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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

05-CV-8136

[bookclaims@bonizak.com](mailto:bookclaims@bonizak.com)

3 September 2009

Dear Sir,

**Regarding the Google Settlement.**

I am opting in but would like to register the following concerns:

Concern about the lack of European representation on the Book Rights Registry, and the ability of the settlement to ensure comprehensive distribution of income to authors. The i-tunes system has failed, after several years, to show a comprehensive breakdown of transactions and downloads per artist, or to distribute appropriate monies to collections agencies for registered artists.

The Author's Guild et al v. Google Inc. Doc. 542

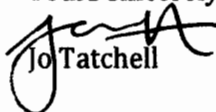
Concern over territory distinctions regarding in and out-of-print books; a book still available in print in Europe that is out of print in the USA may appear via a US search as out of print and be treated as such by Google.

Concern over the royalty rates, which are not commensurate with non-digital rights. Concern, based on the settlements sweeping transfer of intellectual property rights that there is no principled intention to contact, communicate and reward individual copyright holders.

Concern that the settlement fails to safeguard the rights of absent class members. It is illegal for Google to obtain the license to works without specific consent of the copyright holder; the settlement contravenes the Berne convention by pre-empting author's rights. Copyright holders have the moral right to choose.

Concern over competitive implications. How will the scope and remit of Google (currently focused on the past and out-of-print books) remain contained to avoid a monopoly in future? Who limits Google's bid to control mainstream digital book markets and use the precedent of the settlement to expand its remit and damage competition?

Yours sincerely

  
Jo Tatchell