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Originally published 04:45 a.m., October 13, 2009, updated 02:38 p.m., October 13, 2009

# French publishers want book thrown at Google

Helene Franchineau THE WASHINGTON TIMES

The literary descendants of Victor Hugo and Alexandre Dumas have taken up arms - legally speaking - against Google Inc. in France over the Internet giant's attempt to place the nation's literary classics into its databases.

The effort is thought to be the first overseas challenge to Google's global book-scanning project.

French publishing group La Martiniere, claiming copyright infringement, brought a case before the Paris district court on Sept. 24.

France's National Publishers Union and the Society of French Authors, founded in 1838 by writers such as Hugo and Dumas, joined La Martiniere in the lawsuit, and the court is expected to announce its decision by Dec. 12.

Yann Colin, who represents La Martiniere, said the case was first filed in 2006, "but the breadth of the issue kept delaying the argument."

La Martiniere, the biggest publisher of illustrated books in France, is asking for about \$22 million in damages and that Google stop scanning protected works without the prior consent of the publishers.

Google is stoutly defending its position and believes no such penalty or injunction is appropriate.

But even German Chancellor Angela Merkel has taken sides. On her weekly podcast Saturday, she called for a better protection of authors' copyrights: "We reject the scanning of books without any copyright protection - like Google is doing. Copyrights must be protected on the Internet."

Google, in its attempt to build the world's biggest online library, has digitized more than 10 million books so far for its Google Books Search.

In France, opponents say the main issue is that Google scanned French books without the publishers' consent and that Google could earn revenue from ads that will appear next to the content.

"Google's position is: Publishers will be able to opt out of the project. But La Martiniere never in the first place asked to be part of it," Mr. Colin said.

La Martiniere is asking that Google be fined nearly \$150,000 for each day of copyright violation, to be determined by the court. Mr. Colin said he thinks this will be an effective means to make sure Google stops scanning French books.

In the United States, associations such as Open Alliance and companies such as Amazon.com Inc. and Yahoo Inc. oppose the Google project because a single company could control access to millions of books and gain the right to scan so-called orphan works, for which there is no clear copyright holder.

Attorneys on both sides in the French case seem to be fighting over whether the case should be heard in French or U.S. courts.

Alexandra Neri, who defends Google, said in an e-mail interview that the case belongs in U.S. courts because Google digitized the French books in the United States.

American law, Ms. Neri said, has jurisdiction, whereas Mr. Colin said French law should apply because French publishers hold the copyrights.

"Google Books is not an online library, but an online book-searching tool," she added.

Mr. Colin asserts that Google's position violates international law and the Berne Convention for the Protection of Literary and Artistic Works.

The convention, dating to 1886, protects global copyrights. It was last amended in 1979, before the Internet age, leaving plenty of unresolved issues.

French Culture Minister Frederic Mitterrand last month initiated three studies on digitized books, and said he was considering whether the French National Library should ask Google to scan the library's vast archives.

A major controversy surfaced in August when French National Library President Bruno Racine was said to be having discussions with the online giant on the issue.

That prompted former National Library President Jean-Noel Jeanneney, a Google-skeptic, to publish a column in the French newspaper Le Figaro criticizing his successor for an "unbearable head-to-tail" change of strategy.

In 2005, Mr. Jeanneney played a key role in setting up Europe's own book-scanning project, called Europeana.

The Europeana Web site is running in its beta version and has about 4.6 millions books and other written material from France, Spain, Britain, Italy and Greece.

No one can predict the scope of the court's decision in the United States.

Mr. Colin says he is "confident" the court will rule in La Martiniere's favor because "what Google is doing is [clearly] illegal."

Herve de la Martiniere, founder of the publishing house La Martiniere, called the Google Books project "robbery," in a published interview last month.

Ms. Neri, Google's attorney, responded that Google does not try to hide behind the U.S. law.

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