

October 6, 2009

Open Letter to the Google Book Search Settlement Parties

Google
1600 Amphitheatre Parkway
Mountain View, CA 94043

The Authors Guild
31 East 32nd Street, 7th Floor
New York, NY 10016

Association of American Publishers, Inc.
50 F Street, NW, 4th Floor
Washington, DC 20001

Dear Parties,

Hundreds of authors, literary organizations, privacy advocates, consumer advocates, corporations, libraries and government entities continually rang the alarm bells about the proposed settlement in the Google Book Search case. On September 22nd, Google and its partners finally acknowledged that the settlement was flawed after the Department of Justice also recommended that the court reject the deal. Google, the Authors Guild and the Association of American Publishers have asked for, and been granted, a delay in the case and have vowed to go back to the drawing board to try to craft a new settlement.

We, the undersigned, believe that any private settlement reached solely by Google and its partners, without an open and transparent process that involves all interested stakeholders, is destined to jeopardize the public interest. Google and its partners must not be permitted to reach another secret agreement without meaningful public involvement and deliberation.

The Department of Justice identified scores of serious problems with the proposed settlement, which cannot be fixed with simple alterations to the agreement. Other stakeholders raised even more objections, which the parties have largely ignored. In order to address these very real and very complex challenges, negotiations on this issue must involve a broad range of stakeholders in an open and transparent manner.

While we oppose the original settlement, we applaud the idea of making books searchable, readable and downloadable. The Internet, coupled with search engine technology, has the potential to unlock huge volumes of our shared cultural knowledge, making information accessible regardless of one's geographic location or financial status.

But there are right ways and wrong ways to accomplish this goal. As the Department of Justice clearly recognized, the proposed settlement was a wrong way, and a dangerous one. The proposed settlement would have impacted thousands of copyright holders who are not part of the lawsuit, and it threatened competition and consumer choice in virtually every field that the Internet touches.

(continued on page 2)

The enormity of this issue demands that it be deliberated publicly and collaboratively, rather than privately and secretly. Discussion and debate about the right way to digitize the world's written works must proceed through a robust process that includes input from all stakeholders, including authors, libraries, independent publishers, consumer advocates, state Attorneys General, the Justice Department, and Congress. No more closed doors – let's do it right.

Sincerely,

Amazon.com

American Consumer Institute

American Society of Journalists and Authors

Bear Star Press

Black Ocean

Bright Hill Press

Canarium Books

Carpe Articulum Literary Review Press

Cider Press Review

Council of Literary and Magazine Presses

Flume Press

Four Way Books

Jane's Stories Press Foundation

Internet Archive

McPherson & Company

Microsoft Corporation

National Writers Union/UAW Local 1981

New Jersey Library Association

New York Library Association

Ohio Library Council

Open Book Alliance

Other Voices Books

Pecan Grove Press

Revider Journal

Sarabande Books

Science Fiction and Fantasy Writers of America

Silverfish Review Press

Small Press Distribution

Special Libraries Association

Star Cloud Press

Ten Penny Players

The Tebot Bach Mission

The Worcester Review

Toadlily Press

Yahoo!