

And Yet MORE on the Google Copyright Grab Mess

By Holly Lisle

This from discussion on my mailing list:

On Wednesday, November 16, 2005, at 10:29 AM, Harald Koch wrote:

[since comments are closed on your weblog >:]

You know, Google's not totally at fault here. They were sent the data by the publisher; they shouldn't be required to independantly verify that the publisher had the right to send it to them.

That the publisher tried to assert rights that you assert they don't own is the problem, and I'm surprised you're not going after them.

Of course, if you are, I'd still like to hear what the results of that investigation are.

—

Harald

On Wednesday, November 16, 2005, at 10:37 AM, Holly Lisle wrote:

My agent is taking care of that.

Holly

From: Holly Lisle

Date: Wed Nov 16, 2005 10:58:19 AM US/Eastern

*To: Holly Lisle Mailing List
Subject: Re: [Holly-L] Google affair
Reply-To: Holly Lisle Mailing List*

Incidentally, it breaks down like this. Holzbrink doesn't have a contract with me, and so has no right to sell or give away reprint rights on my books – and didn't offer a contract to Google, anyway.

Tor didn't know what Holzbrink had done, and Tor would not have offered the books under Google's terms (a share of ad revenue to the corporate honchos at Holzbrink), and was pissed (and is pursuing legal options) regarding the rights that were appropriated from them by Holzbrink.

You need to understand this, because it is at the heart of this whole mess. Google cannot legally publish ANY copyrighted works without purchasing reprint rights. If they don't have a contract with the authors, it ain't legal. By publishing the books in their entirety, even if those works are not readily available in their entirety at any one time, they have criminally violated copyright.

So, no, Harald, Google IS totally at fault. Ignorance of the law is no defense against the law. (And I'm betting they weren't ignorant, even going in – just big and greedy and well-protected by corporate insulation.)

Meanwhile, Holzbrink is also guilty of various breaches of contract and copyright.

The whole thing is an incredible mess, but would be simple to fix. Just as libraries purchase their copies of books – and authors receive the royalties, Google could purchase reprint rights, which would go into the author's and publishers accounts. (Why not have Google purchase a copy? Because if the thing can be read by a million people simultaneously,

whether it will be or not, you have published it. You are not presenting one copy, but a million.) Purchasing reprint rights would be legal, it would be honorable, and it won't happen in a million years. Because ... Google is big, and greedy, and well-protected by corporate insulation.

Holly

Suggesting that Google is not totally at fault is like suggesting a fence hasn't done anything wrong by profiting in the sale of stolen goods.

Did Google buy reprint rights for the books they published? No.

Is Google **aware** that they have not purchased reprint rights? Of course they are.

Are they (and their many, many lawyers) so utterly clueless about publishing and publishing rights that they didn't realize you had to have a contract with the author to publish his or her book?

Gimme a break!

They're guilty. And they know it. And they knew it before they started this thing up. Now they and their lawyers just want to see how much they can get away with.

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