

July 6, 2017



31 EAST 32ND STREET
7TH FLOOR
NEW YORK, NY 10016

(212) 563-5904

AUTHORSGUILD.ORG

President: James Gleick
Vice President: Richard Russo
Treasurer: Peter Petre
Secretary: Daniel Okrent

Members of the Council: Deirdre Bair, Rich Benjamin, Amy Bloom, Alexander Chee, Pat Cummings, Sylvia Day, Matt De La Peña, Jennifer Egan, Peter Gethers, Annette Gordon-Reed, Nicholas Lemann, Steven Levy, John R. MacArthur, Susan Orlean, Douglas Preston, Michelle Richmond, James Shapiro, Hampton Sides, T.J. Stiles, Jonathan Taplin, Monique Truong, Peg Tyre, Rachel Vail, Nicholas Weinstock, Meg Wolitzer

Ex-Officio & Honorary Members of the Council: Roger Angell, Roy Blount Jr., Barbara Taylor Bradford, Robert A. Caro, Susan Cheever, Anne Edwards, Erica Jong, Stephen Manes, Robert K. Massie, Victor S. Navasky, Sidney Offit, Mary Pope Osborne, Letty Cottin Pogrebin, Roxana Robinson, Jean Strouse, Nick Taylor, Scott Turow

Advisory Council: Sherman Alexie, Judy Blume, Louise Erdrich, CJ Lyons, Frederic Martini

Executive Director: Mary Rasenberger
Chief Operating Officer: Sandy Long

Brewster Kahle
Founder & Digital Librarian
Internet Archive
300 Funston Avenue
San Francisco, CA 94118

Dear Brewster,

Jim and I enjoyed speaking with you last week. We love your enthusiasm for making more books accessible to more people and enabling digital lending of out-of-print works. We also appreciate your interest in creating more efficiency by sharing digital copies, instead of every library having to make its own.

We're brought up short by one piece of your proposal, however. Your Open Library project already licenses or buys the copyrighted ebooks it lends, and we were excited that you intend to expand on that. What you can't do, however, is distribute free copies of ebooks to other libraries, who would otherwise be in the market to buy or license them. This would be illegal, whether or not the libraries already own hardcover copies, and we can't imagine that a foundation like the MacArthur would want to be involved. Apart from the illegality, it would be a serious blow to the ability of authors to make a living. It seems you have set aside only \$40,000 or so under the grant proposal for the acquisition of 4 million books, meaning that only a tiny fraction of the 4 million will be paid for. Distributing free ebooks to libraries would drain vast sums from the publishing ecosystem and would supplant the market for authors to bring back formerly out-of-print works. We're committed to preserving the viability of writing as a livelihood and profession, as a means of ensuring free expression. We believe you are, too, so this part of your plan surely needs to be reconsidered.

It used to be that the commercial life of a book ended when brick-and-mortar shops no longer kept it on their shelves. Publishers declared the book "out-of-print" and that was that. All that is changing fast nowadays. The bad news for authors is that shelf lives are shorter than ever. Bookstores hustle last month's book out quickly to make room for this month's. The good news is that new opportunities to give books a second life through print-on-demand and ebooks are popping up every day. The revenue from these sources is not huge, but for many authors this long tail will be what makes a book possible in the first place and tips the scale just enough to enable them to keep writing instead of having to find other work. Because many authors' income is already so low (our [2015](#)

July 6, 2017

[survey](#) found mean income of just \$17,500 for full-time authors), it doesn't take much lost income to make writing unsustainable.

Some people have the mistaken idea that as soon as a publisher says its version is out of print, every book becomes fair game. You're not one of those people, I hope. To be sure, some books no longer have an interested copyright holder. Also, many copyright holders eventually become happy to see their books enter the public domain. Our licensing and registry efforts are aimed at finding those—efficiently and effectively freeing those books—while respecting the copyrights of authors who can still benefit from an extended online marketplace.

As we discussed with you on the phone, the Authors Guild is working to expand the ability of libraries to participate in the growing ebook universe. We want to make it possible and affordable for libraries to license ebooks directly from authors, as we're doing in our pilot project with the New York Public Library. There's no reason this can't be done properly for all libraries—the amounts of money involved in paying for the books will be small. If you are not in fact planning to distribute free copies of copyrighted books as part of the project, we would still love to work with you by helping obtain low-cost or free licenses from authors for their out-of-print and self-published books. But we can't participate in a project that encourages libraries to lend the digital copies of copyrighted books you create without permission or any payment.

All the best,

A handwritten signature in black ink, appearing to read "Mary E. J.", with a long horizontal flourish extending to the right.

Mary Rasenberger
Executive Director
The Authors Guild

cc: James Gleick
President
The Authors Guild