

Digital Issues for Publishers

Google Book Settlement

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Publishing Ireland – Digital Issues Seminar

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Irish Copyright Licensing Agency

Literary Works – Digital Challenges

Scanning

Digital Copying/VLEs

Website Content

Internet/Intranet Usage

Document Delivery – British Library Licence

Library Lending of Digital Content

Google Books Settlement – Concept of Fair Use

Orphaned Works

ISP Liability – three strikes legislation



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A/V Digital Challenges

Streaming

Retransmission

Copyright

The Internet & Peer to Peer file sharing

Mobile Technology



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Google & Books

Google Partnership Program

Google Library Project



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Google Books Settlement - History

- **2002** – Google begins to digitise content in American libraries (and the Bodleian)
- **2005** – Legal Action begun by the Authors' Guild and the Association of American Publishers
- **2008** – Settlement announced at IFRRO AGM
- **2009** – *September* Settlement delayed
- **2009** – *November* Revised Settlement announced



Google Books – Original Settlement

- Class Action Settlement – covers the USA
- \$125m set aside; \$34.5m for Books Rights Registry
- Covers Books and Inserts – not illustrations (except for some children’s book illustrations)
- Both “commercially available” and “non-commercially available” books digitized
- All countries signed up to the Berne Convention are covered



Google Books – Original Settlement Summary

- Under the settlement, Google is authorized, on a non-exclusive basis, to:
 - Digitize (almost) all books published on or before January 5, 2009 which were published in the UK, Canada or Australia OR registered with the US Copyright Office
 - Sell subscriptions to an electronic books database to institutions
 - Sell online access to individual books
 - Sell advertising on web-pages with content from books; and
 - Make other specified uses
- Google will pay rightsholders 63% of the revenues earned from these commercial uses.



“To organize the world’s information and make it universally accessible and useful.”

Google’s mission statement



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Google Books – Revised Settlement

- Settlement restricted to books registered with the copyright office in the US or published in the UK, Canada or Australia
- 95% of foreign language works excluded
- Definition of “commercially available” broadened
- Seats on the BRR for each of the 4 countries (author and publisher representatives)
- Sub-licensing for use by third parties broadened



Google Books – Revised Time Line

14th December 2009

Supplemental Notice Program

28th January 2010

Deadline for Objections

18th February 2010

Fairness Hearing



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Where does this leave IRELAND

- Definition of “published in the UK”
- Source of data – Nielsen and Books in Print
- Corrupt metadata - “in by default”
- Co-editions
- Authors published by UK publishers



These baseline questions still hold

- 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?

Orphaned Works and Digitisation in Europe

- 2010 Digital Libraries initiative
- Europeana
- ARROW Project



Origin of the ARROW Project

- **Inclusion of in copyright textual works in the digitisation programme**

- copyright subgroup of the High Level Expert Group formed by the European Commission
- need to facilitate rights negotiation
- main challenges in **orphan works** and **out of print**

works

- **Innovative initiatives**

- [Libreka](#) in Germany
- [Gallica2](#) in France
- [eBog.dk](#) in Denmark
- new initiatives in [Spain](#) and [Norway](#)

- **All need tools for rights information exchange and interoperability**



The Arrow Consortium & liaison organisations

- **Libraries**
 - **EDL Foundation**
 - National libraries in France, Germany, Spain, The Netherlands, UK, Norway, Slovenia, Finland, Italy
 - University library of Innsbruck
- **Publishers**
 - **Federation of European Publishers**
 - Publishers associations of Italy, Spain, Germany, UK
- **Authors**
 - **European Writers Council**
 - ALCS in UK
- **Reproduction Rights Organisations**
 - **IFRRO**
 - RROs in Spain, France, Italy, UK, Norway, Denmark, Finland
- **Technology Developers**
 - Cineca (University consortium in Italy)
 - Numilog (Private company in France)
- **Standard organisations**
 - ISBN agencies (Italy, Slovenia, Norway, Finland, Germany)
 - European DOI agency (mEDRA)
 - Editeur members
 - ISTC consortium members
 - ISNI ISO-WG members



The purpose

- Arrow will provide “the best information currently available” from the highest number of resources that is possible
- Arrow will support the creation of registries of orphan works
 - *a question not yet answered: 1 Europe wide registry or a network of interoperable registries*
- Rightsholder will be able to claim their books so to challenge the initial statement



UK and Orphaned Works

- Extended Collective Licensing proposed
- Covers all types of content
- A broad scope as to who should licence
- Questions of due diligence not resolved



USEFUL LINKS

[Digital Britain Final Report](#) – Chapter 4 relates to copyright

[Digital Economy Bill](#) – extends PLR to digital lending



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Thoughts

Important for Publishers to address the issue of rights management

- **what** rights do you have in **which** works
- Clearing rights to exploit back lists in the digital world
- Rights reversion clauses need to be crystal clear
- Digital Library projects and permissions
- Orphan work solutions and prevention

