Paper by an anonymous student
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Essay 2 Revision
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Digital Texts [a more dramatic title might spice things up a bit]

Copyright laws regarding the internet as they stand today are shamefully counterintuitive. Pre-digital information resided mainly in the form of printed texts, but the fundamental concept of the internet is to be able to communicate and share information quickly and easily. Why then are internet copyright laws, namely the DMCA, designed specifically to prevent such practices? Granted, the nature of digital information and the internet allows for easy unethical reproduction, but it is important to distinguish that there are ethical uses as well, and they are too beneficial to deny. [So, does the DMCA deny the ethical possibilities of copying? In any case, this seems like a good thesis, as it points out something counterintuitive and then proposes to investigate it.]

The ethical uses are well within reach. Google Print, for example, is a project which aims to digitize millions of volumes from libraries across the world. Their entire texts would be instantaneously searchable, creating a sort of universal knowledge base. However, as legislation exists today, only works published before 1923 fall under public domain. This is absurd, given that anyone could walk into a public library and read anything he wants. All Google is doing is essentially reducing the time it takes to get the information in front of your eyes. Deliberately depriving the public of such a large

knowledge base when it already exists is foolish. [This paragraph arrives at your desired conclusion too quickly. There are differences between the sort of access one gets in a library and the sort of access one gets from Google Print, and these differences presumably are ethically significant. This paragraph bulldozes over the subtleties.]

The first lawsuit involving Google Print was filed September 21, 2005. The Authors Guild is trying to file a class-action lawsuit on the grounds that they as copyright holders were not consulted before the inclusion of their works in the project. Technically they are exercising their rights, but when a law such as this causes so much controversy simply by being enforced, it is time to rethink its usefulness. [This last conclusion does not follow. Many laws are deeply controversial, and while it is reasonable to suggest that this controversy means that the law should be examined, it in no way implies that the law is not useful or unjust.]

Texts from books archived by Google are delivered in the form of images. This means that text cannot be easily copied and pasted into the computer's "clipboard" for easy reproduction. It provides essentially the same experience as going to a library or book store and casually flipping through the book. In fact, the experience is lessened in that through Google's service, the consumer can only see a few pages surrounding the text that he searched for. It is not possible to go directly to a desired page, or even a page at random. It is not even possible to go page by page consecutively. But as law stands today, the authors are very much entitled to consent before inclusion. This is a giant obstacle in the development of this technology. [These are important details that you provide, and you should look at them more closely. Why is it ethically relevant that you can't copy and paste Google's book results? Why is it relevant that you can't just read the

book page by page, or go to an arbitrary page? And my guess is that the law as it "stands today" is not so unambiguous as your description suggests, or Google would be much less able and willing to continue its project.]

Yahoo has announced its plans about a project similar to Google Print, but they will digitize only those works whose copyright holders have given consent. This is undeniably the most law-abiding method, but the process seems like a huge hassle. [What you call a "huge hassle" the Authors Guild calls "no big deal."] Google claims their methods fall under "fair use," but fair use is very loosely defined, as it is a matter of ethics. There are some very general rules and various court decisions, but qualifications are decided case by case. This is very inefficient. Google has put its effort on hiatus until November 2005 to allow time for any authors whose works are scheduled to be digitized to opt out of the process. This seems to be "fair" enough, but the Authors Guild still wants the owner of each work to be contacted separately. While this is very frustrating to proponents of the service, it is hard to argue under current law that this is unreasonable. The problem is that the internet is being subjected to pre-digital ethical standards. The internet calls for an ethical paradigm shift, but this has not been accepted.

The internet raises many issues about ethics that have never been seen before. One reason for this is the nature of the internet and digital media. There were two major pre-digital forms of widely distributed information: radio and television and newspapers. Both were very similar in that the content providers have control. The record industry is paid royalties and the television networks can pause their information for advertisements. With the internet however, the consumer is and always will be in control of what information he receives. The internet however is not a one-way broadcast. It is highly

non-standardized and interactive. Consumers are going to use the internet no matter what, so content providers have no choice but to cater to this new technology and expectation. A simple digitization of works and a payment method for the entire work though will not suffice. Texts must be presented in an innovative and user-friendly manner, and Google is already there. [This is a lot of interesting speculation, but not sufficiently critically examined. Why won't a payment method for the entire work be okay? Why must there be innovation? And how does Google provide this? How do these claims follow from your analysis of the nature of the medium?]

The name "Google Print" may be misleading to some authors, though. "Print" might make it seem like Google is trying to publish works online, which is not the case. There is a reason the e-book phenomenon has not caught on in the mainstream. People still want to hold a tangible book when reading. Consequently, making the process of finding a book easier benefits not only the consumer, but also the author. Many large publishing companies have already submitted books to Google for scanning and archiving in response to Google's invitation (Wyatt). Google Print is a search and reference tool, not some corporate loophole to read books for free. [This is a crucial point but again must be thought through and not just stated. Why is this the important point, the difference between reading books for free and having a ready reference?]

