

The Tumblr logo is centered on the page. It consists of the word "tumblr." in a bold, lowercase, sans-serif font. The letters are dark blue. The background of the entire page is a light gray and white checkerboard pattern.

# tumblr.

**Government  
Transparency Report**

July — December 2015

## Introduction

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Welcome to our July–December 2015 government transparency report.

On Tumblr, we encourage bold self-expression among our users, and we understand that a sustainable environment for such expression is built on mutual trust. This semi-annual report is one of the ways we reaffirm that trust. We're committed to being good stewards of the content our users produce, and of the account information with which they provide us.

What you have before you is a record of the instances in which government agencies—local, federal, and international—have requested information about our users, and how we've accommodated or denied those requests.

We began publicly documenting these requests in 2013, and if you're interested in reading up on their history, you'll find the full archives at [tumblr.com/transparency](https://tumblr.com/transparency). For ease of comparison, the categories used and the format in which they are displayed have remained the same.

As always, we're also using this report as an opportunity to discuss our policies on user notice, national security matters, and other issues that affect online privacy.

We hope you find this report informative, useful, enlightening—and reassuring. Balancing freedom of speech against our legal responsibilities is a challenge we take seriously, and an effort we're proud of.

And now, on to the numbers. Enjoy.

## Overview of All Requests for User Information, July to December 2015

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From July to December 2015, we received 215 requests from state, federal, and international government agencies for account information associated with 3,819 Tumblr URLs. Below we highlight which government agencies issued these requests,<sup>1</sup> the nature of the requests,<sup>2</sup> and how we responded to them.

*1. To avoid jeopardizing ongoing investigations or public safety, we've grouped our numbers as follows:*

- *"Federal" includes requests from the Federal Bureau of Investigation, Department of Homeland Security, and Department of Justice.*
- *"State" includes requests from U.S.-based state and local law enforcement authorities (e.g. the New York City Police Department).*
- *"International" includes requests from any foreign law enforcement authorities.*

*2. See Appendix A for a more detailed explanation of the different types of legal process we receive from government agencies.*

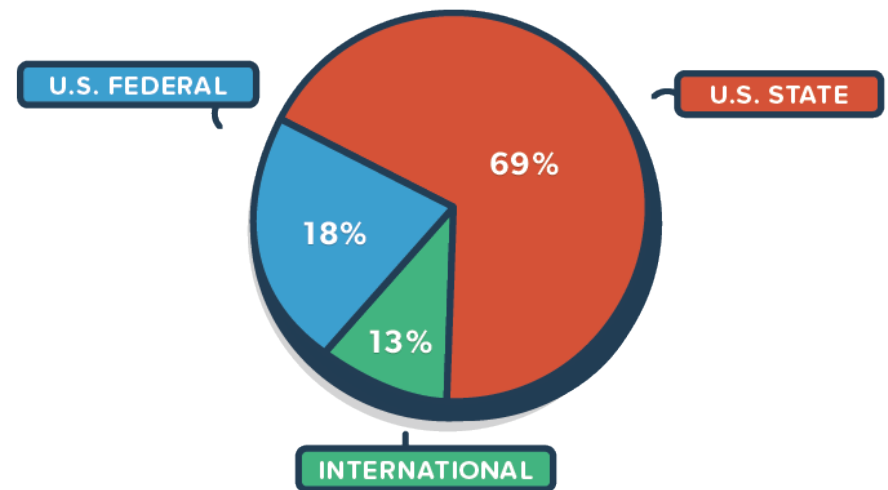
When reviewing the following charts, please keep in mind that:

- "Account data" includes the registration email address, how long the Tumblr account has been registered, the IP addresses used when logging in, and the IP addresses used when posting.
- "Blog content" refers to the media and caption of public or private posts, as well as any messages sent between users, like messaging.
- In cases when we produced blog content, we also produced account data. So the "Blog Content Produced" category is a small subset of the "Account Data Produced" category.

## All Government Requests Received, July to December 2015

From July to December 2015, we received 215 requests for information, and we provided either account data or blog content in response to 77% of them. The 3,781 blogs affected constitute approximately 0.0013% of all the blogs on Tumblr.

Tumblr refused to produce anything at all in response to 23% of the requests for user information during this reporting period.

