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das syndikat A. Eßer Eichenstr. 23 86504 Merching
The Honorable Denny Chin
Office of the Clerk
J. Michael McMahon
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Google Book Settlement

JUN 22 2009
CLERK'S OFFICE
S.D.N.Y.

Your Honor,

representing more than 500 crime writers from Germany, Austria and Switzerland we as spokesmen for the "SYNDIKAT – Autorengruppe deutschsprachige Kriminalliteratur" are deeply concerned about the unauthorized scanning of literary texts and whole books by the Google cooperation for use in their online library on the internet. This kind of action is a violation of German and European copyright laws that calls for legal punishment. Among the authors concerned are a huge number of writers of the German language whose personal rights and private contracts for their books that they have signed with German publishers are violated by Google.

The Google's Spideare. i.legal also in view of international copyright agreements, according to which personal copyright must be respected even seventy years after the death of the author. Only thereafter do his works become public domain.

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Google's actions add up to theft of intellectual property. The corporation has never asked any of the authors in concern nor their publishers for their agreement to have their books scanned and made available to the public on the internet. By doing so Google has created facts and now forces authors and publishers to look after their personal rights. The settlement that has been suggested by Google neglects this violation of applicable laws and tries to subsequently legalize the produced facts.

The „Google Book Settlement“ will have an enormous effect on authors and publishers in Germany, the future of our copyright laws and our financial status as professional writers. Therefore we ask you, also on behalf of our colleagues, to deal with this far reaching matter in due care. The utilization rights for literary publications are owned exclusively by the authors and their publishers. This has to be respected even in times of digital media and the internet.

Furthermore Google's actions in scanning and digitalizing literary texts and books are critical not only with regard to copyright laws but they also further the setup of a media cartel that might affect the cultural diversity in Europe and the rest of the world. We believe that this cannot be accepted in court.

Yours sincerely

Angela Eßer

Jürgen Kehrer

Andreas Izquierdo