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CONTACT:
Jonathan Band
Policybandwidth, LLC
(202) 296-5675
jband@policybandwidth.com

Libraries Applaud Dismissal of Google Book Search Case

Washington, DC—After eight years of litigation, the US District Court for the Southern District of New York today upheld the fair use doctrine when the court dismissed *Authors Guild v. Google*, a case that questioned the legality of Google’s searchable book database.

The Library Copyright Alliance—which is comprised of the American Library Association, the Association of College & Research Libraries, and the Association of Research Libraries—welcomes Judge Denny Chin’s decision to protect the search database that allows the public to search more than 20 million books. In his dismissal of the case, Judge Chin enumerated the public benefits of Google Book Search by calling the project transformative and a fair use under the copyright law.

“It has become an invaluable research tool that permits students, teachers, librarians, and others to more efficiently identify and locate books,” Judge Chin wrote, referencing an [amicus brief](#) (PDF) submitted by the Library Copyright Alliance. “It has given scholars the ability, for the first time, to conduct full-text searches of tens of millions of books. It preserves books, in particular out-of-print and old books that have been forgotten in the bowels of libraries, and it gives them new life.

“It facilitates access to books for print-disabled and remote or underserved populations. It generates new audiences and creates new sources of income for authors and publishers. Indeed, all society benefits.”

“ALA applauds the decision to dismiss the long running Google Books case,” said Barbara Stripling, president of the American Library Association. “This ruling furthers the purpose of copyright by recognizing that Google’s Book search is a transformative fair use that advances research and learning.”

“This decision, along with the decision by Judge Baer in *Authors Guild v. HathiTrust*, makes clear that fair use permits mass digitization of books for purposes that advance the arts and sciences, such as search, preservation, and access for the print-disabled,” said Carol Pitts Diedrichs, president of the Association of Research Libraries.

“I echo the comments of my colleagues that this ruling, that strongly supports fair use principles, enables the discovery of a wealth of resources by researchers and scholars,” said Trevor A. Dawes, president of the Association of College & Research Libraries. “Google Book search also

makes searchable literally millions of books by students and others with visual disabilities. This is a tremendous opportunity for all our communities.”

In 2005, the Authors Guild sued Google over the scanning of over 20 million library books from several research libraries without the prior authorization of rights holders. The purpose of the digitization project was to create a searchable index of books that would allow key word searching of the collections of major research libraries. The searchable index is accessible to the public who would not otherwise be able to search research collections.

The District Court ruling bodes well for libraries, scholars, and researchers in the pending appeal of *Authors Guild v. HathiTrust*. Judge Chin agreed with Judge Baer's fair use analysis in the *HathiTrust* case, indicating that the result in the Google case is compatible with the *HathiTrust* decision and suggesting a favorable decision on appeal.

The Library Copyright Alliance (LCA) consists of three major library associations—the American Library Association, the Association of Research Libraries, and the Association of College and Research Libraries. These three associations collectively represent over 300,000 information professionals and thousands of libraries of all kinds throughout the United States and Canada. Find us on the web at <http://librarycopyrightalliance.org/>.

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