

# Next chapter in copyright war

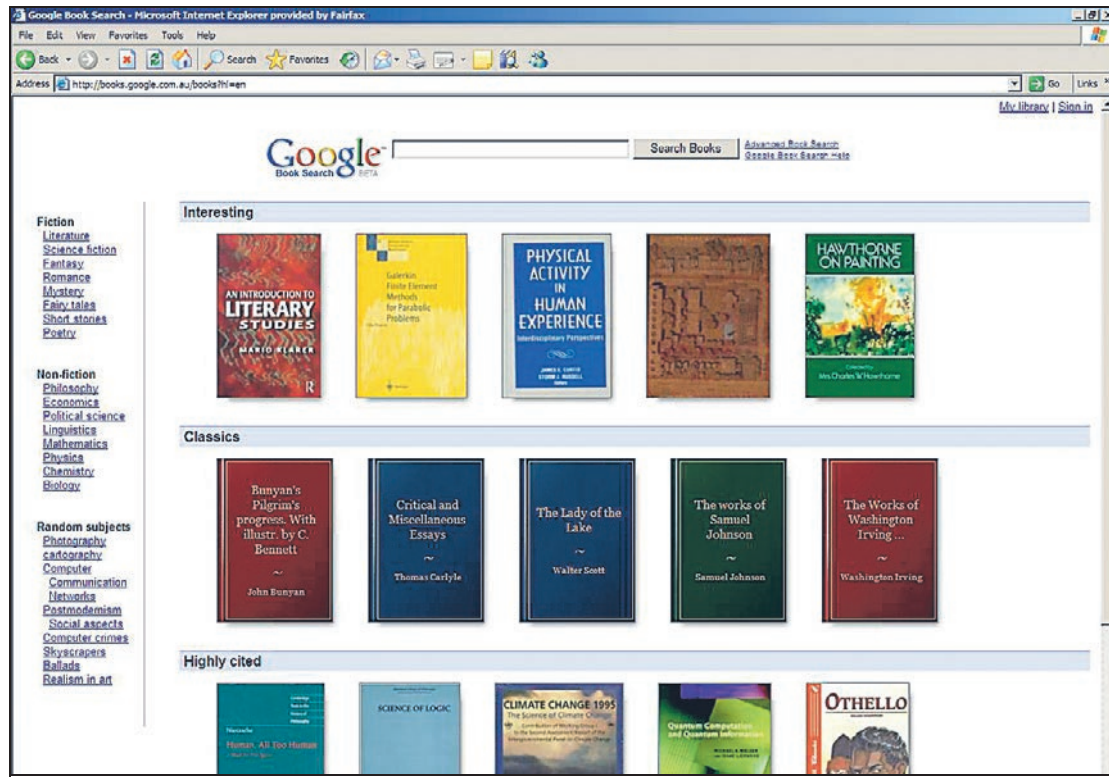
**Craig Gamble**  
FAST LIVING



A few months back I attended a talk given by open-software guru Richard Stallman. He had a very interesting take on the word “copyright”, a word that has loomed very large in the digital landscape recently. According to Stallman, the original idea of copyright wasn’t so much to protect an author’s or artist’s right against their work being copied, but rather to protect the right of the work to be copied. The emphasis, back when printing presses were just starting up, was to get as many copies out there as possible, and to make the work more widely available.

His ideas were much in my mind this week, one I’ve spent loading information into the Google Books partner program for the publishing company I work for, and reading about the furore coming to a head in the United States, where Google’s big book project and its settlement with authors and publishers is coming up for review in a New York courtroom. The settlement has implications for authors and publishers worldwide. In the past few weeks it has been seriously challenged by a series of submissions and class actions. The battle is far from over.

This all began about five years ago when Google announced an ambitious project to digitise as much of the world’s knowledge as it could. Google entered into agreements with a number of libraries (29 of the world’s biggest signed up), other institutions and publishers to digitise their collections of books. It offered the service pretty much for free, and many organisations found it attractive. Google paid the freight, consulted the organisations widely (though some would say not widely enough) and allowed links to their websites to generate sales and exposure for those who’d taken part.



Today Google Books is a searchable database of millions of books. It offers limited samples or page views and can find you information and titles on a myriad of topics. It’s an idea that speaks directly to Fast Living, where knowledge is easy to access from wherever you happen to be. Information is the very stuff of the digital life – much more than the hardware we employ to access it. Google Books also has advantages for authors and publishers. The potential exposure is enormous, and I’ve seen the benefits of having titles on the service – even the most obscure of books can be seen and sold. You’d be amazed at what people are interested in, though I guess we shouldn’t be.

