

Google Book Search

As the Google Book Search settlement issue heats up, the time has come for the library community to take their concerns to the judge.

In late October 2008, a proposed settlement agreement was announced that would end the copyright infringement lawsuit that the American Association of Publishers (AAP) and the Author's Guild filed against Google in 2005. The proposed settlement outlines the agreed-upon terms and conditions for Google Book Search—the product at the center of the lawsuit, which is a searchable index of the full-text of digitally scanned books.

Although the proposed settlement is private, the result has very real implications for public policy and the way libraries of all types will operate. The mission of libraries is to provide the broadest public access to information, and the library community has a long history of advocating for laws and policies that protect the rights of library users. Because of the complexity of the agreement, its potential long-term impact on libraries, and the public interest and the enormity of the book collection involved, many librarians have raised questions about the settlement.

As such, earlier in the year, ALA, the Association of Research Libraries (ARL), and ACRL brought together members of the library community to discuss both the library and legal implications of the proposed settlement to determine the most appropriate course of action to take, if any. As a result, the three associations decided to file an *amicus curiae*, or “friend of the court,” brief with the court by the May 5 deadline. The judge presiding over the case will then hold a hearing on June 11, 2009, and sometime thereafter accept or reject the settlement.

“While the Google Book Search product is a great tool for searching the full-text of digitized books, we must consider the potential long-term impact this private settlement may have on the public’s ability to access information,” said Corey

Williams, associate director of the ALA Office of Government Relations.

Williams also said that some of the key issues to consider are as follows:


- **Access.** What will the settlement mean for protecting the public’s ability to access and use digital resources from the nation’s libraries? Since the Book Rights Registry, established as a condition of the settlement, will represent the interests of the authors and publishers, who will represent the interests of libraries and the public? What are the financial implications, or cost, of participation? Could the settlement create a monopoly that threatens the mission of libraries by raising the prices to an unreasonable level that limits public access?

- **Privacy.** What will reader privacy look like in a Google subscription-based world? Will the years of hard-fought effort to protect library users’ confidentiality be compromised as a for-profit company has new capabilities to monitor and track user reading habits under this settlement?

- **Intellectual freedom.** Are there academic freedom issues to consider? What are the implications of Google’s ability to remove works at its discretion? Will there be notification of their removal? What are the issues regarding possible access and use restrictions on the Research Corpus?

- **Equitable treatment.** Since not all libraries are addressed in the settlement, what impact will it have on the diverse landscape of libraries? In light of tight economic times, will this negatively affect libraries with lean budgets? Will it expand the digital divide?

- **Terms of use.** Under the terms of the agreement, will library users continue to enjoy the same rights to information under copyright and other laws? Will the settlement impact the legal discussions and interpretations of library exceptions that allow for library lending, limited copying, and preservation?

To stay posted on the latest developments of the associations’ next steps, see www.ala.org/washoff; www.arl.org; and www.ala.org/acrl. 

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