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# Library Marketplace -- Google and the Myth of Universal Knowledge

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# Library Marketplace — Google and the Myth of Universal Knowledge

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*Google and the Myth of Universal Knowledge* by **Jean-Noël Jeanneney**. University of Chicago Press, 2007 ISBN 978-0226395777. Review by **Elizabeth B. Fitzpatrick** (Reference Librarian, **W.E.B. Du Bois Library, University of Massachusetts, Amherst**)

2004 probably marked a hundred-year low point in the Franco-American relationship. So the timing was less than ideal when **Google** announced its vast book digitization project in December of that year, ignoring French libraries. The implication that all useful human knowledge could be encompassed by an overwhelming Anglophone collection was received as more proof of American attempts to marginalize France. **Jean-Noël Jeanneney**, President of the **National Library of France**, has become the leader of the French response. In 2005 he began a campaign for some Francophone, or more generally European, project or projects which would create a less profit-driven, more multilingual alternative to **Google Books**. The little book he wrote “to fuel the debate, sound the alarm, and get people moving,” (from the introduction), *Quand Google defie L'Europe* (When **Google** Challenges Europe), has just been translated and published in the United States as *Google and the Myth of Universal Knowledge*. The text is brief, only 90 pages, of which 16 is a new introduction for the English-language version translated by **Teresa Lavender Fagan**.

As we know, **Google** is funding digitization efforts at **Michigan, Stanford, Harvard, New York Public Library** and **Oxford**. What **Google** has in mind in the long run for its huge and growing digital book collection is anybody's guess — **Google** is notoriously close to the vest about its business plans, and displays a strange insouciance regarding copyright law. At the moment, the profits come from selling ads on the **Google Book Search** pages, where you can see “snippets” — two-line excerpts from books that match your search terms — and links to booksellers and libraries. Like most librarians who have weighed in, **Jeanneney** objects to the dismantling of the book, the disregard for metadata, and **Google's** lack of accountability: he's uneasy about private ownership of public knowledge.

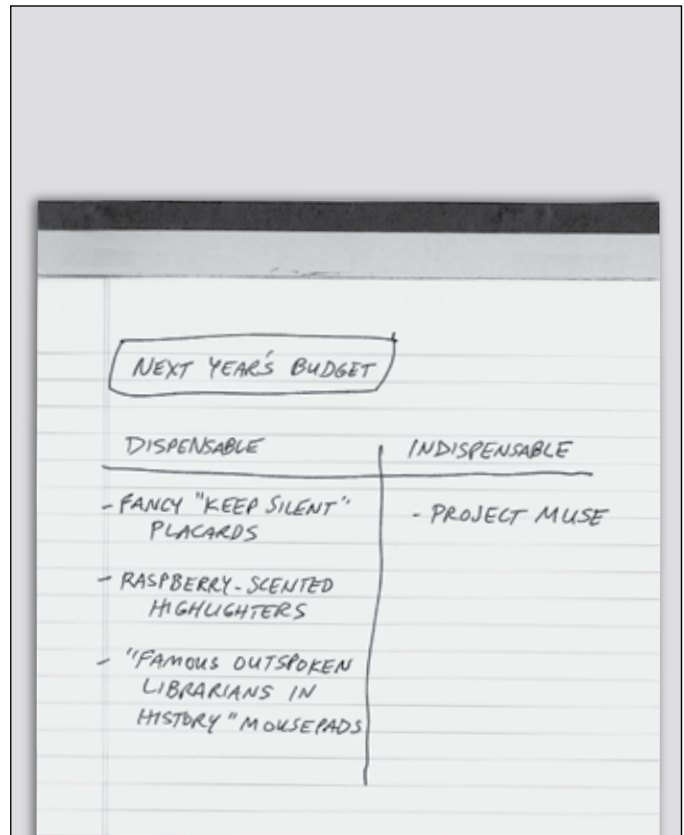
These concerns only occupy a small part of the book, though. **Jeanneney** has much more to say as a guardian of French culture. First, there's the problem of Anglophone domination of the Web.

**Jeanneney** spends some time drawing a distinction between market based American programs and government backed initiatives in Europe. Since private sector, for-profit cultural production coming from the US has made film, tv, and now the Internet so overwhelmingly Anglophone, it is perfectly reasonable for European countries to put their people first by government funding of the same. This cultural protectionism has long been a part of the French film and television industries. **Jeanneney** makes the case that it's a matter of linguistic survival to extend this model to the Internet.

**Jeanneney** tells us **Google's** search rank algorithm amplifies the dominance of English on the Web: though the details, again, are secret, rank is determined mostly by the number of pages that link to a page and by how heavily-trafficked those linking pages are. To prioritize what's already there and being used is to prioritize English. An important part of **Jeanneney's** proposal, thus, is a search engine using an algorithm more friendly to European languages. It's in the works: to be called **Quaero**, it's being developed by the European media company **Thomson**, and funded jointly by Germany and France. It will probably reside at [www.quaero.org](http://www.quaero.org).

