

## ABSTRACTS

Recently, it has been much controversial whether the digital scanning of library books by Google for the Google Book Search constitutes copyright infringement. The judgment by the Court of First Instance of Paris delivered on the 18th December, 2009 is the very first judgment to decide the issue. First and foremost, whether the works have been digitized by Google in the United States, the Court ruled that the law applicable to the dispute at hand is French law on the basis of facts that: (i) the works concerned are production of French authors; (ii) the claimants are companies established in France; (iii) the book search site concerned is accessible by French internet users within their national territory, and (iv) the site “www.books.google.fr” is usable in French. Moreover, the Court decided that the process comprised of scanning of the works in a computerized format and storing them in a digital database constitutes reproduction of the works, and that displaying extracts of the works on an internet site constitutes performance. Google protested that its displaying of short extracts forms an act so called “short quotation”, which is permitted as an exception under the French Intellectual Property Code; however, the Court rejected such argument, stating that Google’s act is without any information purpose provided for in the Code. In addition, the Court ruled that displaying on the internet site extracts of works in the form of torn paper strips constitutes an act of infringing the authors’ right of integrity.

**Keywords** : Google book search service, applicable law, fair use, copyright infringement on internet, French case