



Written by [Steven J. DuBord](#) on August 24, 2009

## Microsoft, Yahoo Oppose Google Books

Microsoft and Yahoo are joining a coalition to oppose Google's creation of what could become the largest virtual library the world has ever seen. Amazon may also join, but has so far declined to comment, BBC News said on August 21.



Microsoft and Yahoo will sign on with the Open Book Alliance being spearheaded by the Internet Archive. They oppose the legal settlement Google made with publishers and authors because they believe it could establish Google as the main, if not the only, source for many online works.

"Google is trying to monopolise the library system," the Internet Archive's founder Brewster Kahle told BBC News. "If this deal goes ahead, they're making a real shot at being 'the' library and the only library."

In 2008, Google came to an agreement with publishers and authors to settle two lawsuits that charged the search giant with violating copyrights by scanning books without permission. Google agreed to pay \$125 million to set up a Book Rights Registry through which publishers and authors could be paid for their works. The money from sales made through Google's digital book repository would be divided as 70 percent for publishers and authors, 30 percent for Google.

A controversial part of the deal is that Google would have the right to digitize books whose rights-holders cannot be found. These so-called orphan works comprise 50-70 percent of books published since 1923. Becoming the only authorized distributor for these books would put Google in a dominant position.

A judge in the Southern district of New York will decide whether or not to approve the settlement in early October. The U.S. Department of Justice is also making an anti-trust investigation of the agreement that could still derail Google's plans from another angle.

The non-profit Internet Archive has long opposed Google's agreement. It also scans books — over half a million so far — and puts them online for free. Kahle looks at Google's efforts as a huge step backward for free access to information: "The techniques we have built up since the Enlightenment of having open access, public support for libraries, lots of different organizational structures, lots of distributed ownership of books that can be exchanged, resold and repackaged in different ways — all of that is being thrown out in this particular approach."

According to Peter Brantley, director of access for the Internet Archive, "All of us in the coalition are oriented to foster a vision for a more competitive marketplace for books." He added, "We feel that if approved, Google would earn a court-sanctioned monopoly and the exploitation of a comprehensive collection of books from the 20th Century."

Microsoft, Yahoo, and Amazon are not the only ones expressing concern. Privacy advocates are raising a red flag on the potential surveillance aspect of online distribution. The Electronic Frontier



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Foundation, the ACLU of Northern California, and the Consumer Watchdog advocacy group all contacted Google asking the search provider to “assure Americans that Google will maintain the security and freedom that library patrons have long had: to read and learn about anything ... without worrying that someone is looking over their shoulder or could retrace their steps.”

Consumer Watchdog advocate John Simpson said: “There are serious questions about privacy and Google seems to be taking the view ‘let us put this in place and we will do the right thing down the road.’ That is simply not good enough.”

Joining the chorus is the American Libraries Association. “We do think the product in essence is good but the proposed settlement asks us to trust Google and the other parties a little too much,” commented Corey Williams, the ALA’s associate director. “When it comes to privacy, the agreement is silent on the issue and with regard to what Google intends to do with the data it collects. It’s a great idea but it requires more trust than I think we feel comfortable being able to extend at this point.”

Google has defended itself by pointing out that millions of out-of-print books would be made available online, offering publishers and authors a means to make money on their works long after printing presses have ceased production. The company released a statement saying: “The Google Books settlement is injecting more competition into the digital books space, so it’s understandable why our competitors might fight hard to prevent more competition.”

As things look now, Google is correct that the digitization of books has many benefits, but its opponents also have valid points about competition and privacy. Scanning books and putting the results online costs money, so it is reasonable for anyone doing this to try to recoup their expenses by charging for access. Google will likely go a step further and try to sell information it would collect on users’ browsing and buying habits, justifying privacy concerns.

In the end, the best thing would be for multiple online libraries and booksellers to thrive in the free market, with the company offering the best product at the lowest price with the fewest privacy concerns setting the pace for its competitors.



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