

# What is the Internet Archive doing with our books?

National Writers Union (NWU.org)

Edward Hasbrouck, Co-Chair, Book Division

webinar first presented April 27, 2020;  
updated for May 5, 2020, presentation



# Is there a national emergency and a need for distance learning material? Yes!

“The COVID-19 pandemic has created a huge increase in demand for... materials for distance learning.... If authors were fairly compensated, most of us would be eager to participate in projects to digitize our backlists and distribute them to students for distance learning. But authors need to be involved in these projects, and we need to be fairly paid.”

(“We Need Federal Funding for Distance Learning, During the Pandemic — and After”, NWU blog, April 22, 2020)

# The Internet Archive

(Brewster Kahle, Founder)  
San Francisco, CA



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- “Based on some of the misinformation by the lobbyists on the other side, they’ve basically inflamed a bunch of authors.... The lobbyists on the other side... are paid a lot of money by some people to go and spread misinformation.”

(Brewster Kahle, Internet Archive, April 20, 2020)

- The NWU has no paid lobbyists. We are unpaid volunteers lobbying on behalf of ourselves and our fellow writers.
- Average annual compensation of the five highest-paid employees of the Internet Archive (2017 IRS Form 990): \$192,000
- Median annual writing-related income of full-time book authors: (2018 Authors’ Guild survey): \$20,300



# What is the Internet Archive doing with our books?

“National Emergency Library”?

“Controlled Digital Lending”?

These are neither accurate nor complete descriptions of the Internet Archive’s book scanning and distribution programs.

Rather than talking about what they say, let’s start by talking about what they do.



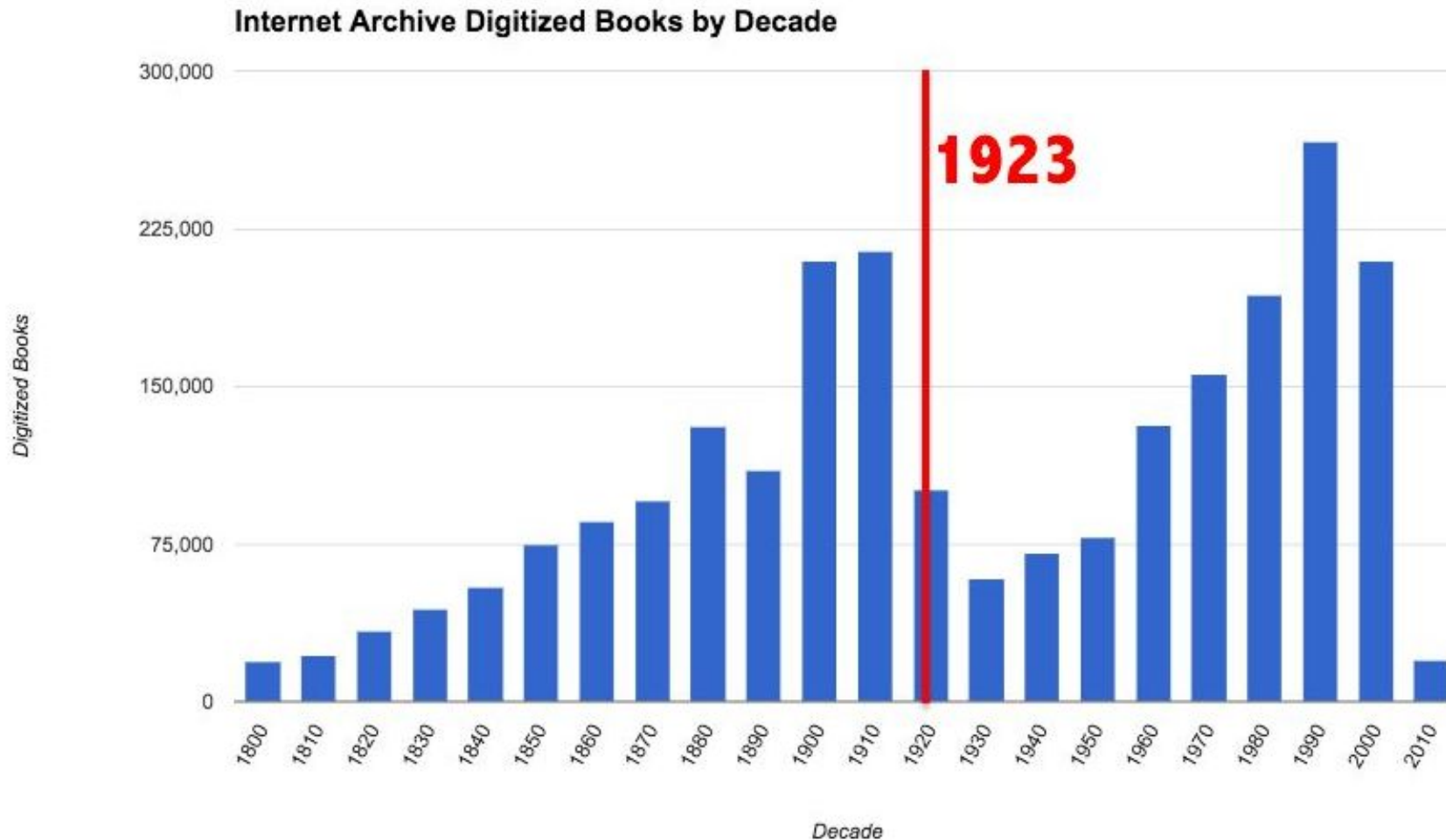


# The Internet Archive starts with printed books.

## Where do the books come from?

1. Library discards (Trent University, Ontario)
2. Closed libraries (Marygrove College, Detroit)
3. Donations of used books (through libraries, etc.)
4. “Sponsored” book purchases (“Scan On Demand”)
5. Library collections of printed books, later returned to library shelves (Phillips Academy Andover, MA)

Some books are out of copyright, but the largest percentage by decade were published in the 1990s:



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# What types of books are included?

- Old books
- New books
- Books that are in copyright
- Books that are available for sale in printed editions
- Books that are available for licensing as e-books
- Books that are available for licensing as audiobooks
- Books that are out of print but that include works that are available in other editions or formats
- Fiction, non-fiction, prose, poetry, journalism, etc.
- Art and photography books
- Books in many languages, published in many countries





# What happens to the books?

1. Packed in containers & shipped to scanning centers
2. Scanned (scanning centers in San Francisco; Hong Kong and Shenzhen, China; Cebu, Philippines; etc.)
3. Shipping containers filled with scanned books returned and warehoused (Richmond, CA; etc.)
4. Some scanned books returned to library shelves (Phillips Andover Academy, etc.)

# How some key words are used:

- When we refer to a “book”, we might mean a physical object, or we might mean the collection of words and images it contains. And we may speak colloquially of “borrowing” an e-book, even though “e-lending” is actually very different from lending or borrowing of physical books.
- So when the Internet Archive talks about “books”, it’s important to ask ourselves whether they are talking about the physical objects, or digital copies.
- And when they talk about “lending” or “borrowing”, it’s important to ask whether they are talking about actual lending or about “e-lending”.

