GOOGLE’S NEW OPT-OUT POLICY

On August 12, Google announced a revision of their opt-out policy for the Google Library Project. Under the revised plan, publishers and authors who object to Google digitizing their copyrighted works without permission may withdraw them from the Project by supplying Google with a list of titles to be withdrawn that includes the basic bibliographic information for each title, including ISBN. Books withdrawn in this way will not be digitally copied for the Project. To give publishers and authors time to gather the information and compile the lists, Google has suspended the digitization of copyrighted works and will not resume until November 1.

By temporarily suspending the digitization of copyrighted work Google’s revised policy makes an important concession to the rights of copyright holders. In its essentials, though, the revised policy is virtually the same as the previous one. Google still asserts that it may make digital copies of all books in copyright, and that they will respect the copyrights only of those who supply Google with a list of books for which rights must be recognized. In other words, Google, an enormously successful company, claims a sweeping right to appropriate the property of others for its own commercial use unless it is told, case by case and instance by instance, not to.

In our view this contradicts both law and common sense. The idea of the Library Project is enormously appealing; it is the way it is being put into practice that is causing such widespread concern. We call on all the parties involved in the Project to use the time between now and November 1 to search for a way to bring the implementation of the project within the permissions framework of copyright law—a framework already recognized by Google and its partners, many of them members of AAUP, in the Google Print for Publishers program.

Finding a solution will require time, cooperation and hard work, but it will surely be more productive in the long run than continuing on the current path. AAUP stands ready to do whatever it can to assist in the search for such a solution.

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AAUP Board of Directors