



LIBER Statement on the Digital Single Market Strategy for Europe

LIBER, the Association of European Research Libraries, has a mission to provide an information infrastructure to enable the research outputs of LIBER institutions to be world class.

LIBER welcomes the European Commission's Digital Single Market Strategy for Europe¹ as an important move to boost the Digital Economy in Europe to safeguard the future. The strategy contains several actions which are relevant for research organisations. This statement focuses on Chapter 2.4 'Better access to digital content - A modern, more European copyright framework'.

LIBER has been advocating for a copyright reform actively since the Public Consultation on the review of the EU copyright rules, carried out from December 2013 to March 2014.

LIBER prepared a detailed answer to the consultation² in collaboration with LIBER libraries and European library associations. Most recently, LIBER has launched The Hague Declaration on Knowledge Discovery in the Digital Age³ to foster Text and Data Mining (TDM).

LIBER has also been promoting Open Science as a means of strengthening the global competitiveness of European research. We believe that the move towards openness will lead to increased transparency, better quality research, a higher level of citizen engagement and will accelerate the pace of scientific discovery through the facilitation of data-driven innovation.

Text and Data Mining (TDM)

LIBER believes that TDM will increase the progress of science exponentially. A lack of clarity around the legality of TDM is inhibiting TDM-based research in Europe and this is impacting on the competitiveness of European research as there are far more TDM-friendly copyright regimes in operation in the United States, Asia and Canada (and now the UK). A number of European TDM-based research projects have already outsourced their content mining to the United States.

The solutions offered by publishers are not only insufficient to meet the needs of researchers, they are placing European researchers at a disadvantage. One-to-one licences negotiated directly with publishers, or click-through licences such as those offered by Elsevier or through Crossref, are not scalable or interoperable and can have negative downstream effects on the dissemination of results and the availability of TDM tools.

Moreover, these limited solutions do not address legal barriers for researchers who wish to mine the open Web.

¹ http://ec.europa.eu/priorities/digital-single-market/docs/dsm-communication_en.pdf

² <http://libereurope.eu/wp-content/uploads/Public%20Copyright%20Consultation%20Response.pdf>

³ <http://thehaguedeclaration.com>

The introduction of **a mandatory exception which cannot be overridden by contracts** to allow anyone to use computers to analyse anything they have legal access to is essential. Such an exception would support both science and innovation and benefit the European economy. It should allow for the distribution of the results of text and data mining, as long as they do not substitute the original works.

We are seeking an exception for TDM that will allow those who have legal access to the content to extract facts and data from the content using automated methods such as crawling and scraping. We are not seeking to gain free access to copyrighted works.

Copyright

LIBER strives to support education, research and learning, by ensuring that exceptions for libraries, teaching and research are a liberty that cannot be overridden by contract. It is important to recognise the importance of the university knowledge transfer agenda by removing the condition in the Infosoc directive 5.3.a. that all exception-based research copying is 'non-commercial'.

Any exception for research should not distinguish between commercial and non-commercial research purposes as research does not recognise these boundaries. The lines are becoming less defined between purely non-commercial research and research that has commercial potential or has been funded by commercial entities. If a user is entitled to use a resource, they should automatically be entitled to copy – irrespective of whether the copying is for commercial or non-commercial purposes.

It is important to safeguard copyright exceptions and limitations from override by technological protection measures. In the case of technological prevention measures, the copyright framework should also recognise the occasional need for libraries to use or create software that can help circumvent these measures for the purpose of preserving and facilitating lawful use of a work.

LIBER fosters to support international collaboration by harmonising copyright exceptions and limitations and ensuring that they work across borders.

To enable Open Science to develop, it is vital to allow the results of publicly-funded research to be made Open Access. It is also critical to recognise that the making of multiple copies is an intrinsic activity in the digital age. Furthermore, barriers to Open Access must be reduced by ensuring authors of publicly-funded research retain the right to secondary distribution and the right to waive compensation in order to make their outputs openly available.

Implementing the Digital Single Market Strategy for Europe along these lines will strongly support the development of the Digital Single Market and especially the development of Open Science.

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