

American Library Association Task Force on the Proposed Google Book Search (GBS) Settlement—Report to the ALA Council

At the 2009 Annual Conference in Chicago the ALA Legislation Committee brought to Council and Council approved the following action item:

To request the ALA President, with advice of the ALA Executive Board, to convene an ALA wide representative group to continue to assess the proposed Google Book Search Settlement and its ongoing impact on ALA members and member institutions and to make recommendations for action by the Association and its members.

The task force was appointed in the fall of 2009 and held an organizational meeting at the 2010 Midwinter Meeting in Boston. It conducted several conference calls. It also communicated through its ALA Connect group and used this to share information.

The most recent conference call was held on March 11, 2011. At that time the court had not yet issued a ruling on the proposed settlement.

During that March 11, 2011 conference call the Task Force noted:

1. The Google Settlement issue did not seem as important as it did two years earlier. In part this is because the publishing and distribution landscapes have changed rapidly. Today there are more distribution channels for ebooks, the Hathi Trust continues to grow, various publishers have initiated their own ebook programs, etc. The ebook market—including access to out of print works—is becoming increasingly varied and competitive.
2. Until the digital era began, publishing had been a stable industry for many decades. There was little ambiguity in the roles of publishers, book distributors, and libraries. In this era of stability there was little need for a permanent oversight body in ALA to monitor changes in publishing and recommend policies for ALA.
3. ALA currently has multiple bodies addressing overlapping issues related to the electronic publishing industry and access to its products:
 - A. the GBS Task Force focused on the proposed Google settlement;
 - B. The Washington Office's OITP has a subcommittee focused on ebooks
 - C. The ALA Presidential Task Force on Equitable Access to Electronic Content (EQUACC) (<http://www.equacc.ala.org/>; see also http://www.ala.org/ala/aboutala/governance/council/council_documents/2011mw_council_docus/cd41_equitable_acces.pdf for the EQUACC charge and other information).
 - D. Within ALA there are numerous committees whose charges focus on specific aspects of the library world's relationship with the publishing world—e.g., the Joint American Library Association-Children's Book Council Committee,

numerous book award juries, the ALCTS Library Materials Price Index (LMPI) Editorial Board, and more.

4. ALA needs a single body charged with ongoing broad oversight of relations between the publishing/media industry and libraries. That body needs to monitor the implications for libraries of publishing industry's continued transformation from print to multimedia content production, aggregation, and distribution.
 - A. The BPS and EQUACC task forces—indeed all ALA task forces—have a limited short-term lifespan.
 - B. The Council resolution that created the GBS Task Force established its lifespan through the 2011 Annual Conference.
 - C. The Council resolution approved at the 2010 Annual Conference that created the EQUACC Task Force established its lifespan through the 2011 Annual Conference.
5. ALA's and libraries' interests both overlap with and diverge from publishers' interests. Furthermore, the publishing/media industry is not monolithic. No single organization speaks for the entire industry.
6. ALA is well suited to use its bully pulpit to represent the public's interests in evolving issues regarding access to information and the roles and responsibilities of the publishing/media industry and the role of libraries in providing and assuring equitable access to information.

The pace of the GBS Task Force's work has been set by the pace of proceedings in federal court. When in March 2011 the court rejected the proposed settlement, the only option available to the task force and the world at large was to wait to see what would happen next. Nothing substantive has happened to date.

The next development in the Google Books saga is a settlement status conference, previously scheduled for June 1, 2011, now scheduled for July 19, 2011. At that time the GBS Task Force will no longer be in existence.

In the meantime the ebook publishing world does not sit idly. For example, one publisher's ebook pricing policy announcement in the spring of 2011 stirred significant reaction in the library community. This typifies the status quo—publishing/media companies act and the library community reacts.

The GBS Task Force's recommendation:

The GBS Task Force recommends that ALA strengthen its leadership role in advocating for the public's use of electronic content. We can begin by establishing at the ALA level a body charged with broad ongoing oversight of the publishing/media industry. The GBS Task Force has not endeavored to draft a charge for this body; nor does it have specific recommendations regarding its structure or composition. But we do believe that ALA needs a seat at the table to shape future developments and should begin by sanctioning a mechanism for taking action.

The Task Force recognizes that within ALA there are many stakeholders in this issue, as evidenced by the number of division, round table, and unit committees that in one way or another focus on the

publishing industry. These stakeholders will need to work together to create a vision for this proposed body and deduce from that how ALA can create the needed representative, nimble body with appropriate staff support—a body that can initiate as well as react, a body that can and will provide policy guidance and recommendations to the Council.

With ALA's governance system and structure an appropriate group should be tasked with drafting a proposal for the needed body, including its charge, its name, and a rationale for recommendations for its composition.

A first step might be to invite representatives from the OITP ebooks subcommittee, the EQUACC Task Force, and the GBS Task Force to identify and report on the challenges and opportunities for ALA to stake more of a claim in this discourse.

ALA Council may offer some other course of action. The final sentence of Article VII of the ALA Constitution offers another possible option, stating that "The Executive Board shall make recommendations to Council with respect to matters of policy." It may want to develop a proposal for Council's consideration.

Whatever course is taken, the GBS Task Force urges that every effort be made to create the needed body expeditiously and with careful consideration for the range of expertise that its membership must accommodate and yet not be so large that it cannot provide leadership on issues within its scope. The Task Force further recommends that ALA take a more active role in negotiating with and convening the various players in the publishing/media arena in order to ensure a voice for the public in shaping the terms of content use in the digital age.

ALA Task Force

To examine the impact of the
Proposed *Google book search* settlement
on Libraries

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