

Amazon Pays Out for '1984' Fiasco

By [Matt Hamblen](#), [Computerworld](#) Oct 3, 2009 8:10 am

Amazon.com Inc. has agreed to pay \$150,000 to settle a [federal lawsuit](#) brought by a Michigan high school student and an California academic whose electronic copies of George Orwell's novel, [1984 were deleted](#) from their [Kindle devices](#) in mid-July.



Michael Aschenbrener, the attorney for student Justin Gawronski, 17, and Tony Bruguier, said the two men are donating the settlement monies to charity. "Neither will receive a flat cent," he said today in a telephone interview.

On July 16, Amazon had removed the novels 1984 and Animal Farm from its Kindle e-book store, as well as from users' digital lockers and Kindle e-book readers after learning that they had been placed in the store by a third party that didn't have the rights to the books.

The Amazon move ignited a firestorm of debate about customer rights with electronic books. Less than a week after removing the books from users' Kindle devices, [Amazon CEO Jeff Bezos issued](#) a strong public apology, calling the company's handling of illegally sold copies of the e-books "stupid [and] thoughtless."

Aschenbrener said he believes Amazon learned a valuable lesson in the case, one that he hopes other digital media companies take note of.

"The lesson here is that media companies have to be careful about respecting users' rights," said the attorney Michael Aschenbrener of Kamber Edelson in Chicago. "Digital books are different than traditional books, but not that different."

For example, an owner of a traditional book would never consent to the sudden arrival of a bookseller at his door demanding the return of a book, he said. "If anything, other companies are hopefully not interested in going through the PR nightmare that Amazon did," the attorney said.

Aschenbrener, like others critical of Amazon's initial move, noted the irony of deleting "1984" from users' Kindles, since the novel depicts a totalitarian state loaded with civil rights repressions.

The vast majority of the \$150,000 to be paid by Amazon.com will go to charities, as stipulated in the eight-page settlement filed in U.S. District Court in Seattle on Sept. 25. The case was described on Friday as "closed" in the online court records system known as PACER.

Gawronski, based in Michigan, could not be reached for comment, but had said before the settlement that he had taken notes along with "1984," but when the e-book was taken back by Amazon, the notes only pointed to locations where the text went missing, making the notes fairly useless. Amazon had paid Gawronski \$30 prior to the settlement as compensation for the loss of the book.

Aschenbrener said Bruguier, an academic based in California, has chosen not to comment on the case.