



**WRITERSWORLD Newsletter - Issue No. 90**

## **Legal victory for Google in library project**

**By Richard Wray: First published in the Guardian**

Google has won a crucial victory in a German court as it tries to persuade publishers that its drive to digitise library books to get at the information inside is not an attempt to smash copyright laws. Scientific publisher Wissenschaftliche Buchgesellschaft (WBG), backed by the German publishers association, had asked a Hamburg court for an injunction stopping the American web giant from scanning its books as part of its library project. Google is working with six libraries five in the US and the Bodleian in Oxford to digitise library books and place their contents in its search engine. While books that are out of copyright are fully searchable, if a search request brings back information from a book under copyright, access is restricted.

Users in the US, which has a "fair use" approach to copyright meaning that bibliographic data plus a few short sentences or "snippets" can be viewed will be able to see more of a copyrighted book than European users, who usually get no more than the title of the book and its author. But in order to compile the index it uses for its search engine, Google has to scan the entire book, which publishers claim infringes the book's copyright. As a result, several US publishers are challenging the legality of Google Book Search. The status of copyrighted material is made more complex because Google maintains that the country in which it copies a book rather than the country of that book's publisher dictates the copyright laws under which it can deal with its subject matter. As a result Google maintains that books it scans from US libraries on US soil are subject to US copyright even though the publisher may be based in another country. It has much stricter rules on what information can be seen from within copyrighted books digitised as part of its contract with the Bodleian.

Google argued before the Hamburg court that the display of short snippets from in-copyright books does not infringe German copyright law. The copyright chamber of the regional court of Hamburg indicated though it did not rule specifically that it agreed by telling WBG that its petition for an injunction was unlikely to succeed. The court rejected WBG's argument that the scanning of its books in the US infringes German copyright law. Following the court ruling on Wednesday, Google said it recognised the importance of copyright law "because we believe that authors and publishers deserve to be rewarded for their creative endeavour". The company is working with several thousand publishers on a separate part of Google Book Search. Google digitises parts of books for publishers, makes them searchable and ensures it is easy for Google users to buy them.....**THE END**

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