Goldmine of ideas -- or theft?  
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A HIGH-TECH war over books has reached a historic - if incomplete - conclusion that will wrench books' contents from their bindings and set them free on the Web.

The book war was sparked by Google and its ambitious plan to digitize the books of major libraries, including those at Harvard, Stanford, and the University of Michigan. It is fitting work for a company whose professed mission is "to organize the world's information and make it universally accessible and useful."

But in 2004, when Google announced plans to digitize library books and share some or all of their content on the Web, what seemed like a goldmine of ideas to some sounded to others like theft. In 2005, Google was sued by the Authors Guild and by members of the Association of American Publishers for violating copyright law. In its own defense, Google argued that its project was an entirely legal example of what the law calls "fair use."

Then last month there was a happy ending. Google announced that it would pay $125 million as part of a settlement that includes a plan for digitizing copyrighted books by getting permission from copyright holders and selling digital copies.

If the court approves this settlement, it could create a treasure trove. No more hunting through stores or libraries for elusive volumes. With a few mouse clicks, users could easily browse or buy.

Google says people would be able to "purchase full online access to millions of books." Those sales would make money for Google, the writers, and the publishers alike.

Before enraptured readers dive in, however, they should know what they aren’t getting. Because this case settled, the court didn’t rule on the issue of fair use. So while Google has hammered out a commercial solution for itself, the country still needs a legal ruling on what fair use means in the Internet age.

And support for the settlement isn’t universal. Harvard, for example, is "not endorsing" it, according to a spokesman. The university will continue to work with Google to digitize library books that are no longer under copyright. But beyond this, Harvard is declining to let Google digitize its copyrighted books. University officials say they want to know more details, including how well the
settlement would serve the academic community, as well as the cost to libraries of subscribing to a digitized books service and how that service would work.

Google will have to convince the skeptics. And there is more public policy work to be done. Still, this settlement is an initial victory that could shatter 20th-century limitations and give knowledge new freedom. ■

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