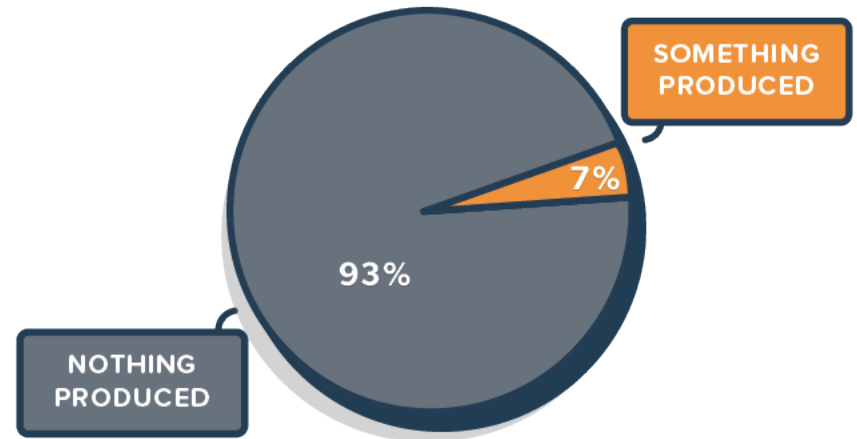


	# of Requests	# of URLs Affected	% of Total Requests	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Federal	39	3,625	18%	15%	82%	YES 82% NO
State	149	167	69%	50%	88%	YES 88% NO
International	27	27	13%	0%	7%	YES 7% NO
<b>Total</b>	<b>215</b>	<b>3,819</b>	<b>100%</b>	<b>37%</b>	<b>77%</b>	<b>YES 77% NO</b>

## International Requests for User Information, July to December 2015

From July to December 2015, we received 27 requests for user information from 12 foreign countries.<sup>3</sup> 27 blog URLs were affected. We produced account data in response to 7% of these requests. We did not produce blog content in response to any foreign requests.

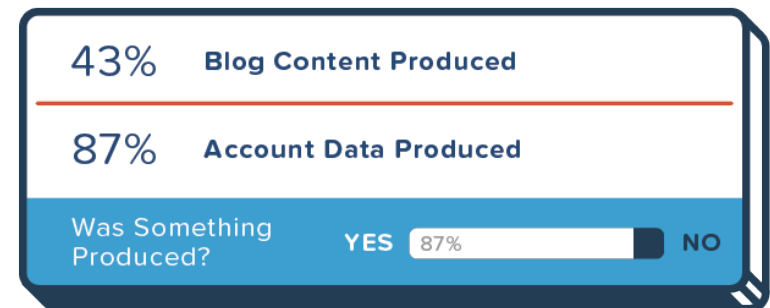
3. To avoid jeopardizing ongoing investigations or public safety, any countries that requested user data fewer than three times are reported as "< 3".



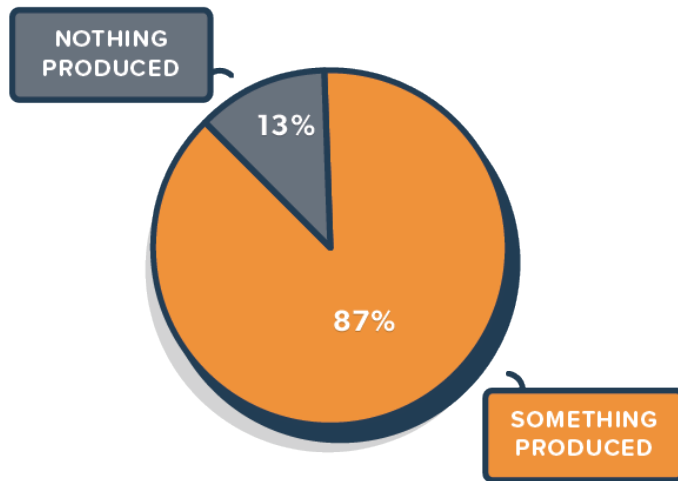
	# of Requests	# of URLs Affected	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Brazil	3	3	0%	0%	NOPE
France	< 3	< 3	0%	0%	NOPE
Germany	5	5	0%	0%	NOPE
Greece	< 3	< 3	0%	100%	100%
India	< 3	< 3	0%	0%	NOPE
Lithuania	< 3	< 3	0%	0%	NOPE
Norway	< 3	< 3	0%	0%	NOPE
Peru	< 3	< 3	0%	0%	NOPE
Singapore	< 3	< 3	0%	0%	NOPE
South Korea	3	4	0%	33%	YES 33% NO
Taiwan	< 3	< 3	0%	0%	NOPE
United Kingdom	5	4	0%	0%	NOPE
<b>TOTAL</b>	<b>27</b>	<b>27</b>	<b>0%</b>	<b>7%</b>	<b>YES 7% NO</b>