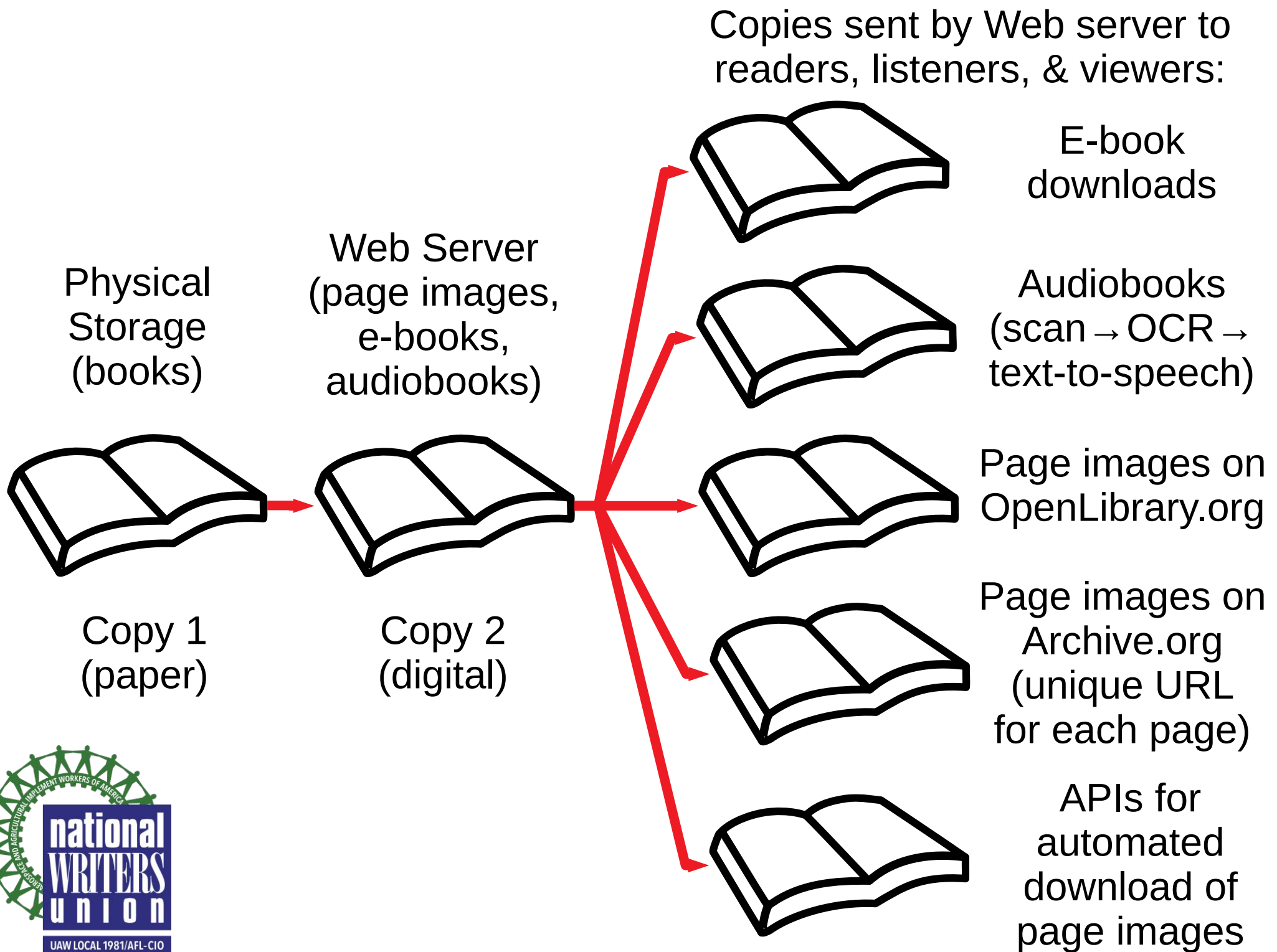


1. Books (physical objects )  $\neq$  e-books (digital files)
2. Books  $\neq$  works included in books (text, photos, etc.)
3. Lending of books  $\neq$  “e-lending” of e-books

The Internet Archive does not lend books.

The Internet Archive makes and distributes  
digital copies of works  
that have been included in books.

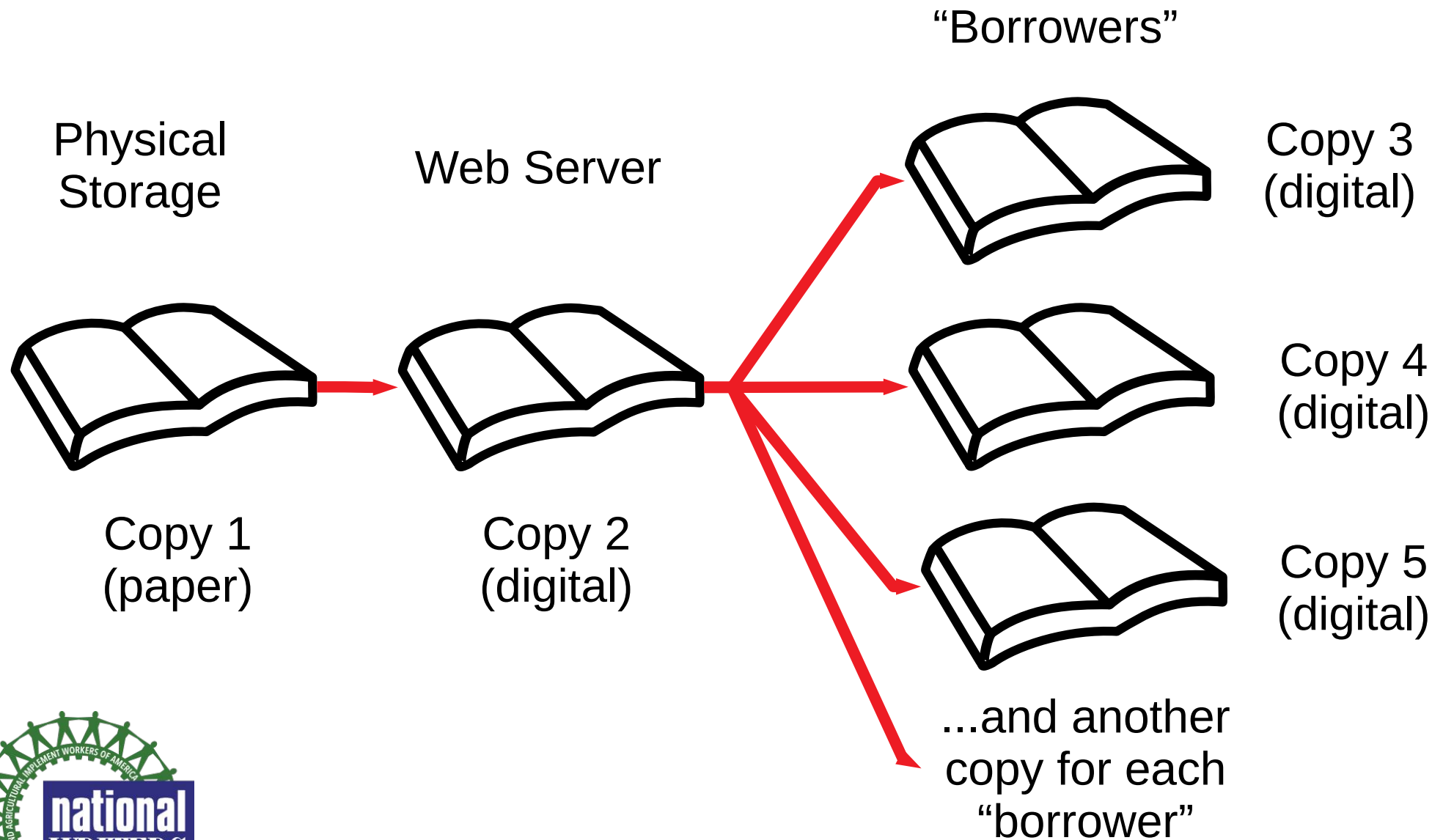




# How does the Internet Archive distribute images of pages of the books it scans?

1. Downloads via OpenLibrary.org of e-books assembled from page images
2. Audiobooks generated from page images
3. Viewing of page images on OpenLibrary.org
4. Viewing of page images on Archive.org
5. APIs for automated downloads of page images

# 1. Downloads via OpenLibrary.org of e-books assembled from page images:





# OpenLibrary.org

The screenshot shows the OpenLibrary.org website. At the top is the Internet Archive logo and a 'Donate' button. Below is the 'OPEN LIBRARY' header with navigation links: 'Browse', 'My Books', 'More', a search bar, 'Log In', and 'Sign Up'. A blue banner below the header reads: 'New Feature: You can now embed Open Library books on your website! Learn More'. Underneath is a 'Browse by Subject' section with icons and book counts for: Medicine (21,344 Books), Plays (1,490 Books), History (939,169 Books), Children (22,950 Books), Science Fiction (9,680 Books), and Textbooks (14,228 Books). Below this is a 'Classic Books' section featuring a carousel of book covers: Hippolytus, Hawthorne's Wonder Book, Shakespeare, Under Western Eyes, and Aurelii Augustini. Each book cover has a 'Read' button underneath it.

