

## Questions about the Revised Google Books Settlement

### **What are the changes to the settlement?**

Areas of change are outlined in our summary document, and a broader list of changes can be found in the supplemental notice

(<http://www.googlebooksettlement.com/Supplemental-Notice.pdf>).

### **Why did you narrow the class? Why are books from the U.K., Australia, and Canada still included?**

After hearing feedback from foreign rightsholders, the plaintiffs decided to narrow the class to include countries with a common legal heritage and similar book industry practices.

### **Are there any authors or publishers from outside the U.S., U.K., Australia, and Canada who are still affected by the settlement?**

Yes. Anyone who either registered their copyright with the U.S. Copyright Office or published their book in the U.K., Australia, or Canada by January 5, 2009 is a member of the class. This will include some rightsholders from countries around the world.

### **What if international authors and publishers want to participate in the settlement?**

Rightsholders who are not members of the amended class can't be part of the settlement. However, Google remains interested in working directly with international rightsholders and organizations that represent them, including those in countries excluded from the settlement, to reach similar agreements to make works available worldwide. Authors and publishers from around the world can also enter into promotional and revenue-generating programs through Google's Partner Program.

### **Does the settlement interfere with Congress' ability to legislate? Does it limit orphan works legislation?**

The settlement does not, nor could it, displace Congress' authority to legislate in this area. Congress itself created the class action settlement device, and as several Members of Congress indicated at the House Judiciary Committee hearing in September, the court process should not stop based on the future possibility of congressional action. The settlement is complementary to orphan works legislation; it will increase access to out-of-print books and locate the rightsholders of those books. The settlement in no way limits Congress from taking action on the separate issue of orphan works legislation.

### **Does the revised settlement change Google Books for users outside of the U.S.?**

No. Because the settlement is the result of a U.S. lawsuit, the settlement only impacts the Google Books experience for users in the U.S. Outside the United States, the users' experience with Google Books will be the same as it is today. Google remains interested in working with rightsholders from countries that are not included in the settlement to make their works broadly accessible to users around the world, including through services similar to those in the settlement.

**Do any of the amendments address privacy?**

The revised agreement includes language that specifies that Google will not share any private information with the Registry without valid legal process. Google also has a robust privacy policy (<http://books.google.com/googlebooks/privacy.html>) that describes how we treat personal information when you use Google Books. We also addressed our privacy commitments (<http://www.ftc.gov/os/closings/090903bcpgoogleletter.pdf>) directly to the Federal Trade Commission.

**Does this affect the financial terms of the settlement?**

The financial terms of the settlement will not change.

**What are the next steps in the process?**

The amended agreement was submitted to the Court on November 13, 2009. The Court will set a timeline, which will likely include a notice period, an objection period, and a Final Fairness hearing in early 2010.