

## ADDENDUM B

### Issues Proposed To Be Raised On Appeal

- Did the District Court err in deciding that Defendants-Appellees could avoid judicial scrutiny of their Orphan Works Project that was on the verge of distributing unauthorized digital versions of copyright-protected books, including books whose copyrights were held by living authors, easily findable heirs and charitable organizations, and represented by major literary agencies, by merely “suspending” (but not ending) the Project after this litigation was commenced?

Review: De Novo

- Did the District Court err in ruling that Defendants-Appellees’ actions connected to their mass book digitization venture with Google, through which millions of copyright-protected library books were digitized, copied, stored and used without the permission of their authors or other rights owners, constituted fair use under the Copyright Act?

Standard of Review: De Novo

- Did the District Court err in holding that Section 501(b) of the Copyright Act precludes an association of authors from seeking to enjoin a group of universities from digitizing and making various uses of copyright-protected books without the permission of the books’ authors, including authors who are members of the association, or other rights owners?

Review: De Novo

- Did the District Court err in holding that Defendants-Appellees’ mass digitization activities are permitted under Section 121 of the Copyright Act, 17 U.S.C. § 121?

Review: De Novo