

To Whom It May Concern:

I write on behalf of FUTO, which operates the [@FUTOTECH](#) YouTube account and distributes the Grayjay app (“Grayjay”). I am responding to your January 25, 2024 email to Peter Mahaffey, peter@futo.org.

Your email alleges Grayjay violates the [YouTube API Services Terms of Service](#) (“API ToS”) and [Developer Polices](#). It claims these supposed violations undermine "the rights of millions of YouTube creators" and asks FUTO to “cooperate with us by correcting and ceasing to offer” Grayjay.

FUTO respects the rights of content creators. We are content creators ourselves. Grayjay’s slogan is "follow creators, not platforms.” FUTO welcomes the opportunity to cooperate with YouTube in furthering the rights and interests of content creators. That said, FUTO has nothing to correct and no reason to cease offering Grayjay, which exists to help connect those same creators to their fans. FUTO never agreed to the API ToS or Developer Policies in its development of Grayjay.

As the name suggests, the API ToS only apply “when accessing or using the YouTube API Services.” The Developer Policies similarly apply “when accessing or using YouTube API Services in your service, product, or application.” YouTube API Services are defined as:

(i) the YouTube API services (e.g., YouTube Data API service and YouTube Reporting API service) made available by YouTube including those YouTube API services made available on the YouTube Developer Site (as defined below), (ii) documentation, information, materials, sample code and software (including any human-readable programming instructions) relating to YouTube API services that are made available on the YouTube Developer Site or by YouTube, (iii) data, content (including audiovisual content) and information provided to API Clients (as defined below) through the YouTube API services (the "API Data"), and (iv) the credentials assigned to you and your API Client(s) by YouTube or Google.

FUTO has not used any of these tools during its development of Grayjay. As Grayjay does not use the YouTube API Services and is not subject to the API ToS and Developer Policies, neither Grayjay end users nor FUTO can violate them. I hope this clarification ends this matter, but I am happy to discuss the issue further if you'd like.

Sincerely,
Ian Mason
Director of Operations
FUTO