



The Final Chapter: Resolution of the Google Books Litigation

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The Inciting Incident

In 2004, Google began the Google Books Library Project. The project quickly became the largest digital library in the world, consisting of more than 20 million books, ranging from fiction to nonfiction works, and including many books that are currently out of print. Google Books allows individuals to search through each of the scanned books for words or particular terms, or even read a segment to see if the full book would be useful. Google Books has been heavily used by libraries, researchers and undergraduate students writing that last minute paper.

The Conflict

In 2005, the Authors Guild and the Association of American Publishers sued Google, claiming that Google's use of their books amounted to copyright infringement. In response, Google argued that its use of these books was transformative and therefore qualified as fair use. In other words, Google argued that Google Books added something new (here, a search feature) that was not present in the original source material (the copyrighted books).

The Resolution

The court found in favor of Google, arguing that the search feature was not only transformative, but also served an important educational purpose. Writing for a three-judge panel, Judge Leval wrote, "Google's making of a digital copy to provide a search function is a transformative use, which augments public knowledge by making available information about

Plaintiff's books without providing the public with a substantial substitute for matter protected by the Plaintiffs' copyright interests in the original works or derivatives of them."

The Epilogue

The court's decision is important for two major reasons. First, it allows Google to maintain its digital archive and expand the resources offered to consumers. Second, it adds to the law's understanding of fair use in the digital era. The case may also inspire other individuals and companies to create similar digital databases, but those stories are not yet written.

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