

# Copyright reform and Text and Data Mining

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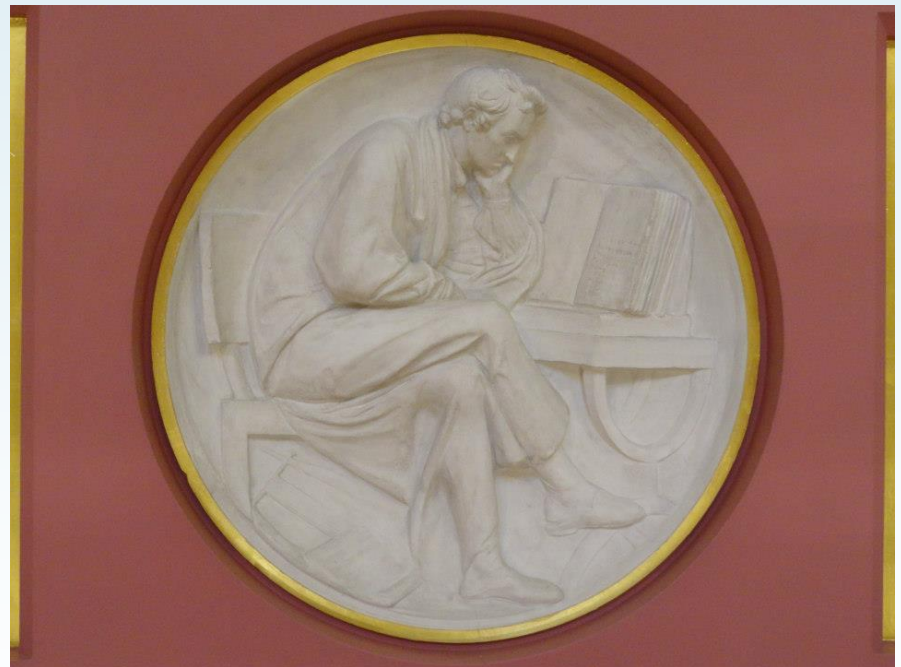
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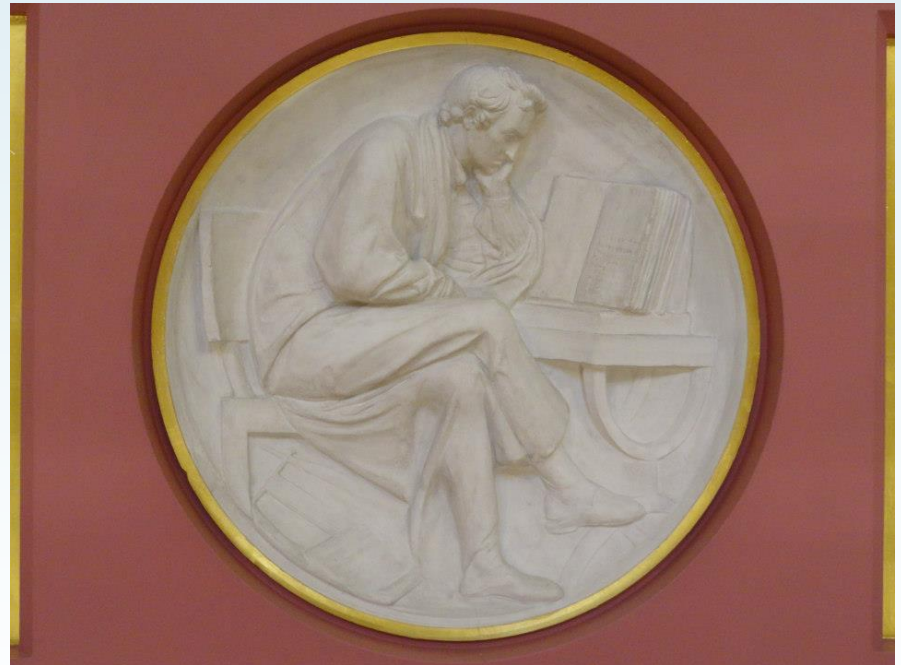
- ❑ Setting the Context
  - ❑ Science 2.0
- ❑ EC Copyright Consultation (2014)
- ❑ Advocacy and Lobbying
- ❑ Next Steps



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# What is Open Scholarship?

