

Seize the opportunity you are being given to demonstrate transparency by defying the Indian court's request in the name of the international standards that protect free expression. Article 19 of the Universal Declaration of Human Rights, which was adopted by the United Nations General Assembly, states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

We call on you to refuse to reveal this blogger's identity. The Shi Tao/Yahoo! case should remain an isolated one.

We are confident that you will appreciate the importance of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Ménard", with a horizontal line underneath it.

Robert Ménard,
Secretary-General