Microsoft Attacks Google Over Book Search

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Microsoft launched an unusually caustic public broadside yesterday against Google, accusing its archrival of running roughshod over copyrights as it creates an online service for searching books.

Speaking at the annual meeting of the American Association of Publishers in New York, Thomas C. Rubin, Microsoft's associate general counsel, devoted much of his remarks to an attack on Google's practice of copying entire books into its database, often without the permission of copyright holders.

"It systematically violates copyright and deprives authors and publishers of an important avenue for monetizing their works," Rubin said, according to prepared remarks. "In doing so, it undermines critical incentives to create."

Microsoft's salvo came as the software giant faces mounting pressure from Google, which is increasingly extending its reach beyond the Web search that made it the darling of the technology industry.

Last month, Google began selling an online productivity suite, including e-mail, calendar and Web services, that competes with Microsoft's Office software. Google also continues to extend its substantial lead over Microsoft in Web searching, an area where Microsoft has struggled and that remains the main way users navigate the Internet.

Whitney Burk, a Microsoft spokesman, said Rubin decided...
spokesman, said Rubin decided to offer his blunt critique because he felt it was time to begin engaging publishers in the debate over how to move book content to the Web. Like Google, Microsoft is developing a database of digitized books.

"Google takes the position that everything may be freely copied unless the copyright owner notifies Google and tells it to stop," Rubin said. "Microsoft and most other companies, by contrast, take the position that they should get the copyright owner's consent before they copy."

His remarks found a sympathetic audience in the publishers association, which has filed a federal lawsuit against Google for allegedly infringing copyright laws by scanning millions of books for online searching. Google typically displays short snippets of the publications in its book-search results.

Rubin accused Google of demonstrating a "similar cavalier approach to copyright" in its management of YouTube, the online video site it bought last year. He said Google had refused to address the complaints of broadcasters, movie studios and record companies that YouTube engages in piracy by featuring copyrighted material. He further alleged that Google was earning money by featuring advertisements linked to online searches for pirated software.

In a short, written response Google Senior Vice President David C. Drummond said his company was cooperating with more than 10,000 publishers to put content on the Internet.

"The goal of search engines, and of products like Google Book Search and YouTube, is to help users find information from content producers of every size," Drummond said. "We do this by complying with international copyright laws and the result has been more exposure and in many cases more revenue for authors, publishers and producers of content."

Though executives at Google and Microsoft often criticize each other's business practices and products in private, they have rarely allowed their differences to bubble over in public. Two years ago, Microsoft went to court to prevent one of its former executives, Kai-Fu Lee, from opening a Google research center in China, arguing that he had broken a no-compete contract. But while that legal fight was nasty at times, it never included the kind of public tongue lashing offered by Rubin yesterday.

Edward J. Black, president of the Computer and Communications Industry Association, came to Google's defense, saying Microsoft wrongly characterized copyright law. Both companies are members of the Washington-based association.

"Contrary to Microsoft's suggestion, every unauthorized use of a copyrighted work is not infringement," Black said. As an example of these "fair use" exceptions, he pointed to how search engines developed by both Google and Microsoft are legally permitted to...
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make copies of Web sites as part of the search process. "Microsoft would do well to consider that its own business depends on fair use before brushing aside that important doctrine," he said.