

### EARE's position on the latest Estonian Presidency Compromise on TDM

The **European Alliance for Research Excellence (EARE)** welcomes the latest Estonian Presidency Compromise on Article 3 of the Copyright directive and state of play document ([15651/17](#)), as it recognizes that a **more robust exception for TDM is needed for Europe**. However, the new proposal is only a **first step in the right direction**, as we believe more needs to be done to ensure that Europe's most promising innovative companies will not be forced to pursue work on data analytics and machine learning outside the EU.

EARE members are pleased to see that Member States have heard our concerns and that the Presidency acknowledged that TDM techniques are **important and widely used by both private and public entities**, including governments, to analyse large amounts of data.

More specifically, EARE calls on Member States to continue to improve Article 3 to ensure that the exception provides legal certainty for everyone. The progress made with the introduction of an *optional* TDM exception expanding the scope of beneficiaries won't truly unlock the potential of the European data economy until **a mandatory exception for all TDM users** is adopted. This can be done without causing any harm to copyright owners and creators.

EARE remains particularly concerned about the possibility for rightsholders to **unilaterally** prevent the beneficiaries of this optional exception from simply understanding and using the information already at their fingertips.

We call on the current and incoming Presidencies to make sure the TDM exception is future-proof, so that the EU can become a leader in data analytics and artificial intelligence.

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#### *About EARE*

*The European Alliance for Research Excellence (EARE) is a coalition supported by BSA | The Software Alliance, Allied for Startups, Research Libraries UK, SCONUL (Society of College, National and University Libraries) and UCL (University College London) Library, advocating for the EU to live up to its innovation potential in the digital economy. The coalition is calling on the EU to include a broader TDM exception in its current copyright reform.*

#### **For questions please contact:**

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