Enabling Open Scholarship



- ❑ Open Scholarship, called by the European Commission Science 2.0, is a new framework for doing research
- ❑ Open scholarship encompasses [open access](#), [open data](#), [open educational resources](#), and all other forms of openness in the scholarly and research environment
- ❑ Open Scholarship website at [http://www.openscholarship.org/jcms/c\\_6160/en/open-scholarship](http://www.openscholarship.org/jcms/c_6160/en/open-scholarship)

## Science 2.0 consultation



- ❑ ‘Science 2.0’ describes the on-going evolution in the modus operandi of doing research and organising science. These changes in the dynamics of science and research are enabled by digital technologies and driven by the globalisation of the scientific community, as well as the need to address the Grand Challenges of our times. They have an impact on the entire research cycle, from the inception of research to its publication, as well as on the way in which this cycle is organised.

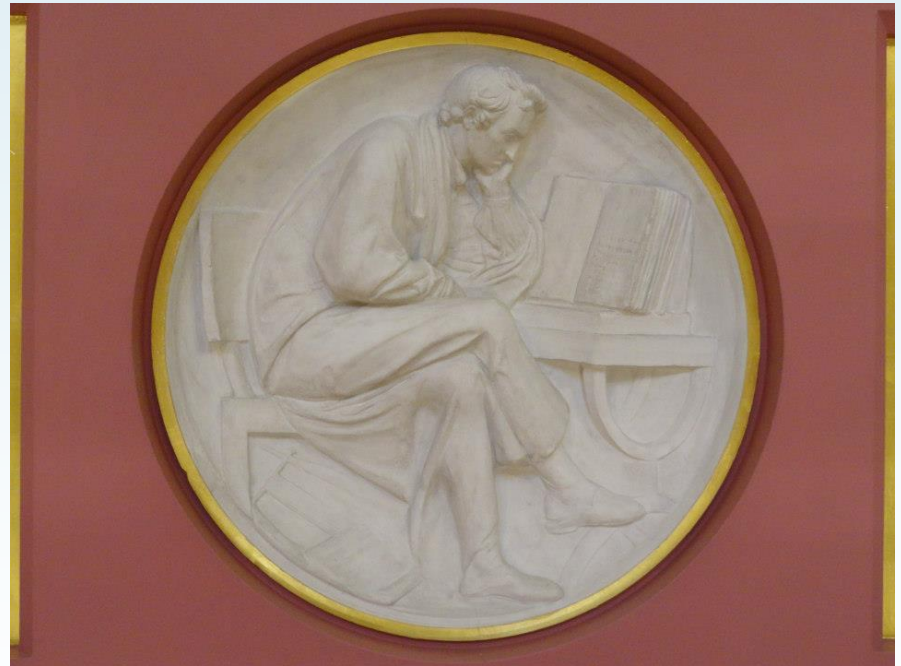
## Science 2.0 consultation



- The three main objectives of the consultation were:
  - to assess the degree of awareness amongst the stakeholders of the changing modus operandi
  - to assess the perception of the opportunities and challenges
  - to identify possible policy implications and actions to strengthen the competitiveness of the European science and research system by enabling it to take full advantage of the opportunities offered by Science 2.0
- LERU Vice-Rectors (Research) made a response
  - Included in papers for CIO meeting