## Domestic (U.S.) Requests for User Information, July to December 2015

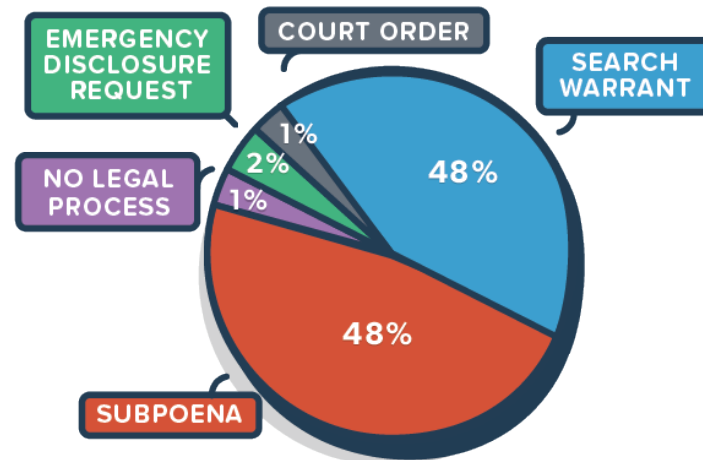
From July to December 2015, we received 188 requests for information from U.S. federal and state authorities, regarding 3,792 different blogs. We produced blog content in response to 43% of domestic requests, account data in response to 87% of domestic requests, and nothing at all in response to 13% of domestic requests. In cases where no content or data was produced, the requests may have been withdrawn, or were defective, or we may have objected to the requests on legal grounds.



## Response to Domestic Legal Process



## Type of Domestic Legal Process



## Domestic (U.S.) Requests for User Information – State-By-State Analysis

From July to December 2015, we received 149 requests from state law enforcement authorities, covering 167 blogs. We produced blog content in response to 50% of domestic state requests, account data in response to 88% of domestic state requests, and nothing at all in response to 12% of domestic state requests.<sup>4</sup>

4. To avoid jeopardizing ongoing investigations or public safety, any U.S. states that requested user data fewer than three times are reported as “< 3”.

	# of Requests	# of URLs Affected	% Blog Content Produced	% Account Data Produced	Was Something Produced? (%)
Alabama	3	3	0%	100%	100%
Arizona	4	4	0%	100%	100%
Arkansas	< 3	< 3	0%	100%	100%
California	23	23	74%	87%	YES 87% NO
Colorado	4	5	50%	75%	YES 75% NO
Connecticut	< 3	< 3	0%	100%	100%
Florida	11	13	45%	100%	100%
Georgia	5	5	80%	80%	YES 80% NO
Illinois	7	10	29%	86%	YES 86% NO
Indiana	< 3	< 3	0%	100%	100%
Iowa	< 3	< 3	50%	100%	100%
Kansas	< 3	< 3	100%	100%	100%
Kentucky	< 3	< 3	0%	100%	100%
Louisiana	< 3	< 3	100%	100%	100%
Maryland	< 3	< 3	0%	100%	100%
Massachusetts	3	3	100%	100%	100%
Michigan	4	4	100%	100%	100%
Minnesota	< 3	< 3	100%	100%	100%
Missouri	< 3	< 3	0%	100%	100%
Nebraska	< 3	< 3	100%	100%	100%
Nevada	< 3	< 3	0%	100%	100%
New Jersey	4	< 3	25%	25%	YES 25% NO
New York	7	6	0%	86%	YES 86% NO
North Carolina	7	8	56%	100%	100%
Ohio	< 3	< 3	0%	100%	100%
Oregon	3	3	0%	100%	100%
Pennsylvania	< 3	3	50%	100%	100%
South Carolina	< 3	< 3	0%	100%	100%
South Dakota	< 3	< 3	100%	100%	100%
Tennessee	< 3	< 3	50%	100%	100%
Texas	25	27	48%	76%	YES 76% NO
Utah	< 3	< 3	0%	100%	100%
Vermont	< 3	< 3	100%	100%	100%
Virginia	< 3	3	50%	100%	100%
Washington	4	5	75%	100%	100%
West Virginia	< 3	7	50%	100%	100%
Wisconsin	7	9	86%	86%	YES 86% NO
Wyoming	< 3	< 3	100%	100%	100%
<b>TOTAL</b>	<b>149</b>	<b>167</b>	<b>50%</b>	<b>88%</b>	<b>YES 88% NO</b>



## Tumblr's User Notice Policy

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Our standard policy, as noted in previous transparency reports, is to notify users of any requests for their account information prior to disclosing it to the requesting agency. We do so in order to give the user an opportunity to challenge the request in court.

