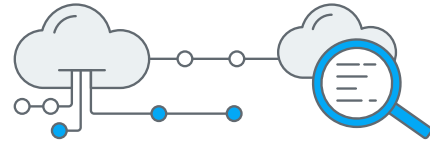


MYTHS AND MISUNDERSTANDINGS ABOUT TEXT AND DATA MINING (TDM) IN THE COPYRIGHT REFORM

MYTH: "ONLY PUBLIC RESEARCH ENTITIES USE TDM FOR RESEARCH PURPOSES."



FACT: TDM IS VITAL FOR EVERYONE IN THE DIGITAL SINGLE MARKET. FOR EUROPE TO BE COMPETITIVE, RESEARCH PROJECTS OF ALL TYPES NEED TO BE ABLE TO ANALYSE DATA.



Why: In a modern digital economy, public interest researchers are not alone in dealing with vast amounts of data which they need to make sense of. Researchers across all spectrums, in universities, in businesses, in startups, in public-private collaborations need the ability to analyse and understand their data. The current TDM proposal seeks to legislate which type of research can use TDM to develop solutions. If only public research

institutions get a TDM exception, it means that private companies and spinoffs of public interest research projects are left in a legal grey zone that hampers what they can do with their research and innovation. This directly impacts funding for research projects of all types and threatens to choke off valuable collaboration with private industry.

MYTH: "COMMERCIAL RESEARCH, IN CONTRAST TO PUBLIC RESEARCH, DOES NOT NEED A TDM EXCEPTION."



FACT: NEARLY ALL RESEARCH TODAY INVOLVES MULTIPLE RESEARCH PARTNERS, PUBLIC AND PRIVATE.

Why: Research and the commercialisation of resulting innovation go hand in hand. In fact, European institutions seek to foster public-private research collaborations because the benefits of research are made more accessible when they can be commercialised. Drawing an artificial line between "public" research and "research"

eliminates the use of TDM in any research that could produce innovation which might get commercialised. The creation of legal uncertainty is not corrected merely by mentioning the possibility of Public-Private Partnerships in a recital of the Directive.

MYTH: "A BROAD TDM EXCEPTION MEANS PUBLISHERS LOSE MONEY."



FACT: PUBLISHERS CHARGE FOR ACCESS AND CAN CHARGE FOR EXTRA SERVICES PROVIDED.



Why: TDM does not magically liberate works that publishers own. Publishers still get paid to give lawful access to the scientific publications they hold the rights on. If publishers choose to provide tools and services for TDM they can charge extra. But if a customer decides to use their own TDM tools, or if they have large amounts of materials they previously paid for, publishers should not get to hold the customer hostage and block TDM until

customers pay another fee to analyse and understand the works they have already lawfully acquired. Data analytics or TDM is digital reading and should be allowed for anybody and any institution that has lawful access to this data. You do not pay twice when you buy a book – first to own it and a second time to read it. Why pay twice for digital reading and thinking?

MYTH: "MAKING COMPANIES PAY EXTRA FOR TDM BENEFITS RESEARCHERS."



FACT: IN THE SCIENTIFIC WORLD, EXTRA REMUNERATION DOES NOT GO TO THE RESEARCHER.

Why: In the research sector, money usually goes to publishers, not to individual researchers. Researchers do not sell their works on an open market. Instead, scientists usually sign away their rights (copyright, intellectual property rights) to publishers once their work is published. They do not receive a benefit from

any extra payments publishers might want to charge for TDM. This constitutes a huge difference between the research sector and the cultural industry. Comparing both and trying to regulate both the same way is comparing apples with oranges.

MYTH: "COPIES OF WORKS OR DATA MADE FOR TDM COULD BE RE-USED AND SOLD FOR COMMERCIAL GAIN, THREATENING THE LIVELIHOOD OF THE PUBLISHERS."



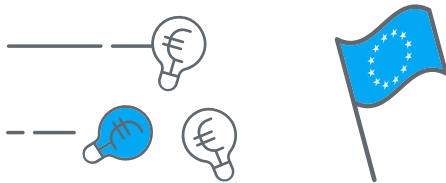
FACT: COPIES MADE FOR TDM ARE MADE FOR THIS PURPOSE ONLY.



Why: There are concerns among some EU policy makers that copies made for the purpose of TDM could be sold to third parties and therefore making and saving copies should be limited. The TDM exception is very limited – it permits copies only for TDM purposes. EU law gives

copyright owners many ways to combat IP infringements through criminal laws and courts; however, simply understanding the data you lawfully possess should not be the target of anti-piracy efforts.

MYTH: "GIVING COMMERCIAL USERS OF TDM AN EXCEPTION IS BAD FOR THE EUROPEAN ECONOMY."



FACT: PERMITTING TDM BY ALL PARTIES THAT NEED IT WILL PROVIDE A SIGNIFICANT BOOST TO THE EUROPEAN ECONOMY.

Why: Startup companies and SMEs are among the active users of TDM, and many begin as spin-offs from research projects at public institutions. Considering that SMEs are the backbone of the European economy, this proposal is detrimental for the European economy, innovation and competitiveness. Furthermore, European companies large and small conduct research using huge amounts of data – not just to improve their products and services but to increase their efficiency and unlock hidden innovation. Why should a narrow exception stop the commercial benefits that arise when research innovation finds its way into products and services on

the market? What about the additional huge positive impact that such innovation can have on society and the economy? The Commission proposal foresees to support public research projects, but the current TDM proposal will actually diminish support, as the TDM exception would not apply anymore once a research project has been successful enough to commercialise its product. Limiting the TDM exception just to non-commercial purposes penalises start-ups, SMEs and spin-offs from universities or research projects as well as break-through research (e.g. in the health sector).