

June 17, 2024

Sundar Pichai
Chief Executive Officer
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Pichai:

I write to express alarm at the proliferation of nonconsensual, sexually-explicit deepfakes on Alphabet's platforms and how Alphabet promotes this material. Google Search drives users to apps that produce nonconsensual, sexually-explicit deepfakes and platforms that host it. Google Play makes available apps that are used to create nonconsensual, sexually-explicit deepfakes. And YouTube hosts tutorials on how to create nonconsensual, sexually-explicit deepfakes. While Alphabet has recently taken limited steps to address these issues, the company must be more aggressive in its efforts.

No special expertise or equipment is needed to create deepfakes: there are now apps that serve that purpose. Recent research has identified more than 290 deepfake porn apps, 80 percent of which have launched in the past year.¹ Because this easily used software is so readily accessible, middle schools and high schools around the country are grappling with shocking acts of image-based abuse committed by students against other students. Examples of this abound.

In March, for instance, at least 22 students at Richmond-Burton High School, which is north of Chicago, learned they were depicted in deepfakes circulating online. In another case, an alleged offender manipulated a photograph of two students from the school prom to digitally remove their dresses so they appeared nude.² Similarly, five eighth-graders were expelled from a Beverly Hills, California, school for creating and sharing fake nudes of 16 classmates, also in the eighth grade. In that case, the perpetrators allegedly superimposed pictures of the students' real faces onto simulated nude bodies generated through artificial intelligence.³ And late last year, two Florida boys, aged 13 and 14, were arrested on charges of distributing sexually-explicit

¹ Lorena O'Neil, *Fake Photos, Real Harm: AOC and the Fight Against AI Porn*, ROLLING STONE (Apr. 8, 2024), available at <https://www.rollingstone.com/culture/culture-features/aoc-deepfake-ai-porn-personal-experience-defiance-act-1234998491/>.

² Dana Rebik and Peter Curi, *Investigation into 30 Explicit AI Generated Photos of Suburban High School Students Underway*, WGN9 (Mar. 18, 2024), available at <https://wgntv.com/far-north-suburbs/investigation-into-30-explicit-ai-generated-photos-of-suburban-high-school-students-underway/>.

³ Jon Healey, *Beverly Hills School District Expels 8th Graders Involved in Fake Nude Scandal*, L.A. TIMES (Mar. 7, 2024), available at <https://www.latimes.com/california/story/2024-03-07/beverly-hills-school-district-expels-8th-graders-involved-in-fake-nude-scandal>.

deepfakes of their classmates, aged 12 and 13.⁴ A recent article in the *New York Times* described numerous additional instances at middle schools and high schools around the country involving sexually-explicit deepfakes of students.⁵

These examples are indicative of the explosion of nonconsensual deepfake pornography currently taking place. According to research from independent analyst Genevieve Oh, the creation of nonconsensual pornographic deepfakes has surged, with the number of videos increasing ninefold since 2019.⁶ Such videos have been viewed **almost four billion times**. Data from web analytics company Similarweb shows that monthly traffic to the top 20 deepfake sites **increased by 285 percent** from July 2020 to July 2023.⁷ Search engines directed **25.2 million visits** to the top five most popular deepfake sites in July 2023.⁸ According to data from web traffic analysis firm Similarweb, 34 providers of nonconsensual sexually-explicit content received **over 24 million unique visitors** to their websites in September 2023.⁹

The generation and dissemination of nonconsensual, sexually-explicit deepfakes are acts of abuse and violations of privacy that inflict lasting harm on victims.¹⁰ Victims can feel destabilized when they lose control over their likeness and identity, and can feel powerless to remove the illicit content or to prevent its repeated production. They may experience depression, anxiety, and a fear of being in public. This can have the effect of silencing victims, causing them to withdraw from online spaces and public discourse as a protective measure.¹¹ These images may be used to harass victims and damage their employment, education, or reputation, or to promote criminal activity such as extortion and stalking. In the worst cases, they drive victims to suicide.¹²