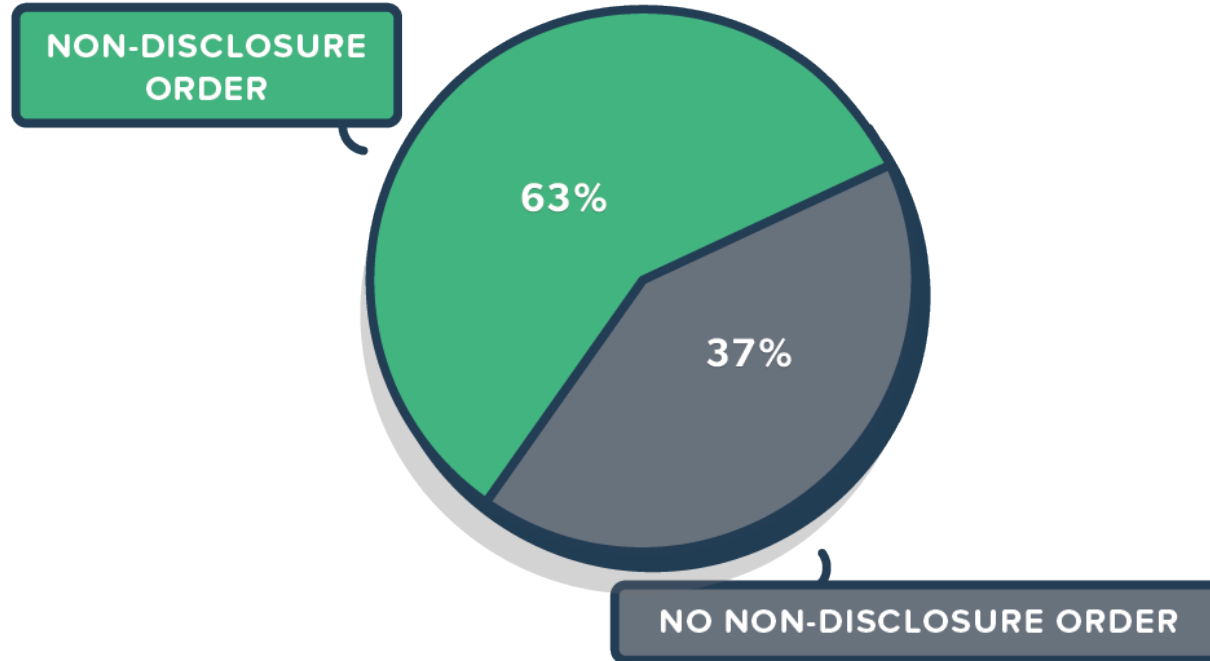
There are a handful of circumstances, however, when we delay any notice. Specifically:

- When we're prohibited from doing so by a non-disclosure order.
- When we conclude, in conjunction with government officials, that the time required to provide notice might result in death or injury. For instance, if officials asked for data that would help locate a user in need of immediate medical assistance.
- When presented with material indicating a serious threat to public safety, such as an imminent violent crime or harm to a minor. In such an event, we may delay notifying the user by 90 or more days to give law enforcement reasonable time for their investigation. We will notify the user that their account has been targeted once it becomes appropriate to do so.

## Non-Disclosure Orders

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From July to December 2015, 63% of account information requests were accompanied by non-disclosure orders, meaning that a court legally prohibited us from notifying our users about the request.



