

# AAP

## Google Book Settlement: Outline of Benefits

Millions of copyright-protected books are out of print and largely out of reach, available only through the largest research libraries in the country. The Google Book Settlement announced in October 2008 – the result of 30 months of negotiations between and among authors, publishers, university libraries and Google -- changes all that, working a revolution in the access to knowledge. If approved by the court, the settlement will:

- Provide readers and researchers with access to millions of out-of-print books, many of which are currently difficult or impossible for readers to obtain, in a searchable online database.
- Turn every public library building in the U.S. into a world-class research facility by providing free access to the online portal of out-of-print books.
- Permit any college or university in the U.S. to subscribe to the same rich database of out-of-print books.
- Give new commercial life to millions of books, while protecting the economic rights of authors and publishers.

If not approved by the court, the litigation between AAP, the Authors Guild and Google may continue for years, and with a great risk that authors and publishers will have no effective means to stop the widespread use of copyrighted material that is likely to follow.

### I. Benefits for Readers and Researchers

The settlement unlocks a vast archive of out-of-print books, providing readers and researchers with far greater access to books than ever before.

*Access at your public library.* The settlement turns every library into a world-class research facility, by offering every public library building in the U.S. – all 16,500 of them – a free online portal to millions of out-of-print books.

*Access at colleges and universities.* The settlement offers students and teachers in even the smallest and most remote American colleges and universities access, through institutional subscriptions, to millions of books previously available only in the largest academic libraries in the country. Faculty members and students will be able to tap into this library from their offices and dorm rooms.

*Access at your computer.* Anyone online in the U.S. will have free “preview” access to hundreds of millions of pages of text (up to 20% of each book).<sup>1</sup> Review hundreds of accounts of the Battle of Vicksburg, or of the beginnings of the Industrial Revolution, or of the sources and interpretation of Moby

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## **II. Benefits for Authors and Publishers**

Out of print books have value, but that value is lost to the market and to authors and publishers. The settlement breathes new commercial life into out-of-print books, while leaving the existing market for in-print books alone.

*Find new readers.* Out-of-print books need no longer be relegated to the used book market. The settlement will make out-of-print works available to hundreds of millions of readers, through ad-supported previews, sales of online editions, and institutional subscriptions. If a book catches on, there will be sales data to prove it, which may create an opportunity to bring the work back into print in traditional form.

*In-print books are unaffected.* A cardinal rule in the negotiations was not to disturb the market for in-print books. Titles that are in print won't be made available through any of the means described in the settlement, unless the author and publisher expressly want them to be.

*A Book Rights Registry to protect rightsholders.* A non-profit registry governed by authors and publishers will oversee the settlement on their behalf, to help make sure rightsholders receive the benefits they're entitled to. (Sign up for the Registry by filing a claim at [googlebooksettlement.com](http://googlebooksettlement.com).)

*A fair share of revenues.* 63% of gross revenues go to authors and publishers; Google keeps 37%. Funds will be paid to the Book Rights Registry, which will pay authors and publishers after retaining a modest administrative fee. If rights have reverted to authors, they will receive 100% of the rightsholder revenue.

*Unprecedented control for authors and publishers.* Authors and publishers will manage their rights through an account management page at the Book Rights Registry. Authors who control rights to their works, for example, may choose to allow Google to display ad-supported previews of books, sell online editions (authors may set the price or let an algorithm do it for them), and license the work to colleges and universities, or they may choose to block all display uses. Authors can change their minds, at any time, with reasonable notice. What if a book comes back into traditional print? The rightsholder can then simply turn off all display uses, if it chooses, and permit the publisher to sell the work through standard retail outlets.

*Authors' estates, too.* Authors' estates exercise the same rights as authors.

*At least \$45 million in payments for unauthorized scanning.* Any of Google's digitizing of in-copyright books done before May 5, 2009 is considered unauthorized under the settlement. Google will pay to obtain a release of these copyright infringement claims. Under the settlement, Google will pay at least \$60 and as much as \$300 to rightsholders for each book that it scanned without authority, for a total payment to rightsholders of at least \$45 million.

## **III. Benefits for All**

*Viable Market.* The settlement creates a viable economic structure for a new digital market of on-line access to out-of-print and lesser known works.

*Encourages competition.* The settlement encourages competition by making non-exclusive all the rights granted to Google in the Agreement and by empowering the Book Rights Registry to negotiate arrangements with Google's competitors.