However, the problems are also numerous, and now serious enough to have engendered a lot of litigation. Essentially, Google was digitising books without the agreement of the copyright holders. It became clear that it was building up a huge database of books, and that it wasn’t doing so out of the goodness of its

own heart – well, you can’t blame the company for eventually wanting to make a buck out of all this investment. It was a logical next step for Google to announce it planned to start selling all this content for a reasonable fee. As well, a large number of the books the company had digitised were out of print, with no current publisher or even living author. Google seemed to be saying it would do what it liked with these so-called “orphan” titles, whatever the copyright law might be. Because of the years of activity up till now, Google now has a huge database of material digitised and ready to go. If you visit Google Books, at the moment you can see only a limited preview or restricted view, but the whole of the book is sitting there in a digital form. All it would take for it to be accessible and downloadable would be for Google to turn the feature on, and decide what it wants to charge.

Publishers initiated a class action in 2005 claiming that Google had broken their authors’ copyright by



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**DIGITAL GIANT:** Google Books aims to make millions of books available online. But at what cost?

setting up Google Books. However, last year the American Association of Publishers (along with the Author’s Guild) signed a settlement with Google, agreeing to let it sell books in exchange for various concessions, including the setting up of US\$125 million fund for copyright infringements it had already committed. The agreement also says that future revenues will be divided between Google and the publishers, with Google keeping 37 per cent and the publishers keeping the balance. Authors and publishers have the opportunity to opt in to the agreement, or opt out, by early September this year.

You might think this all sounds okay. I heard the CEO of a multinational publisher call the settlement a “triumph for copyright” earlier this year but a lot of groups are saying that it very definitely is not. If the settlement stands, it will in effect override existing international copyright law. Many groups of authors especially are very concerned at the implication of this for the future of their rights to their own work, and also afraid of the type of monopoly Google might grab, with all the books it has already digitised. Only Amazon can rival the size of the Google Books project in terms of number of books.

So it’s difficult decision-time for authors and publishers around the world. They need to weigh up carefully the advantages of signing a deal with one of the world’s biggest online entities – one that might conceivably bring them big exposure, if not wealth – against in effect giving up some of their rights as authors.

The worst part of this isn’t that authors may lose something, it’s that they’re being asked to make a decision in a short timeframe, with little help to understand the details involved, and with no-one able to predict the implications. Despite Stallman’s theories on the origin of copyright, we’ve been working under different assumptions for a very long time. It seems we’re now being asked to turn things on their head – and to do so with Google breathing down our necks.

## Sifting through rice grains provides another notion of time

**SLOW LIVING**



My grandfather was 80 when I was born, and so, in my eyes at least, always shuffled through his days at a leisurely pace. But there was a different kind of stillness to him, a pause to his movements.

My grandfather lived until he was 95. He ate rice for lunch every day and took his left-over grains to the park to feed the birds. Rice was the staple of the household and was bought at the Chinese grocery store in 10 or 20 kilo bags. Each bag would be tipped into a big white plastic bucket. It was my

grandfather’s job to go through the rice. It was a habit left over from growing up in a Third World country, something which he didn’t really need to do in Australia in the 1980s.

The big white tub was kept in my grandfather’s bedroom, and he had one of those foldable steel-rimmed chairs in the corner by his bed. As children we were allowed to help him sort through the rice. The boys would tire of it quickly, getting up after a short amount of time to go and play outside. But my grandfather would sit there, scooping up cup after cup of clean white rice looking for weevils and other insects. We never found very much in those carefully tipped cups. The few small stones and bits of husk didn’t warrant the hours my

grandfather spent hunched over the tub. Yet, he never seemed to tire of doing it.

There was something else that kept him pinned to this task. Perhaps it was a way for him to escape my grandmother and my aunts and uncles. Or he could have used it as an excuse to get out of doing other chores. Maybe he simply liked the grainy texture of the rice in his hands, the fine layer of dust it left on his fingers, the sound of the grains falling from the china of the cup onto the heap in the tub. There was certainly something meditative about the process; he never spoke much while he was doing it, and watching the rice slip through his fingers, was mesmerising, at least to me.



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It makes me wonder how different our lives might be if we all had tubs full of rice in the corner of our rooms. Many of us couldn’t imagine giving over so much time to such a small task. Yet I wonder if sifting through rice was my grandfather’s way of choosing stillness over haste, of giving up the trivialities of his day for some time to contemplate or to meditate or to daydream. He may have taken his time in performing this thankless little job, but perhaps, in the end, it gave him a different notion of time, a more quiet way of moving through the world.

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