## User Notice by Category of Investigation

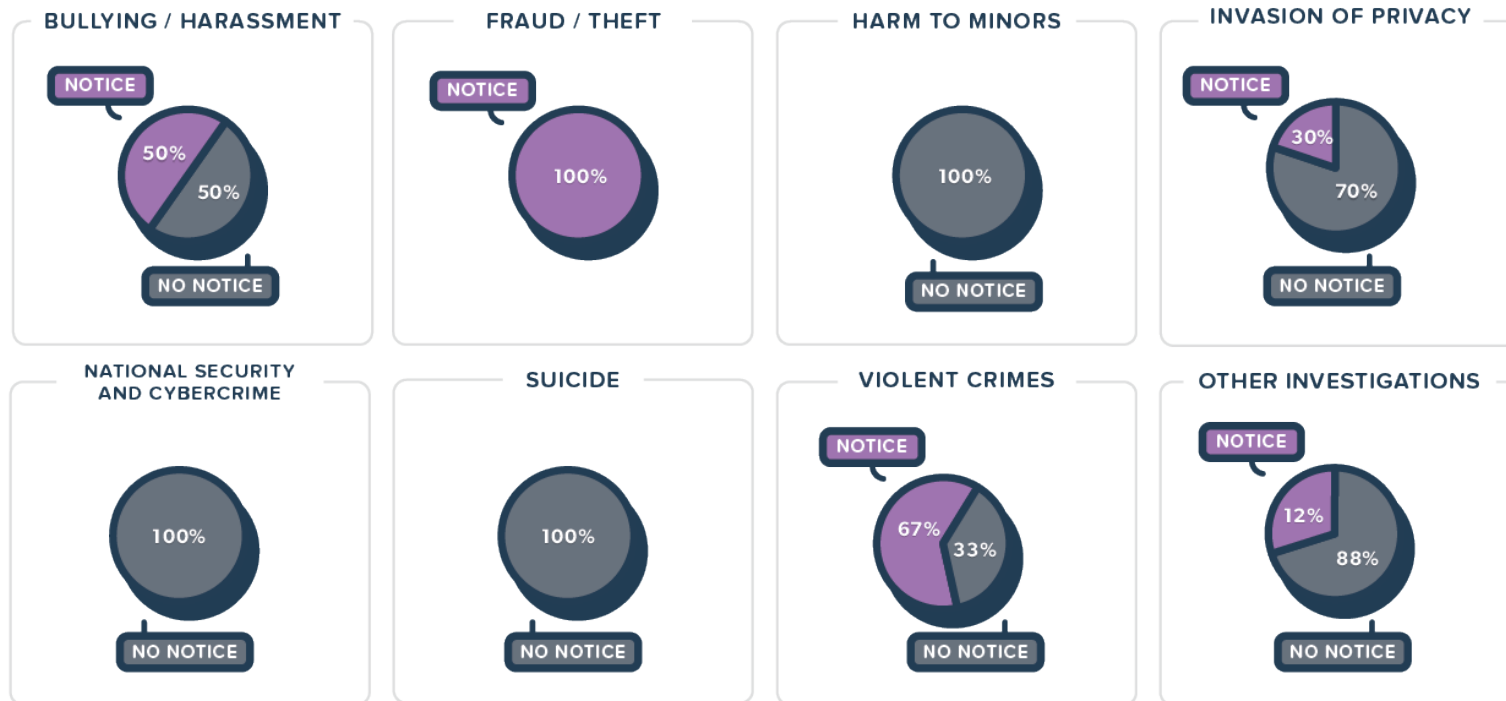
Below is our track record on providing prior user notice in those cases when we complied, at least in part, with requests for user information,<sup>5</sup> organized by category of investigation.<sup>6</sup>

5. Note that in some cases, we provide user notice after having complied with a government data request.

6. "Other Investigations" includes all requests in which the nature of the underlying criminal investigation was not clear based on the request.

As mentioned above, if users were not notified prior to the disclosure of their account data, it was for at least one of the following reasons:

- The request was combined with a binding non-disclosure order;
- Notice was not practicable due to the threat of death or serious injury; or
- The case presented a serious threat to public safety.



## National Security Issues

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Requests made on national security grounds typically take the form of National Security Letters from the FBI, or classified orders from the FISA (Foreign Intelligence Surveillance Act) court. As of the date of publication, we have never received a National Security Letter, FISA order, or other classified request for user information.

Though there may be times in the future when these instruments prevent us from disclosing any information, we will continue to be as transparent as legally possible.

## Government Takedown Requests

From July to December 2015, we received 50 requests for content removal from 12 different countries. 77 blogs were affected. We removed content in 36% of the requests.<sup>78</sup>

7. Note that Tumblr is a U.S. company and complies with U.S. laws. In any instance where content was removed, it was always in accordance with our policies.

8. To avoid jeopardizing ongoing investigations or public safety, any countries that submitted a takedown fewer than three times are reported as "<3".

	# of Requests	# of URLs Affected	Was Content Removed? (%)
Brazil	< 3	< 3	100%
Canada	< 3	29	100%
Columbia	< 3	< 3	100%
Germany	11	11	YES 36% NO
India	< 3	< 3	100%
New Zealand	< 3	< 3	100%
Peru	< 3	< 3	100%
Russia	< 3	< 3	NOPE
South Korea	< 3	< 3	NOPE
Turkey	23	23	YES 9% NO
United Kingdom	4	4	YES 75% NO
United States	< 3	< 3	100%
<b>TOTAL</b>	<b>50</b>	<b>77</b>	<b>YES 36% NO</b>

## Possible Emerging Trends

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In the course of comparing our numbers from this period, July to December 2015, to those from previous periods, we noticed the following trends:

- After two years of relatively steady activity, we saw a notable increase in the number of blogs affected by requests from the United States federal government: 3,819 blogs for this 6-month period, compared to 227 blogs for the prior 6-month period.
- The number of countries requesting takedowns of content nearly doubled, and the number of blogs affected, while still small, saw a significant increase relative to the last period (from 26 to 77).
- At the same time, our proportionate compliance with those requests dropped substantially, down to 36% from 54% last period. As always, we only comply with requests if the reported content violates Tumblr's policies.
- Our compliance with foreign requests for user data and content dropped even more dramatically, from 24% to 7%.
- There was a decrease in valid requests, as we were required to provide account data in response to only 77% of all requests for this period, compared to 82% for the prior period.