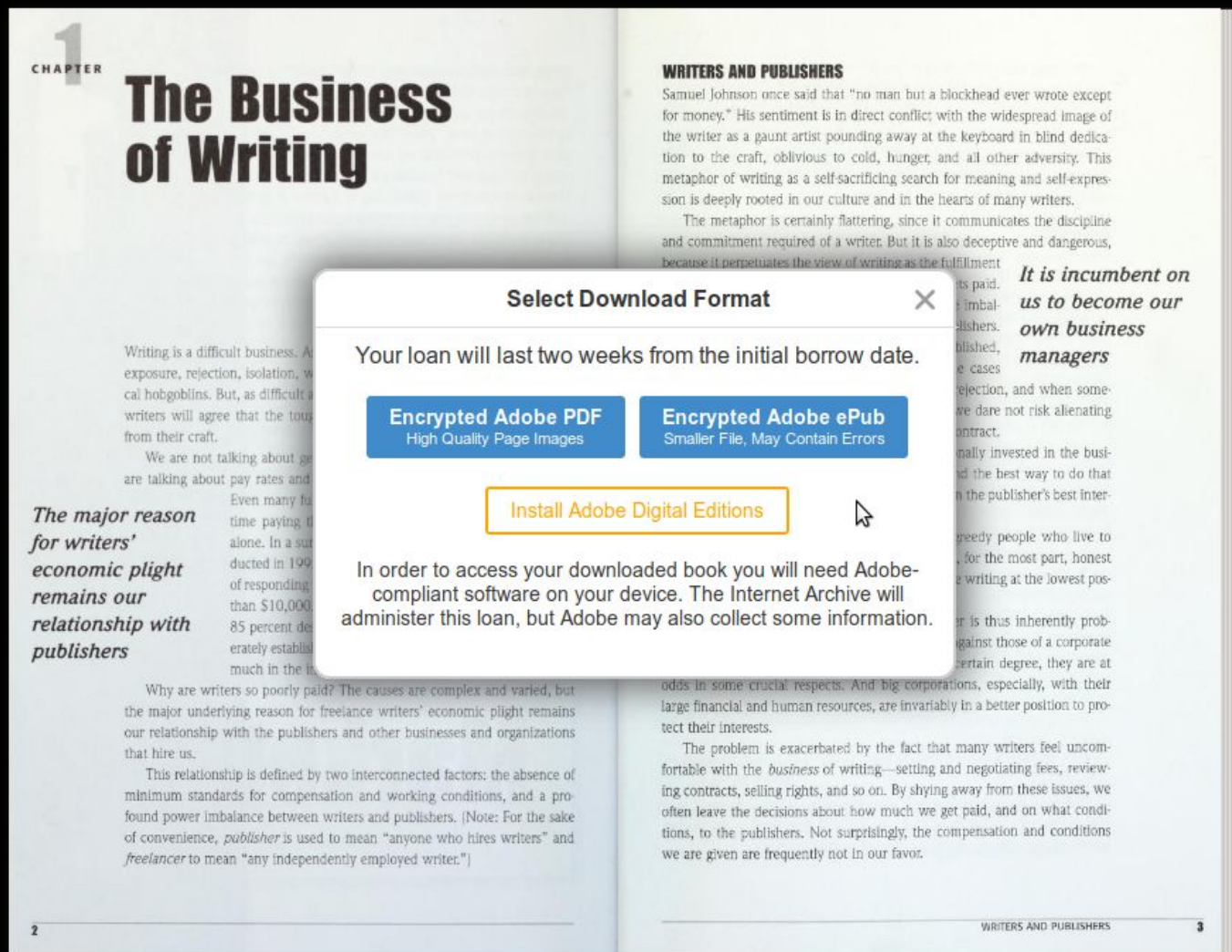
## [Books We Love](#)

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# This is what the Internet Archive calls “Controlled Digital Lending” (CDL)

Is this like lending of printed books, or authorized digital “e-lending” of e-books? No:

1. Lending of printed books does not require copying.
2. “E-lending” is a type of licensed copying. The copying required for “e-lending” is specifically authorized by the license.
3. CDL is a name for a type of unauthorized copying.





## Position Statement on Controlled Digital Lending

Last Updated September 2018

### Introduction

This Position Statement on Controlled Digital Lending by Libraries ("Statement") offers a good faith interpretation of U.S. copyright law for American libraries considering how to perform traditional lending functions using digital technology while preserving an appropriate balance between the public benefit of such lending and the protected interests of private rights holders. This Statement only applies to in-copyright works, as public domain works may be distributed without restriction. This Statement is not intended to describe the upper limits of the fair use or other rights of libraries, bind the signatories to any legal position, or constitute legal advice. **Because the following analysis is general, any library considering implementing controlled digital lending should consult a competent attorney to develop an appropriate program responsive to the specific needs of the institution and community.**

### Controlled Digital Lending ("CDL")

One of the most fundamental and socially beneficial functions of libraries is providing broad access to information by lending books and other materials to their

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# The White Paper in support of “Controlled Digital Lending” is fundamentally flawed:

1. There are many discrepancies between what it describes and what the Internet Archive is actually doing.
2. The authors of the White Paper claim to have a good-faith belief that authors’ incomes aren’t being affected. But they don’t appear to have any idea where our incomes actually come from, or to have made a good-faith attempt to find out – which would require that they ask authors.





# Controlled Digital Lending (CDL):

## An appeal to readers and librarians from the victims of CDL

February 2019





You are here: [Home](#) / [Book Division](#) / [Controlled Digital Lending \(CDL\)](#) / [FAQ on Controlled Digital Lending \(CDL\)](#)

## FAQ on Controlled Digital Lending (CDL)

([download as PDF](#))



### Book Division

[NWU-BOOK mailing list](#)

[Position Papers and Resources](#)

[Controlled Digital Lending \(CDL\)](#)

- [FAQ on Controlled Digital Lending \(CDL\)](#)
- [Appeal from the victims of Controlled Digital Lending \(CDL\)](#)



# An appeal to readers and librarians from the victims of Controlled Digital Lending (CDL):

“CDL is not a victimless crime. As the victims of CDL, we want librarians, archivists, and readers to understand how they are harming the authors of the books they love by participating in CDL projects, even if they have the best of intentions....


“We appeal for a dialogue among writers, authors, publishers, and librarians on how to enable and create the digital libraries we all want, in ways that fully respect authors’ rights.”



## 2. Audiobooks generated from page images (streamed from OpenLibrary.org)



**National Writers' Union freelance writers' guide**  
by National Writers Union (U.S.)  
1 edition - first published in 2000

