



UNION INTERNATIONALE DES EDITEURS  
INTERNATIONALE VERLEGER - UNION  
INTERNATIONAL PUBLISHERS ASSOCIATION



**Joint Declaration  
of the  
International Publishers' Association (IPA)  
and  
PEN USA**

**Google Print Library Project  
Authors and Publishers demand that Google respect rightsholders' rights**

IPA and PEN USA are alarmed about the deliberate and continued disregard of the interests and concerns that they and their members have repeatedly raised with Google regarding the operation of the Google Print Library Project.

IPA and PEN USA reiterate and reaffirm their long standing beliefs in the principles of copyright and authorisation-based use which form the tenet of their relationship, and of relationships within the creative industries generally.

As a fundamental principle, the author as the originator of any creative work has the sole right to choose whether and how to authorise the use of her or his works, either directly or through their commercial partners, typically publishers.

In consequence we hold the following principles to be equally true in relation to copyrighted materials:

1. **The digitisation of an entire work is an act which requires authorisation by the author, or the publisher whichever owns or controls the relevant rights.** It remains the unassailable, inalienable fundamental right of the author to decide whether – and if so, to what extent – someone should digitise, index and make their works available through search engines and the Internet, and to decide whether the additional exposure and availability through the Internet is sufficient consideration, or not.
2. **The act of first digitisation, like virtually no other act of copying, is a highly significant step that enables with great ease onward copying, distribution and making available.** It does not matter whether Google's stated present plans are limited. The creation of the digital copy is itself an important right of the author or publisher. The mere existence of an (unauthorised) digital copy of a copyrighted work puts the author's ability to control the further use of her or his works at risk.
3. **Requiring authors or publishers to search and enquire whether potentially thousands of organisations are using their works, and to object to each such use, does in practice destroy their fundamental right to determine the way their works are exploited.** "Opting out" of the Google Print Library programme amounts to an unreasonable burden, and as a practical matter destroys the essence of reproduction right and of copyright generally.

IPA and PEN USA therefore call upon Google to continue the Google Print Library Project only after having made the following changes in their digitisation policy:

1. Google should digitise works only once permission has been granted by the rightsholding creator, i.e. either the author or the publisher; Google should respect that silence does not amount to authorisation.
2. Google should duplicate the procedures already in place for the Google Print Project and use them also for the Google Print Library Project. This means that Google should direct a slice of the considerable resources dedicated to the technical aspects of the project towards identifying the relevant rightsholders in a book and approaching them for permission, as it has done successfully with the Google Print project, and as others do in similar situations.
3. Google should agree to collaborate with authors' and publishers' organisations at national level to identify, quantify and resolve issues that require further discussion.

IPA, PEN USA and the publishers, authors and organisations they represent remain open to a constructive debate seeking to address any legitimate concerns of Google, and any other search engine wishing to digitise literary works, in order to find the best possible solution for libraries, internet search engines, publishers and authors. Until such solutions are found, it is our firm believe that Google is in breach of existing copyright law, in the US and, to the extent that copies are made available subject to other jurisdictions, a multitude of other laws

**Background information:**

IPA is the international federation of trade associations representing book and journal publishers worldwide. Established in Paris in 1896, IPA now counts 78 national, regional and specialised publishers' associations from 66 countries as its members. IPA is an accredited non-governmental organisation enjoying observer status to United Nations organisations. IPA's main goals are to defend the freedom to publish, and to develop and protect copyright.

PEN USA is the third largest PEN centre in the world and forms part of International PEN, the oldest writers' organisation in the world, now counting more than 140 centres. Its members are connected by the goals of building interest in the written word and defending writers worldwide.

**For more information, please contact:**

**International Publishers' Association** (3, avenue de Miremont, 1206 Geneva Switzerland):

Antje Sörensen, sorenson(at)ipa-uie.org; + 41 22 346 3018, +41 79 818 5379

**PEN USA** (c/o Antioch University, 400 Corporate Pointe Culver City, CA 90230 USA):

Mark Lee, markwlee(at)aol.com; + 1 310 862 1555

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