We should emphasize that our sampling numbers are very small, but we still think these trends are worth highlighting. Any budding statisticians out there are encouraged to publish their own conclusions right here on Tumblr.

And that's the end of our report. We hope you found it interesting and informative, and that you'll check back in six months for the next edition.

## Appendix A – Types of Legal Process

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**Subpoenas.** Subpoenas are the most common requests we receive. They generally don't require a judge's review. Under U.S. law, we may disclose limited account data in response to a lawful subpoena. Account data includes registration email address, how long a Tumblr account has been registered, and login IP addresses. Account data does not include posts made to a blog, whether public or private. Because Tumblr does not collect real names or addresses, we don't (and can't) provide this information in response to a subpoena.

**Court orders.** Court orders for user data may be issued under various U.S. federal and state laws, such as section 2703(d) of the Electronic Communications Privacy Act, a federal privacy law. Court orders are issued by judges and are generally harder to obtain than subpoenas. If we receive a lawful 2703(d) order, we may disclose the same account data described above, plus an additional category of account data: the IP address used to make a particular post.

**Search warrants.** Search warrants may be issued if a reviewing judge or magistrate concludes that there is "probable cause" to believe that a particular account may contain information related to a crime. Search warrants are generally harder to obtain than 2703(d) orders or subpoenas. Under U.S. law, we may disclose the same account data described above, as well as blog content, in response to a lawful search warrant. Blog content includes the posts made to a blog, both public and private. Posts can be any of Tumblr's seven post types, and comprise both the media and the caption of any given post.

The Tumblr logo, consisting of the word "tumblr." in a bold, lowercase, sans-serif font. The letters are dark blue and have a slightly rounded, friendly appearance. The period at the end is a solid dot.

**Copyright and Trademark  
Transparency Report**

July — December 2015



## Introduction

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Here it is, our second copyright and trademark transparency report. As with the previous edition, it covers the number and nature of takedown requests (based on copyright and trademark infringement) we received over the past six months, from July through December of 2015.

Intellectual property rights are a tricky matter, and disputes around them are nearly always handled through existing federal laws.

Accordingly, we'll take you step-by-step through a DMCA takedown on Tumblr in an effort to clarify the sometimes-foggy process. We want you to come away from this report not just with a head full of numbers, but also a better understanding of why and how this type of content gets removed—or doesn't—from Tumblr.

Enjoy.

## How we handle copyright infringement notifications under the Digital Millennium Copyright Act (DMCA)



A copyright holder, or their authorized representative, finds content on Tumblr that they believe violates their copyright.



The copyright holder or authorized representative sends Tumblr a DMCA notice.

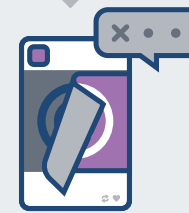


Tumblr reviews the DMCA notice to determine if it is valid.

INVALID

Tumblr determines the request is invalid and notifies the complainant.

VALID



Tumblr processes the notice, removes the specified content, and notifies the user who posted the content. The user may receive a strike against their account. After three valid strikes, their account is terminated.



IF...

the user thinks that the content was removed in error, or can present a legal argument for why the content should remain up, they may file a counter-notice. Instructions for filing a counter-notice are sent to the user in the content removal email.



COUNTER NOTICE FILED



Tumblr determines if the counter-notice is valid.

VALID



Tumblr sends the information from the counter-notice to the original complainant.



After 10 days, the removed content is restored, and the strike is removed from the user's account.

— BUT —

The user is now liable for the content they've posted. If the original complainant wishes to pursue recourse, they may sue the user for copyright infringement.

INVALID

Tumblr notifies the user that their counter-notice is invalid. The deleted content is not restored, and the strike remains on the user's account.

## Overview of all DMCA notices received, July to December 2015

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From July to December 2015, we received 12,434 DMCA notices and determined that 83% (10,315) were valid.<sup>1</sup> In response to valid notices, Tumblr:

- Removed 98,921 pieces of content
- Removed 59,766 posts (0.00005% of posts on Tumblr)
- Terminated 2,156 accounts in accordance with our policy against repeat copyright infringement

Looking at copyright notices by content type (tracking with Tumblr's post types):

<b>Images:</b> 87,353 items (88%)	<b>Links:</b> 229 items (< 1%)
<b>Audio:</b> 5,464 items (6%)	<b>Asks:</b> 103 items (< 1%)
<b>Video:</b> 2,816 items (3%)	<b>Quotes:</b> 74 items (< 1%)
<b>Text:</b> 1,813 items (2%)	<b>Chats:</b> 5 (< 1%)

