

GUIDE TO ONLINE BOOK PIRACY

May 2019



“Online piracy of books, music, and other expressions of the human spirit needs to be properly understood: it’s an offence against moral justice. It’s the very opposite of freedom of speech, because it acts to prevent those who create beauty, knowledge, consolation or delight from earning even a modest living from their efforts. The law of copyright is one of the bastions of civilized living, but the acid rain of online piracy is slowly dissolving something we thought was set in stone. Surely it should be a fundamental duty of any decent government to defend the rights of those who help to create what civilization is.”

Sir Philip Pullman

In recent years there has been a growth in book piracy websites, allowing users to download pirated copies of e-books for free, without obtaining permission from or paying the author, constituting a direct infringement of copyright.

In the digital age, electronic files can be created and shared widely with ease. Pirated files are usually unlawfully copied files of e-books, but they can also be scanned copies of physical books. Research by the Intellectual Property Office in 2017 found that 17% of e-books read online were pirated - around four million books.

Why does this matter?

Authors are not asked for permission before their work appears on these sites, and they do not receive any royalties. Free downloads can compete with legitimate sales, which has the potential to cause serious damage to the book market. Reduced sales hit authors’ incomes and can harm their long-term career prospects by giving a false impression of the desirability of their work: your publisher may not commission your next book if the last one didn’t sell. A survey carried out by the Authors’ Licensing and Collecting Society (ALCS) in 2018 found that the median earnings of a UK author from their writing was just £10,500 per annum. If authors can no longer earn a living from their writing, the supply of writing will inevitably diminish. For these reasons, book piracy is harmful to authors, publishers, booksellers and readers alike.

Copyright is founded on the principle that authors own the right to their intellectual creations and can determine whether, and under what conditions, their works may be used by others. Copyright law enables authors to monetise their work, underpinning the publishing and creative industries as a whole. Copying an author’s work without consent, offering it for sale and downloading it are all copyright infringements.

As well as competing with book sales, piracy also competes with borrowing from bona fide UK libraries. In the UK, libraries buy licences for the e-books they loan out, and authors are also compensated by Public Lending Right, which affords them a small payment (around 8.5 pence) every time a book is loaned from a library. These payments are of significant value to authors. In contrast, piracy sites (even those that claim that they are libraries or analogous to libraries) pay nothing at all to the creator.

Open Library

Some piracy sites, like Open Library, wrongly claim that their practice is legal, calling it 'Controlled Digital Lending'. Open Library scans copies of physical books and makes them available for loan as e-books all

over the world. Many of these books have been handed over to Open Library by lending libraries in the US.

Open Library claims that this practice is lawful in the US under the doctrine of 'fair use', a claim that is simply wrong. [This article from the Authors Guild](#) (our US sister organisation) explains more.

The practice is unquestionably unlawful in the UK, where the fair use exception does not exist. However, that has not stopped Open Library and other US sites

“What all these people who are used to having their music or their books for free don't realise is that there will be an end to creativity if there is no reward to it. There'll be no new music. No new writing. No new ideas or expressions of ideas. And piracy only helps hasten that dreary day.”

Joanna Trollope

from making their pirated books available for download in the UK.

Other piracy sites

There are many other piracy sites that can be easily found online. Most book piracy sites make free e-books available for permanent download, and do not attempt to justify the practice in the way that Open Library does. Some pay lip service to copyright by saying that people should not upload copyright works. All are flagrantly infringing copyright, and the author receives nothing for these free downloads.

There have been successes in recent years in getting some of them closed down, but others have sprung up in their place. It is common for piracy sites to be taken offline for a brief period and then to return under a different name or with a different domain name.

Phishing sites

Many websites purporting to provide books for free are in fact phishing sites. They don't have copies of the books they claim to and are simply out to get your details. Phishing is an attempt to collect information like usernames, passwords, social security and credit card numbers, or even to launch malware on your computer.

It can be difficult to tell whether one of these sites is offering pirated downloads or whether it is a phishing site. Phishing sites attempt to look the same as the pirate sites, for example by displaying the front cover of your book and even giving you the option of reading sample pages. **You should never sign up for an account or hand over any personal information on these sites.** If you are unsure about whether a site has been set up for piracy or for phishing purposes, please contact the Society of

Authors for advice. It is particularly important that you do this before submitting takedown notices, which does require giving over some personal information (see below).

How can you find out if your work is on a piracy site?

If you are concerned about your books being pirated, you should set up Google Alerts for your name and a unique line of words from each book. This way you'll find out early on whether your books are being pirated and will be able to take action immediately. You can also use the [Google Copyright Infringement Reporting Tool](#) to request that the infringing site be removed from their search results.

What should you do if your work appears on a piracy site?

There are steps authors and publishers can take to prevent pirated copies of their work from appearing online.

