

Infringement Alert - SFWA

From the SFWA Legal Affairs Committee:

The Internet Archive (Archive.org) is carrying out a very large and growing program of scanning entire books and posting them on the public Internet. It is calling this project “Open Library,” but it is SFWA’s understanding that this is not library lending, but direct infringement of authors’ copyrights. We suspect that this is the world’s largest ongoing project of unremunerated digital distribution of entire in-copyright books. An extensive, random assortment of books is available for e-lending—that is the “borrowing” of a digital (scanned) copy. For those books that can be “borrowed,” Open Library allows users to download digital copies in a variety of formats to read using standard e-reader software. As with other e-lending services, the books are DRM-protected, and should become unreadable after the “loan” period. However, an unreadable copy of the book is saved on users’ devices (iPads, e-readers, computers, etc.) and can be made readable by stripping DRM protection. SFWA is still investigating the extent to which these downloadable copies can be pirated. Unlike e-lending from a regular library, Open Library is not serving up licensed, paid-for copies, but their own scans.

These books are accessible from both archive.org and openlibrary.org. If you want to find out if your books are being infringed at the Internet Archive, go to <https://archive.org/search.php>, search metadata for your name. You have to register, log in, and “borrow” the books to see if they are there in their entirety. A secondary search at <https://openlibrary.org/search> may turn up some additional titles, but will also show books that are in the Open Library database that have not been infringed.

Statement from SFWA President, Cat Rambo:

I would like to emphasize that SFWA’s objection here is that writers’ work is being scanned in and put up for access without notifying them.

The organization appreciates the wide range of possible opinions on the matter of copyright, but will continue to insist that it is up to the individual writer whether or not their work should be made available in this way.

If you believe that your copyright has been violated by material available through the Internet Archive, please provide the Internet Archive Copyright Agent with the following information at the address listed below. Alternatively, you can use the SFWA DMCA Notice Generator (<http://www.sfw.org/2010/07/sample-dmca-generator-for-authors/>) to create a DMCA notice that you can send to the address below. As a temporary measure, authors can also repeatedly

“check out” their books to keep them from being “borrowed” by others.

Include:

- Identification of the copyrighted work that you claim has been infringed;
- An exact description of where the material about which you complain is located within the Internet Archive collections;
- Your address, telephone number, and email address;
- A statement by you that you have a good-faith belief that the disputed use is not authorized by the copyright owner, its agent, or the law;
- A statement by you, made under penalty of perjury, that the above information in your notice is accurate and that you are the owner of the copyright interest involved or are authorized to act on behalf of that owner; and
- Your electronic or physical signature.

The Internet Archive Copyright Agent can be reached as follows:

Internet Archive Copyright Agent

Internet Archive

300 Funston Ave.

San Francisco, CA 94118

Phone: 415-561-6767

Email: info@archive.org