

Cohen, Wolf buy
UI building for
new law offices



An Invitation
Cohen and Wolf, P.C.
 cordially invites you to celebrate
the opening of its new office
in the former United Illuminating Building
115 Broad Street, Bridgeport, Connecticut
Thursday, November 17, 1983 4:30 to 7:30 PM

Court Holds Google's Scanning of Copyrighted Books Is Fair Use

News & Developments Section of the ABA's Young Advocates Committee Website
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In *Author's Guild, Inc. v. Google, Inc.*, the U.S. District Court for the Southern District of New York recently held as a matter of law that Google's copying and digital reproduction of millions of copyrighted books without authorization is protected by the "fair use" doctrine.

As part of its Google Books program, Google has scanned millions of books in copyright from the collections of the New York Public Library, the Library of Congress, and a number of university libraries. *Authors Guild, Inc. v. Google Inc.*, 05 CIV. 8136 DC, 2013 WL 6017130, at *1 (S.D.N.Y. Nov. 14, 2013). Google allows participating libraries to download digital copies of the books from their collections and makes snippets of the books available to the public via Google's search engine.

Both sides moved for summary judgment. One of the Author's Guild's principal arguments in opposition to Google's motion for summary judgment focused on Google's use of copyrighted works for commercial purposes: "Whatever mantra Google may chant about the public value of making all of the world's works available to everyone, Google is heart and soul an enormous commercial enterprise, and its various uses of the copyrighted books in its Library Project are designed to gain a competitive advantage over other search engines and to generate even greater advertising revenues."

Ultimately, however, the court rejected the Author's Guild's arguments and entered summary judgment in favor of Google on the grounds that its use of copyrighted works is protected as fair use:

In my view, Google Books provides significant public benefits. It advances the progress of the arts and sciences, while maintaining respectful consideration for the rights of authors and other creative individuals, and without adversely impacting the rights of copyright holders. It has become an invaluable research tool that permits students, teachers, librarians, and others to more efficiently identify and locate books. It has

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given scholars the ability, for the first time, to conduct full-text searches of tens of millions of books. It preserves books, in particular out-of-print and old books that have been forgotten in the bowels of libraries, and it gives them new life. It facilitates access to books for print-disabled and remote or underserved populations. It generates new audiences and creates new sources of income for authors and publishers. Indeed, all society benefits.

Authors Guild, Inc., 2013 WL 6017130, at *10.

Supporters of Google hailed the decision as a major victory for consumers, researchers, and libraries. However, because the Author's Guild has indicated it will appeal the decision, the Second Circuit will have an opportunity for a de novo review of whether Google's actions constitute fair use.

ATTORNEYS

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