



TDM EXCEPTION

FOUR ESSENTIAL POINTS FOR COPYRIGHT REFORM

On behalf of our 400+ European research libraries, LIBER is calling for four essential points to be included in any Text and Data Mining (TDM) Exception proposed by the European Commission as part of its copyright overhaul for the Digital Single Market. These points must be addressed if a TDM Exception is to be effective for Europe's research community.

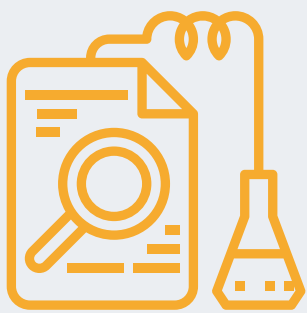


1. MAKE THE TDM EXCEPTION MANDATORY & NON-OVERRIDABLE

Such provisions are already included in the Commission's proposal (Article 3, p1 and p2) and in the draft JURI report. We welcome this approach. The Commission's proposal, Article 3(3), allows rightholders to apply measures to ensure the security and integrity of the networks and databases. A clarification is needed that technical measures may not be used to prevent beneficiaries from exercising their rights under an exception, or to impose unreasonable limitations on how TDM is performed.

2. INCLUDE LIBRARIES & ALL PERSONS WITH LAWFUL ACCESS TO CONTENT AS BENEFICIARIES

The beneficiaries of the TDM exception should be extended to include all 'persons' with lawful access so as to benefit citizen science, businesses, the research community, journalism and other sectors of society and the economy. The *right to read* should be the *right to mine*.



3. ALLOW COMMERCIAL & NON-COMMERCIAL USES, WITHOUT COMPENSATION

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.

4. PERMIT SAFE STORAGE OF COPIES MADE FOR TDM

It is important for 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.

