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To the legal representatives of Google Search, Microsoft Bing, and
Yahoo! Search:

We, the undersigned State Attorneys General, write in connection with our concerns about the problem of computer-generated nonconsensual intimate imagery (NCII), commonly known as “deepfake NCII” or “deepfake pornography.” The spread of the ability to generate and distribute deepfake NCII poses a significant harm to the public, and to women and girls in particular. We write to call your attention to these harms and to implore each of you to take strong action to stop the spread and use of this technology for nonconsensual purposes.

At the outset, we note that we have the utmost respect for the First Amendment and your rights under it. Rather than potentially implicate those rights, we ask that you assess how you can mitigate the harmful effects of deepfake NCII just as you seek to address other harmful forms of content. Specifically, we respectfully request: 1) a description of how your companies currently work to de-prioritize, restrict, and/or block deepfake NCII content and creation tools from your services, if at all; and 2) your commitment to take further action to avoid being complicit in the creation and spread of deepfake NCII. In support of this request, below we provide some background on this issue.

I. Deepfake NCII presents a danger to the public.

Deepfake NCII is a growing problem that poses significant harms to the public. It has been used to embarrass, intimidate, and exploit people, including celebrities like Taylor Swift¹ and Bobbi Althoff,² as well as every-day teenagers in New Jersey,³ Florida,⁴ Washington,⁵ Kentucky,⁶ and around the world, including in South Korea⁷ and Spain.⁸ As deepfake technology has advanced, the primary effect of its growth has been to expand the reach of deepfake NCII, as a recent report found that 98% of fake videos online are deepfake NCII, with the top 10 dedicated deepfake NCII websites generating more than 300 million video views.⁹ And although deepfake NCII overwhelmingly targets women and girls,¹⁰ men and boys have been victimized by this technology as well.¹¹ As this technology becomes more powerful and creates more potential for harm to the public, businesses that help people search for, create, and distribute this content need to be aware of their role in propagating this content and work to prevent its spread.

II. Search platforms can take stronger action to protect the public from the dangers of deepfake NCII.

Search platforms can and do limit the reach of harmful content on the internet. Search results for “how to build a bomb” generally link to government resources, encyclopedia articles, and responsible scientific articles, all sources that seem unlikely to connect a searcher to actionable information about how to make a bomb. Searches for “how to kill yourself” are even more tightly limited, highlighting suicide prevention phone numbers and emergency resources and linking to various mental health treatment options, rightly recognizing the risk of harm of the information being searched for and steering the user towards appropriate resources to discourage and redirect them. These limitations reflect that these platforms, when appropriately aware and motivated, can take action to protect the public from dangerous and harmful content, even when users are actively searching for such content.

The same limitations do not appear to be in place on these platforms when it comes to searches relating to deepfake NCII. Searches on major search engines for “how to make deepfake pornography,” “undress apps,” “nudify apps,” or simply “deepfake porn” do not lead

¹ <https://www.washingtonpost.com/technology/2024/01/26/taylor-swift-fans-deepfakes-ai-porn/>

² <https://www.washingtonpost.com/technology/2024/02/22/x-twitter-bobbi-althoff-deepfake-porn-viral/>

³ <https://www.cbsnews.com/newyork/news/westfield-high-school-ai-pornographic-images-students/>

⁴ <https://www.nbcmiami.com/news/local/ai-app-misused-by-miami-dade-students-to-make-inappropriate-images-of-classmates-police/3184692/>

⁵ <https://www.theguardian.com/technology/2024/mar/12/family-takes-fight-against-deepfake-nudes-to-washington>

⁶ <https://www.cbsnews.com/news/sextortion-generative-ai-scam-elijah-heacock-take-it-down-act/>

⁷ <https://www.nytimes.com/2024/09/03/world/asia/south-korean-teens-deepfake-sex-images.html>

⁸ <https://www.theguardian.com/world/2023/sep/25/spanish-prosecutor-investigates-if-shared-ai-images-of-naked-girls-constitute-a>

⁹ <https://www.securityhero.io/state-of-deepfakes/assets/pdf/state-of-deepfake-infographic-2023.pdf>

¹⁰ *Id.*, stating that 99% of all deepfake pornography is of women.

