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Authors Guild, AAP and Google Settlement

What Authors & Publishers Need to Know as May 5th Approaches

This presentation is not intended to and does not
constitute legal advice.

We encourage you to review the settlement documents
available at www.googlebooksettlement.com and to consult
an attorney for any legal advice regarding the settlement.



copyright.com



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- Created by publishers and authors 30 years ago
- A collective licensing agent managing more than 300 million rights
- Part of an extensive global network of collective licensing organizations
- Over \$1 billion in royalties paid to rightsholders in the last 15 years

LOIS WASOFF

- **Attorney at Law**
 - Copyright and Trademark
Publishing, Licensing, and Internet Issues
- **Past Chair**
 - Copyright Committee
Association of American Publishers
- **Former Vice President and
Corporate Counsel**
 - Houghton Mifflin Company



TODAY'S AGENDA

- Who does the settlement affect?
- What works are included and what uses are authorized?
- What are the benefits of participating?
- Book Rights Registry, its role and responsibilities
- Important questions for rightsholders to consider
- Key dates and deadlines
- Resources for more information

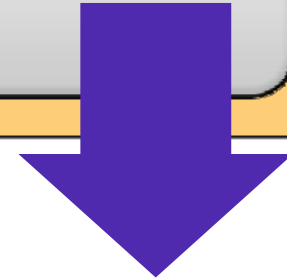


How

did we get here?

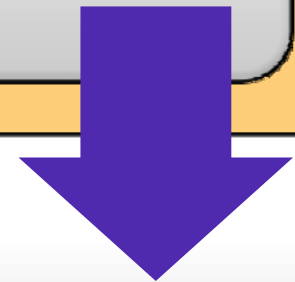
2004

- Google Library Project announced
- Google begins to scan entire works from university library collections



2005

- Authors Guild files a class action copyright infringement lawsuit against Google
- The AAP and five named publishers; The McGraw-Hill Companies, Inc., Pearson Education, Inc., Penguin Group (USA) Inc., Simon & Schuster, Inc., and John Wiley & Sons, Inc. file a copyright infringement lawsuit against Google



2008

- October 28 Proposed settlement of both lawsuits announced



Why a class action?



WHO IS INCLUDED ?

If you hold a **Copyright Interest**

in a **Book**

or **Insert**

and you don't **Opt Out**

you become a **Rightsholder**

SETTLEMENT CLASS MEMBER



How

can Google use my Books?



DISPLAY USES

Access Uses

Preview Uses

Snippet Display

Front Matter Display

ACCESS USES

Consumer Purchase

Institutional Subscription

New Revenue Models

Public Access Uses

NON DISPLAY USES

Bibliographic Data

Full-text Indexing

Internal Research and
Development

BENEFITS TO THE RIGHTSHOLDERS

- Payments for prior activities
 - For books scanned prior to May 5th
 - If claimed by Jan 5th, 2010
- Ongoing payments from revenue generating programs
 - 63% to rightsholders
 - 37% to Google

BENEFITS TO THE RIGHTSHOLDERS

- Control over level of participation in programs
 - Removal
 - Exclusion
 - Default rules “Commercially Available”
- Pricing
 - Consumer Purchase
 - Institutional Subscription



How

will it work?



BOOK RIGHTS REGISTRY

- Represents interests of all rightsholders under the settlement
- Non-profit entity
- Board comprised of equal number of author and publisher representatives
- Initial creation funded by Google

BOOK RIGHTS REGISTRY

- Maintain a rights information database
- Assist in locating rightsholders
- Track the permissions given or denied to Google for the use of the Books
- Collect and disburse payments
- Negotiate pricing of institutional subscriptions
- Negotiate terms for “new revenue models”
- Assist in dispute resolution



What

do you need to know?



IF YOU PARTICIPATE

- You are a rightsholder
- You authorize Google to make certain uses of your works
- You are entitled to certain payments
- You are entitled to file formal objections
- You release claims against Google and the libraries that provided books for scanning

IF YOU OPT OUT

- You will receive no payments under the settlement agreement
- You will not participate in the revenue models established under the settlement
- You reserve your right to sue Google
- You waive your right to object

BASELINE QUESTIONS

Are your works listed in the database?

Is the information about you and your works correct?

Have you claimed your books and inserts?

Have they been scanned? Are they likely to be scanned by May 5th, 2009?

BASELINE QUESTIONS

What other uses are you already making of your works?

Are your books Commercially Available?

Are all your rights in order?

Whether an author or publisher, have you looked at the reversion clauses in your contracts?



Dates

to put in your calendar



2009

- May 5th Opt out of settlement deadline and deadline to file objections to the settlement
- June 11th Settlement Fairness Hearing

2010

January 5th Deadline to file claim payments for works already digitized

2011

April 5th Deadline to request removal of digital copy from Google database



Questions



YOUR RIGHTS LICENSING EXPERT

**CCC can help you understand
how your works are being used
and the value of your rights.**

Contact

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FOR MORE INFORMATION



- Settlement Website – www.googlebooksettlement.com
 - Settlement information
 - Claim forms
 - Database search

- Other information sources:
 - AAP <http://www.publishers.org>
 - Authors Guild <http://www.authorsguild.org>
 - CCC <http://www.copyright.com>

YOUR RIGHTS LICENSING EXPERT

Thank You

For attending today's program

Contact

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