

Urgent & sent as copies

30 Aug 2009 To principals in

Google Book Search Settlement

Clerk J. Michael Mc Mahon  
US District Court, Southern, NY

This was originally written  
to Rust Consulting; Please  
read & use this content as  
it pertains. *excuse name errors*

from John H. Maudin  
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I rediscover your legal summary of settlement rather late and try to rush this to you before 4 Sep. I do not have time or access to learn more and may not if i try to call before sending this tomorrow. But there are plenty of points & instructions to give before too late. First up, i agree that Google violated my author rights, needed to be sued, and needs to settle bigger than proposed. A settlement fair to and beneficial to authors seems possible but some issues have been overlooked. Unanswered questions are also posed.

Will Google do all US books, or how far will they go? Many people have written documents not widely published which may be picked up. Many have lost track of how many such items somewhere between article or letter and book they still want to claim ownership of.

We dont know the scale of money involved. What are examples of works and what size fees would be collected by Google for what sort of use?

How exactly do we give instructions to Google, which should be by real mail or email and to send us examples of their terms? Many of us may object to ads placed with our work but would agree to fee-per-read of work and likely not agree to unlimited download. How exactly do we retain control of unlimited unpaid dissemination of?

By May 2008 Google must have scanned near 10 million books, of which at least 5 million are of value to their owners. What number is at issue in settlement? \$45 million to compensate violations from 2005 to 2009 comes to about \$9 or less per work, a pittance. Authors of minor works typically expect 100s to 1000s of dollars for limited right to copy/use. Authors of best-sellers likely will sue Google separately because millions \$ are at stake. And what about authors who discover this deal years later? A fund and escrow should be established for whenever they come forth. How do i find if my books were scanned already?

I hope your definition of book includes all visual material within.

How will the Registry obtain contact information for ALL authors, & for publishers out-of-business? Do we have strict control over that data, so that personal information can be withheld from any on-line database? Many writers dont want public anymore info than appears within their original books. By writing to you and to Authors Guild i have provided contact info which should remain limited in use. Does Google get this info? Provided there are controls, my info in this letter can be released for Registry uses.

Registry of copyright can raise issues. Supposedly my publishers did US Copyright like The Author's Guild et al. Google's mistakes occurred that authors never learn a bout. Copyright claim within the book or on the document should be honored as official, as law allows. Your definition of book changes in your notice, leaving items of limited dissemination, published & unpublished letters (very valuable & sought for some authors), and other original work marked © apparently not eligible, yet may surface as works on Net or somewhere in other words, many loose ends remain, & Google should be responsible for credit & control of all conceivable items they handle.

What exact system will be used to distribute user-fees & earnings to authors? Some of us will not accept some sort of credit system. Regular mailed check upon accrual of some specified minimum amount would be my requirement. Author accounts should remain perpetually, until someone makes claim. A system of verifying claims from assignees or heirs or whoever should be set up now. There must be no way that on-line fraud can take the earnings of an author, since apparently some of this info will be public. Will amounts of \$ be secret, & how kept so?

Will Google work to thwart misuse of book content? Automatic crawl and search thru all published books etc is a different scale of scrutiny than publication and sale of physical books to those interested in buying them. I can envision massive scrutiny of authors' works by zealots, right-wingers, censors, & others with agendas previously held in check by non-digital access. Maybe a search by automatic means should count as a read to be paid for, but what other controls? We have had governments eager to prosecute artists for working with forbidden subjects. What of that scenario? Should writers of controversial material forbid Google to scan & search?

On the other end, authors want reasonable fees charged for scholarly access to their work so that poor students & other users can benefit. Present journals charge \$10 for 1-2 pages, locking out most users.

In summary, many questions remain. If you respect the above actions you can take on my behalf are: Make sure my comments & objections are heard by court. Keep me in the settlement. (Send me a cash claim form or whatever you do. Send me the full Notice now & when final.) Rust will do.

I was going to list my published works, but seems someone should send me real-mail method of registering them. *i cant see all typing errors.*

John Maudin 31 Aug 09