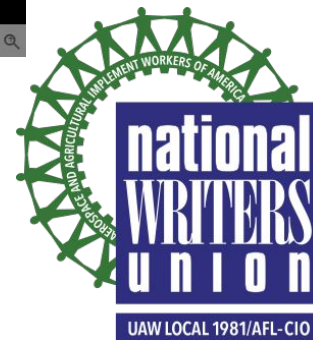
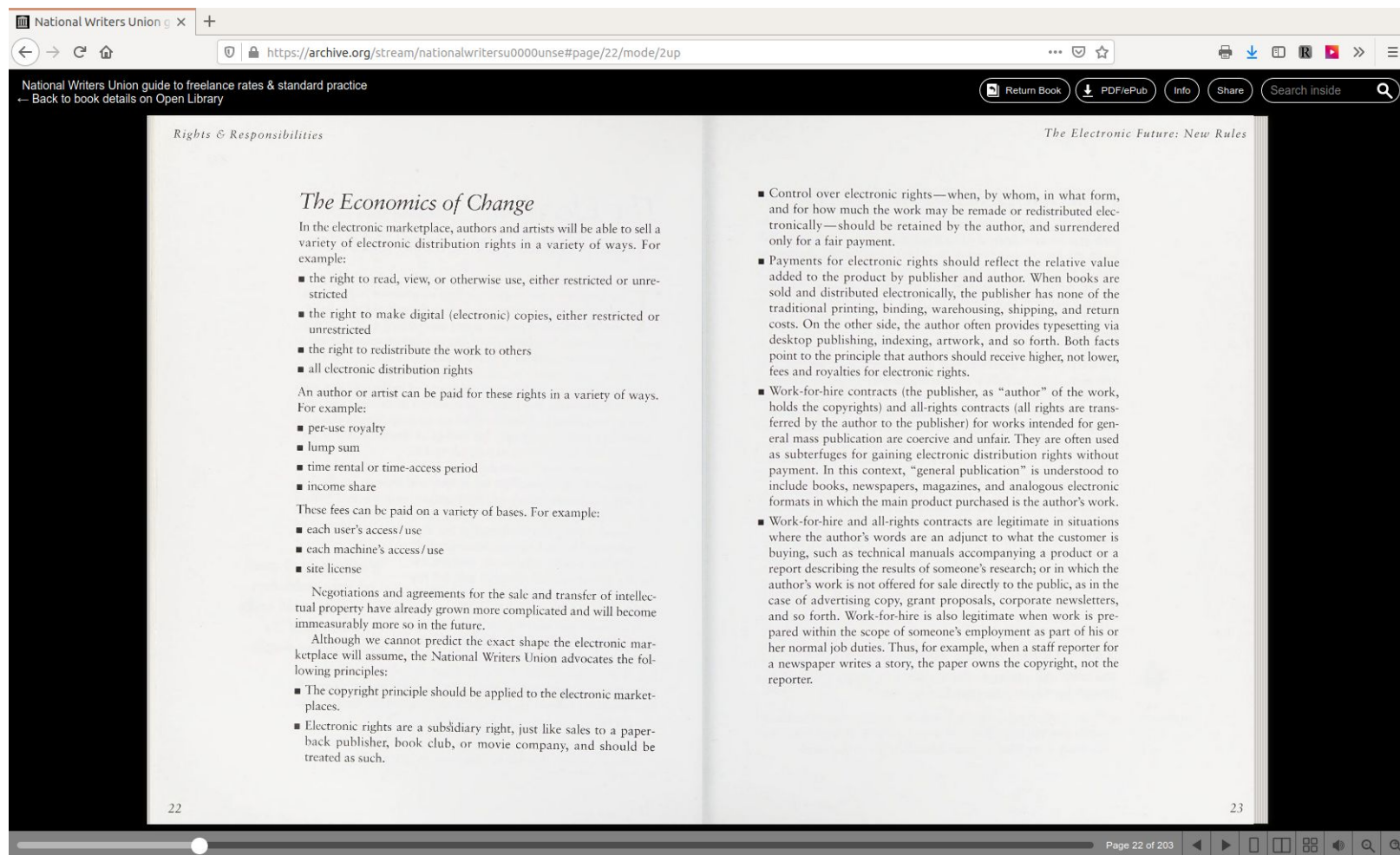
[Borrow](#) 

# The Internet Archive has given itself (i.e. has taken) a series of unpaid upgrades:

1. Printed book
2. Printed book + e-book (scanning)
3. Printed book + e-book + audiobook (OCR, text-to-speech)
4. Printed book + e-book + audiobook + “single-user” life-of-copyright e-book and audiobook e-lending license (“Controlled Digital Lending”)
5. Printed book + e-book + audiobook + unlimited-users e-book and audiobook e-lending license (“National Emergency Library”)

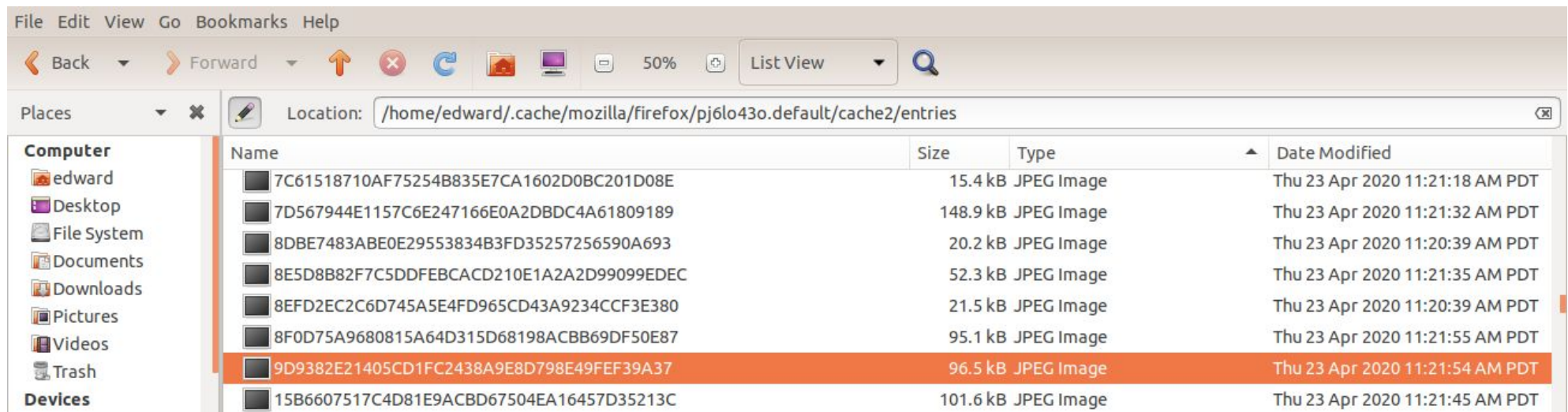


# 3. Viewing of page images on OpenLibrary.org





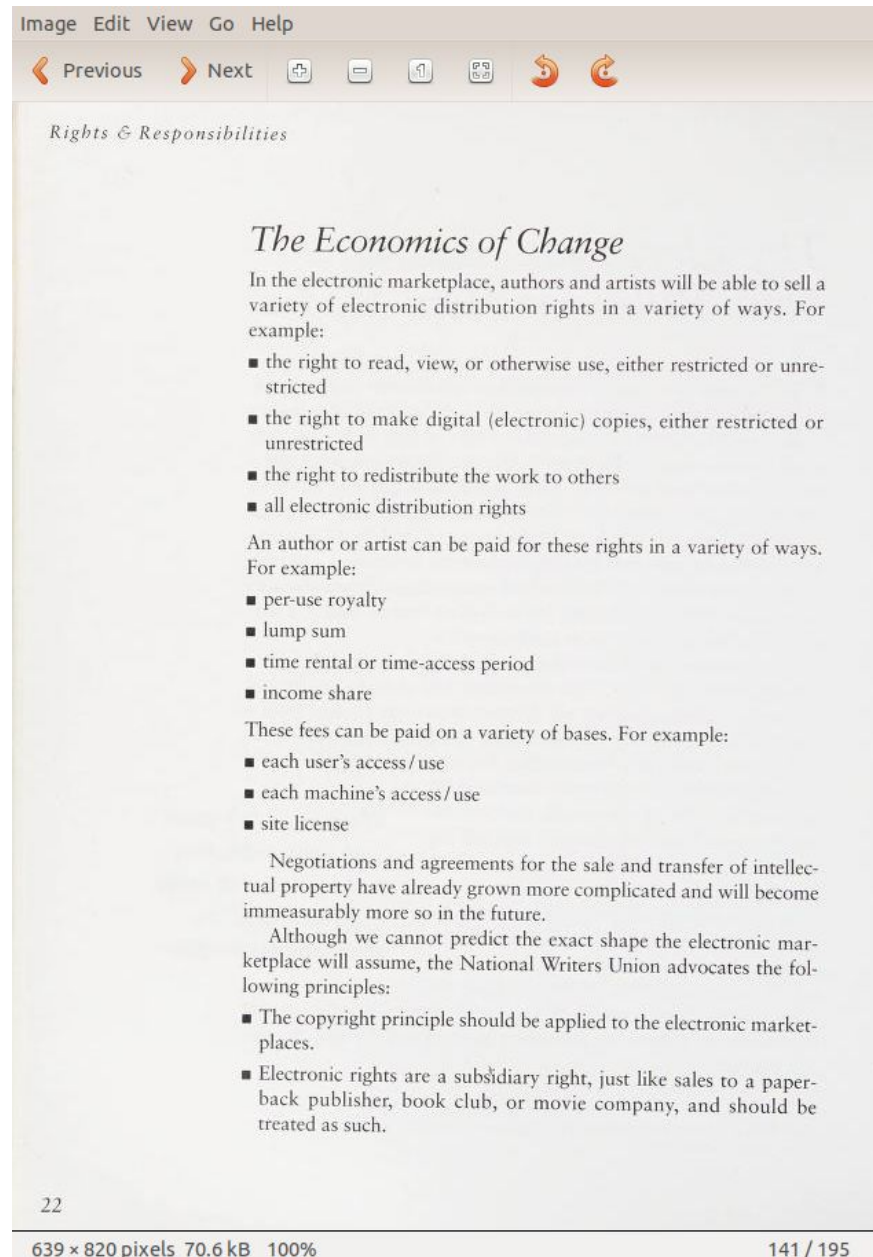
Page images (unencrypted JPG files) remain  
in the browser cache of each “borrower”  
after the e-book is “returned”:



