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## Graphic Artists Guild Sues Google

Copyright Protection in Digital Era a Cultural Priority

**NEW YORK** – Today the Graphic Artists Guild joined several other creative sister organizations and individual visual artists to file a class-action lawsuit against Google, Inc. in U.S. District Court for the Southern District of New York. The Guild's leadership says they're determined to protect artist rights and the future of American culture by defending the copyright protections guaranteed among the first provisions of the U.S. Constitution and codified in U.S. copyright law.

At issue is Google's recent digitization of books numbering in the millions for the benefit of the Google Library Project. Most of the books included protected visual works. Google has negotiated a settlement with text authors and other rights holders whose work was unlawfully digitized but left thousands of visual artists without any compensation. The Guild maintains that Google's move sets a dangerous precedent in a digital era that has made copyright infringement a commonplace event.

"Most of the copyright infringement since the advent of the Internet has been on a relatively small scale that still robs our economy of millions of dollars every year," Guild President and suit complainant John Schmelzer said. "Institutionalized copyright infringement from Google not only threatens the future of an \$8 billion industry, it undermines the very fabric of American culture."

Copyright protection was among the first guarantees the American founding fathers deemed necessary for the survival and growth of a vibrant country. Article 1, Section 8, of the Constitution enumerates Congress' top priorities and specifically orders the promotion of the useful arts by securing a creative's exclusive right to their work. This directive resulted in the Copyright Act that has been in force since 1790.

The Guild and dozens of other creative sister organizations have defended against numerous challenges to copyright protections for decades, but the dawn of the digital era has enabled copyright infringement to reach a level never before seen. The music industry alone estimates that 95 percent of musical Internet downloads are pirated. The perpetrators of these and millions of other thefts sometimes do so



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out of ignorance of the law, but the Google Book Search represents a cognizant violation of law on an industrial scale.

Meanwhile, the Guild recently responded to a request for commentary from Ms. Victoria A. Espinel, U.S. Intellectual Property Coordinator, about ways to strengthen intellectual property rights. Espinel is a new executive-level appointee whose position was mandated by the Prioritizing Resources and Organization for Intellectual Property Act of 2008. The law signed by President George W. Bush on October 13, 2008 is intended to bolster U.S. intellectual property law.

“On the one hand, we’re given hope the government will make intellectual property theft a top priority for law enforcement,” said Guild Executive Director, Patricia McKiernan. “On the other hand, we’re fighting in court to prevent what should be a clear violation of existing law.”

Ms. McKiernan and the entire Guild leadership noted in their response to Ms. Espinel’s request for commentary that graphic art is used on and with virtually every product sold and service produced in the U.S. Foreign infringers are virtually untouchable by U.S. rights holders and likely cost the U.S. economy billions in lost revenue.

During a time of gaping deficits, the U.S. cannot afford to allow the free usurpation of cultural work that in many ways defines American life, the group contends. It’s particularly egregious when the threat to American culture and industry comes from a domestic source like Google that’s subject to U.S. law.

Other complainants in the case include The American Society of Media Photographers (ASMP), the Picture Archive Council of America (PACA), the North American Nature Photography Association (NANPA), Professional Photographers of America (PPA), photographers Leif Skoogfors, Al Satterwhite, Morton Beebe, Ed Kashi and illustrators John Schmelzer and Simms Taback.

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The Graphic Artists Guild is a national artists union that embraces creators at all levels of skill and expertise, who create art intended for presentation as originals or reproductions. The mission of the Guild is to promote and protect the economic interests of its members, to improve conditions for all creators, and to raise standards for the entire industry. Its core purpose is to be a strong community that empowers and enriches its members through collective action. More information at



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[www.graphicartistsguild.org](http://www.graphicartistsguild.org)

Founded in 1944, ASMP is the premier trade association for the world's most respected photographers. ASMP is the leader in promoting photographers' rights, providing education in better business practices, producing business publications for photographers, and helping to connect purchasers with professional photographers. ASMP has 39 chapters across the country and its 7,000 members include many of the world's foremost photographers. More information is available at [www.asmp.org](http://www.asmp.org)

Founded in 1951, PACA, the Picture Archive Council of America, represents the vital interests of image archives of every size, from individual photographers to large corporations, who license images for commercial reproduction. PACA leads advocacy, education, and communication efforts on copyright and standard business practices that affect the image licensing industry. More information at [www.pacaoffice.org](http://www.pacaoffice.org)

NANPA, the North American Nature Photography Association, is the first and premiere association in North America committed solely to serving the field of nature photography. More information at [www.nanpa.org](http://www.nanpa.org)

PPA, the Professional Photographers of America is the world's largest not-for-profit association for professional photographers, with more than 20,000 members in 54 countries. The association seeks to increase its members' business savvy as well as broaden their creative scope and is a leader in the dissemination of knowledge in the areas of professional business practices and creative image-making. More information at [www.ppa.com](http://www.ppa.com).