

# The Google Book Settlement

## The Amended Settlement Agreement: an update

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*Facing the challenge of digital change*

*London, December 3, 2009*

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# Agenda

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- The Google Book Settlement
- The Amended Settlement Agreement
- The Book Rights Registry

# The GBS: the story so far

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- **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- **October 2009:** Settlement withdrawn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

# The GBS: its scope

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- 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

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**Public Domain**

**“The Twilight Zone”**

**In-Print**

Out of Print.

Orphaned Works or simply unclear copyright status

Available in a bookstore



\*OCLC analysis of the Google Books Library Project <http://www.dlib.org/dlib/september05/lavoie/09lavoie.html>

\*\*O'Reilly Radar: [http://radar.oreilly.com/archives/2005/11/oops\\_only\\_4\\_of\\_titles\\_are\\_bein.html](http://radar.oreilly.com/archives/2005/11/oops_only_4_of_titles_are_bein.html)

# The GBS: its key features

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- 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

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- 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

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- Preview uses
- Online consumer access
- Institutional subscription
- Public access service
- Future potential access models



# The Amended Settlement Agreement

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- 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

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- 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

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- 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

# Key dates

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- 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

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- 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

# The Book Rights Registry

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- 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

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- 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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