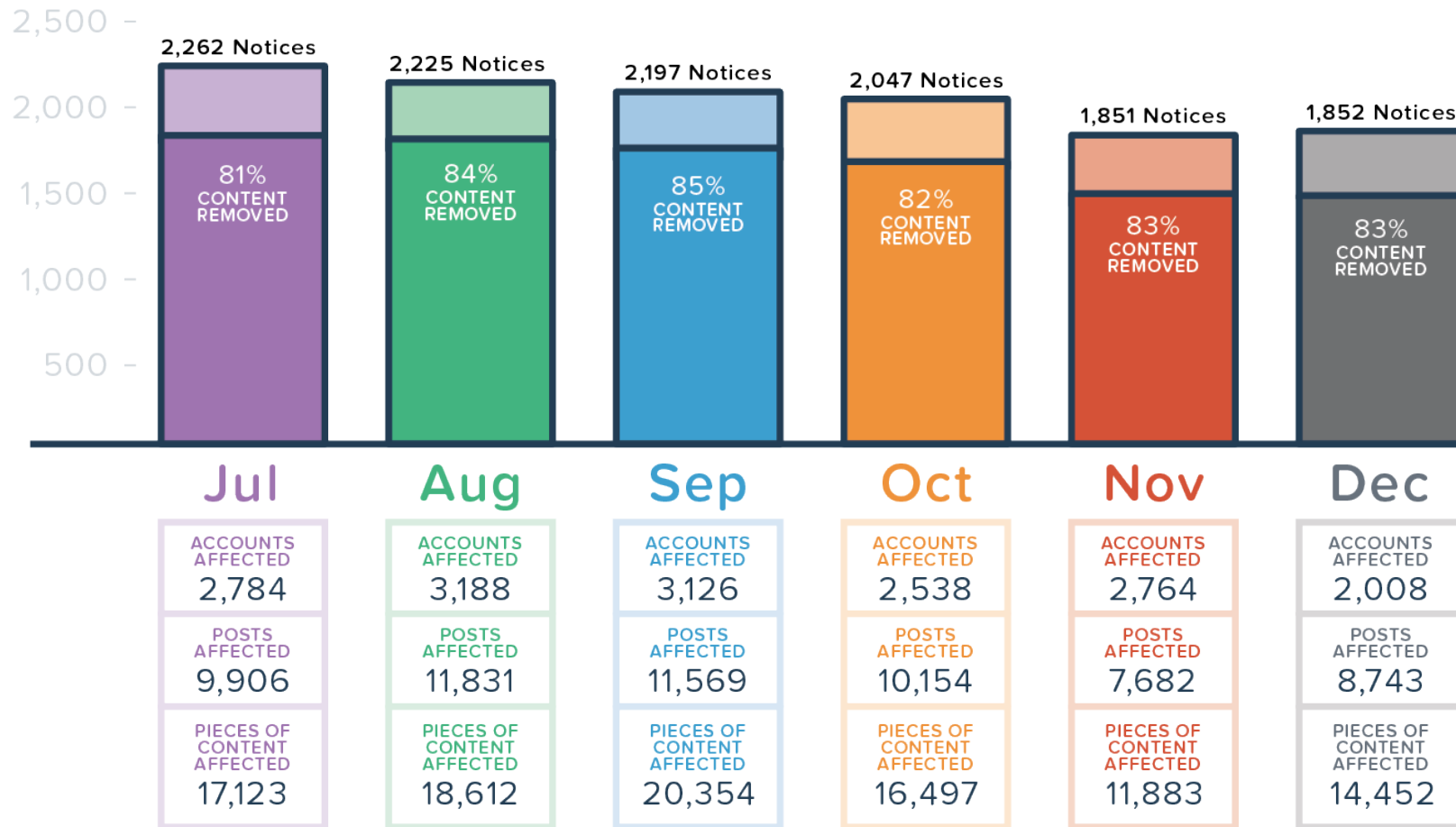
Additionally, 1,065 notices referred to either static blog pages or blog URLs (rather than post permalinks). In the latter case, the notice was ignored.

As a U.S. company, Tumblr requires that all copyright notices be submitted in accordance with the DMCA. When we receive non-compliant requests (including foreign requests), we ask the complainant to resubmit their request in accordance with the statute.

*1. Tumblr processes notices pursuant to the DMCA. Under the DMCA there are a number of conditions a complaining party must satisfy:*

- *Identification of the work or material being infringed.*
- *Identification of the material that is claimed to be infringing, including its location, with sufficient detail so that we are capable of finding it and verifying its existence.*
- *Contact information for the notifying party, including name, address, telephone number, and email address.*
- *A statement made under penalty of perjury that the information provided in the notice is accurate and that the complainant is authorized to make the complaint on behalf of the copyright owner.*
- *A statement that the complainant has a good faith belief that the material is not authorized by the copyright owner, its agent, or law.*
- *The complainant's physical or electronic signature.*

## Overview of all DMCA notices received, July to December 2015



## Overview of all DMCA counter-notices received, January to June 2015

From July to December 2015, we received a total of 60 counter-notices from users requesting the restoration of content that had been removed pursuant to a DMCA takedown notice. Of those 60, 28 were deemed valid<sup>2</sup> (47%). This affected a total of 28 accounts, and resulted in the restoration of 44 posts containing 91 pieces of media. Of the 59,766 posts that were removed pursuant to a takedown notice, 0.07% were restored using the counter-notice process.

