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## Copyright proposal: Copyfails reloaded

### Innovative business models will likely emerge *outside* Europe

#### What was proposed?

The European Commission proposed a mandatory exception to allow automated analysis of large sets of data and texts for purposes of scientific research. The aim is to enable research organizations to use text and data mining (TDM) tools on legally accessed copyrighted material without payment or prior authorisation from authors or owners.

#### What is the problem?

The proposal tackles the issue in the wrong way. It excludes all other actors from the benefits of the exception, such as R&D units of companies, startups, journalists, civil society organisations, cultural heritage institutions, and public bodies. Any entity not considered a research organisation will need to negotiate a license. This would be incredibly difficult - or even impossible - considering that TDM incorporates thousands of articles or datasets per topic.

#### Why is this important?

Today, knowledge is produced not only at universities, but also within businesses and public institutions, and by citizens contributing increasingly to the advancement of science and innovation. Automatisations with the use of algorithms is essential to make sense of large amounts of data. From price comparison websites to scientific evidence on cancer treatment, universally exempted TDM can help bring closer solutions to both small and fundamental problems facing Europeans.

#### Will the proposal fix the problems?

No. Although it is a step in the right direction, the proposal is not ambitious enough. By excluding the majority of potential beneficiaries, the exception does not respond to the massive opportunities for scientific discovery and innovation. As a result, those who want to build their business model on TDM will do it outside of Europe, where such limitations do not limit their activity - to the detriment of the European economy and jobs.

#### How can this be fixed?

Europe needs a mandatory TDM exception for all users, and for any purpose. It can be best achieved by broadening the scope of the exception in the directive proposal. Alternatively, TDM could be included in the scope of existing exceptions for temporary acts of reproduction.