Workshop report on Workshop 7. "Translating Recommendations into Actions Organiser" by the Copyright & Legal Matters Working Group[i]
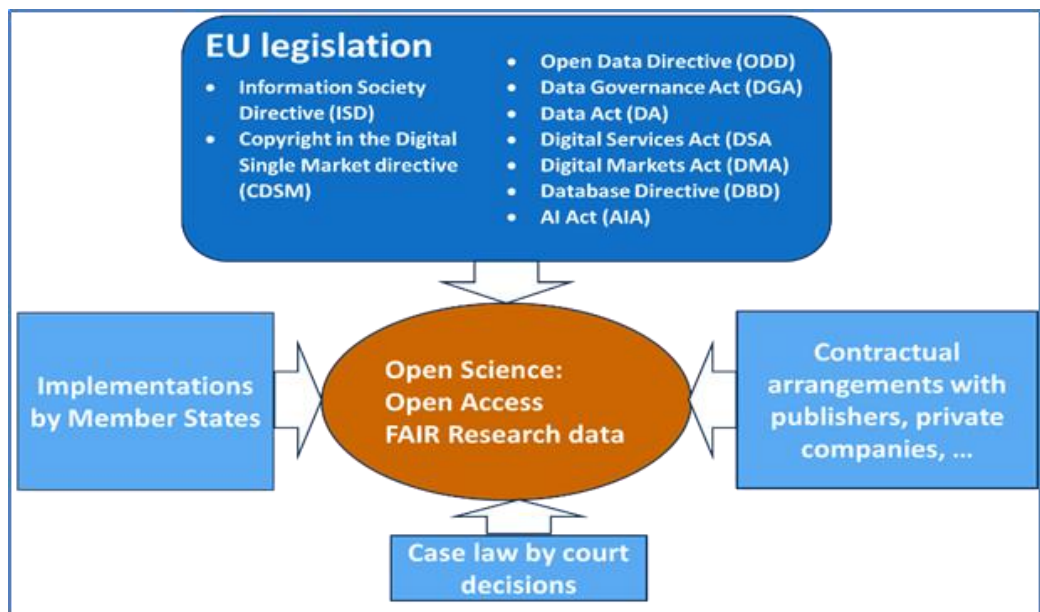(Speakers: Judith Ludwig and Maurits van der Graaf)

Translating high level policy recommendations into tangible action for the research library community can be challenging. This workshop focussed on a project trying to do just that- to take several policy papers with recommendations critical to research libraries and transform them into a practical/ tangible action plan for library leaders and practitioners. This session aimed for colleagues interested in digital scholarship, AI, data science, Open Science, Copyright, data management.

I.   Introduction

The EU Legislation on copyright and data (see figure 1: Implementation situation) often leads to divergent implementations in the national laws of Member States, where interpretations are in tested in court, leading to further complexity. In addition, some exceptions for research and education can be overridden by contract. In all, this leads to a complex legal landscape for Open Science. That is why, a LIBER project - funded by KR21[ii] - aims to translate the findings of a report for the European Commission (EC) into practical guidance for research libraries, presented in an Action Plan:

- The **starting point is a study by the EC** to evaluate the effects of the European Union (EU) copyright framework on research and the effects of potential interventions and to identify and present relevant provisions for research in EU data and digital legislation, with a focus on rights and obligations: Currently the EC is working on an EU Copyright and data legislative and regulatory framework fit for research. As part of this effort, the EC commissioned the study, culminating in the report '*Improving access to and reuse of research results, publications and data for scientific purposes'*.[iii]
- The objective is to **translate the report into practical guidance for librarians**. To achieve this, an expert meeting was convened with the co-chairs of the Working Group on Copyright & Legal Matters, as well as with five of the report's authors. This led to the first draft of the Action Plan**.**
- The workshop at the LIBER Winter Event gathered **feedback on the first draft**. This input will inform the development of a second draft, which will undergo open consultation with all LIBER members. The final plan aims to mobilize the LIBER network to act on these recommendations.

- *Figure1: Implementation situation*

II.   The EC report in a nutshell

The EC report contains:

- A comprehensive overview of the EU's research and innovation legal landscape

- The survey results among researchers, research organizations and publishers

- Proposals to aiming to enhance the current EU framework for copyright and data fit for research and aligning it with Open Science.

The following pressing issues and trends have been evaluated in the report:

- Legal uncertainty arising from complexity leads to the underutilization of rights by researchers. This issue is exacerbated by the imbalance in negotiation power between researchers and large publishing companies.