On top of those general harms, it is important to note the fact that nonconsensual deepfakes are overwhelmingly targeted at women. According to an analysis of the top 10 deepfake pornography websites and 85 deepfake channels on YouTube, Vimeo, and Dailymotion, 99 percent of deepfake pornography depicts women.¹³ Of those, 98 percent of the images are of women with prominent careers, such as singers, actresses, and social media personalities—

⁴ Amrita Khalid, *Florida Teens Arrested for Creating “Deepfake” AI Nude Images of Classmates*, THE VERGE (Mar. 8, 2024), available at <https://www.theverge.com/2024/3/8/24094633/deepfake-ai-explicit-images-florida-teenagers-arrested>.

⁵ Natasha Singer, *Teen Girls Confront an Epidemic of Deepfake Nudes in Schools*, N.Y. TIMES (Apr. 8, 2024), available at <https://www.nytimes.com/2024/04/08/technology/deepfake-ai-nudes-westfield-high-school.html>.

⁶ Cecilia D’Anastasio and Davey Alba, *Google and Microsoft are Supercharging Deepfake Porn*, BLOOMBERG (Aug. 24, 2023), available at <https://www.bloomberg.com/news/articles/2023-08-24/google-microsoft-tools-behind-surge-in-deepfake-ai-porn?embedded-checkout=true>.

⁷ *Id.*

⁸ *Id.*

⁹ Santiago Lakatos, *A Revealing Picture*, GRAPHIKA (Dec. 8, 2023), available at <https://graphika.com/reports/a-revealing-picture>.

¹⁰ See <https://myimagemychoice.org/>, last accessed on June 16, 2024.

¹¹ Halle Nelson, *Taylor Swift and the Dangers of Deepfake Pornography*, NATIONAL SEXUAL VIOLENCE RESOURCE CENTER (Feb. 7, 2024), available at <https://www.nsvrc.org/blogs/feminism/taylor-swift-and-dangers-deepfake-pornography>.

¹² See *supra*, footnote 1.

¹³ Home Security Heroes, *2023 State of Deepfakes: Reality, Threats, and Impact*, available at <https://www.homesecurityheroes.com/state-of-deepfakes/> (last accessed on June 16, 2024).

although, as the stories referenced above indicate, anyone can be a victim. These images are often traded in forums that are explicitly misogynistic and include content involving rape and degradation.¹⁴

Reports last year began sounding the alarm about Alphabet’s role in amplifying deepfake pornography. According to one report from *NBC News*, two of the largest websites that host sexually-explicit deepfake videos are easily accessible through Google Search.¹⁵ This was corroborated in reporting by *Bloomberg*, which cited analytics indicating that Google was the single largest driver of traffic to the top 20 deepfake sites from July 2020 to July 2023.¹⁶

Bloomberg also noted that apps used to make deepfake pornography are available in the Google Play Store. Indeed, a search in the Play Store for “face swap” provided countless apps, some of which have been downloaded more than 100 million times. While some of these tools are marketed for innocuous uses, data shows that face-swapping apps are frequently used to produce nonconsensual, sexually-explicit deepfakes.¹⁷ These apps are widely available despite the Google Play Store’s terms of service containing an express prohibition against apps involving “non-consensual sexual content created via deepfake or similar technology.”¹⁸

In an article published last month, *Wired* reported that Google has received 13,000 copyright complaints, encompassing almost 30,000 URLs, concerning content on a dozen of the most popular deepfake sites.¹⁹ As a result, Google removed over 11,000 URLs from one site alone. In addition, Google has launched a portal through which individuals can request the removal of “involuntary fake pornography.”²⁰

While these are valuable tools for victims and survivors, they do not discharge Alphabet’s obligation to stem the tide of this harmful content. Alphabet cannot simply place the onus on harmed individuals to police this material. To that end, I was pleased to see a report from the National Center on Sexual Exploitation indicating that Google has banned all advertisements for services that help users create deepfake pornography and has removed at least three nudifying

¹⁴ Nicholas Kristof, *The Online Degradation of Women and Girls that We Meet with a Shrug*, N.Y. TIMES (Mar. 23, 2024), available at <https://www.nytimes.com/2024/03/23/opinion/deepfake-sex-videos.html>.

