The Google Book Settlement
The Amended Settlement Agreement: an update

Facing the challenge of digital change

London, December 3, 2009

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Agenda

- The Google Book Settlement
- The Amended Settlement Agreement
- The Book Rights Registry
The GBS: the story so far

- **October 2004:** Google announces the Print Partner Program
- **December 2004:** Google announce the Library Program
- **September 2005:** Authors Guild files a class action lawsuit
- **October 2005:** AAP files copyright lawsuit
- **October 2005:** Lawsuits combined and co-ordinated
- **October 2008:** Settlement filed; preliminary approval granted
- **October 2009:** Settlement withdrawn
- **November 2009:** Amended Settlement Agreement filed

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The GBS: its scope

- It settles the existing lawsuits
- The agreement is between Google and a class that includes all U.S. copyright holders (authors, publishers etc.)
- The settlement only covers books published before 01.05.09
- Many types of publications are excluded
- The settlement entitles use of the books only in the U.S.
- Includes some international books *
Managing the Twilight Zone

Public Domain

“The Twilight Zone”

Out of Print.
Orphaned Works or simply unclear copyright status

In-Print

Available in a bookstore

Less than 20%*

75% or more

Less than 5%**

*OCLC analysis of the Google Books Library Project http://www.dlib.org/dlib/september05/lavoie/09lavoie.html
The GBS: its key features

- Google is authorized to scan, index and make non-display uses of all the books
- Access models are defined for providing access to the content of the books
- For IP books, the access models are by default turned off
- For OP books the access models are by default turned on
- Book Rights Registry will be formed as an independent organization to represent rightsholders and to collect and distribute revenue
The GBS: its key features

- Notification of Settlement to rightsholders
- Rightsholders control their level of participation
- They can remove their books from the process
- They control what is displayed
- They control the pricing of their books
The GBS: access models

- Preview uses
- Online consumer access
- Institutional subscription
- Public access service
- Future potential access models
The Amended Settlement Agreement

- The Settlement Class
  - Authors & publishers of works registered in the U.S.
  - Authors & publishers of works published in:
    - Australia
    - Canada
    - United Kingdom
  - Only books registered or published before January 5, 2009

- Governance of The Book Rights Registry
  - Australia, Canada, UK and US: one publisher representative & one author representative (minimum) on the Board
The Amended Settlement Agreement

- Unclaimed works
  - Unclaimed funds will be held for 10 years
  - After 10 years, funds will be distributed to relevant charities
  - Unclaimed funds cannot be re-distributed to claimants
  - Unclaimed funds cannot be used for Registry’s costs
  - 25% of unclaimed funds can be used to locate rightsholders
  - Appointment of Unclaimed Works Fiduciary
The Amended Settlement Agreement

- Future potential business models defined
  - Individual subscriptions
  - Print on Demand
  - Digital downloads
  - All require Board approval & notice to rightsholders
  - Rightsholders may choose not to participate
- Previously defined business models unaffected
  - Institutional subscriptions
  - Consumer online editions
  - Advertising-supported previews

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Key dates

- November 19: preliminary approval of ASA given
- December 14: supplemental notice period begins
- January 28: deadline for supplemental objections
- February 18: final fairness hearing
- March 31, 2011: deadline for cash payment claims
- March 9, 2012: deadline for removal of books
The Book Rights Registry

- Independent, non-profit organization
- Initial funding from Google
- Managed by publishers and authors
- Identifies and locates rightsholders
- Enables and supports rightsholders to work with Google; inclusion/exclusion of works; pricing; access models
- Distributes revenues to rightsholders (63/37%)
- Licenses to other organizations
- Dispute resolution and arbitration

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The Book Rights Registry

- Temporary claim site available
  - Settlement administrator
  - Enables searching and claiming of works
- Preparations for Registry now underway
- User requirements, data specification
- Functional specification
Claiming works today

- Claiming site available now
  - [www.googlebooksettlement.com](http://www.googlebooksettlement.com)
  - Settlement administrator
  - Enables searching and claiming of works
  - Single title searching and claiming
  - Bulk searching and claiming
  - ONIX file upload; Excel template

- Registration deadline for cash payments: March 31, 2011
- Deadline for removing books: March 9, 2012
Questions?

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www.googlebooksettlement.com