

August 27, 2009

Google, Inc.

Address: 1600 Amphitheatre Parkway Mountain View, CA 94043 U.S.A

Dear Dr. Eric E. Schmidt

Statement against the Proposed Settlement of Lawsuits over Google Book Search

Google Inc. in the U.S. has scanned copyrighted works without prior consent on a massive scale and has accumulated the copies thereof in Google Book Search based only on the logic of a single private company. Such scans and accumulation obviously infringe the copyrights in the light of the Copyright Law of Japan. We believe the actions stated above taken by Google Inc. are difficult to comprehend in countries which have different copyright laws. Moreover, Google Inc. perceives only whole books as units of copyright, and lacks consideration for copyrighted works such as photographs, paintings, and illustrations which consist an important part of the whole copyrighted works. On such a basis, Google Inc. has unilaterally set a deadline and offered the settlement to copyright holders in each country without any due explanation. These actions show the contempt of copyright holders and situations surrounding copyright in each country, and we express our regret over these actions.

We protest strongly against the settlement proposal offered in such a course of events because inserted photographs are not recognized as copyrighted works and objects in the proposal. In many cases, the rights to photographs inserted in a book are retained separately from the authorship of the book. It is unacceptable by any means that such authorship for photographs is totally ignored.

We, representing Japanese authors of photographic works, hereby demand that Google Inc. in the U.S. treat the inserted photographs in good faith and explain the reason why inserted photographs were excluded from the settlement proposal.

Japan Photographic Copyright Association

Japan Professional Photographers Society
Japan Advertising Photographers' Association
Japan Photo Culture Association
Japan Bridal Photograph Society
Japan Photographers Association
The All-Japan Association of Photographic Societies
Association Japon de la Presse Sportive
Society of Scientific Photography
Japan Nature Scenery Photograph Association
Japan Portrait Photographer's Society

Takeyoshi Tanuma
President

The image shows a handwritten signature in black ink, which appears to be '田沼 武雄' (Tanuma Takeyoshi). To the right of the signature is a square red seal impression, likely a personal or official seal of the signatory.

Japan Photographic Copyright Association
JCII BLDG. 304 25 ICHIBAN-CHO
Chiyoda-ku, Tokyo 102-0082, Japan
Tel: 81-3-3221-6655 Fax: 81-3-3221-6655
URL address: <http://www.jpca.gr.jp>

Attachment: - General description of Japan Photographic Copyright Association

General description of Japan Photographic Copyright Association

The Japan Photographic Copyright Association (JPCA) is comprised of 10 groups of photographers with the total number of 28,000 photographers as a full-fledged member. The purpose of JPCA is to enlighten, diffuse and promote the idea of copyright by addressing general issues of copyright of photographs and conducting survey research on the copyright environment in along with the development of related technologies.

JPCA's major operations include the promotion of copyrights management, operation of database of copyright holders, diffusion and promotion of display of photographer's name and identification, and handling of photograph copyrights whose protection periods have expired.

JPCA established the "JPCA-Graphica" last September. As an image portal site for photographers, artists, graphic artists, etc., the "JPCA-Graphica" goes hand-in-hand with the "Japan Content Showcase", a contents portal site of Japan Federation of Economic Organization. It also plans to work with the database of copyright holders intended to be offered by Sosakusha Dantai Kyougikai. Furthermore it expects to closely link to the existing database of JPCA photographers and that of Art, Photograph and Graphic Design (APG) and to combine many other databases and systems of information of copyright holders covering their profiles, homepages, mailing addresses, etc. In this way, it aims to realize the functions that have been advocated by the Intellectual Property Strategy Headquarters (established by the Japanese government in 2003) as a system that plays a role in realizing the whole idea of the Headquarters.

The full-fledged member groups of JPCA are listed as below:

- JAPAN PROFESSIONAL PHOTOGRAPHERS SOCIETY
- Japan Advertising Photographers' Association
- Japan Photo Culture Association
- Japan Photographic Copyright Association
- Japan Photographers Association
- The ALL-JAPAN ASSOCIATION OF PHOTOGRAPHICS SOCIETIES
- ASSOCIATION JAPON DE LA PRESSE SPORTIVE
- SOCIETY OF SCIENTIFIC PHOTOGRAPHY
- Japan Nature Scenery Photograph Association
- Nihon Shozo Shashinka Kyokai.