

# Fairness hearing postponed for Google books deal

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Writer

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(AP) -- A judge noted the many objections to a \$125 million deal giving Google Inc. digital rights to millions of out-of-print books as he agreed Thursday to postpone a fairness hearing so the agreement can be rewritten to comply with copyright and antitrust laws.

U.S. District Judge Denny Chin said the deal reached last year between some authors and [publishers](#) and Google "raises significant issues, as demonstrated not only by the number of objections, but also by the fact that the objectors include countries, states, non-profit organizations, and prominent authors and law professors."

He added: "Clearly, fair concerns have been raised."

The comments in a two-page order indicated Chin had taken a critical look at the settlement after receiving nearly 400 submissions about the deal, many of them expressing disapproval.

The Department of Justice said last week that the agreement as it now stands probably violates antitrust law. That conclusion led plaintiffs including The Authors Guild and the Association of American Publishers to say that they and Mountain View, Calif.-based Google had decided to renegotiate.

This time, the plaintiffs said, negotiations will include Justice Department officials.

Chin encouraged the talks in Thursday's order, saying a fair deal "would offer many benefits to society." He cited a statement by the Department of Justice saying an agreement "has the potential to breathe life into millions of works that are now effectively off limits to the public."

The judge said it made no sense to stage the fairness hearing on Oct. 7 when it appears that the deal will be rewritten. He asked parties to the case to appear on that date to discuss how it will proceed but said he will not hear from objectors or supporters, though they are free to attend.

He said he wanted to proceed "as expeditiously as possible" because the case was already four years old.

In a statement on its Web site acknowledging the postponement, The Authors Guild said: "We'll continue to work on amending the settlement to address the Justice Department's concerns."

John M. Simpson, a consumer advocate with Consumer Watchdog who testified about the deal before the House Judiciary Committee, said any agreement should also involve input from Congress.

He said the agreement as it now stands would have given [Google](#) a monopoly over the digitizing of [books](#).

"The judge put his fingers exactly on the issues in the case," Simpson said.

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