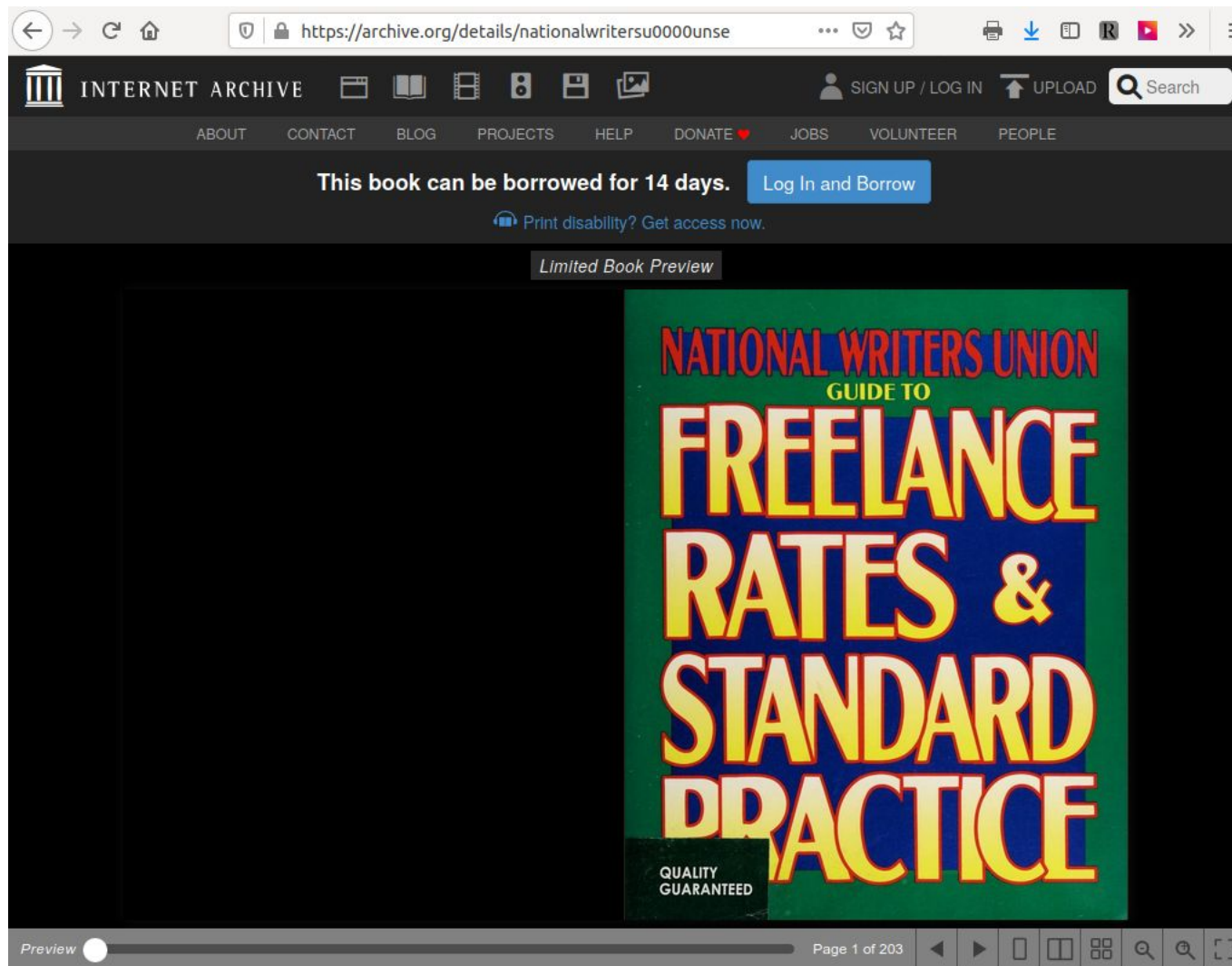
The screenshot shows the Firefox browser's cache directory. The address bar displays the location: `/home/edward/.cache/mozilla/firefox/pj6lo43o.default/cache2/entries`. The left sidebar shows the 'Places' menu with 'Computer' selected. The main pane displays a table of cached entries.


| Name                                     | Size     | Type       | Date Modified                   |
|--|----------|------------|---------------------------------|
| 7C61518710AF75254B835E7CA1602D0BC201D08E | 15.4 kB  | JPEG Image | Thu 23 Apr 2020 11:21:18 AM PDT |
| 7D567944E1157C6E247166E0A2DBDC4A61809189 | 148.9 kB | JPEG Image | Thu 23 Apr 2020 11:21:32 AM PDT |
| 8DBE7483ABE0E29553834B3FD35257256590A693 | 20.2 kB  | JPEG Image | Thu 23 Apr 2020 11:20:39 AM PDT |
| 8E5D8B82F7C5DDFEBCACD210E1A2A2D99099EDEC | 52.3 kB  | JPEG Image | Thu 23 Apr 2020 11:21:35 AM PDT |
| 8EFD2EC2C6D745A5E4FD965CD43A9234CCF3E380 | 21.5 kB  | JPEG Image | Thu 23 Apr 2020 11:20:39 AM PDT |
| 8F0D75A9680815A64D315D68198ACBB69DF50E87 | 95.1 kB  | JPEG Image | Thu 23 Apr 2020 11:21:55 AM PDT |
| 9D9382E21405CD1FC2438A9E8D798E49FEF39A37 | 96.5 kB  | JPEG Image | Thu 23 Apr 2020 11:21:54 AM PDT |
| 15B6607517C4D81E9ACBD67504EA16457D35213C | 101.6 kB | JPEG Image | Thu 23 Apr 2020 11:21:45 AM PDT |

