Google Settles Suit Over Book-Scanning

By MIGUEL HELFT and MOTOKO RICH
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SAN FRANCISCO — Settling a legal battle, Google reached an agreement with book publishers and authors that clears the way for both sides to more easily profit from digital versions of printed books.

The agreement, under which Google would pay $125 million to settle two copyright lawsuits over its book-scanning efforts, would allow it to make millions of out-of-print books available for reading and purchasing online.

It outlines the framework for a new system that will channel payments from book sales, advertising revenue and other fees to authors and publishers, with Google collecting a cut.

The deal goes some way toward drawing a road map for a possible digital future for publishers and authors, who worried that they were losing control over how their works were used online, as the music industry has.

The settlement, which was announced Tuesday and was subject to court approval, would have the greatest impact on the millions of books that were still protected by copyright but were no longer being printed.

Since 2004, Google has been working with university and research libraries to create digital scans of their collections. Of the approximately seven million books that Google has already scanned, four million to five million are out of print.

Google now makes the content of those books available in its book search service but shows only snippets of text, unless it has permission from the copyright holder to show more.

Under the agreement, Google will now show up to 20 percent of the text at no charge to users. It will also make the entire book available online for a fee. Universities, libraries and other organizations will be able to buy subscriptions that make entire collections of
those books available to their visitors.

“This huge body of books that were effectively lost to the marketplace are being rescued,” said James Gleick, the author of five books and a member of the board of the Authors Guild, one of the plaintiffs in the suit.

Google plans to take 37 percent of the revenue, leaving 63 percent for publishers and authors. If Google sells ads on pages where previews of scanned books appear, it will split the revenue on the same basis.

The settlement being paid by Google will go in part to establish a digital book registry that will administer the new system. At least $45 million is being designated to compensate authors and publishers whose books were scanned by Google before the settlement.

Sergey Brin, a Google co-founder and its president of technology, said in an interview that the broader book search service was “the kind of thing we built the company to do.”

He added: “The thing that really made it come together is the shared vision of enabling people to get access to this information and enabling the rights holders to be compensated for it.”

Google has long said that the scanning project was part of its mission to provide access to all the world’s information.

Some authors and publishers hailed the agreement, saying it finally recognized their right to be compensated for their works and to control their distribution.

“It really says that individual authors can still survive in the Internet age and are not going to get dropped off the cliff,” said Paul Dickson, author of 50 books and one of the named plaintiffs in the Authors Guild suit.

But some librarians and legal experts worried that the deal would give Google too much control over books and other materials that are the backbone of the nation’s library system.

“On the one hand, one admires all of Google’s inventions,” said Rick Prelinger, board president of the Internet Archive, a nonprofit organization that has scanned and made available online one million public domain books. “But when you start to see a single point of access developing for world culture, by default, it is disturbing.”

The settlement of the lawsuits, which were filed in 2005, did not resolve the question of whether Google’s unauthorized scanning of copyrighted books was permissible under copyright law.

Still, publishers were claiming victory, noting that under the settlement, publishers and authors must give permission for snippets of their in-print books to be included in Google’s search program. Google had argued that under the “fair use” doctrine of copyright law, it did not need such permission.

“I think that it is a stupendous victory for rights holders of the written word, because it has established that we should and must maintain control over the intellectual property that writers create and that we invest in,” said Carolyn Reidy, chief executive of Simon & Schuster, one of the parties to the suit brought on behalf of the Association of American Publishers.

Google said its decision to no longer show snippets for in-print books without permission was made simply to secure the settlement.

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“It is not a concession of our legal position,” said David Drummond, Google’s chief legal officer. agreed to pay $125 million