

NORTH CAROLINA

August 28, 2009

Dear UNC Press Author:

This is the third in a series of messages about the Google settlement. You can find the earlier letters at <http://uncpress.unc.edu/browse/page/618#submitting>.

As the September 4 deadline for opting out of the settlement and filing objections to the settlement approaches, I thought it would be useful to provide you with links to some recent news stories and analysis of the settlement. I hope that these—and my previous messages—persuade you that the Press’s decision to remain in the settlement is definitely the way to go. **No action is required by the Press or by you to have your book (if published before January 5, 2009) protected by the terms of the settlement.**

Opting out means rejecting those protections; it does leave open the possibility of suing Google individually. A rightsholder, publisher or author, can either opt out or object but not both. If a rightsholder files an objection which the Court doesn’t accept, the rightsholder is still bound by the settlement.

As I have explained in earlier messages, unless publication rights have been formally reverted to you, the Press is claiming titles covered by the settlement. Again, **no action is required by you.** Once the settlement has been accepted by the Court and Google provides the cash payment for each book scanned without permission (a minimum of \$60/book), those monies will be shared by the Press with our authors. At this point, we anticipate that those payments will come in the second half of 2010.

Here are some of the many recent news and informational items about the settlement:

“What to Expect from the Book Rights Registry: A Q & A with the New Executive Director, Michael Healy”:

http://www.bookbusinessmag.com/article/what-expect-from-book-rights-registry-a-ganda-with-new-executive-director-michael-healy-410587_1.html

A forum on “Equalizing Access to Knowledge” was held at Howard University in late July; civil rights, academic, and library community leaders spoke about the settlement in terms of minority students and students with disabilities:

<http://googlepublicpolicy.blogspot.com/2009/07/civil-rights-leaders-call-for-equal.html>

Google has produced a video that offers an overview of the settlement and what it means for the general public:

<http://www.youtube.com/watch?v=J16juV1acCI>

While endorsing the settlement, a group of professors from the University of California have asked for some changes in the settlement, “U.C. Professors Seek Changes to Google Books Deal” by Miguel Helft, *New York Times*:

<http://bits.blogs.nytimes.com/2009/08/17/uc-professors-seek-changes-to-google-books-deal/>

And, late last week, Microsoft, Yahoo, and Amazon announced they would file an objection to the settlement:

http://www.nytimes.com/2009/08/21/technology/internet/21google.html?_r=1&src=twr

If accepted by the Court, the settlement presents rightsholders with decisions about controlling the display and access uses for in-print, commercially available, titles and for out-of-print titles; when authors and publishers don’t agree on those uses, the settlement stipulates that the more restrictive protocols will prevail. I will cover the Press’s plans for permitting display and access uses of our books in my next letter. If, after hearing those plans, you don’t want your book to be part of Google Book Search in any way, shape, or form, there are restrictions that we can put in place. Please remember that these restrictions are different and separate from opting out of the settlement.

If you have questions at this time and cannot find the answers in the FAQs, links, news articles, and/or summaries, please contact us at uncpress.googlesettlement@unc.edu. We will make every attempt to answer in a timely fashion.

Best wishes,

A handwritten signature in blue ink that reads "Kate". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kate Douglas Torrey
Director, UNC Press