This is true for fiction (non-reference) books, but what about nonfiction reference books? Surely any researcher would first consult a tool like Google Print. It has the benefits of an internet search – virtually unlimited information instantly – and the certainty of reliable sources traditionally found only in brick-and-mortar libraries. And frankly, this *should* be the first step for research. Currently journals and periodicals are

searchable through existing services. Sites like Wikopedia Wikipedia offer full-fledged free online encyclopedias. [But Wikipedia is not "full-fledged," since it only has those entries that its users have submitted.] Sure, authors deserve compensation for their work, but could this be the early signs of the reference book becoming obsolete? Maybe the next evolutionary step is an online pay service. If so, consumers are not going to go to many different publishers' sites; a central database would be necessary. Ideally all non-threatening, non-private/non-personal information in the world should be free, but this would leave no incentive for the creation of new knowledge. Advertisements go a long way – Google's non-obtrusive text based ads could easily compensate non-fiction authors and leave the end-user free access to information (Wyatt). A non-fiction author's intention is to spread knowledge and get recognized for his contributions, and nothing makes this easier if the information is free. [Your plan to pay authors from Google's ad revenues seems very interesting. Could you look more closely at the plusses and minuses, and at the ethical implications of this plan?]

Parallels may be drawn to going to the book store and looking at a book, but copyright advocates would argue that the reader is that much closer to actually purchasing the book. Google however leaves three or four links to buy the book online, which is possible with two clicks of the mouse. It is very clear that Google's intentions are not to make money off of copyrighted works – that would be unethical. Google will profit because its service is superior, not because they are displaying information freely available at libraries and bookstores. [This distinction isn't clear. Google's intention is to make money by providing the ability to search through the content of books. Isn't this making money off of copyrighted works?]

Google's basic internet search engine displays snippets of web sites, which are all copyrighted. They also place ads on every search page, making money in the process. However the websites gain as well with increased traffic. Theoretically Google's Print venture could prove to be similarly beneficial to authors. [Another very interesting point.] It would undoubtedly lead to more people stumbling upon a given work, and also increased sales.

To display anything on a computer from the internet, the source bits, whatever they may be (text, audio, video) must be reproduced. This alone is evidence enough that copyright laws need to be drastically redefined for the internet. Internet users expect instant access to information – blame it on the technology, but this is reality – so old ethical standards have no place in cyberspace. There are ways for consumers to have free information and authors to be compensated, but this requires a new and separate set of legislation. When such a useful and fair tool goes against conventional ethical standards, a paradigm shift is inevitable. The only deterrent is people not accepting it. The internet is too valuable to waste.

Robert S Boynton. "Righting Copyright: Fair Use and 'Digital Environmentalism.'"
Bookforum. (February/March 2005).

Edward Wyatt. "Writers Sue Google, Accusing It of Copyright Violation" [online:web],
updated 21 September 2005, cited 12 October 2005. URL:

       http://www.nytimes.com/2005/09/21/technology/21book.html?ex=1284955200&

       en=0fac2a8661f7deba&ei=5090&partner=rssuserland&emc=rss

Dear Student,

Your essay argues that Google Print's project of digitizing every book in existence is valuable and that the ethical path is to allow this project to go forward. Your greatest insights are effectively those moments where you respond to particular concerns voiced by those who would object to Google Print, and you succeed in making clear that these objections are susceptible to significant challenges. You also do a good job of covering a lot of angles on this fairly narrow topic, which shows your reader many different aspects of the ethics of Google Print and demonstrates its complexity. Between this multifaceted approach and these very intriguing insights, you have developed a great basis for a thoughtful and critical analysis of this interesting situation.

You do not yet use this basis to its greatest effect however. The main problem is that each of your ideas is offered to the reader without much critical examination. You describe Google Print and differentiate it from other sorts of access to books, but you don't connect these differences to ethical concerns. Similarly, you point out that ad revenue could be used to compensate authors whose books are searched, but you don't really stop to consider the merits of this proposal nor do you examine its ethics. Does this proposal really answer to the ethical objections raised by, for instance, the Authors Guild? In fact, you never really make clear just what these objections are? Is it simply a matter of being compensated for one's work? Or is the objection that Google Print is not a fair use? Or is it a desire to maintain intellectual control over the uses of one's work? Your reader never gets a strong sense of what is ethical about any of this, as your discussion does not quite touch upon terms of ethics. That is, you don't discuss rights or values, though you do make clear that different sides have different desires. The key would be to show how these desires stem from ethical positions.

You attempt to connect it ethics by discussing the ethics of the Internet in general, and this is a very good idea. But again your aim is worthy while your execution falls short. You begin to outline some reasons why the Internet calls for a new ethics, talking about the different sort of organization of the Net, the way in which it is driven by the user rather than the content-provider. This is promising, but does not get connected to ethics. Why is it relevant that the Internet is organized differently from earlier media? Why should this bring about a new ethics? If I were to reorganize our class, for instance by insisting that you each become teacher for a day, would this require a new ethics for class? Maybe so, but your job is to think about how or why, not just to assert that this is the case.

You demonstrate here that you have the parts in place for a really engaging analysis. You have original thinking about a very good topic, and your intuitions feel to me sound. But to take this to the next level, you must ask yourself harder questions, making crystal clear the connections between your various terms. In this essay, your reader gets the sense that there is a debate, but isn't quite sure what the compelling claims are on each side. Next time, stage the debate even more explicitly while looking deeper at the merits of each position.