



The Authors Guild, the Association of American Publishers and Google Settlement on Online Access of Books in US Libraries - 20.11.2008

A statement from the President of the European Writers' Congress

The parties to the settlement point out as main results

- more access to out-of-print books
- additional ways to purchase copyrighted books
- institutional subscriptions to millions of books online
- free access from U.S. libraries
- compensation to authors and publishers and control over access to their works through a new Book Rights Registry

Google will pay 125 million US dollars to resolve existing claims by authors and publishers, to cover legal fees and to establish the Book Rights Registry (with authors and publishers representatives constituting the board) with the tasks of distributing payments, locating rightholders and maintaining accurate rightholder information. At least 45 million US dollars will be paid to rightholders for unauthorised scanning by Google. 34,5 million US dollars will be used to build up the Book Rights Registry, communicate notice of the settlement to authors and publishers around the world, and to administer the \$45 million in payments. Rightholders will receive part of the revenues from planned institutional subscriptions of the books, from sales of online consumer access and from printouts at public libraries.

The worldwide notice program (via, for instance, a website in 36 languages) required by US law starts in January 2009 (and is scheduled to finish in May) with the task of giving information on the content of the settlement to concerned rightholders of copyright books or inserts in books, so that he or she can take an informed stance regarding the settlement. Many persons outside the US will be affected by the settlement because it covers US copyright interests in books published outside the US that were collected by US libraries.

The basic concept of the settlement is the opt-out model for a book that is out-of print and the opt-in model for a book that is in print.

The settlement would resolve the class-action lawsuit brought against Google for the company's unauthorised scanning of books and displaying snippets for profit. The settlement will be reviewed by a US district court in New York and will only take effect if the court approves. (Its decision is scheduled for June 2009.)

-The Authors' Guild is a writers' organisation with 8000 members working to protect and promote American writers' copyright interests with the tools available under U.S. law. Through the settlement, copyright principles have been maintained and it must be regarded as a contribution to the efforts of the text world to create new business models and to avoid far-reaching difficulties with piracy of the kind that has heavily affected the music and film industries for many years now. The way Google now handles its new position on this sector must of course be closely observed as well as other aspects of the settlement, EWC president John Erik Forslund says.

-On the European level we are trying to contribute to the development of new business models within the book sector under the auspices of the EU Digital Libraries Initiative as part of the Lisbon agenda. Much work has been done by concerned parties, most importantly perhaps by the special Copyright Sub-group under the Initiative, in order to create prerequisites and models for licensing agreements on a voluntary basis.

-On the European level, for instance, through the ARROW project involving a broad range of European stakeholders and experts, the work on further solutions now continues, underpinned by the endorsed findings of the Copyright Subgroup and in compliance with European legislation. On the national level there are promising digitisation and making available projects going on. At the same time though, the recent Green Paper from the Commission on Copyright in the Knowledge Economy seems to have a preference for further restrictions of the rights of the authors as a viable road ahead. In the US, on the other hand, circumstances now have produced a settlement introducing new business models after a lawsuit from authors and publishers taking the form of a class action, John Erik Forslund concludes.

See: www.authorsguild.org Authors Guild v. Google Settlement Resources Page; Settlement Agreement, joint press release October 28, Joint Public FAQ, Message from Roy Blount Jr. President Authors Guild. Etc.

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Brussels