¹⁵ Kat Tenbarge, *Found Through Google, Bought with Visa and Mastercard: Inside the Deepfake Porn Economy*, NBC NEWS (Mar. 27, 2023), available at <https://www.nbcnews.com/tech/internet/deepfake-porn-ai-mr-deep-fake-economy-google-visa-mastercard-download-rcna75071>.

¹⁶ See *supra*, fn. 6.

¹⁷ See *supra*, fn. 15.

¹⁸ See *Inappropriate Content*, <https://support.google.com/googleplay/android-developer/answer/9878810#1&2&3&4&5&6&7&8&9&zippy=%2Cexamples-of-common-violations%2Cexamples-of-violations%2Cadditional-information> (last accessed on June 16, 2024).

¹⁹ Matt Burgess, *Google is Getting Thousands of Deepfake Porn Complaints*, WIRED (Mar. 11, 2024), available at <https://www.wired.com/story/google-deepfake-porn-dmca-takedowns/#:~:text=More%20than%2013%2C000%20copyright%20complaints,the%20most%20popular%20deepfake%20websites>.

²⁰ See *Remove involuntary fake pornography from Google*, available at <https://support.google.com/websearch/answer/9116649?hl=en> (last accessed on June 16, 2024).

apps from its Play Store, and that YouTube took down 11 channels and 120 videos associated with nudifying apps.²¹

I was likewise encouraged by a recent report that Google has lowered deepfake pornography sites in its search rankings.²² However, even with this new approach, sites sharing nonconsensual, sexually-explicit deepfakes can still be discovered through Google Search.

To meet the urgency of the moment, Alphabet must expand this work in de-platforming sites that host or promote nonconsensual sexually-explicit deepfakes, or apps that create this content. Therefore, I ask that you respond to the following questions no later than June 28:

1. What proactive steps, if any, is Alphabet taking to identify and remove URLs from Google Search results that link to apps that produce nonconsensual, sexually-explicit deepfakes and platforms that host it?
2. A Google executive recently said, “We understand how distressing this content can be, and we’re committed to building on our existing protections to help people who are affected ... We’re actively developing additional safeguards on Google Search.” What are these “additional safeguards” under development for Google Search to mitigate the proliferation of nonconsensual, sexually-explicit deepfakes, and what is the timeline for their deployment?
3. When an individual requests the removal of links to “involuntary fake pornography” how long does it take Google to remove the link from Google Search results?
4. How is Alphabet disincentivizing the use of its platforms to produce and promote nonconsensual, sexually-explicit deepfakes?
5. To what extent is Alphabet consulting individuals who have been impacted by nonconsensual, sexually-explicit deepfakes, or other stakeholders, including government entities, in developing these guidelines?
6. How is Alphabet enforcing the Google Play Store’s terms of service concerning apps involving nonconsensual sexual content created via deepfake or similar technology, particularly with apps that may not be marketed to create this content, but are used to do so?
7. What proactive steps, if any, is Alphabet taking to identify and remove videos from YouTube that teach individuals how to create nonconsensual, sexually-explicit deepfakes?
8. What measures is Alphabet taking to educate the public in general, and youth in particular, about the harms of nonconsensual, sexually-explicit deepfakes?

²¹ See, Gaby Del Valle, *Google Bans Advertisers from Promoting Deepfake Porn Services*, THE VERGE (May 3, 2024), available at <https://www.theverge.com/2024/5/3/24148368/google-ad-policy-deepfake-pornography-nudes>.

²² Cecilia D’Anastasio, *Google Moves Deepfake Porn Sites Lower in Its Search Rankings*, BLOOMBERG (Mar. 14, 2023), available at <https://www.bloomberg.com/news/articles/2024-05-14/google-moves-deepfake-porn-sites-lower-in-its-search-rankings>.

I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Dick Durbin". The signature is written in a cursive, flowing style.

Richard J. Durbin
Chair