2. In accordance with the statute, a valid counter-notice must contain:

- The user's physical or electronic signature
- The user's name, address, and phone number
- Identification of the material and its location before it was removed
- A statement under penalty of perjury that the material was removed by mistake or misidentification
- The user's consent to the jurisdiction of a federal court in the district where the user lives (or the federal district court located in New York County, New York, if the user lives outside of the U.S.)
- The user's consent to accept service of process from the party who submitted the takedown notice

In addition to the statutory requirements, we sometimes ask for the legal or factual basis for filing the counter-notification

	# of Counter Notices	% Valid	# Accounts Affected with Restored Content	# of Posts Restored	# of Pieces of Content Restored
July	10	60%	6	6	7
Aug	11	46%	5	15	37
Sep	18	33%	6	8	26
Oct	11	64%	7	10	11
Nov	1	0%	0	0	0
Dec	9	44%	4	5	10
<b>TOTAL</b>	<b>60</b>	<b>47%</b>	<b>28</b>	<b>44</b>	<b>91</b>

## Overview of all trademark complaints received, July to December 2015

Handling trademark issues (either potential infringement or instances of confusion) is complex, especially for neutral platforms like Tumblr, and consequently requires additional analysis as compared to copyright infringement. We first require documentation of a live federal or international trademark registration—often the name of a business or its logo.<sup>3</sup> We then look at a variety of factors to determine if reported content or a URL is misleading to users or causes confusion, and what action to take in these cases. Among them:

- How the reported term is being used
- Content found on the blog
- The registered goods and services
- Landscape of similar marks related to the reported term
- When the reported term was first used

3. In rare cases we make exceptions to this requirement, such as when a name or phrase is exceptionally distinctive or famous.

	# of Requests	# of URLs Affected	% Blog Content Removed	% URLs Changed
Jul	47	55	9%	72%
Aug	45	48	0%	58%
Sep	54	71	2%	78%
Oct	38	55	3%	66%
Nov	31	36	3%	55%
Dec	22	24	0%	64%
TOTAL	237	289	3%	67%

## Overview of all trademark complaints received, July to December 2015

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Based on our findings, we may prescribe one or more of the following actions:

- If a user is using a misleading URL, we may require them to change it. We notify the URL holder and give them an opportunity to change the URL on their own before we change the URL to something generic on their behalf.
- Alternatively, we may request that a user include a disclaimer on their blog, should we determine that a disclaimer would alleviate confusion.
- Sometimes, we remove specific posts that are using a term to create confusion. Like all content takedowns on the site, we always notify the user when we remove any of their content, and include as much information as possible regarding the claim made against their post.

From July to December 2015, we received a total of 237 trademark complaints relating to 289 accounts on Tumblr. Among those 237 complaints, only 3% of them led to the removal of content, while 67% of them led to the modification of blog URLs.

As you can see, the majority of trademark complaints that we receive are related to a blog URL that a complainant believes is causing confusion.

## Possible Emerging Trends

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In the course of comparing our numbers from this period, July to December 2015, to those from previous periods, we noticed the following trends:

- The overall number of DMCA takedowns issued was down nearly 10%, the amount of content that was removed dropped by over 20%, and the number of blogs that were terminated fell by over 30%.
- We received fewer than half the number of DMCA takedowns for audio content—with the number of requests dropping from 13,868 to 5,464.
- Video posts, conversely, received over twice the number of takedown requests—rising to 2,816 from 1,279.
- The number of counter-noticed deemed valid jumped from 14 to 28—a 100% increase.
- Trademark complaints held relatively steady, as did the percentage of trademark disputes resolved through URL alterations rather than content removal.

The sample size is small, and these conclusions should be assessed accordingly. Regardless, the shifts highlighted here seemed compelling enough to share, and we encourage any mathletes among you to exercise the numbers as you see fit.

With that, we come to the end of our second-ever copyright and trademark transparency report. Hopefully it's offered some perspective on the size, scope, and texture of intellectual property disputes on Tumblr (or, at very least, given you a pretty flowchart to print out and put on your wall). We look forward to reconvening six months from now, when we'll have updates on requests made throughout the first half of 2016.