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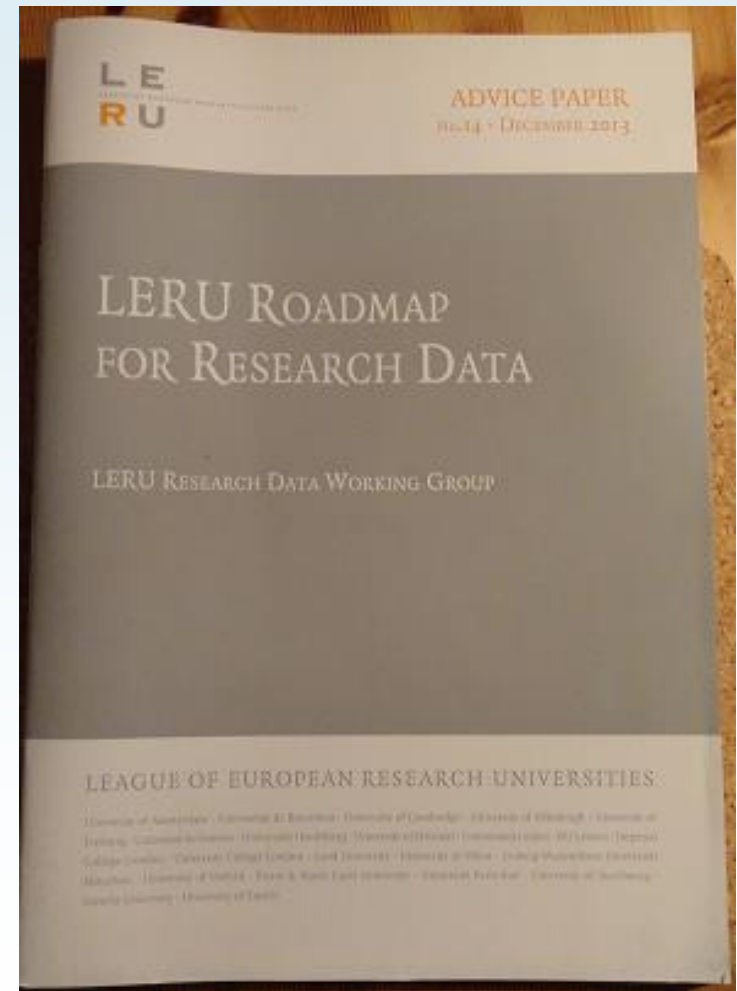
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## EC Copyright consultation

- ❑ From 5<sup>th</sup> December 2013 to 5<sup>th</sup> March 2014, the Commission held a Consultation on copyright reform
  - ❑ see [http://ec.europa.eu/internal\\_market/consultations/2013/copyright-rules/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/index_en.htm)
- ❑ 9,500 replies to the consultation document and a total of more than 11,000 messages, including questions and comments





## EU Copyright consultation

- ❑ A Report on the outcomes of the Consultation is at:
  - ❑ [http://ec.europa.eu/internal\\_market/consultations/2013/copyright-rules/docs/contributions/consultation-report\\_en.pdf](http://ec.europa.eu/internal_market/consultations/2013/copyright-rules/docs/contributions/consultation-report_en.pdf)
- ❑ Outcome of the Consultation was indecisive
- ❑ Right holders lobbied vigorously for no change to the current EU copyright frameworks



