Google Book Search

Imagine being able to do months worth of research in only a matter of minutes. Actually, you don’t have to imagine; a service already exists that allows a person to perform a full-text search of over 7 million books from any internet-enabled computer (**Citation Needed**)! An ambitious project by internet-giant Google is digitizing the libraries of the world. The project, simply called Google Book Search (GBS), promises to provide an unprecedented level of access to millions of books for millions of people worldwide. Using image scanners and optical character recognition software, Google is saving copies of entire books in its databases as both raw images and text data, enabling users not only to search books, but also view, copy and paste, and print portions of books (**Citation Needed**). This sounds like great news to students and researchers everywhere, but not everyone shares their enthusiasm.

Several years ago, publishers, authors, and other rights holders were up in arms about GBS, claiming that Google was guilty of breaking copyright laws by saving full copies of books into its databases. In late 2005, approximately one year after Google first announced its then-named Google Print project, two major lawsuits were filed against Google. The first was a class action lawsuit filed by the Author’s Guild and a handful of authors, representing individual rights holders. McGraw-Hill and several other publishers filed a second lawsuit a month later to represent publishers’ interests. Both lawsuits claimed that Google, in creating and retaining digital copies of works to which the plaintiffs held rights, infringed on their copyrights. The plaintiffs of these two lawsuits believed that Google was committed only to increasing revenue, regardless of copyright laws. In addition, they claimed that GBS would devalue their product or
otherwise harm their market. They wanted the courts to order Google to destroy its collection and to declare such activity illegal (**Citation Needed**).

In response, Google claimed that their right to provide GBS is protected under the First Amendment, among other defenses. Specifically, it claimed that its searchable digital library constitutes a fair use and that no express permission was required from the rights holders. Further, it also claimed that only a portion of works are protected by copyright, and even that some works are unprotectable under U.S. copyright law. Google also fired back at some of the rights holders, claiming that some of them “have engaged in copyright misuse and have unclean hands” (**Citation Needed**). It also felt that GBS, by providing links to places where book search results could be purchased, could only benefit book markets. Predictably, Google wanted the courts to reward the plaintiffs nothing and declare that GBS was within copyright laws (**Citation Needed**).

Both sides of the issue presented compelling arguments. Should publishers and authors have to give up their copyrights for Google’s and, by extension, students’ and researchers’ benefit? Or should Google be required to compensate rights holders for its digital copies? Nobody knows for sure. Like many other issues, this one is subject to “case law,” or legal precedents created by past court decisions. The problem here is that Google’s alleged copyright-infringing activities are unprecedented. Thus, neither the court nor the litigants have a historical guide to rely on. Perhaps this is the reason why, at the time of this writing, neither lawsuit has been settled in court (**Citation Needed**).

Legal matters aside, Google states that one of its motivations behind GBS is to “ensure the ongoing accessibility of out-of-print books … to protect mankind’s cultural history” (**Citation Needed**). At least to some extent, publishers and authors agree with this cause,
which has allowed the parties to negotiate a settlement out-of-court. This settlement includes, among other things, provisions for rights holders to exclude their work from GBS and for the establishment of a non-profit organization to guarantee the rights of authors, publishers and others whose work is indexed. Perhaps most significantly, it outlines how rights holders will be able to profit from the inclusion of their works in GBS. The settlement distinguishes books into three categories: Books that are in-print and under copyright, out-of-print but still under copyright, and those that are out-of-copyright (i.e., public domain). The first two types of books will have limited previews, enabling users to flip through them “just like you'd browse them at a bookstore or library” (**Citation Needed**). In addition, GBS will provide a means to purchase full versions of copyrighted books, while full versions of out-of-copyright books will be available free of charge. Lastly, GBS also intends to make physical copies of books more accessible, by pointing users to where they can get their hands on actual print versions of search results. Rights holders are poised to reach a bigger market for books that are in-print and re-discover markets for out-of-print books. Libraries and bookstores will enjoy greater patronage and advertisement, respectively. Lastly, Google will undoubtedly see increased traffic and thus increased revenue (**Citation Needed**).

But what does it all mean for those not immediately invested in GBS? For starters, it means that anyone in search of an old, out-of-print book won’t have to dig through used book store or library shelves, provided, of course, that the author didn’t opt to turn his or her book’s listing off in GBS. It means that students who are lucky enough to attend a university that purchases a GBS subscription, or anyone who happens to live near a subscribing library, will have access to full versions of millions of books, new and old. It means that some books which,
until recently, could only be found in a handful of libraries in the world, are now accessible to anyone with an internet connection (**Citation Needed**).

Like the legal struggle that its inception sparked, GBS’s contribution to the accessibility of knowledge is unprecedented. It’s hard to imagine what the internet would be like without search engines like Google, and soon it may be just as hard to imagine what doing research would be like without digital libraries like GBS. The GBS settlement, though still awaiting court approval, stands to usher in a new era in publishing. Similar to how iTunes changed the music industry for artists and record companies, GBS could potentially rock the literary world for publishers and authors. But perhaps most exciting of all, “the real victors are all the readers,” said Sergey Brin, co-founder of Google. “The tremendous wealth of knowledge that lies within the books of the world will now be at their fingertips” (as quoted in ***Citation Needed***).
References *** NOTE THAT THIS IS NOT A LIST OF WORKS CITED YET ***

17 USC Sec. 107. 2009.


