



Department of Justice

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JUSTICE DEPARTMENT SUBMITS VIEWS ON PROPOSED GOOGLE BOOK SEARCH SETTLEMENT

Department Encourages the Parties to Continue Their Ongoing Discussions to Address Class Action, Copyright and Antitrust Concerns in the Proposed Settlement

WASHINGTON – The Department of Justice today advised the U.S. District Court for the Southern District of New York that while it should not accept the class action settlement in *The Authors Guild Inc. et al. v. Google Inc.* as proposed due to concerns of the United States regarding class action, copyright and antitrust law, the parties should be encouraged to continue their productive discussions to address those concerns. In its statement of interest filed with the court, the Department stated:

“Given the parties’ express commitment to ongoing discussions to address concerns already raised and the possibility that such discussions could lead to a settlement agreement that could legally be approved by the Court, the public interest would best be served by direction from the Court encouraging the continuation of those discussions between the parties and, if the Court so chooses, by some direction as to those aspects of the Proposed Settlement that need to be improved. Because a properly structured settlement agreement in this case offers the potential for important societal benefits, the United States does not want the opportunity or momentum to be lost.”

In its filing, the Department proposed that the parties consider a number of changes to the agreement that may help address the United States’ concerns, including imposing limitations on the most open-ended provisions for future licensing, eliminating potential conflicts among class members, providing additional protections for unknown rights holders, addressing the concerns of foreign authors and publishers, eliminating the joint-pricing mechanisms among publishers and authors, and, whatever the settlement’s ultimate scope, providing some mechanism by which Google’s competitors can gain comparable access.

The settlement agreement between Google and the authors and publishers aims to resolve copyright infringement claims brought against Google by the Authors Guild and five major publishers in 2005 raised by Google’s efforts to digitally scan books contained in several libraries and make them searchable on the Internet. The District Court’s hearing on the proposed settlement is scheduled to take place on October 7, 2009.

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