

Emergency digital library sued over 'brazen' copyright violations

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The closing of libraries in response to the pandemic prompted the creation of an "emergency" digital library offering free access to books

Four major publishing houses Monday sued the Internet Archive alleging that its "national emergency library" allowing locked-down readers free

access to digital books was "brazenly" violating copyright laws.

The lawsuit comes in response to the San Francisco-based digital library's move in March to offer some 1.4 million digital books without restrictions, touting the move as a public service with most US libraries closed due to the coronavirus pandemic.

But the four publishing houses—Hachette Book Group, HarperCollins Publishers, John Wiley & Sons and Penguin Random House—said the free digital library made the offer in violation of copyright law.

"Today's complaint illustrates that Internet Archive is conducting and promoting copyright infringement on a massive scale," said Maria Pallante, president of the Association of American Publishers, which includes the four companies.

"In scanning and distributing literary works to which it has no legal or contractual rights, IA deliberately misappropriates the intellectual and financial investments of authors and publishers and brazenly ignores the copyright law that Congress enacted."

Pallante equated the emergency library to "the world's most egregious pirate sites" which distribute works freely without paying copyright royalties.

The Internet Archive responded with a statement that it was "disappointed" by the legal action.

"As a library, the Internet Archive acquires books and lends them, as libraries have always done," the statement said.

"This supports publishing, authors and readers. Publishers suing libraries for lending books, in this case protected digitized versions, and while

schools and libraries are closed, is not in anyone's interest. "

The archive contends it has said it acted in consultation with public and academic libraries and that a number of copyright experts had expressed the view that the emergency library was operating under the "fair use" principle in light of the closure of physical libraries.

The archive said the effort was consistent with the principle of "controlled digital lending" which allows libraries to offer access for the specific number of editions it owns.

But Douglas Preston of the Authors Guild, which represents nonfiction and fiction writers, said it supports the legal action seeking to shut down the digital archive.

"What Internet Archive is doing is no different than heaving a brick through a grocery store window and handing out the food—and then congratulating itself for providing a public service," Preston said in a statement.

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