

NY suit vs. Google seeks damages for pictures, art

April 8 2010, By LARRY NEUMEISTER , Associated Press Writer

(AP) -- Groups representing photographers and artists on Wednesday accused Internet search leader Google of copyright infringement in a lawsuit that mirrors complaints book publishers and authors have made for years about the company's attempt to create the world's largest digital library.

The lawsuit, filed in U.S. District Court in Manhattan, seeks up to \$150,000 in damages for each of tens of thousands of photographs, illustrations and graphic works that it said were copied, stored and electronically displayed without permission from copyright holders.

"Google is engaging in massive copyright infringement," claimed the lawsuit, which said Google "will continue its brazen acts of willful [copyright infringement](#)" unless stopped by the court.

Mountain View, Calif.-based Google Inc. is confident its Google Books project is compliant with U.S. and international [copyright law](#), company spokesman Gabriel Stricker said in a statement.

"Google Books is an historic effort to make all of the knowledge contained within the world's books searchable online," the statement said. "It exposes readers to information they might not otherwise see, and it provides authors and publishers with a new way to be found."

The lawsuit adds a new wrinkle to the dispute over whether Google should be allowed to preside over and profit from the world's largest

digital library.

A judge in Manhattan has not ruled whether to accept a \$125 million settlement of a 5-year-old lawsuit groups representing authors and publishers brought against the company.

The deal would let Google include in its library so-called orphan works - out-of-print books whose writers' could not be located - and the works of other authors who decline to opt-out of the agreement after learning about it.

The U.S. Department of Justice has said the settlement might violate antitrust laws. The deal is opposed by some Google rivals, consumer watchdogs, academic experts, literary agents and even foreign governments.

A lawyer for Google has said fewer than 10 million books of 174 million books in the world would be affected by the settlement; about half the 10 million books were out of print.

The new [lawsuit](#) said [Google](#) has scanned more than 12 million books and may eventually scan the rest of the 174 million books, along with periodicals. It said Google's plans will diminish the value of pictures and art in the books, causing the photographers and artists to lose profits and opportunities and have their reputations damaged.

The lawsuit's plaintiffs include the American Society of Media Photographers Inc., with more than 7,000 members; the Graphic Artists Guild; the Picture Archive Council of America Inc.; the North American Nature Photography Association and the Professional Photographers of America, which has more than 20,000 members in 54 countries.

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