

14.10.2009 D/ 001628

Mr Auke Haagsma
ICOMP (the Initiative for a Competitive Online Marketplace)

By email: Robin.Koch@bm.com

Dear Mr Haagsma,

We are analysing the US settlement in the Google case as a matter of utmost priority. As a first step, the copyright department in my directorate general launched a hearing and consultations on how this settlement affects European publishers and European authors. In this respect the new provisions on "commercial availability" in Europe, should they be integrated into a new settlement, will bring considerable progress for European rightholders.

But more needs to be done. The recent adjournment is an opportunity for European rightholders to demand a seat at the table and thus directly influence the course of reformulating the terms of the settlement.

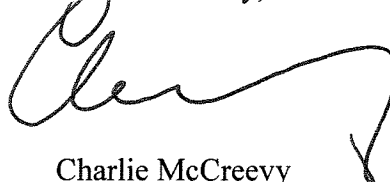
The adjournment of US proceedings does not mean that we will suspend our efforts to create a legal framework that will enable digitisation and mass-scale access to European library stock. Naturally, our aim is to organise this endeavour in perfect compliance with rules governing intellectual property.

We shall also continue to analyse the repercussions that a reformulated US settlement may have on competing digitisation initiatives that will have to co-exist with the Google Book Search programme. In this respect, we have presented the facts of this case to our colleagues in the competition department for their analysis.

Now that the current settlement is no longer in play, we shall report only preliminary findings to the Competitiveness Council in December 2009. Then, as a second step, it will be for Member States to decide on further political initiatives in this matter.

I have also written to Mr David Wood, ICOMP, Prof. Dr Gottfried Honnefelder, German Publishers' and Booksellers' Association, Ms Sylvie Fodor, CEPIC and Dr Wolfgang Sander-Beuermann, SuMa.

Yours sincerely,



Charlie McCreevy