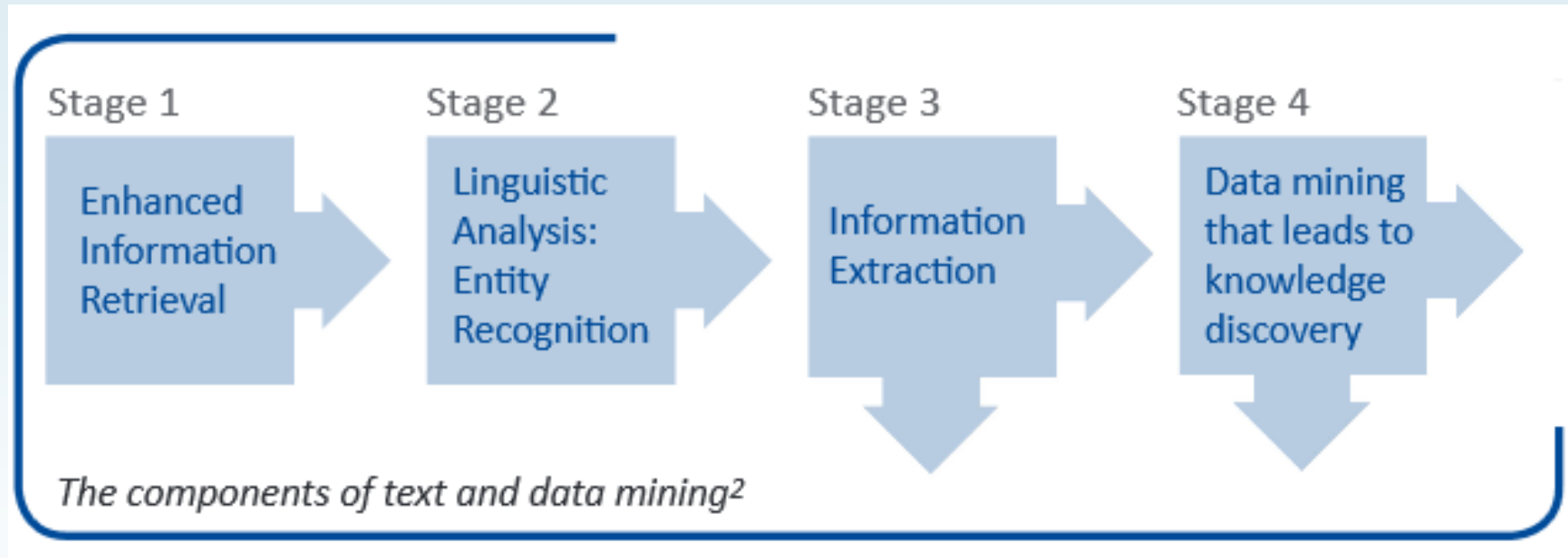
## LERU's position

- ❑ LERU argued for an Exception in the EU Copyright and Database Directives to enable Text and Data Mining
- ❑ The Commission, in the Licences4Europe workstream, had strongly advocated a licensing solution
- ❑ LERU and other research organizations reject this approach



Research Stakeholders Workshop on Text and Data Mining, British Library, 2013

# What is Text and Data Mining?



## ❑ LIBER Factsheet on Text and Data Mining

- ❑ <http://libereurope.eu/wp-content/uploads/Text%20and%20Data%20Mining%20Factsheet.pdf>

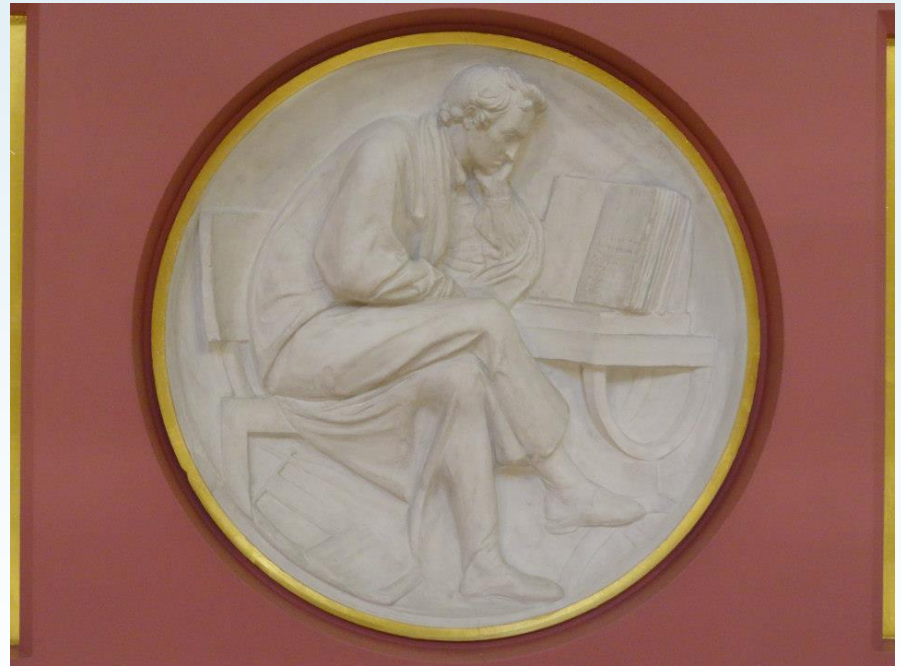
# Text and Data Mining: International approaches

