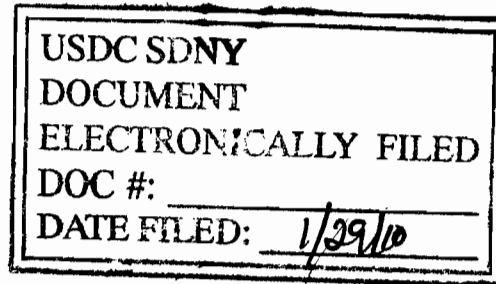


Joanne Merriam
P.O. Box 41232
Nashville, TN 37204



JAN

25 January 2010

William F. Cavanaugh
Deputy Assistant Attorney General, Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

05 CIV 8136

Re: Authors Guild v Google

I write to express my views and concerns regarding how the United States should respond to the Amended Settlement Agreement filed on November 13, 2009.

I am a poet and fiction author, and have not opted out of the settlement agreement. My works include, but are not limited to: The Glaze from Breaking (Stride Publications, 2005; ISBN 1-905024-00-2), a short story in Southern Gothic, Vol. 1 (WordArts, Inc., 2006) and poems in The Allotment: New Lyric Poets (Stride, 2006; ISBN 190502407X), To Find Us: Words and Images of Halifax (Halifax Regional Municipality, 2005; ISBN 0-9687262-3-2), Best of Strange Horizons 2 (Lethe Press, 2004; ISBN 1590210379), Reactions 4 (University of East Anglia, Pen & Inc Press, 2003; ISBN 1-902913-18-3) and Ice: new writing on hockey (Spotted Cow Press, 1999; ISBN 0-9694665-4-4).

The Author's Guild v Google, Inc.

Doc. 889

As a reader as well as an author, I am excited that the settlement is likely to provide unprecedented public digital access to millions of books. I am concerned, however, that Google's monopoly on this digital repository may contribute to unequal access to information, especially since it appears that large libraries who donate their holdings to be digitized will receive sweetheart deals in access to the repository, while smaller libraries (and, thus, smaller cities and towns and less populous regions) must pay full price for access, making small libraries particularly vulnerable to profit-maximizing pricing.

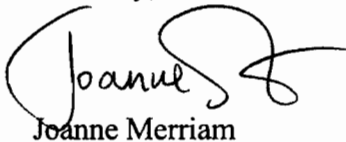
I am also concerned about the amount of control over their work authors may retain under the settlement. For example, authors may remove their books from the database, but as far as I can tell, it is not possible for an author to arrange for the removal from Google's database any short story or poem of theirs that has been published in an anthology.

I agree substantially with the concerns of the Science Fiction and Fantasy Writers of America (SFWA), of which I am a member, as expressed in their 6 January 2010 letter to Congress (<http://www.sfw.org/2010/01/sfw-nwu-and-asja-on-google-books-settlement/>).

I am also troubled by reports of inconsistencies, errors and duplication in Google's database. Simply regarding my own work, my self-published chapbook Overcome by Water appears in the database twice, and my book The Glaze from Breaking is listed as Commercially Available, even though it is not only out-of-print and its rights reverted to me, but its publisher has been out of business for several years. I cannot discover any straight-forward way to change this designation, even though it seems it would be relatively simple to include a field in the online claim form for suggesting changes to any aspect of a listing.

Finally, I would be tremendously happy if the court decided not to reward Google for infringing the rights of tens or hundreds of thousands of copyright holders by giving it an effective monopoly for many years, but instead ensured the greatest public benefit by entrusting the digital book database to a neutral, not-for-profit civic organization like the Library of Congress.

Sincerely,



Joanne Merriam

cc: Office of the Clerk of Court, U.S. District Court for the Southern District of N.Y.,
Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl St., New York, NY 10007-1312

Michael J. Boni, Joanne Zack & Joshua Snyder, Esqs., Boni & Zack LLC, 15 St. Asaphs Rd., Bala Cynwyd, PA 19004 – via email bookclaims@bonizack.com

Jeffrey P. Cunard & Bruce P. Keller, Esqs., Debevoise & Plimpton LLP, 919 Third Ave., New York, NY 10022 – via email bookclaims@debevoise.com

Daralyn J. Durie & Joseph C. Gratz, Esqs., Durie Tangri Lemley Roberts & Kent LLP, 32 Pine St., Ste. 200, San Francisco, CA 94104 – via email bookclaims@durietangri.com

SFWA – via email secretary@sfw.org