- Access to scientific literature remains problematic, with 80% of researchers reporting difficulties in accessing relevant publications. At the same time, a value shift is evident under the influence of Text and Data Mining (TDM) tools and AI tools, moving from single publications to large corpora of literature.

- Data-driven research is on the rise but remains constrained by the limited availability of FAIR data. Furthermore, the legal complexities surrounding data laws place an undue burden on researchers and research organizations.

- Restrictions to non-commercial purposes are misaligned with the realities of the scientific ecosystem, where many university researchers collaborate with private companies.

III.   Overview Action Plan

The starting point for the action plan is the recognition that supporting and facilitating scientific research is the primary role of research libraries. This entails:

- Providing support and guidance to researchers
- Influencing institutional policies on Open Access and FAIR data
- Shaping national policies on Open Access and FAIR data
- Advocating for improved legislative policies at the EU level.

Additionally, we observe that changes in policies and practices are most effectively achieved through the interplay of library services, institutional policies, national policies, and EU-level policies. Therefore, the Action Plan outlines actions for each of these three levels.

IV.   Feedback by the participants

The action lines for improving access and usage and regarding research data (Fig. 2) have been presented and discussed during the workshop.

1. Access	2. Usage	3. Data
- Accelerate OA - Challenge restrictive commercial practices (i.e. Bundling)	- Enable research activities by helping to overcome legal issues - Enable Text- and data mining (TDM) by researchers - Challenge restrictive commercial practices (i.e. DRM)	- Enable data-driven research - Provide library collections as data - Make the library AI-ready

Figure 2: action lines for improving access and usage and regarding research data

The workshop participants provided the following feedback:

1. Access:

- Participants from Slovenia reported having a copyright expert at the national level. Additionally, some universities maintain local copyright expertise to provide guidance to researchers.

- Regarding DRM, Slovenia's national consortium has already implemented a rule prohibiting to license DRM-protected works.

2. Usage:

- Many licenses are with American publishers and/or governed by American law. An important question raised was whether national or European copyright laws apply to content acquired under such licenses. The answer is affirmative: national copyright laws apply, meaning that copyright exceptions for research or education under national law are also applicable.

- In the Netherlands (along with another five EU countries), secondary publishing rights are established under national law. This grants researchers the right to republish an article after a specific period (six months in the Netherlands). This policy has significantly increased the percentage of open access publications. However, participants from the Netherlands also noted a downside: some researchers have reported that the republication right

reduces their motivation to publish immediate open access (e.g., by paying an Article Processing Charge (APC)).

- One participant consistently negotiated a license clause permitting access for TDM purposes, without knowing how researchers at her university were actually utilizing TDM or whether these clauses were relevant to their needs. This highlighted a disconnect between the library and the research community.

- One participant from the Netherlands expressed frustration over the university having to pay for the reuse of copyrighted materials in the digital learning environment, despite the library often already having paid for these materials as part of their digital collection. This situation was described as 'double payment'.

3. Data:

- The participants highlighted practical dilemmas, such as the extent to which data repositories should be connected and made widely accessible when datasets cannot yet be made sufficiently FAIR.

- The guiding principle is 'as open as possible, as closed as necessary.' However, restricted access datasets are often entangled in legal complexities and pose significant challenges for effective management from the perspective of data repository administrators.

- The participants also sought guidance on the use of citizen science platforms, particularly in relation to copyright and data management.

   Before making research datasets fully open, several ethical considerations must be addressed. For instance, disclosing the exact location of rare plants or animals could lead to potential harm. Another example is the potential dual use of data—information that could be applied for both civilian and military purposes. In such cases, the data cannot be 'exported' under EU trade law.

Finally, the participants closed the workshop with several suggestions for improving the next version of the Action Plan: It was stated, that the discussed issues are not only challenging for researchers but also for librarians. Consequently, the participants advocated for an easy-to-read summary of key legislation relevant to librarians. Additionally, they suggested the inclusion of training courses tailored to librarians' needs. To enhance accessibility for non-experts, the Action Plan should also include a glossary and an acronym list.

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[i] The Power Point Presentation to this Workshop can be found here
[ii] https://www.knowledgerights21.org/
[iii] European Commission, Directorate-General for Research and Innovation, Improving access to and reuse of research results, publications and data for scientific purposes : study to evaluate the effects of the EU copyright framework on research and the effects of potential interventions and to identify and present relevant provisions for research in EU data and digital legislation, with a focus on rights and obligations, Publications Office of the European Union, 2024, https://data.europa.eu/doi/10.2777/633395