If you have a publisher, they will often have the rights to act on copyright infringement. You should therefore report the matter to your publisher and ask that they submit the takedown request themselves or report the infringement via the Publishers Association's (PA) [copyright infringement portal](#). The PA will then send takedown notices and monitor the sites to establish whether the infringing items have been removed. This reduces publishers' time spent on manual searches, the costs associated with completing appropriate legal checks, and the effort spent on collating compliance results for the rights holder. Do chase up your publisher – ask them to confirm what action they have taken and let you know of the result.

If the relevant rights are controlled by you (because your publishing contract has terminated, or you are self-published), you can send a takedown notice to the offending site yourself. Rights holders can request that their work is taken down by sending a takedown notice (also known as a DMCA notice, a reference to the US Digital Millennium Copyright Act) to the relevant website. Some piracy sites do not comply with the notice and takedown process, but some do.

Even if you are a published author, you can still send a takedown notice in addition to that sent by your publisher, which may increase the chances of your work being taken down.

You should email the website using the contact details provided on the site. Your email should be headed 'takedown request' and should include your name and contact details, the URL of the offending material, full details of that material, and an explanation as to why you believe it to be an infringement of your rights.

“In a world in which most authors earn less than a living wage, book piracy threatens authors' livelihoods, as well as threatening diversity, small publishers and libraries and limiting choice for readers.”

Joanne Harris

This is clearly not an acceptable solution to the problem of book piracy in the long term. It shouldn't be the responsibility of authors and publishers to politely ask for their copyright not to be infringed. But in the absence of a straightforward means of getting these sites removed altogether, it is worth pursuing the DMCA route to minimise the availability of your material online for free.

Please do keep the SoA informed of the response you receive when you submit takedown notices or report infringement through your publisher. And please alert us if you come across new piracy sites. It all helps to strengthen the advice and support we can provide to members.

Third party services

If you are self-published, your publisher does not respond promptly to your requests to act, or if the sheer number of sites listing your work would make sending DMCA requests a full-time job – there are third party services that can help. However, you should decide whether the cost justifies the likely benefit or increased royalties.

“This will seriously affect both young authors just starting out and writers whose careers are nearing their end.”

Gillian Reynolds

One of these services is Blasty (www.blasty.com) which will monitor all of your titles, identify potential copyright infringement, send DMCA submissions, submit removal notices on links to search engines including Google and Bing, and track the outcome of these requests so you can see which have been successful. This automated service costs from around £10 per month, and SoA members are eligible for a 25% discount on this fee ([sign in to the member area](#) of our website for more details). There are others and you should consider for yourself whether it is worth your while to sign up.

Public opinion

Remember that the damage is done by people who read your work without paying – so you can make a very powerful appeal to your readers explaining why book piracy is wrong and encouraging them to buy your books or borrow them from libraries. The [Buying Choices](#) page on our website explains more.

What group legal action can be taken to stop book piracy?

There is no simple legal mechanism for getting piracy websites shut down. At present, the main option that UK rights holders have to try to block piracy sites is to take Section 97A action (a reference to Section 97A of the Copyright, Designs and Patents Act) against Internet Service Providers (ISPs) such as BT, Virgin Media and Sky. This would force them to block access to infringing sites in the UK.

In 2015 the Publishers Association, with the support of the Association of American Publishers, made a successful application to the High Court that resulted in a blocking order being applied to seven substantial pirate websites (all based outside the UK). The High Court ruling meant that ISPs had to

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block customer access to certain pirate sites, and Google was asked to remove from its search results over 1.75 million URLs which linked to copyright-protected material on those sites.

But this process is expensive and cumbersome, and it only results in the site being made inaccessible in the UK. It does not prevent the copyright of British authors being infringed in other countries. It also means that we can no longer search these sites to ascertain which books are being pirated, and therefore prevents us from submitting takedown notices to tackle the infringement.

The Government's [Creative Industries Sector Deal](#) acknowledges the importance of tackling online piracy (see pages 47/48), and commits to developing codes of practice or legislation. We would like to see more progress on these commitments. We would particularly like to see measures which enable swift and comprehensive action to be taken against serial offenders. We are urging the Government to do more to combat piracy. [In April 2019, members of the SoA Council wrote to the Business Secretary, Greg Clark, urging him to take action on online book piracy.](#)

What action is the SoA taking?

Members often ask us what action the SoA is taking on book piracy. In response to recent concerns around Open Library, Ebook Bike and others, we have taken the following action:

- We have written to Open Library, urging them to cease their practices which infringe the copyright of authors.
- We have written to funders of Open Library and the Boston Public Library, which donates books to Open Library.
- We have written to the host sites that enable piracy sites to exist online, urging them to remove the offending material, which has been important in getting piracy sites taken down in the past.
- We have coordinated a letter from our Council members to the Business Secretary asking him to take action on book piracy.
- We have been working closely with the Publishers Association and authors' organisations across the world to develop a coordinated response to online book piracy.
- We have urged publishers to take more action on piracy.
- We have asked Amazon to take action to combat book piracy.
- We regularly use social media to warn against piracy and encourage legitimate book purchases.
- We assist authors by giving advice and information.

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