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**AUTHORS AS COPYRIGHT CAMPAIGNERS:  
MARK TWAIN'S LEGACY**

by CATHERINE SEVILLE\*

*"Only one thing is impossible to God: to find any sense in any copyright law on this planet."*

Mark Twain, *Notebook* 23 May 1903<sup>1</sup>

In September 2005, the Authors Guild filed a class action suit against Google over its unauthorized scanning and copying of books through its Google Library scheme. Google has agreements with four academic libraries — Stanford, Harvard, Oxford and the University of Michigan — and with the New York Public Library, to create digital copies of substantial parts of their collections and to make those collections available for searching online. The agreement was to reproduce both copyright works and public domain works, although the consent of authors of copyright works was not sought. Nick Taylor, Authors Guild president at that time, described Google Library as "a plain and brazen violation of copyright law."<sup>2</sup>

The Authors Guild is the largest and oldest society of published writers in the United States, representing more than 8,000 authors. The Authors Guild describes itself as "the nation's leading advocate for writers" interests in effective copyright protection, fair contracts and free expression."<sup>3</sup> Its recent activities demonstrate convincingly the Guild's power as a lobbying organisation. It was involved in the *Tasini* litigation, objecting to the use of freelance authors' works in electronic databases without their consent. The Supreme Court rejected publishers' arguments that databases were collective works, and therefore sheltered by the relevant defence.<sup>4</sup> The Guild was also active in the suit against Random House regarding electronic book rights, in which Random House claimed unsuccessfully that it had acquired e-book rights under contracts which had given it the right to publish in "book form."<sup>5</sup> These instances may be mul-

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<sup>1</sup> MARK TWAIN'S NOTEBOOK 381 (Albert Bigelow Paine ed., 1935).

<sup>2</sup> Authors Guild, *Authors Guild Sues Google, Citing "Massive Copyright Infringement"* (Sept. 20, 2005), [http://www.authorsguild.org/news/sues\\_google\\_citing.htm](http://www.authorsguild.org/news/sues_google_citing.htm).

<sup>3</sup> Authors Guild, <http://www.authorsguild.org/?p=50> (last visited Sept. 21, 2007).

<sup>4</sup> *New York Times v. Tasini*, 533 U.S. 483 (2001).

<sup>5</sup> *Random House, Inc. v. Rosetta Books, LLC*, 283 F.3d 490 (2d Cir. 2002).