The biggest idea in the book is the creation of a European digital text library to rival **Google Books**. A solid beginning has been made in the digitization projects of some European universities and national libraries. France, for example, is already hard at work digitizing material from **Bibliothèque National at Gallica** ([gallica.bnf.fr](http://gallica.bnf.fr)). **Jeanneney's** position is that that natural home of this enterprise would be the **Euro-**

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# LEGAL ISSUES



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## Cases of Note — Googling Our Way to Big Social Benefit

### Copyright — Fair Use of Thumbnails

by **Bruce Strauch** (The Citadel) <strauchb@citadel.edu>

*Perfect 10, Inc. v. Amazon.com, Inc.; Perfect 10 v. Google*, United States Court of Appeals for the Ninth Circuit, 2007 U.S. App. LEXIS 11420 (2007).

*This case is of particular interest because the issues are nearly identical to the ongoing litigation over Google putting sample pages of copyrighted books on the net.*

**Google**, like every other computer, is connected to the Internet. *Religious Tech. Ctr. v. Netcom On-Line Commc'n Servs., Inc.*, 923 F. Supp. 1231, 1238 n.1 (N.D. Cal. 1995).

*Yes, I thought you'd get a chuckle out of the Ninth Circuit's compelling need for a legal citation on that.*

Websites allow computer owners to share information on their computers with others via the Internet. A Webpage contains text plus instructions in Hypertext Markup Language (HTML) that lead to an address where images are stored on some other computer.

**Google's** search engine accesses thousands of Websites and indexes them in the

**Google** database. A search query by a user then turns up text, images or videos.

**Google Image Search** stores reduced, lower-resolution images or "thumbnails" in its server. When the user clicks on the thumbnail, HTML instructions take you to the computer that stores the full-size version.

And now, herein lies the problem. Webpage-X may have HTML instructions leading to a copyright infringing image but then take the instructions down when threatened with litigation by the owner. Now if you went directly to Webpage-X, you couldn't access the image. But **Google's** cached copy doesn't update its version of Webpage-X, and the old HTML instructions would still carry a viewer to the image.

#### Which Leads to Our Fight

**Perfect 10** markets copyrighted images of naked women, or "nude models" as they call them. You can only view them in the "members area" of the site. For which they charge a fee, which is how they make money.



comforted. In time, **Google** will fade, just as libraries are fading a bit in the Internet age, just as German faded as the dominant language of the social sciences, and Latin as the language of naturalists. **Jeanneney's** examination of the limits of **Google Books**, and his vision of a European counterpart, helps makes the point that human knowledge generally outlives the boxes it's put in.

But for the time being, **Google** is on the rise. Its responsiveness to critics like **Jean-neney** only strengthens its position. Just a couple of months ago, the **Bavarian State Library** agreed to let **Google Books** digitize a million out-of-copyright books in its important research collection, greatly increasing the non-English content of the project. 🐻

*Editor's Note: As we go to print Google has announced the inclusion of many more countries and languages. Amazon, Microsoft, and Yahoo! have also announced similar projects. — JR*

*Ah, the world of electronic entertainment. Yes, your stalwart investigative reporter has already checked. You can't see anything without shelling out. Not even a teaser.*

Some dastardly Website operators violate **Perfect 10's** copyright and post the lustful vixen photos on their Webpages. **Google's** voracious search engine indexes the Webpages and provides thumbnails of the naked gals. And the thumbnails are stored in **Google's** servers.

In 2001, **Perfect 10** got fed up and told **Google** to stop doing this. In 2004, they sued.

Why is **Amazon** in the suit? It's not terribly important from our learner's perspective. **Amazon** partnered up with **Google** to in-line link with the **Google** search engine. A buyer of **Amazon** books would make literary queries and feel that **Amazon** was giving the result, when in fact it was the masterful **Google** search engine. And thus **Amazon** got dragged in.

Anyhow, the district court gave a preliminary injunction against **Google** displaying thumbnail versions of **Perfect 10's** buff sirens, but did not enjoin **Google** linking to third-party Websites that had full-size images of said sirens. Neither side was happy, and both appealed.

The issue on appeal for a preliminary injunction is likelihood to succeed on the merits at trial, which means you have to go through all the law in advance.

**Perfect 10** said **Google** directly infringed two exclusive rights of a copyright owner: display right and distributions right.

#### Display Right

17 U.S.C. § 106(5) says a copyright holder has the exclusive right to "display the copyrighted work publicly." Display means "to show a copy of it either directly or by means of a film, slide, television image, or any other device or process ..." 17 U.S.C. § 101. Copies are "material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." *Id.*

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**pean Union**, where a multilingual digital book collection would be a fitting emblem of a new pan-European culture. He has the support of almost all the national librarians of the member states of the **EU**, but so far the **EU** has refused to fund the digitization of books, throwing the burden back on individual nations. It seems likely that the **European Union** will become involved at some later stage.

For me, one of **Jeanneney's** most interesting points was the possible impermanence of **Google**. He speculates in passing about what would happen to that vast collection of digital books if **Google** ceased to exist as a corporation. But as an Anglophone curator of knowledge (OK, librarian) who uneasily imagines that the **Google Books** project has the potential to contain all human knowledge, and maybe somehow imprison or immobilize it — am I the only one who has this irrational notion? — I'm