

# Judge Baer and the Elephant

Just in time for our conversation about copyright this Friday comes a major federal court decision regarding digitization of books by libraries. The case of *Authors Guild, Inc. et al. v. HathiTrust et al.* is related to but separate from the higher-profile case of *Authors Guild et al. v. Google*, which involved Google's large-scale book digitization project.

[HathiTrust](#) is, in its own words, "a partnership of major research institutions and libraries working to ensure that the cultural record is preserved and accessible long into the future." The [Author's Guild](#) describes itself as "the nation's leading advocate for writers' interests in effective copyright protection, fair contracts and free expression since it was founded as the Authors League of America in 1912."

In September, 2011, the Author's Guild and others sued HathiTrust for violation of copyright law. HathiTrust has been scanning books for purposes that they argue fall within the law's exceptions for "fair use." The Author's Guild sees the scanning as a dire threat to author's rights.

You can read the Guild's 2011 press release about its lawsuit [on their website](#).

HathiTrust's website offers [this response to the Guild's claims of copyright infringement](#) as well as [other resources for understanding the suit](#).

This September 2011 article on the website [arstechnica](#) offers a more neutral perspective.

Law Professor James Grimmelmann's website [The Laboratorium](#) has followed the case and offers broad coverage of copyright issues. Its post this evening explains the main consequences of the court's decision and links to the decision itself.

Copyright is a complicated area of the law. The HathiTrust case, the Google case, and the many cases in the news related to file sharing, file hosting, digital rights management, etc. can puzzle even the well-informed.

But as culture becomes increasingly digital, those who care about it must do their best to understand what these cases mean for the future of innovation and creativity.