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## **DIVERSE COALITION UNITES TO COUNTER GOOGLE BOOK SETTLEMENT**

### ***Library Scholar Peter Brantley and Antitrust Expert Gary Reback Spearhead Open Book Alliance to Protect Consumers and Competition in the Emerging Digital Book Market***

SAN FRANCISCO, August 26, 2009 – Librarians, legal scholars, authors, publishers, and technology companies today announced the formation of a coalition that will counter the proposed Google Book Settlement in its current form. The proposed settlement is between Google, the Association of American Publishers (AAP), and the Authors' Guild. Approval of the settlement plan currently is pending before the United States District Court for the Southern District of New York. The deal is also currently being investigated by the U.S. Justice Department on antitrust grounds.

“Just as Gutenberg’s invention of the printing press more than 700 years ago ushered in a new era of knowledge sharing, the mass digitization of books promises to once again revolutionize how we read and discover books,” said Open Book Alliance co-chairs Peter Brantley and Gary Reback in a blog post at <http://www.openbookalliance.org>. “But a digital library controlled by a single company and small group of colluding publishers would inevitably lead to higher prices and subpar service for consumers, libraries, scholars, and students.”

“The public interest demands that any mass book digitization and distribution effort be undertaken in the open, grounded in sound public policy, and mindful of the need to promote long-term benefits for consumers rather than those of a few commercial interests,” continued Brantley and Reback.

Brantley is a director of the non-profit Internet Archive and Reback is a noted antitrust attorney who serves of counsel at the firm Carr & Ferrell, LLP.

Members of the Open Book Alliance include:

- Amazon (amazon.com)
- American Society of Journalists and Authors (asja.org)
- Council of Literary Magazines and Presses (clmp.org)
- Internet Archive (archive.org)
- Microsoft (microsoft.com)
- New York Library Association (nyla.org)
- Small Press Distribution (spdbooks.org)
- Special Libraries Association (sla.org)
- Yahoo! (yahoo.com)

The Alliance will work to inform policymakers and the public about the serious legal, competitive, and policy issues in the settlement proposal.

In 2005, the Association of American Publishers (AAP) and the Authors' Guild filed suit against Google, objecting to the company's mass digitization of millions of books on copyright violation grounds. The parties privately settled for \$125 million and devised a scheme that would permit Google to charge libraries and consumers for access to the digitized books. Under the deal, Google, the Authors Guild and the AAP would gain significant new powers to control the fledgling market for digital books.

The New York court considering the settlement has established a Sept. 4 deadline for submissions on the settlement and indicated it planned to make a final decision on Oct. 7.

Following are quotes from some members of the Open Book Alliance on their concerns about the proposed settlement:

“The library community in New York is concerned by the ramifications of this settlement on libraries, their patrons and the common good. Access, affordability and patron privacy issues are key concerns of ours that we do not believe have been adequately addressed so far. A public policy issue of this magnitude should be not be handled in this matter, but by Congress in a deliberative and open format that allows for greater input from concerned parties and the public.” -- Michael J. Borges, Executive Director of the New York Library Association.

“We look forward to the day when a completely electronic, searchable, and universally accessible repository of digital books brings untold value and knowledge to individuals, organizations and libraries. In the meantime, we are greatly concerned about Google's efforts here, and we believe that the U.S. Department of Justice (DOJ) must look into the full ramifications of this settlement on issues of copyright, access, affordability and privacy.” – Janice R. Lachance, CEO, Special Libraries Association.

“We're seeing Google the Good morph into Google the Grabby in all of this. First, Google dangles the prospect of a huge, accessible, digital library in front of us. But then it shows utter contempt for the people who wrote the books, by scanning them without the approval of copyright holders. Google didn't mind stomping on authors to get this project going. If the settlement goes through as it stands, sheer marketplace domination will mean every author will have to swallow the rules set down by a cabal of a registry board or sell no digital books or future, new digital inventions.” – Salley Shannon, President, American Society of Journalists and Authors.

The Open Book Alliance will add its voice and those of its members, to other organizations and noted individuals who have publically expressed concerns about the settlement

The Open Book Alliance can be found online at <http://www.openbookalliance.org>, and on Twitter @OBAlliance.

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