



July 21, 2006

Digital Copyright Battle Puts Linking at Risk

EFF and Libraries Support Google Image Search Against Adult Website

San Francisco - The Electronic Frontier Foundation (EFF) and a coalition of library organizations filed a brief with the Ninth Circuit Court of Appeals in San Francisco on Thursday supporting Google Image Search in a showdown over critical digital copyright issues.

Adult entertainment publisher Perfect 10 claims that Google's Image Search service violates copyright law by indexing Perfect 10 photos posted on unauthorized websites, then making and delivering thumbnail images of those photos in its search results. Perfect 10 also contends that Google should be held liable for any copyright infringement that occurs on sites that Google links to.

"Perfect 10 wants to hold Google responsible for the misdeeds of the websites it links to," said Senior Intellectual Property Attorney Fred von Lohmann. "No search engine could survive if that were the rule, nor, for that matter, could most bloggers or other web publishers. If Perfect 10 succeeds in convincing the court that in-line linking and framing of images constitutes a public display or distribution of copyrighted work, then millions of web publishers and bloggers will suddenly be on the wrong side of copyright law -- as well as the millions of web users who may follow a link to a website with infringing content."

The case is on appeal from a lower court ruling issued in February 2006 that ordered Google to remove links to certain websites containing Perfect 10 photographs pending the outcome of the case. Experts, however, widely viewed the ruling as a victory for Google, as the court rejected many of Perfect 10 arguments.

Because the appeal promises to clarify the copyright rules that apply to search engines and other web publishers who link to content on the Internet, it has attracted the attention of the recording industry, motion picture studios, professional photographers, and the technology sector, each of which has also filed briefs in the case.

EFF's amicus brief was filed on behalf of EFF and the Library Copyright Alliance. Members of LCA include the American Library Association, the Medical Library Association, the American Association of Law Libraries, the Association of Research Libraries, and the Special Libraries Association.

A ruling in this case is not expected for several months.

For the full amicus brief:

http://www.eff.org/legal/cases/Perfect10_v_Google/EFFPerfect10vGoogleAmicus.pdf

For more on Perfect 10 v. Google:

http://www.eff.org/legal/cases/Perfect10_v_Google/

Deep Link providing analysis of the lower court ruling:

<http://www.eff.org/deeplinks/archives/004433.php>

Contacts:

Fred von Lohmann
Senior Intellectual Property Attorney
Electronic Frontier Foundation
fred@eff.org

Jason Schultz
Staff Attorney
Electronic Frontier Foundation
jason@eff.org

Posted at 07:46 AM