# Each image file is retained by each reader after the e-book is “returned”:



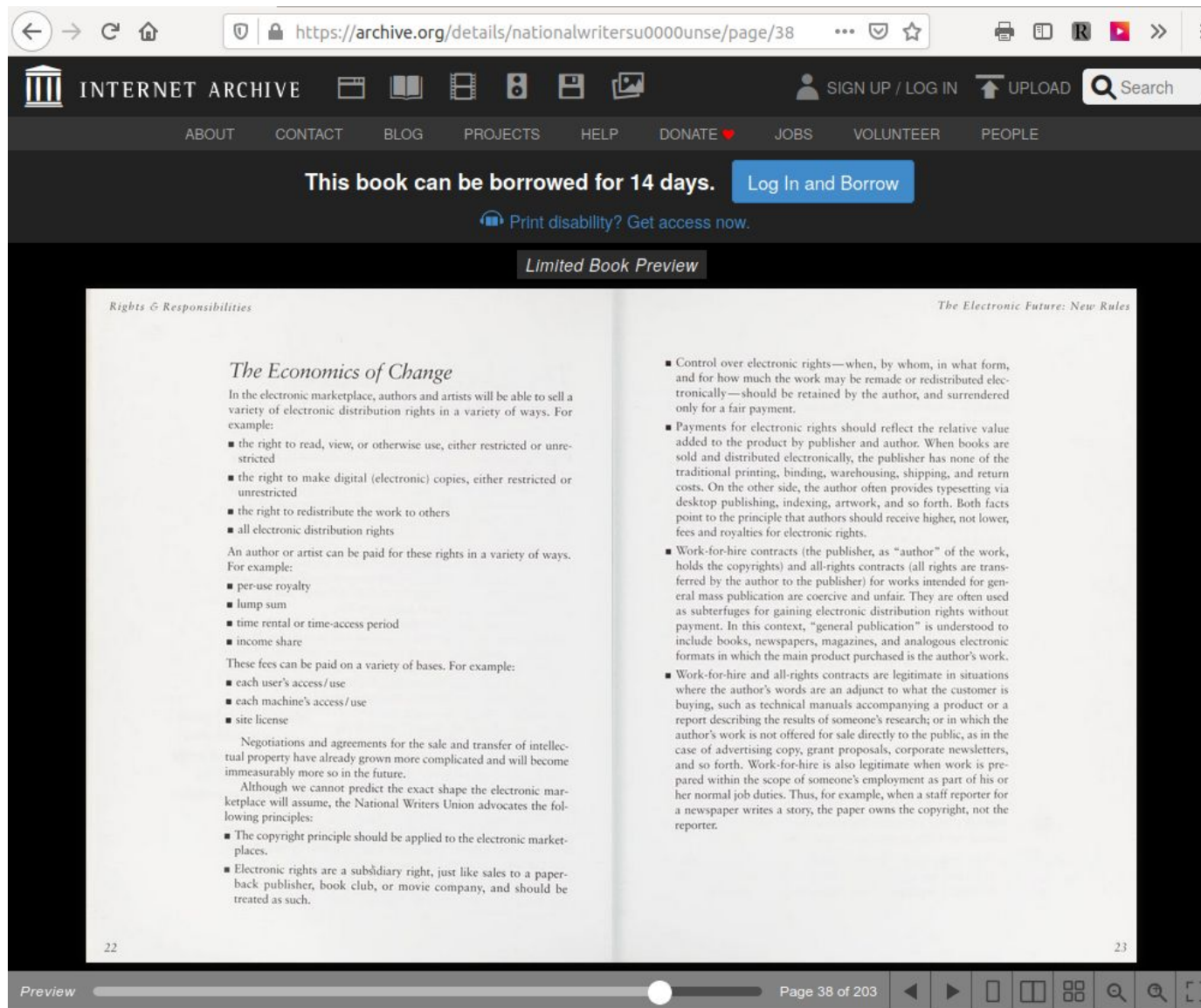
## 4. Viewing of page images on Archive.org



 National Writers Union guide to freelance rates & standard practice  
by None



# “One Web page for every page of every book”



National Writers Union guide to freelance rates & standard practice





# “One Web page for every page of every book” on Archive.org:

- No OpenLibrary.org or Archive.org account needed.
- No log-in or “borrowing” needed.
- Unencrypted JPG files of full-page images.
- No DRM or special software needed.
- No limit on number of simultaneous readers.
- Unique static URL on Archive.org for each page.
- Every page is included in “limited preview” (any page or pages can be viewed if you clear browser cookies).
- Includes all books on OpenLibrary.org, not just those in “National Emergency Library”.



“One Web page for every page of every book”  
is a feature, not a bug.

121. ^ Cohen & Taylor 2000, p. 347.  
122. ^ Cohen & Taylor 2000, p. 416.  
123. ^ Fairclough, Adam (1987). *To Redeem the Soul of America: The Southern Christian Leadership Conference & Martin Luther King Jr.* University of Georgia Press, p. 299. ISBN 0-8203-2346-2. [Read on Archive.org]

Limited Book Preview

299 Defeat in Chicago

many persons and perhaps even loss of life." The leader he added, had a "serious moral obligation" to consider marches; "with a heavy heart," he urged them so to do CFM supporter, Robert Johnson of the United Auto Workers changed his mind. In March, he had vowed that "the Union thing all the way." But on August 11, Johnson joined others in meeting Daley and then endorsing Cody's plea.<sup>43</sup>

This sudden hemorrhage of white support caused age within the CFM, but it failed to stop the marches. The Board affirmed that "those who would express their conviction through nonviolent demonstrations must be protected. Mississippi, Young wired Cody that a pause would be considered, however, Bevel and Raby rejected Cody's appeal. "Archbishop . . . not to abandon us now," Raby urged. Bevel castigated Cody for deserting the movement: "When the Daley sticks up his liberal bishop to say, 'You've gone far. Well, we've got news for the man. If the bishop doesn't agree to speak up for Christ, let him join the devil.'" The bishop made his statement, Bevel led five hundred marches the Loop, stopping outside the office of the Chicago Recorder. Two days later, Bevel, Jackson, and Raby took seven hundred half of them white, into Bogan. When local reaction was expected, they decided to hold simultaneous marches in Park, and Jefferson Park on August 14. No date had been Cicero march, but the tactic of multiple marches, which police to the limit, served equally well. About one thousand took part in Sunday's triple protest. Although they were usual barrage of bricks and bottles, the most serious

Preview

Some pages are omitted from this book preview.

Page 299 of 504

(Example from Internet Archive blog of how URLs for individual pages of books are intended to be used.)





## Citing Open Library on Wikipedia

### WP:BOOKLINKS

Books that are readable on Open Library can be cited directly by page. We have over one million free ebooks.

<http://en.wikipedia.org/wiki/Wikipedia:BOOKLINKS>



<https://archive.org/stream/taleofbenjaminbu00pottuoft#page/26/mode/2up>

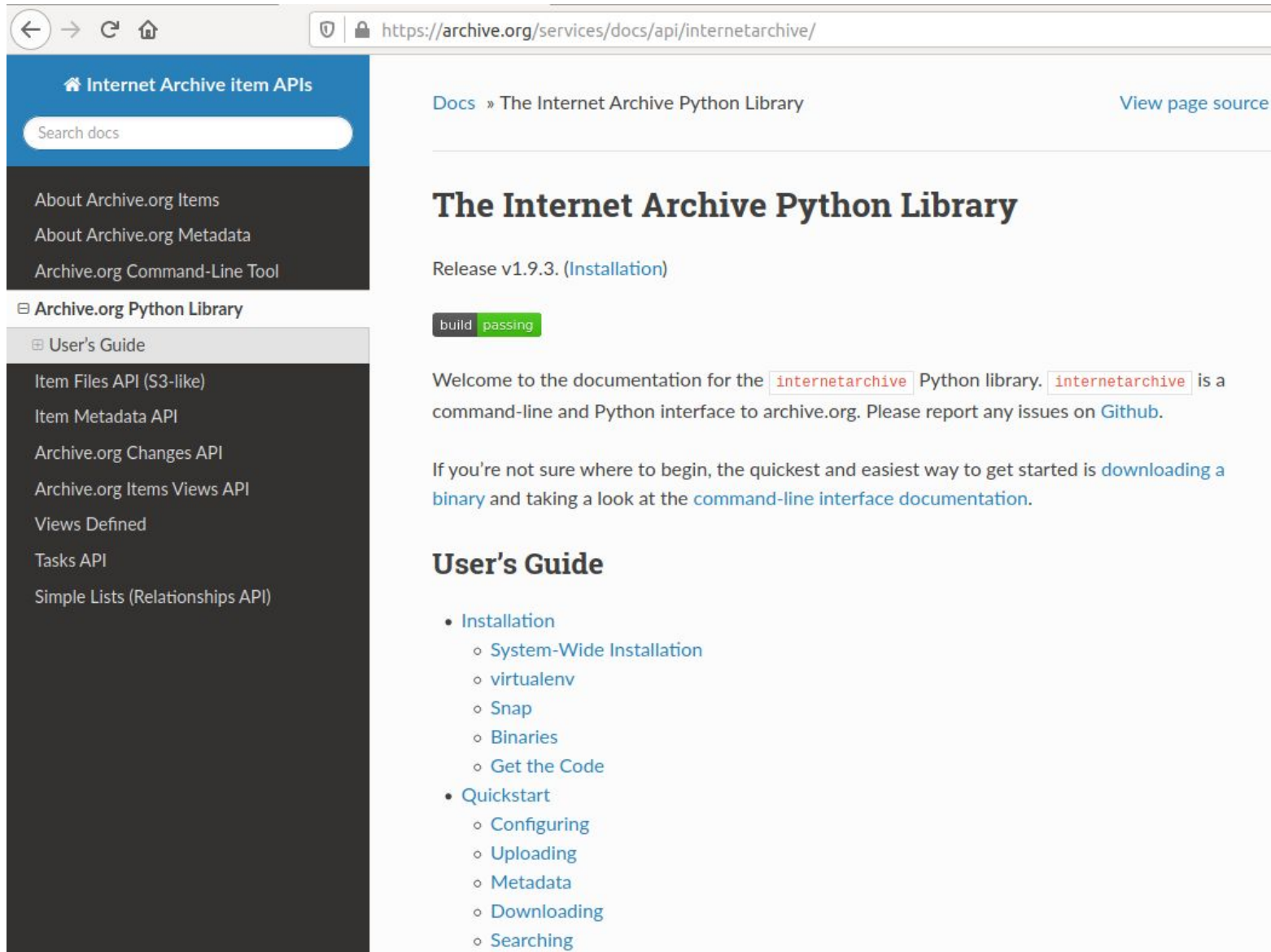
OpenLibrary.org  
"One web page for every book"



A single page of a book, or a few pages, can contain an entire “work”, such as:

- Photographs
- Illustrations
- Poetry
- Flash fiction
- News articles
- Columns and essays
- Etc.

