



Audible is being sued by publishers.

Top publishers sue Audible over planned captioning feature

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NEW YORK — Some of the country's top publishers are suing Audible, citing copyright infringement as they ask a federal judge to enjoin the audiobook producer-distributor's planned use of captions for an education-driven program.

The so-called "Big Five" of publishing — Penguin Random House, Hachette Book Group, Simon & Schuster, HarperCollins Publishers and Macmillan Publishers — are among the plaintiffs in the suit filed Friday in U.S. District Court for the Southern District of New York. The legal action comes in response to "Audible Captions," which Audible announced in July and indicated would be formally launched as students return this fall, with titles including "Catch-22," "The Hunger Games" and "The Hate U Give."

"Audible Captions takes publishers' proprietary audiobooks, converts the narration into unauthorized text, and distributes the entire text of these 'new' digital books to Audible's customers," the lawsuit reads. "Audible's actions — taking copyrighted works and repurposing them for its own benefit without permission — are the kind of quintessential infringement that the Copyright Act directly forbids."

Other publishers suing are Scholastic and Chronicle Books.

Audible, which is owned by Amazon.com, said in a statement that it was disappointed by the lawsuit and "any implication that we have not been speaking and working with publishers about this feature, which has not yet launched."

The company said the captions are intended to help children who are not reading be able to engage with books through listening. "This feature would allow such listeners to follow along with a few lines of machine-generated text as they listen to the audio performance," the statement said. "It

is not and was never intended to be a book."

Maria Pallante, who heads the Association of American Publishers, told The Associated Press in a recent interview that repeated efforts to address its concerns with Audible — including cease-and-desist letters — had failed to produce any changes.

"They said something along the lines of 'We've received your communications and considered them and don't agree with them and do not intend to stop,'" said Pallante, the trade group's president and CEO.

Audible, which is the dominant producer in the thriving audiobook market, said it still wants to work with publishers and others "to help them better understand the education and accessibility benefits of this innovation."

Audible Captions would be available for free to students and also could be used by Audible members who already pay a monthly fee. A video demonstration of the program uses Dickens' "David Copperfield" as an example and shows computer-generated words appearing on the screen of a smartphone as the narrator reads from the text. In announcing Audible Captions, company founder Don Katz said the program would help young people who struggle to read books.

"We know from years and years of work, that parents and educators, in particular, understand that an audio experience of well-composed words is really important in developing learners," Katz told USA Today in July.

In Friday's lawsuit, publishers contend that Audible has acknowledged that up to 6% of a given book's captions would be erroneous, with mistakes including transcribing the Yiddish expression "mazel tov" as "mazel tough."

In addition to enjoining Audible Captions, publishers in Friday's lawsuit are seeking an undetermined amount of damages "they have sustained and will sustain, and any gains, profits and advantages obtained by Audible" through the new program.

Not so sunny marriage

Dear Annie: I'm a 30-year-old male in my first year of marriage to a charming, beautiful woman, "Sonny." I am madly in love with this woman, and she says the same to me. This is a second marriage for both of us.

Unfortunately, I'm finding out that she has lied to me about a number of things, and my love for her is being weakened by these revelations. We met shortly after she had broken up with another man. She told me that it was over. However, during our dating prior to marriage I learned that she was still seeing him, and sleeping with him on nights we were not together. At one point, she even suggested that we three should live together, and she would alternate nights with each of us. I wasn't about to accept that. We're married now, but I know she still has at least a phone relationship with him.

Her mother has recently moved in with us because I was told that circumstances in her life created that need. I've since learned that those dire straits were untrue. Most nights I go to bed alone because Sonny is chatting with her mother, with whom she's always had a close relationship, and with whom she lived when we first met.

Recently, Sonny has contacted a man she met during her first marriage. She set up a meeting with him. I have no idea what transpired between them, neither initially nor at this time. I do know he has a child named for her.

I've just learned that one of her children, supposedly from her first marriage, was fathered by another man during a period of separation in that marriage.

On a recent romantic long weekend to a

tropical destination, Sonny wanted no part of any sexual romance. Of course, this crushed me. Though I always think of "Sonny" as an enthusiastic sexual partner, she never initiates intimacy between us.

We have been to a marriage counselor, whose concluding comment to me was, "Some beautiful women are like that," meaning they need attention from other men, I think. I'm seriously considering divorce, though I'm still in love with her. I'm feeling used, and find myself responding to some situations between us with anger. Can this marriage be saved? — *Feeling Torn*

Dear Torn: You are not painting a very sunny picture of Sonny. Unless the two of you had a previous understanding that infidelity was part of the deal, her actions would leave anyone feeling used. Your therapist's observation that "some beautiful women are just this way" seems dismissive and flippant. You might consider seeing another therapist.

Unless you are OK with Sonny's infidelity, this marriage will only bring you darkness and hurt. It's time to find a new therapist who helps you better understand what you would like out of a marriage. And then you need to tell Sonny in no uncertain terms what that is, perhaps being faithful. And what's with her mother? Is she enabling or encouraging Sonny to split the two of you apart?

When I read your letter, I couldn't help but wonder why you married her if you knew she was cheating on you when you were dating. With good therapy, you can both decide if you want to stay together and make it work, or go your separate ways. Best of luck to you.

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DEAR ANNIE



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