



## Will *Your Book* be in Google?

IF you retained copyright, or copyright reverted back to you under a publication agreement, and your book was published before January 5, 2009:

- You can decide if your book will be found in Google Books.
- You can decide how much of your book will be available for free in Google Books.
- You are entitled to a payment for the inclusion of your book.

As a **copyright holder** you have a decision to make:

- If you do nothing, you will remain a member of the settlement “class” of authors. You will be entitled to payment and you will have the ability to decide how Google uses your book.
- You can “opt out” of the settlement by notifying the settlement administrator of that decision by Sept. 4, 2009. This would preserve your right to sue Google on your own for including your work without permission.
- You can remain in the settlement class but file an objection to the settlement terms with the court by Sept. 4, 2009.

IF you **STAY** in the settlement class and want to receive payment for the inclusion of a book that has already been scanned by Google, you must **REGISTER** with the **BOOKS RIGHTS REGISTRY** by Jan. 5, 2010.

For **more information** about these options, see other side.

## It's All about Control!

IF you transferred your copyright to your publisher under a publication agreement:

- The publisher will decide if the book will be available in Google Books.
- The publisher will decide how much of the book can be viewed for free and how much a full text view will cost, if allowed.
- The publisher will be entitled to the rights holder's share of the settlement and future profits.

### SO WHO OWNS THE COPYRIGHT IN MY BOOK?

- It depends on what the publication agreement says.
- Was it a transfer of copyright? This is most common, and it means that the publisher holds the rights.
- If you signed a license to publish instead of a transfer of copyright, you hold the rights.
- Rights may have reverted to you when the book went out of print, if that was part of your original publication agreement.
- You may have the right to reclaim your copyright for an out of print book. Contact your publisher and ask.

## What does the Google Books Settlement do?

- It settles a copyright infringement lawsuit brought by publishers and authors against Google for scanning millions of books from major libraries.
- It permits the continued use of those scans in the Google Books database if the works are no longer being sold or otherwise commercially exploited.
- It allows for somewhat more text of copyrighted books to be seen for free when someone searches Google Books.
- It will create commercial products to sell full-text access to books that are out of print but still protected by copyright.
  - Consumers will be able to buy access to individual titles in digital form.
  - Institutions will be able to subscribe to the full text of everything in the Google Books database.
- Rights holders will exercise strict control over the database through the Books Rights Registry.
- All holders of copyright registered in the US before January 2009 will be included as members of the settlement class unless they opt out.

## Why would someone object to the settlement? Isn't more access good for everyone?

- Some argue that Google and the Books Rights Registry will have a de facto monopoly on digitizing many books, especially those whose authors do not identify themselves or register with the Books Rights Registry. On the other hand, without the settlement this digital library might not come into existence at all, and no entity other than Google has made the investment in the scanning of millions of books.
- It is hard to know at this point what the pricing structure for these new products – institutional subscriptions and individual digital access – will be. Without competition, the prices could be set very high, and access would be undermined.
- Another concern is that when consumers buy access, Google will retain the digital file, and the purchaser will read the book off of Google's servers. Google will therefore know what individual readers are choosing to read. Unlike libraries, Google has not undertaken to protect readers' privacy. Since Google will sell targeted advertising on the database, Google might sell your reading preferences to potential advertisers. However, Amazon.com already retains this kind of information, both for the Kindle and other book purchases. An author's perspective on the significant public policy questions raised by the settlement is different from the choices the author makes under the settlement with respect to his books.

## Where can I get more details?

- The settlement administrator has a web site at <http://www.googlebooksettlement.com/>
- Baylor University has an excellent web site for faculty and scholars explaining the Settlement Agreement at <http://www.baylor.edu/copyright/index.php?id=63562>
- Comments about the agreement from the major library associations, and a detailed summary of its provisions is at <http://www.arl.org/pp/ppcopyright/google/index.shtml>
- The settlement Administrator's address is

**Google Book Search Settlement Administrator**  
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