



INTERNATIONAL ASSOCIATION OF SCIENTIFIC, TECHNICAL & MEDICAL PUBLISHERS

May 2, 2005

Eric Schmidt, CEO
Google Inc.
1600 Amphitheatre Parkway
Mountain View CA 94043

Re: Google Print for Libraries Program

Dear Mr. Schmidt:

The International Association of Scientific, Technical and Medical Publishers (*STM*) includes 79 number of publishers of journals, books and reference works, based in 26 countries. The works of STM publishers are sold widely to academic libraries, including the libraries that have been identified as participating with Google on the Google Print for Libraries program.

We are aware of correspondence and discussions between various Google representatives and our sister publishing trade associations. We share the concerns raised by all of such associations, and remain troubled by Google's cavalier attitude towards the intellectual property rights of our members.

With respect to the core issues of making content available in electronic form, *STM* members have spent more than \$600m collectively in creating online systems for accessing content and digitizing the backfiles of archival journal content, and in making books and reference works available online. Virtually all *STM* journals are now available online, and more e-books are coming online every month. The market is in a rapid state of development and innovation, but the focus of *STM* publishing is to develop models for widespread access while at the same time preserving sustainable business models for content owners.

Many *STM* publishers have good working relationships with Google through the Google Print for publishers and other programs. Google Print for publishers seems well-designed to ensure publisher participation and cooperation, has clear benefits for all stake-holders, and handles rights-clearances appropriately. Unfortunately the same cannot be said for the Google Print for Libraries program, notwithstanding public statements made by Google (and even in the naming of the programs) that appear to link the two programs.

Our primary concerns are that Google intends to (1) digitize our copyright protected works without our consent, (2) retain a copy of our digitized content for Google's own commercial use, and (3) deliver a copy of the digitized content to the participating libraries (under what restrictions we are not aware),

notwithstanding the severe impact that such actions may have on our existing licensing and digitization programs. Note that we have no complaint with respect to works that are clearly in the public domain, and we understand that some of the library participants are limiting their participation to public domain materials.

We note that Google has stated that it will not seek licenses and regards its scanning of the entirety of copyright works and the making available of only small excerpts to Google searchers as a fair use. We submit that whatever privileges the end-users may have with respect to their searching and use does not and cannot immunize Google for its wholesale copying of publisher materials for commercial purposes. This is settled law not only in the U.S., but in most if not all of the countries in which our members are located.

We understand further that Google's position is that a remedy for publishers who do not agree to the Library program is that they can "opt out" of that portion of the program that involves display on the Internet. However the question of display on the Internet is only one aspect of the many problems and concerns that publishers have, and in any event does not deal adequately with that concern.

The complexity of these issues should not be minimized. Authors have not always authorized publishers with full electronic rights. Our suggestion would be that we arrange a meeting or discussion, which might include also your copyright counsel, with representatives from several of the publishing associations including *STM*.

Finally, we are copying certain librarians who are participating in the program. This is done to correct any misperception that this program has the support of the publishing community.

Very truly yours,

Pieter Bolman
Chief Executive Officer

CC. James Hilton, University of Michigan
Reginald Carr, University of Oxford
Paul LeClerc, New York Public Library
Michael Keller, Stanford University
Sidney Verba, Harvard University