- ❑ UK Hargreaves Review
  - ❑ <http://www.ipo.gov.uk/ipreview.htm>
  - ❑ has introduced Fair Dealing Exception in UK for TDM
- ❑ United States, Japan, Israel, Taiwan and South Korea already benefit from legal limitations and exceptions
- ❑ Failure for the EU to have an Exception goes against the Science 2.0 agenda



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## Advocacy and Lobbying

- ❑ At WIPO in Geneva in May 2014, Commission officials blocked any attempt to discuss copyright reform by filibustering
  - ❑ <http://libereurope.eu/?s=wipo>
  - ❑ 'EU causes collapse of WIPO meeting'
- ❑ At fringe meeting, all rights holders refused to talk about Exceptions



WIPO, Geneva, May 2014

## European Publishers Council

# European Publishers Council Vision on Copyright

June 19, 2014 | Intellectual Property Rights, Media Freedom

- ❑ EPC issued a 2014 Copyright paper
  - ❑ <http://epceurope.eu/european-publishers-council-vision-on-copyright/>
- ❑ LERU and LIBER objected to EPC's statement:
- ❑ TDM is 'a delusion' perpetrated by those intent on gaining free access to the widest possible body of copyright works in the name of research, going way beyond scientific journals, to works of all published authors, as well as Europe's news media and entertainment." (p. 48)

## LERU and LIBER oppose EPC position

- ❑ ‘We do not recognise the request for an Exception in European copyright frameworks to accommodate Text and Data Mining as ‘a snare and a delusion’
- ❑ Both organisations [LERU and LIBER] are fully committed to seeking such an Exception in the forthcoming EU copyright review to promote the ability of European researchers to compete at a global level’.
  - ❑ See <http://libereurope.eu/wp-content/uploads/2014/07/LIBER-EPC-letter-v2.pdf>

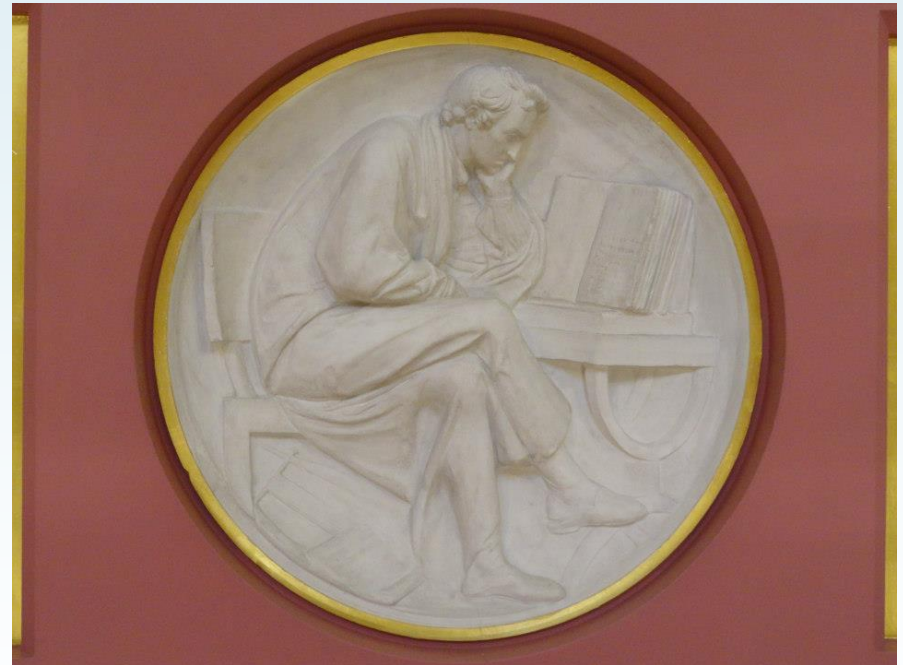


## And then there is Elsevier...

- ❑ 'Content Mining: Why you and I should NOT sign up for Elsevier's TDM service' – Peter Murray-Rust (University of Cambridge)
  - ❑ Elsevier policy at <http://www.elsevier.com/about/policies/content-mining-policies>
  - ❑ PM-R response at <http://libereurope.eu/blog/a-scientist-s-take-on-the-new-elsevier-tdm-policy/>
- ❑ 'The danger is that University libraries – who have signed these restrictive clauses for years will continue to sign them'
- ❑ Peter Murray-Rust concludes by saying: **'BUT DON'T SIGN ELSEVIERS TDM.'**

