# The Google Book Settlement

The Amended Settlement Agreement: an update

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Michael Healy, Executive Director (Designate), The Book Rights Registry

## 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October 2009: Settlement withdrawn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

## 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**

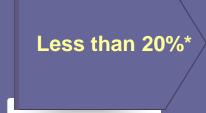
### "The Twilight Zone"

Out of Print.

Orphaned Works or simply unclear copyright status

#### **In-Print**

Available in a bookstore



75% or more

Less than 5%\*\*

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

\*\*O'Reilly Radar: http://radar.oreilly.com/archives/2005/11/oops only 4 of titles are bein.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

## 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

## 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
  - 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?

Michael@bookrightsregistry.org

www.googlebooksettlement.com