

# Google / AG / AAP settlement

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Search Books

[Advanced Book Search](#)  
[Google Book Search Help](#)

**New!** [Google Book Search for mobile](#) is now available for **Android** and **iPhone** users.

Google has reached a [groundbreaking agreement](#) with authors and publishers.

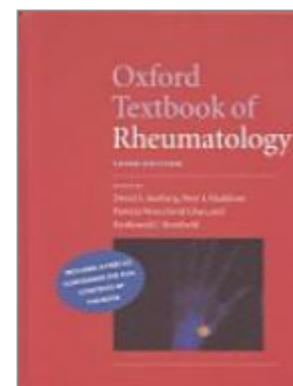
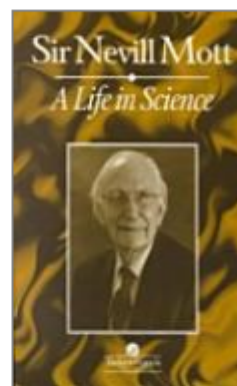
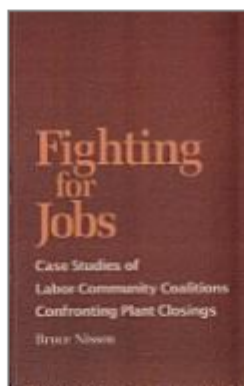
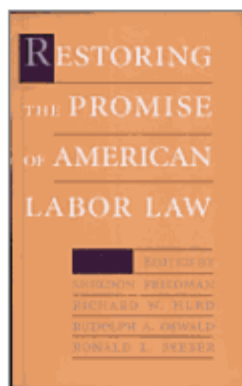
### Fiction

- [Literature](#)
- [Science fiction](#)
- [Fantasy](#)
- [Romance](#)
- [Mystery](#)
- [Fairy tales](#)
- [Short stories](#)
- [Poetry](#)

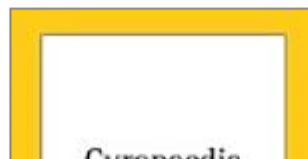
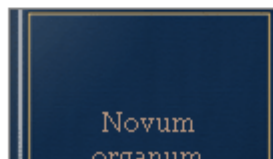
### Non-fiction

- [Philosophy](#)
- [Economics](#)
- [Political science](#)
- [Linguistics](#)
- [Mathematics](#)
- [Physics](#)
- [Chemistry](#)
- [Biology](#)

### Interesting



### Highly cited

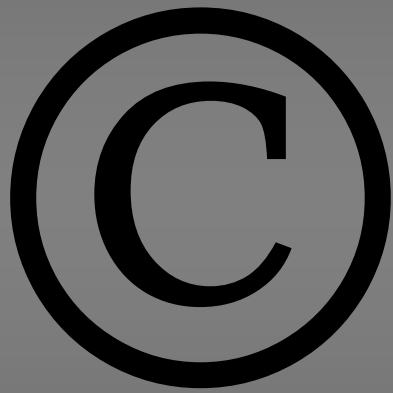


# Google Book Search

Harvard, Michigan, Stanford, NYPL,  
Oxford

UC, CIC

Foreign libraries



Fair use

# What the libraries got

- Copy of digitized book
- OCR text
- To use according to copyright law

FILED ELECTRONICALLY

Bruce P. Keller (BK 9300)  
Jeffrey P. Cunard  
James J. Pastore, Jr. (JP 3176)  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000  
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

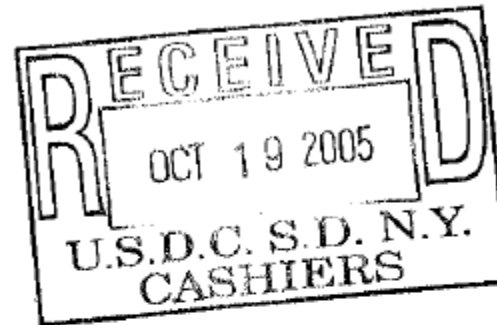
THE MCGRAW-HILL COMPANIES, INC.,  
PEARSON EDUCATION, INC., PENGUIN  
GROUP (USA) INC., SIMON & SCHUSTER,  
INC., and JOHN WILEY & SONS, INC.

Plaintiffs,

v.

GOOGLE INC.,

Defendant.



**05 CV 8881**

05 Civ. \_\_\_\_\_ ( )

COMPLAINT

ECF Case

X

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

The Authors Guild, Inc., et al.,

Plaintiffs,

v.

Google Inc.,

Defendant.

