

6/10/2015

Dear Sir or Madame,

Since I was first published in 1983, I have sold 100 novels to a range of publishers. I have also self-published and copyrighted a nonfiction book and a novel, and plan more in future. As you can see, this is a subject that affects me at many levels.

I went to a lot of trouble to exclude my books from Google's attempt at mass digitization. This is a subject that has many serious repercussions, and I appreciate your office's solicitation of input from authors like me, whose viewpoint and experience are often overlooked.

Here are some areas of concern:

1) Books are not necessarily fixed as originally published. Especially in today's digital world, they may be updated, re-edited or revised as the author believes is most beneficial to her work, her readership and her reputation. Mass digitization may well involve old, outdated editions which then become fixed in the public's mind long after the author or publisher has chosen to remove them from circulation.

Having regained the rights to about 40 of my published novels, I have chosen to retire ten of these as outdated or no longer a good representation of my writing skills. The others I have re-edited, updated and provided with new covers. However, earlier editions remain available via used-book sellers and libraries, and therefore potentially subject to mass digitization. It is crucial to my present and future income that I be able to control the presentation and availability of my books to the public.

2) Dominant booksellers such as Amazon and Google often price-match. If a book is available for free, even if only in one mass-digitized edition, these sites may drop the price to zero on all editions, thus denying the author any compensation for her work.

3) Books may be subject to legal claims or restrictions that mass digitization would ignore, thus potentially subjecting the author to legal repercussions. For example, if a claim of trademark infringement is made and the author complies by removing all references to the trademark, they will remain in old, out-of-print editions that might later be digitized and made available to the public without the author's consent, yet she could be held liable.

The content of copyright works are of immeasurable value to our society. Unfortunately, this gives rise to a temptation for well-intentioned people to make this content freely available to all. However, this violates the very principles under which copyright law was established. I do not believe any large-scale public access to copyright works should be granted without the explicit consent of each copyright holder, however inconvenient this may seem.

Thank you.

Sincerely,

Jackie Diamond Hyman

Writing as Jacqueline Diamond