

DIGITALEUROPE urges MEPs to consider broader text and data mining (TDM) exception in Copyright reform

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“If the legislators are serious about bringing innovation and deploying AI for the benefits of the European society, they need to understand that data analytics is a must”, said Cecilia Bonefeld-Dahl, Director-General of DIGITALEUROPE.

“It is a win-win scenario, MEPs can decide for broader EU-wide exception for text and data mining without any damage to the investment and rights in the creative sector on Copyright. We urge the European Parliament to broaden the EU-wide exception for text and data mining so it embraces companies and researchers, making it possible for Europe to innovate on AI and data-driven services while still achieving the right level of protection for the creative sector”, she added.

Full statement

DIGITALEUROPE and its membership across tech sector and industry have all supported the ambition of the EU and the national governments to **make Europe a leader in Artificial Intelligence (AI) research and development**. AI is the future of the modern, connected economy and a resilient society. It is a key enabling technology for innovation and investment in all layers of industry. The EU must embrace this opportunity or risk being left behind in today’s global competitive economy.

We need a comprehensive European strategy, built on cooperation and stakeholder dialogue. That is why DIGITALEUROPE and its members are regular contributors to AI policy, such as in the Commission’s AI High Level Expert Group, and with Member States in national and regional AI strategies. Several steps can already be taken right now, today, to put European companies on a fast-track to being global champions in AI.

One of the building blocks of modern R&D is advanced data analytics, such as text and data mining. It’s a key tool for training machine and deep learning. This is recognised in AI strategies, such as in France’s ‘Mission Villani Report’.¹ Globally, the situation demonstrates that Europe may lag behind:

- The Japanese government recently passed legislation, explicitly allowing text and data mining on copyrighted content, for both public and commercial research purposes. AI R&D and big data analytics is cited as a key factor behind this legislation.²
- The USA and China are making steadfast progress on AI, with no limitations in place to restrict text and data mining analytics (employing the ‘right to read, right to mine’ perspective).

1 https://www.aiforhumanity.fr/pdfs/MissionVillani_Report_ENG-VF.pdf (p29-30).

2 Article from February describing the amendments – which were approved by the Japanese Parliament in May 2018; <https://www.lexology.com/library/detail.aspx?g=61760126-2dd3-4e1f-8c84-f70297e87496>.

There is a clear risk that an averse legal framework on text-and-data mining would encourage company R&D institutes and start-ups to instead move these activities to countries with more favourable regimes. This would be an avoidable and unfortunate oversight of Europe's AI strategy – text and data mining does not damage the creative sector or lead to publication of protected content.

DIGITALEUROPE therefore calls on the Commission, the Council and the European Parliament to **turn the positive ambitions towards AI into real action**. Immediate results can be achieved today with the legislative reform of the Copyright in the Digital Single Market Directive.

The current version of the Copyright Directive gives only academics better access for text and data mining. But a broader **EU-wide exception, including enterprise and start-up R&D, would vastly increase the competitiveness and strength of European AI companies**, both big and small, while not damaging the investment and rights in the creative sector. Stakeholders can work together to ensure the safety and protected storage of copyrighted content, as well as the use of standard automated and machine-readable tools handling access permissions.

DIGITALEUROPE calls on the Members of the European Parliament to vote for amendments introducing such a broad and mandatory, harmonised exception for text and data mining. **We therefore call for the adoption of the amendments put forward by MEP Schaake on article 3, which count on broad support across nationalities and political groups, including ALDE, EPP, S&D and ECR.**³ These amendments strike a good balance in protecting the legitimate interests of the rightholder community while unlocking the full potential of text and data mining for Europe's ambition in AI.

A thriving and high-quality data market will result in high-quality AI and a competitive European research and development community.

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3 Amendments n.240-242, tabled for the Plenary vote of 12 September.

ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies.

DIGITALEUROPE's members include in total over 35,000 ICT Companies in Europe represented by 63 Corporate Members and 39 National Trade Associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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