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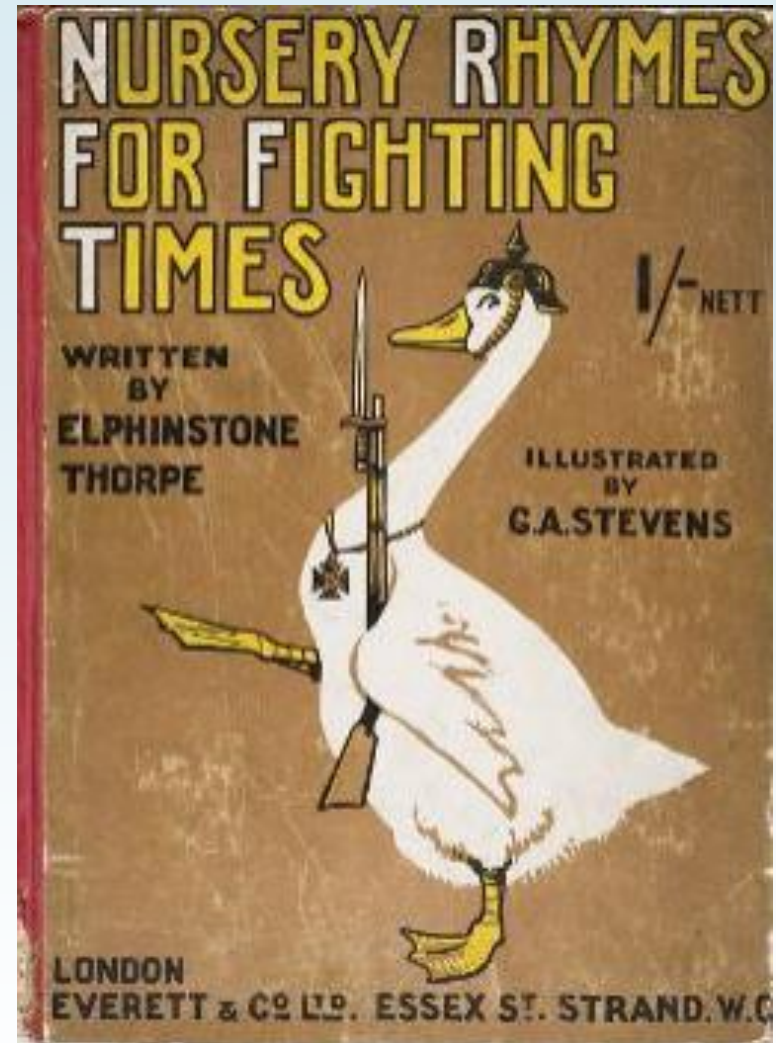
## Next Steps

- ❑ Commission did not issue a Copyright White Paper in 2014
- ❑ DG Internal Market made a mess of the reform process
- ❑ Neelie Kroes, formerly responsible for the Digital Agenda, said: existing copyright laws are ‘irrelevant’ in the modern world and deplored the Commission’s ‘endless’ reflections on the issue



## Next Steps

- In new Commission, copyright is responsibility of DG Digital Economy and Society (formerly known as DG Connect)
- I believe it is highly likely that they will propose an Exception for TDM
- Issue is, will this be for non-commercial research only
  - What would be impact on university-commercial partnerships??



UCL Special Collections, E. Thorpe, Nursery Rhymes for Fighting Times (London, 1916)

## Next Steps

- Lobbying of Commission, MEPs and Council is vital in next 12 months
- LERU and LIBER will be working together on a programme of events
- Likely outcome?
- Some form of Exception will be implemented



Blickling Hall, Norfolk, UK

## And finally...

- ❑ Time for comments and discussion



Architecture of Antoni Gaudí, Barcelona