

Authors Guild sues universities over online books

September 13 2011, By LARRY NEUMEISTER , Associated Press

Authors and authors' groups in the United States, Australia, Canada and the United Kingdom sued the University of Michigan and four other universities Monday, seeking to stop the creation of online libraries made up of as many as 7 million copyright-protected books they say were scanned without authorization.

The Authors Guild, the Australian Society of Authors and the Union Des Ecrivaines et des Ecrivains Quebecois, or UNEQ, joined eight individual authors to file the [copyright infringement lawsuit](#) in U.S. District Court in Manhattan against Michigan, the University of California, the University of Wisconsin, Indiana University and Cornell University.

The lawsuit accuses the University of Michigan of creating a repository known as HathiTrust where unlimited downloads could be accessed by students and [faculty members](#) of so-called orphan works, which are out-of-print books whose writers could not be located.

The authors said they obtained from Google Inc. the unauthorized scans of an estimated 7 million copyright-protected books. They said the schools had pooled the unauthorized files at Michigan.

The university planned to make about 40 books available online to its students and faculty in October, said Paul Courant, the dean of libraries at the university. He said university officials had been in discussions with the [Authors Guild](#) in recent weeks about its plans and were surprised by the lawsuit.

"I'm confident that everything we're doing and everything we're contemplating doing is lawful use of these works," Courant said.

The lawsuit seeks to impound the [digital copies](#) of the works along with other unspecified damages.

Courant said Google had digitized about 5 million books out of its library so far and had several million books left to scan. He said it was of "great value" to students and faculty to get the books online.

In a statement, the authors said they sought to stop the Oct. 13 release of 27 works by French, Russian and American authors to an estimated 250,000 students and faculty members, along with the scheduled release in November of an additional 140 books. Those works, they said, included some in Spanish, Yiddish, French and Russian.

The authors said Michigan announced plans in June to permit unlimited downloads by its students and faculty members of the scanned works it considered orphans and other universities joined the project in August.

"This is an upsetting and outrageous attempt to dismiss authors' rights," said Angelo Loukakis, executive director of the Australian Society of Authors. "Maybe it doesn't seem like it to some, but writing books is an author's real-life work and livelihood. This group of American universities has no authority to decide whether, when or how authors forfeit their copyright protection. These aren't orphaned books, they're abducted books."

"I was stunned when I learned of this," said Daniele Simpson, president of UNEQ. "How are authors from Quebec, Italy or Japan to know that their works have been determined to be 'orphans' by a group in Ann Arbor, Michigan? If these colleges can make up their own rules, then won't every college and university, in every country, want to do the

same?"

The authors said [books](#) from nearly every nation have been digitized, including thousands of works published in 2001 in China, France, Germany, India, Indonesia, Italy, Japan, Russia, Spain and the United Kingdom, and hundreds from Australia, Austria, Brazil, Canada, Egypt, Israel, Lebanon, Mexico, The Netherlands, The Philippines, South Korea, Switzerland, Thailand, Turkey and Vietnam.

The lawsuit was filed just days before lawyers for authors and publishers are scheduled to tell a judge whether they have reached a new deal with the Mountain View, Calif.-based Google to create a massive online library.

U.S. Circuit Judge Denny Chin had rejected a \$125 million settlement of a 6-year-old lawsuit after objections were filed by Google rivals, consumer watchdogs, academic experts, literary agents and even foreign governments.

Chin wrote that many objectors would drop their complaints if [Google](#) allowed book owners to choose to join the library rather than being required to quit it.

©2011 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Citation: Authors Guild sues universities over online books (2011, September 13) retrieved 25 April 2024 from <https://phys.org/news/2011-09-authors-guild-sues-universities-online.html>

<p>This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.</p>
--