¹¹ <https://www.gq-magazine.co.uk/article/sextortion-scams-deepfake-porn-men>.

to any warnings and, on many platforms, do not demonstrate any apparent effort to limit or redirect the results of these searches. Results for these searches present users with an array of options of deepfake pornography creation tools and content, with no warnings other than SafeSearch features sometimes blurring image thumbnails. Searches for this content quickly present users with direct links to deepfake NCII, to listicles rating the top apps for creating deepfake NCII, and to apps that enable the creation of naked and/or sexual images and videos of any person in any photo. Just as search platforms appear to recognize that it would be irresponsible to connect users with a top 10 list of the best instruction sets for creating an improvised explosive device from household items, or a step-by-step guide to an effective method of suicide, these platforms must understand that searches seeking to find or create deepfake NCII are similarly harmful to the public, particularly children, and demand a response other than an unfiltered list of the most popular content.

We recognize that search platforms have taken some action on this topic,¹² and that platforms are likely to provide additional tools to victims of deepfake NCII in response to the passage of the Take It Down Act. We are encouraged to see these steps and are hopeful that more such steps have been taken or are in the works. However, the results of currently available searches indicate to our offices that there needs to be quicker and more decisive action against this content. Search platforms should work to implement new policies that appreciate the threat of deepfake NCII by steering users away from harmful content and providing appropriate warnings.

III. Protecting the Public

We look forward to learning more about what steps you have taken so far to combat this problem, and to discussing with you how you plan to address it in the future. We urge you to treat the problem of deepfake NCII seriously and to work to better prevent your own complicity in the creating and sharing of this harmful content. We would welcome an opportunity to speak with you further regarding our concerns.

Sincerely,



Russell Coleman
Kentucky Attorney General



Andrea Joy Campbell
Massachusetts Attorney General

¹² See, e.g., <https://support.google.com/websearch/answer/9116649>, <https://www.pcmag.com/news/microsoft-to-help-users-remove-deepfake-nudes-from-bing-image-search>, and <https://indicator.media/p/ai-nudifiers-continue-to-reach-millions-and-make-millions>.




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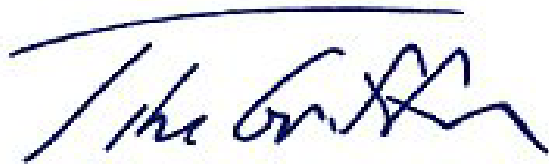
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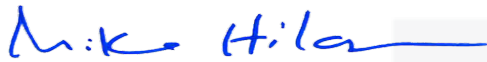
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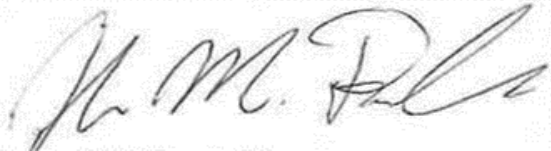
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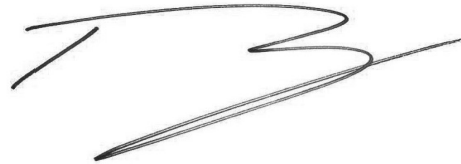
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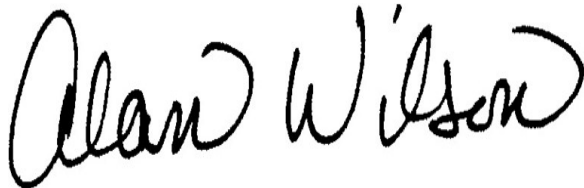
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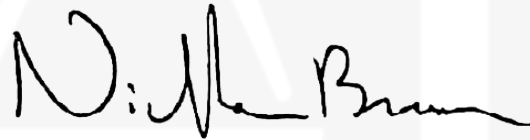
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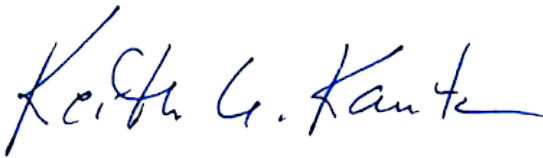
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