# 5. Application Programming Interfaces (APIs) for automated downloads of page images



The screenshot shows a web browser window with the URL <https://archive.org/services/docs/api/internetarchive/>. The page is titled "The Internet Archive Python Library" and is part of the "Docs » The Internet Archive Python Library" section. A "View page source" link is visible in the top right. The left sidebar contains a search bar and a list of links: "About Archive.org Items", "About Archive.org Metadata", "Archive.org Command-Line Tool", "Archive.org Python Library", "User's Guide", "Item Files API (S3-like)", "Item Metadata API", "Archive.org Changes API", "Archive.org Items Views API", "Views Defined", "Tasks API", and "Simple Lists (Relationships API)". The main content area features a "Release v1.9.3. (Installation)" section with a "build passing" status. The text welcomes users to the documentation for the "internetarchive" Python library, describing it as a command-line and Python interface to archive.org, and encourages reporting issues on GitHub. It also provides guidance on getting started by downloading a binary and consulting the command-line interface documentation. Below this is a "User's Guide" section with a bulleted list of topics: Installation (System-Wide Installation, virtualenv, Snap, Binaries, Get the Code), Quickstart (Configuring, Uploading, Metadata, Downloading, Searching), and a "national WRITERS union" logo with the text "UAW LOCAL 1981/AFL-CIO".

Internet Archive item APIs

Search docs

About Archive.org Items

About Archive.org Metadata

Archive.org Command-Line Tool

Archive.org Python Library

User's Guide

Item Files API (S3-like)

Item Metadata API

Archive.org Changes API

Archive.org Items Views API

Views Defined

Tasks API

Simple Lists (Relationships API)

Docs » The Internet Archive Python Library [View page source](#)

## The Internet Archive Python Library

Release v1.9.3. ([Installation](#))


build passing

Welcome to the documentation for the `internetarchive` Python library. `internetarchive` is a command-line and Python interface to archive.org. Please report any issues on [Github](#).

If you're not sure where to begin, the quickest and easiest way to get started is [downloading a binary](#) and taking a look at the [command-line interface documentation](#).

## User's Guide

- [Installation](#)
  - [System-Wide Installation](#)
  - [virtualenv](#)
  - [Snap](#)
  - [Binaries](#)
  - [Get the Code](#)
- [Quickstart](#)
  - [Configuring](#)
  - [Uploading](#)
  - [Metadata](#)
  - [Downloading](#)
  - [Searching](#)



national WRITERS union

UAW LOCAL 1981/AFL-CIO

Programmers can use these APIs to automate downloads of images of book pages.

https://github.com/internetarchive/openlibrary/wiki/Getting-Started

Why GitHub? Team Enterprise Explore Marketplace Pricing Search

internetarchive / openlibrary Watch 123

Code Issues 488 Pull requests 39 Actions Projects 11 Wiki Security 0

## Getting Started

Jon Robson edited this page on Dec 13, 2019 · 32 revisions

## Quick Start for OpenLibrary's developers

### Table of Contents

- Using the Open Library Website
  - Logging In (As Admin)
  - Admin Interface
  - Testing the site with different users
  - Lending & Borrowing
  - Configuration




# What can programmers do with these APIs?

← → ↺ 🏠 🔒 https://programminghistorian.org/en/lessons/extracting-illustrated-page 📄 ⋮ 📄 ⭐ 🖨️ 📄 📄

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**The Programming Historian** ABOUT ▾ CONTRIBUTE ▾ LESSONS BLOG EN



SALS-  
conventional  
theodolites,  
etc and obj:  
highest Award  
for Instruments,  
Edinburgh  
Exhibition,  
1854.

GOL  
Jesse  
Exhib:  
1854;  
GOL  
Medal  
Exhib:  
1854.

## Extracting Illustrated Pages from Digital Libraries with Python

Stephen Krewson

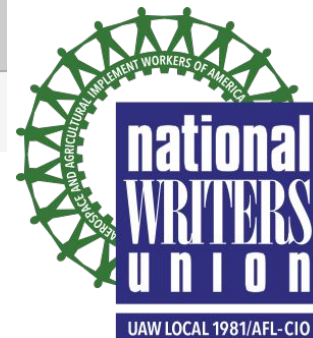
Machine learning and API extensions by HathiTrust and Internet Archive are making it easier to extract page regions of visual interest from digitized volumes. This lesson shows how to efficiently extract those regions and, in doing so, prompt new, visual research questions.

👤 Peer-reviewed    📄 CC-BY 4.0    🛠️ Support PH

EDITED BY  
Anandi Silva Knuppel

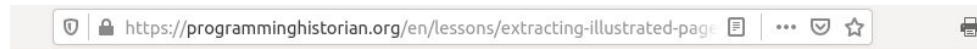
REVIEWED BY  
Catherine DeRose  
Taylor Arnold

PUBLISHED 2019-01-14      MODIFIED 2020-01-31      DIFFICULTY Medium





# This program identifies and downloads images of pages with illustrations.



## Internet Archive

### API Access

We connect to the Python API library using an Archive.org account email and password rather than API tokens. This is discussed in the [Quickstart Guide](#). If you do not have an account, [register](#) for your "Virtual Library Card."

In the first cell of the `internetarchive.ipynb` notebook, enter your credentials as directed. Run the cell to authenticate to the API.

### Create Volume List

The IA Python library allows you to submit query strings and receive a list of matching key-value pairs where the word "identifier" is the key and the actual identifier is the value. The syntax for a query is explained on the [Advanced Search page](#) for IA. You can specify parameters by using a keyword like "date" or "mediatype" followed by a colon and the value you want to assign that parameter. For instance, I only want results that are *texts* (as opposed to video, etc.). Make sure the parameters and options you are trying to use are supported by IA's search functionality. Otherwise you may get missing or weird results and not know why.

In the notebook, I generate a list of IA ids with the following code:

```
# sample search (should yield two results)
query = "peter parley date:[1825 TO 1830] mediatype:texts"
vol_ids = [result['identifier'] for result in ia.search_items(query)]
```

