



# Google faces French case on digitizing

**PARIS**  
**BLOOMBERG NEWS**

Google's plan to scan millions of books to create a digital library was challenged in a Paris court Thursday by a publisher that said the project violated France's copyright laws.

Lawyers for the publisher, Éditions du Seuil, told the court that the project was illegal because Google had made no effort to contact copyright owners before scanning a book. The publisher is seeking damages of €18 million, or about \$26 million, for copying the works and harm to the editor and an order to stop copying protected works.

"The act of digitizing is to copy," said Yann Colin, a lawyer for Éditions du Seuil. "It is a considerable harm because it is irreversible. How can you take back what is made electronic?"

Google has scanned more than 100,000 French works still protected by copyright, according to the Syndicat National de l'Édition, one of the two publishing trade groups that have joined Éditions du Seuil's complaint.

But Alexandra Neri, a lawyer for Google, told the court that Google was operating legally.

"To assert counterfeiting, you have to show you hold the rights," she said. "We don't deny that Éditions du Seuil holds the rights to distribution on paper. But they have never shown that they hold the right to electronic copies."

A ruling is scheduled for Dec. 18.

Serge Eyrolles, president of the publishing trade group, said Wednesday that the United States concept of "fair use," which allows limited copies of works, and French laws governing literary property "are two very different concepts."

"For us, it is a total protection," Mr. Eyrolles said. "Next is whether French courts have the power to convince Google to respect French law."

The case was heard as Google tried to secure court approval of a \$125 million settlement with publishers and authors on scanning works in the United States. Opposition to that plan, including concerns raised by the U.S. Justice Department, has pushed the company to ask the court for time to modify the settlement.