

Statement about Opting Out of the Google Book Search Settlement

In connection with the class action lawsuit involving copyright infringement claims for Google Book Search (The Authors Guild, Inc. et al. v. Google Inc., 05 CV 8136: S.D.N.Y.), we, the Non-Profit Organization “Watakushi, tsumari Nobody,” successor to Akiko Ikeda (1960-2007)^{[1][2]} in regard to the copyrights in her works, hereby state and express our objection to the Settlement and intention to notify the Settlement Administrator of our request to opt-out of the Settlement.

Recognizing that this lawsuit touches the core essence of the activities of writing and publishing literature, and asks us how such activities should be and exist, we carefully reviewed the facts, outline of the case, and provisions of the proposed Settlement.

As a result, first, we noticed that most of the books written by Akiko Ikeda could be scanned by Google, and a part of them might have already been scanned without our authorization. There is a high likelihood that such actions would, even under the Copyright Law of the United States, constitute copyright infringement.^[3]

Second, given this uniquely American “Class Action” type lawsuit, we found that the Japanese authors would not be adequately represented by the US plaintiffs, and it is a mistake to include authors from non-US Berne Convention member countries into the Settlement Class. We became convinced that we are disrelated to this Google Book Settlement.

Third, upon reviewing the provisions of the Settlement, we came to the conclusion that, in any case, we cannot accept Google’s claims in the lawsuit, the concept of their book search projects, nor the provisions of the Settlement as they are now.

Certainly, by solely focusing on the exploitation of literary works, the option of accepting the Settlement and then restricting Google’s use of the books written by Akiko Ikeda is an option. However, the concept of Google Book Search itself, which is the premise of the Settlement, could be detrimental to the originality and diversity each country has in the activities of writing and publishing literature. The very root of this issue, the adoption of a one-size-fits-all rights clearance for the world’s literary works, without consideration to the variety of perspectives on language and culture, thoughts towards authors and literary works and their historical backgrounds, legal systems and customs and business practices, and with a view of treating books only as properties having commercial value, we have no choice but to find audacious and unthinkable. Accepting the concept of Google Book Search by agreeing to the Settlement seems akin to being complicit in the rebuilding of the Tower of Babel.

P.T.O.

We, as the successor of the works of the philosopher and writer Akiko Ikeda, respecting her perspectives on language and thoughts on books and publishing, are not able to support the Settlement and its underlying Google Book Search concept. Therefore, we, hereby express our intention to reject the provisions of and opt-out of the proposed Settlement.

At the same time, we confirm that this statement does not affect any claims based on copyright and other rights we have and enforceability of such rights and claims against Google and its affiliates. We emphatically reject unauthorized use of the literary works of Akiko Ikeda and exploitation of any rights in her literary works by Google and its affiliates.

Please refer to Attachment 1 for details on the author, rights-holder and the applicable works.^{[4][5]}

Please refer to Attachment 2 for details on the reason why we reject and opt-out of the proposed Settlement.^[4]

August 15, 2009

Non-Profit Organization Watakushi, tsumari Nobody (successor of the copyrights of Akiko Ikeda)

[footnotes]

¹ Akiko Ikeda (1960-2007) was a philosopher and a writer. She is known as the leading female writer of “metaphysical essays,” and a pioneer of the new area of literature, which led to the so-called “philosophy boom” in Japan after 1990’s. “Philosophy for 14-year-olds and Older,” one of her most remarkable works, has been published in the Chinese and Korean languages in addition to the Japanese language original.

² Please note that there are quite a few Japanese female authors who have names identically pronounced and written as “Akiko Ikeda” in the English alphabet. (When written in the Japanese language, some of the authors’ names have exactly the same characters, and some of them have different characters; however, when written in English, the name is identical.) As of today, the Google Book Search site does not distinguish each individual author, but instead displays books of six different authors, including the author indicated in footnote 1, in a single list under the name “Akiko Ikeda.”

³ Under the Copyright Law of Japan, where the theory of “fair use” is not adopted, unauthorized scanning of a literary work constitutes infringement of the author’s right of reproduction.

⁴ Attachments are in the Japanese language only. (Foreign rights-holders are not requested to produce documents in English.) This English version was prepared for the convenience of the Court and for security from mistranslation, which can often be found in the Japanese version of the Settlement and its attachments.

⁵ Please note that the attached list of applicable works is current as of the date of this Statement and shall be updated upon future publication of any book which contains a literary work of Akiko Ikeda, for which Watakushi, tsumari Nobody has copyright and other rights.