

### Google Book Search settlement

For a while now, the library world has been keeping a close eye on the proposed Google Book Search settlement. In recent weeks, the questions librarians and libraries have been raising over the last year are breaking into, and in many ways shaping, the national conversation about this project.

As mentioned in last month's Washington Hotline, ALA, ACRL, and the Association of Research Libraries (ARL) prepared a filing to submit to the U.S. District Court for the Southern District of New York in order to urge the judge to exercise vigorous oversight in his ruling on the proposed settlement.

Though the filing deadline was recently extended by the judge to September 4, 2009, following petitions to do so by a group of authors (including John Steinbeck's heirs) and a group of academic authors represented by Professor Pamela Samuelson of Berkeley School of Law, the library associations moved forward with the plan to file before the original deadline, submitting their comments on May 4 to help inform the library community and the public as it considers this important and complex matter.

The concerns—including the absence of competition for new services and the settlement's potential to affect fundamental library values including equity of access to information, patron privacy, and intellectual freedom—are expanded upon in the filing.

These key concerns shaped the library associations' decision to urge the court to exercise vigorous oversight of the interpretation and implementation of the settlement.


While the groups believe that this private settlement agreement has the potential to provide public access to millions of

books, the filing asserts that this settlement has certain foreseeable problems that may require the court's intervention in the future.

In particular, the associations ask the court to ensure:

- any library or institutional subscriber the ability to request the court to review the pricing of an institutional subscription;
- anyone the ability to request the court to review the registry's refusal to license copyrights to books on the same terms available to Google;
- any class member the ability to request the court to review the procedures by which the registry selects members of its board of directors, and to evaluate whether the registry properly considers the interests of all class members in its decision-making;
- any user the ability to request the court to direct Google to provide a list of books excluded from the database and an explanation of why;
- any research the ability to request the court to review the reasonableness of the refusal to allow a researcher to conduct research at a host site; and, finally,
- any user the ability to request the court to direct Google and the registry to disclose their policies for collecting, retaining, disseminating, and protecting personally identifiable information.

Many of the libraries' concerns have as much to do with what is not addressed, or omitted, from the settlement as with what is in it, and the library associations are hopeful that raising these concerns to the judge will ultimately grant libraries and the public some much-needed assurance that the interpretation and implementation of the settlement will ensure the broadest possible benefit from the services the settlement enables without sacrificing fundamental library principles.

The filing and additional resources are available at [wo.ala.org/gbs](http://wo.ala.org/gbs). 

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