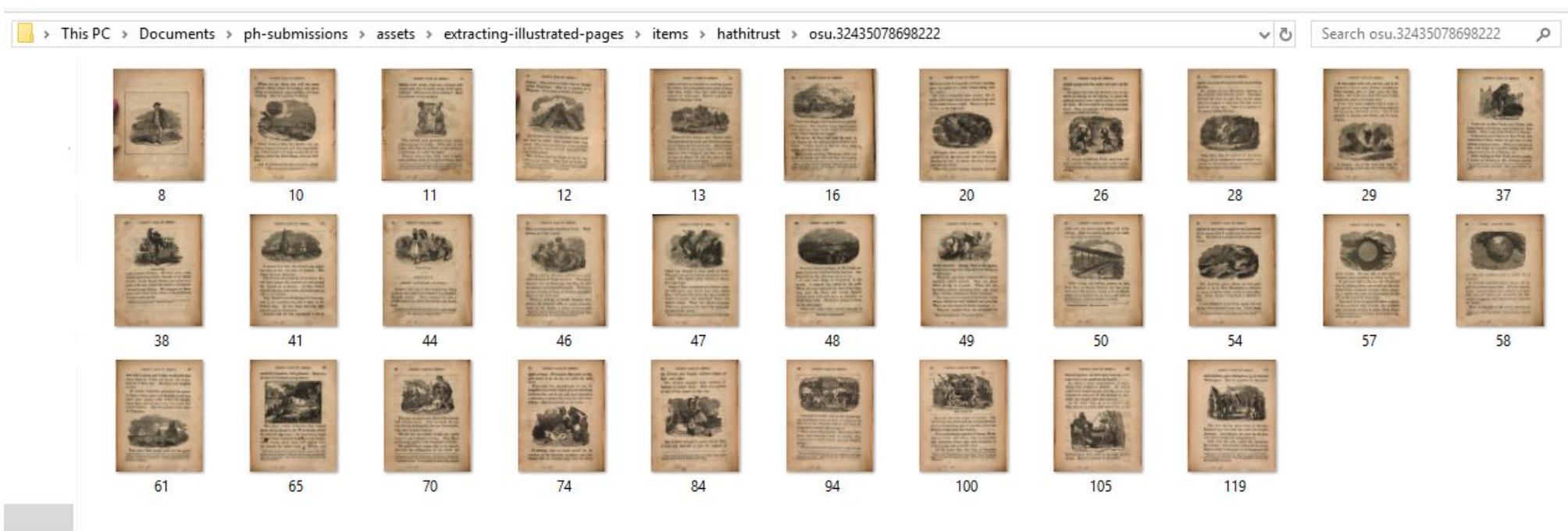
### Visual Feature: Picture Blocks

Internet Archive does not release any page-level features. Instead, it makes a number of raw files from the digitization process available to users. The most important of these for our purposes is the Abbyy XML file. Abbyy is a Russian company whose FineReader software dominates the OCR market.

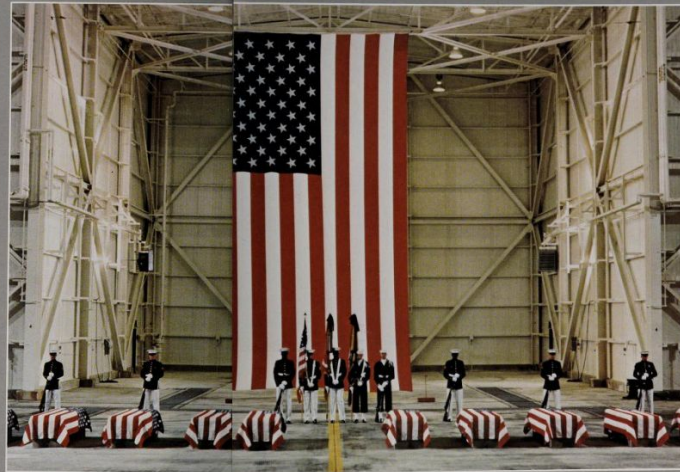
All recent versions of FineReader produce an [XML document](#) that associates different "blocks" with each page in the scanned document. The most common type of block is `Text` but there are `Picture` blocks as well. Here is an example block taken from an IA Abbyy XML file. The top-left ("t" and "l") and bottom-right ("b" and "r") corners are enough to identify the rectangular block region.







(Example of images of pages with illustrations, automatically identified and downloaded. This example uses books scanned for Hathi Trust, but the article includes code to do the same thing with Archive.org.)



## The best of Photojournalism/9

An annual based on the 41st Pictures of the Year competition  
sponsored by the National Press Photographers Association and the  
University of Missouri School of Journalism

Page 2 Click to switch to "Workspace 3"

Prize-winning photos like those included in this book scanned by the Internet Archive may be the crown jewels of a photographer's portfolio, included in many publications and generating licensing revenue year after year.

## Some patterns in the ways the Internet Archive distributes images of pages of the books it scans:

- None of these five distribution modes involve “lending”. They don’t send out the printed book, or the master digital copy. They make a new digital copy for each reader.
- Only the first one of these five distribution modes (e-books) fits the Internet Archive’s descriptions of “Controlled Digital Lending” and the “National Emergency Library”.
- Only the first two of these five distribution modes (e-books and audiobooks) are similar (except that libraries pay, and the Internet Archive doesn’t pay), to licensed “e-lending”.

# Is any of this legal?

## Are authors' incomes being harmed?

These two questions depend on many of the same facts, because one of the factors that determines whether unauthorized copying is “fair use” is the effect of the copying on the market(s) for, and value of, the work.

This is a factual question that must be answered before even the best lawyer can apply the legal tests for fair use.

Many of the ways authors monetize rights to our backlists are invisible to lawyers, librarians, and publishers. The only way to get the facts needed to assess a fair use claim is to ask authors about our income sources.



# Is this “fair use” under U.S. law?

“In determining whether the use made of a work  
in any particular case is a fair use  
the factors to be considered shall include —

(4) the effect of the use upon the potential market for  
or value of the copyrighted work.”

(U.S. Copyright Act, 17 U.S. Code § 107)

# Can this be permitted under international law?

“It shall be a matter for legislation ... to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.”

(Berne Convention on Copyright, Article 9)



# What are the markets for works included in books?

The only market considered by the supporters of  
“Controlled Digital Lending” is the sale of books:

“The final fair use factor looks at the market effect.... For CDL [“Controlled Digital Lending”], the arguable negative impact is the loss of sales [of books] due to lending as a substitution.”

## Markets for works included in books:

- Sales of physical books
- Licensing of e-books and audiobooks
- Licensing by syndication and stock photo agencies, etc.
- Subscriptions to Kindle Unlimited (“Netflix for e-books”)
- Downloadable digital “offprints” and excerpts
- Web sites (advertising, subscriptions, syndication fees, etc.)
- Smartphone/tablet apps (sales, in-app advertising, etc.)
- E-mail newsletters (subscriptions, advertising, etc.)
- Licensing for use in film, TV, electronic games, etc.
- Etc.



Authorized Web pages and sites through which written and graphic works that have been included in printed books are available include:

- Authors' own websites
- Other websites to which content has been licensed
- Websites for distributors of e-books, audiobooks, and other paid downloads
- Websites of stock photo licensing agencies, article syndication services, and other reproduction rights organizations (licensing agencies).



# How much damage is being done?

- For works available in authorized e-books or audiobooks, the damage is at least equal to the number of times the unauthorized e-books or audiobooks are “borrowed” times the average cost per reader of an “e-lending” license.
- For works available through authorized Web sites, clicks are money. Page views can be monetized in many ways. Clickstream diversion deprives legitimate sites of revenues even if the pirate site is operated by a nonprofit entity and distributes copies for free. The damage to authors’ incomes from distribution of Web pages with unauthorized images scanned from books is at least equal to the number of such page views times the average value of a page view.



# How does this relate to the pandemic?

Online sales are unlikely to make up for the reduction in sales of printed books through closed bookstores.

More people are reading online, however, and are searching online for reading material. Links from library catalogs to OpenLibrary.org rather than to authorized “e-lending”, and links to images of pages of books on Archive.org rather than to legitimate Web pages where these works can be found, are directly diverting some of the readers and Web traffic that would otherwise give authors our best chance to make up, at least in part, for the reduction in our incomes from book sales.

# What do we want?

1. Dialogue between authors (writers, photographers, illustrators, etc.) and the Internet Archive and its partners and defenders.
2. Engagement with the specific issues we have raised.
3. Dialogue with librarians about how to create digital libraries and help readers find existing digital versions of our works, while respecting authors' rights.
4. Participation in planning of digital libraries and in library acquisition strategies, as authors hold many of the rights and much of the metadata that libraries want.
5. Federal funding for fair pay for digital library use of our work, through licensing and/or a public lending right (PLR).
6. To speak for ourselves. Neither publishers nor well-meaning “allies” are adequate proxies for authors' own voices.





# More about library book-scanning:

- [NWU.org/book-division/cdl](http://NWU.org/book-division/cdl)
- [OpenLibrary.org](http://OpenLibrary.org)
- [OpenLibraries.online](http://OpenLibraries.online)
- [LibraryLeadersForum.org](http://LibraryLeadersForum.org)
- [ControlledDigitalLending.org](http://ControlledDigitalLending.org)
- [Archive.org](http://Archive.org)



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