



Subject: Text and Data Mining – a core issue for our institution

Dear xxx,

I am contacting you with regards to the current discussions in the EU on a copyright exception for Text and Data Mining contained in the Commission's proposal for a directive on copyright in the digital single market. We rely greatly on existing European wide organisations such as LIBER to defend our interests in the European Parliament. At the same time, we know the Council has equal power to decide and we therefore address you here directly to ask for your support.

[use this space to present your organisation and how you are involved in TDM]

We would like to see provisions for an exception to do Text and Data Mining that:

1. **Support the widest possible scope for a TDM exception and are not restricted to research organisations only, as proposed by the Commission.** We strongly believe that *'the right to read is the right to mine'*. This means that anyone with lawful access to content should be allowed to choose the means to read it, by human eyes or computers.
2. **Don't limit TDM to non-commercial purposes.** Since TDM is only used to extract facts and data, which are not copyrightable, there is no reason to limit TDM to non-commercial purposes. The copy of the individual work is not being re-used or communicated to the public. Researchers are instead focused on setting the facts and figures in a larger context, and drawing conclusions from this work. In addition, it should be noted that research funders such as the European Commission under the H2020 programme aim for commercial impact in research. Research supports innovation which, by definition, is something that has commercial use.
3. **Ensure that a TDM exception does not give rise to the need to compensate rightholders.** Information used for TDM is not protected by copyright or by sui generis database right. Further, with regards to the content of academic journals, a subscription will have been paid by research libraries (with tax payers' money). The content will have been produced and peer reviewed by researchers (again, funded by tax payers) and handed over to publishers free of charge.
4. **Prevent the exception from being overridden and ensure that Technological Protection Measures (TPM) are not hindering the use of TDM.** We understand that there is general support for such provisions and we hope to see this remain in the final legislation.
5. **Allow researchers to keep copies (safely stored) for verification purposes.** From a research perspective, this is a requirement of 'good science'. A harmonised exception is needed for the European Research Area (ERA) on this point.

We thank you in advance for your support.

With kind regards,

xxxx