NO.: 05 CV 8136

-----X

AWAITING  
EDT

# What the settlement covers

- Represents rights holders
- Specifically targets out-of-print but in-copyright books
- Defines some library services

# What the settlement creates

- Books rights registry (BRR)
  - Works
  - Rights holders
  - Determines payment levels & makes payments
  - Non-profit, self-sustaining
  - Will be created initially with Google funding

# What Google gets

- No liability for making copies of out-of-print works
- Can provide services around digitized works
- Can use advertising model as well as licenses
- Gets 37% of revenue; 63% to registry for dispersal
- **NO COMPETITION!!**

# Participating libraries....

- Some get copy of digital file
  - Cannot use EXCEPT for computational research
  - Specifically: no ILL, no e-reserves, no reading
  - Can: provide services to visually handicapped
  - Can: use to create replacement copies (§108)

# Libraries

- Can subscribe to Google service(s)
  - OP:
    - read whole book
    - print part or all
    - copy & paste
    - integrate with course management
    - create and share annotations
  - IP:
    - whatever G has agreed with publisher
  - PD:
    - no restrictions

# Public institutions

- Free access to “public service”
  - does not include all features
    - printing for a fee
  - based on FTE
- Search and full view

# Public libraries

- Free access to “public service”
  - one “access terminal” per building
  - no remote access
  - possible per-page royalty for printing

# Public

- Online search
- Display of up to 20% of OP book
- No print or copy/paste

# Individuals

- Can “purchase” books
  - kept online; no download
  - full read and print
  - annotate, and share annotations with other owners

# Oddities

- Only books published before January, 2009
- Includes foreign books found in US

# Impact

- Google gets monopoly over digitization of OP works
- Does not establish fair use for digitizing for search
- May affect copyright law

# Concerns (esp. for libraries)

- Price/monopoly
- Sustainability
- Privacy
- Neutrality/censorship
- Equal access for all

# 2-page summary from ALA



**ALA**AmericanLibraryAssociation

Office for Information Technology Policy

1615 New Hampshire Avenue, NW  
Washington, DC 20009-2520

## Google Book Settlement – 2 page Super Simple Summary

- Google Book Settlement (October 2008) would end the copyright infringement lawsuit that AAP/Authors Guild brought against Google in 2005
- Google will continue scanning in-copyright books from library collections into its search database; publishers and authors agree to not sue; Google will continue to enable users to search the full content of the scanned books
- For in-copyright, not commercially available (out of print) books, Google will display up to 20% of the book's text (currently only 3 snippets/book are viewable); previews are different for fiction and non-fiction books; no text display is allowed for some types of books (e.g., anthologies of drama); some books display only "fixed preview" (e.g., dictionaries); users cannot print out or copy-and-paste any of the preview displays
- Google will earn money through advertising and by selling access to the full text of in-copyright, not commercially available books; Google keeps 37% of the generated revenue and distributes 63% to rightsholders (publishers & authors) through a mechanism called the Books

<http://wo.ala.org/gbs/2-page-super-simple-summary/>

# 26-page summary from ARL



**ARL** ASSOCIATION OF RESEARCH LIBRARIES

[www.arl.org](http://www.arl.org) > [public policies](#) > [copyright & intellectual property policies](#) > [google book search library project](#)

|   |   |  |
|---|---|--|
| <b>Copyright &amp; Intellectual Property Policies</b><br><a href="#">Google Book Search Library Project</a><br><a href="#">Orphan Works</a><br><a href="#">Fair Use Legislation</a><br><a href="#">Section 108 Study Group</a><br><a href="#">Digital Rights Management</a><br><a href="#">Copyright Legislation</a><br><a href="#">Major Copyright Statutes</a><br><a href="#">International Activities</a><br><a href="#">Additional Resources</a>  | <b>Public Policies</b>  | <b>Contact:</b><br>Prue Adler  |
|   | <b>Copyright &amp; Intellectual Property Policies</b>   |  |
|   | <b>Google Book Search Library Project</b>   | <a href="#">E-mail</a> <a href="#">Print</a>   |
|   | <b>Highlight</b><br> <a href="#">ARL, ALA, ACRL File Comments before the Court on the Proposed Google Book Search Settlement [PDF] (May 4, '09)</a><br> <a href="#">A Guide for the Perplexed: Libraries &amp; the Google Library Project Settlement (Nov. 13, '08)</a> | <b>More on This Topic</b><br><a href="#">Settlement Agreement (without attachments) [PDF]</a><br><a href="#">A - Author-Publisher Procedures [PDF]</a><br><a href="#">B-1 Form of Library-Registry (Fully Participating) Agreement [PDF]</a><br><a href="#">B-2 Form of Library-Registry (Cooperating) Agreement [PDF]</a><br><a href="#">B-3 Form of Library-Registry (Public Domain) Agreement [PDF]</a> |
| <b>Overview</b><br>On October 28, 2008, after several years of legal wrangling, Google, the Association of American Publishers (AAP), and the Authors Guild reached a settlement agreement concerning Google's scanning of copyrighted works. The scanning of these works has been done in cooperation with research libraries throughout the United States. The settlement agreement requires court approval by the presiding judge in the U.S. District Court in New York because the case was brought as a class action suit on behalf of selected copyright owners. |   |  |

In large part, the settlement focuses on in-copyright books that are not

<http://www.arl.org/pp/ppcopyright/google/index.shtml>

# Resources

- ALA: <http://wo.ala.org/gbs/>
- <http://kcoyle.blogspot.com/>  
“googlebooks”
- Grimmelmann:  
<http://laboratorium.net/>

Questions?

<http://kcoyle.net>