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National Writers Union Opposes Settlement of Class-Action Lawsuit Against Google for Copyright Infringement

The National Writers Union today announced its opposition to the proposed \$125 million settlement of a class-action copyright infringement lawsuit brought by writers and publishers against Google because its massive book-scanning project violated their copyrights.

“The proposed settlement is grossly unfair to writers,” said Larry Goldbetter, president of the National Writers Union, Local 1981 of the United Auto Workers. “It gives Google monopolistic control over access to many previously published copyrighted books and materials, and allows Google to collect and sell information about the reading habits of individuals.”

The NWU’s decision to oppose the settlement was approved by the union’s Delegates Assembly following three days of discussion last weekend in Chicago.

Though the NWU is not a party to the lawsuit, many of its 1,500 members – book authors, journalists, technical, academic and educational writers – will be directly affected by the settlement.

“More importantly, the economic well-being of all writers will be greatly impacted by precedents set by any court-approved agreement,” Goldbetter said.

“By scanning and digitally reproducing millions of copyrighted books and articles without permission by the writers, Google violated authors’ constitutionally protected rights,” Goldbetter said.

“According to our understanding of the proposed settlement, writers whose copyrights were violated might receive a check for between \$60 and \$300 for each book and \$15 per article,” he added. “Compared to the number and seriousness of the violations, the amount being offered by Google to each writer is ridiculously low. Also, of the \$125 million offered by Google, only \$45 million is for writers. This seems way short of the amount needed to compensate authors of millions of books,” he said.

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The NWU also opposes the proposed settlement because it would give Google a license to reproduce a writer's copyrighted work unless the writer specifically tells Google to remove his or her work from the program. This would apply to U.S.-based and foreign writers who might not be aware of the settlement and to those who presume – with good reason because it's the law – that their copyright protects them without the need to take further action.

“Putting the onus on writers to contact Google is also grossly unfair,” Goldbetter said, “Google is essentially saying ‘we are going to steal your work and sell it under terms we dictate unless you tell us not to.’ A corporation, no matter how powerful, shouldn't be able to profit from your work without first contacting you and obtaining your permission in writing.”

Finally, “the NWU opposes the settlement because it interferes or might interfere with the relationship writers have with their publishers,” Goldbetter said. “The settlement makes assumptions about electronic rights that writers may or may not have assigned to publishers and it sets up an unfair binding arbitration process to resolve disputes between writers and publishers. These disputes must be arbitrated on a case-by-case basis. The settlement does not allow for writers, who were collectively targeted, to collectively negotiate to settle these disputes.”

The NWU's decision to oppose the settlement is especially timely. Individual writers, publishers, organizations or anyone else who wants to opt out of the settlement, object to the settlement, intervene in the case, or file a “friend of the court” brief, must file his or her objections, notices or legal briefs with the Federal District Court in New York City by the close of business on Friday, Sept. 4, 2009. A hearing on the matter is set for Oct. 7, 2009.

The National Writers Union is the nation's only labor union and advocacy organization for freelance writers in all genres, media, and formats. In addition to print media writers, NWU represents electronic writers and editors of blogs, e-newsletters and web sites. NWU is affiliated with the United Auto Workers (UAW) and the AFL-CIO. NWU's headquarters are at 113 University Place, 6th floor, New York, NY 10003.