

The Necessity for Copyright Evolution in the Google Information Era

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Abstract

Google is the first English word spoken by non-English speaking children from Cambodia (International Herald Tribune 2005). Such is the clout of the world's most popular search engine. Search engines have become the entry point on the web for every internet user. Search has become so intrinsic to the way people plan and live their lives that all players have introduced search toolbars that keeps search just a click away. Google with its clean look and fast retrievals continues to attract every user over that of its mighty rivals – Microsoft, Yahoo, and Amazon.

Google's mission, as stated on its website, is to organize the world's information and make it universally accessible and useful (<http://www.google.com/corporate/index.html>). To that end, the company has continued to introduce new innovative features built around its search feature – the ability to search usenet groups, news, images, directions, and more recently the ability to search information in textbooks. The most recent of these efforts, called Google Print, has brought the company unwanted media attention and has become controversial due to its focus on what constitutes copyright.

Although Google's mission is to organize the world's information, not all of the world's information is online. Most of what has been printed exists in paper format as books. Despite an impressive number of 8 billion pages of the web indexed by Google, search engines capture only 15% of the information on the web (Krishnamurthy, S. 2003) and none in "hard print" only books as the vast majority of books are today. The concept of e-books is new and few get published in digital format only, if at all, today. Google Print's mission is to digitize the information in such print books to make it searchable and accessible in snippets based on a keyword query.

The goal of the Print Program was to scan entire books, at the publisher's request or with the publisher's consent, into Google's database, allowing for those who were searching for a certain book title, or some content of the book, to gain easy access to snippets of the material and receive information on where to purchase the book (Google, 2005). However, Google negotiated with some of the major libraries in the U.S. and abroad to start scanning all printed books without either prior author or publisher consent. The Library Project, as this was labeled, a natural extension of the Print Program, would allow virtually anyone who has a computer, to retrieve snippets of a book from the library at the touch of their keyboard. Google's plan is to scan entire collections of the largest libraries in the world (i.e., Harvard, Stanford, Oxford, University of Michigan, and the New York Public Library) onto their search engine's server (The Chronicle of Higher Education, 2004). This has resulted in many publishers, who had initially been excited about the Print Project, to pause and question Google's intentions and what it might mean to them. The Author's guild has officially filed a case against Google for violating copyright laws (Businessweek, 2005A).

Google's venture into the books arena has caught the news media and the courts' attention, however, the issue is larger. It is the issue of what copyright means in an era of the internet. Google is also recording television shows and getting access to other videos as part of its "information" organizing efforts (The Asian Wall Street Journal, 2005). So far, it has made only limited transcripts of its videos available. Earlier, Google had entered into negotiations with some of the recording studios. When it came to light that Google was already recording shows without permission, those early talks came to an end along with angry demands to stop making recordings of shows. Since then, Google offers only images and transcripts of those programs although it continues with its recordings. Thus, the issue of Google vs. Authors Guild (BBC News, 2005) actually represents a larger issue of what copyright means today and how it needs to evolve in an information age.

Copyright, as defined in encyclopedia Britannica, is the exclusive, legally secured right to reproduce, distribute, and perform a literary, musical, dramatic, or artistic work. It was initially a way to get revenues for the government. It was only in 1700's that copyright was granted to protect the author's rights over their works. This was set for a period of 28 years. In 1976, the United States passed legislation that extended the life of copyright to beyond the life of the author plus 70 years. A 1988 statute extended this further for certain categories of work to 95 years from first publication or 120 years from the date of creation of the work depending on which was shorter. The 1976 law included a "fair use" doctrine allowing for moderate reproduction of any work as long it is for "non-commercial" purposes including home consumption, as long it did not detract from the copyright owners' ability to exploit potential markets.

It is the "fair use" doctrine that Google is using as a rationale for its right to copy and make available snippets of material to the public at large (Businessweek, 2005B). Google's library and print projects underline the need for copyright to evolve in an internet age. This particular law has undergone very few significant changes since instituted and yet, no technology brings up as many new issues as the internet does.

There are some who argue against copyright protection in an internet age (Lessig, 2001). Lessig argues that the internet has produced a tremendous amount of innovation in art, music, and writing. Lessig states that "Keeping resources in a commons increases the value of the resource – both because other can draw upon this resource and because it mitigates the number of strategic games played by others". Lessig does not recommend complete removal of copyright laws, but instead wants to create an unbiased mix.

Copyright laws and book publishers have shared a very well established relationship in the brick and mortar publishing business. However, with the advent of digital form of the books, various licensing and copyright issues need to be addressed. Reading a book online is unlike borrowing a print based book. Unlike reading a borrowed book, reading an e-book is regulated through copyright laws. Conventional methods of book reading and borrowing are not as stringently policed by copyright laws in comparison to the digitized version (Lessig, 2001). The default methods for the conventional world are freer than the regulated version in the Internet world. With the kind of data that can be collected, the Web can deliver a kind of service that would otherwise be impossible. The incentive structure for authors also has no relationship with copyright terms. According to Lessig, every creative act reduced to a tangible medium is protected for nearly 100 years, whether or not the protection benefits the author.

It is clear that in an internet age when individuals can publish in microseconds for all the world to view, copyright as instituted does not favor innovation or markets. Google vs Authors/Publishers represents a larger issue of what copyright means in an era of the internet and how copyright needs to evolve in an era of information age. This paper will look at the issues of copyright and how it needs to evolve within the context of Google's vision to organize the world's information.

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