EARE's position on the Bulgarian Presidency's compromise text on the copyright Directive

The **European Alliance for Research Excellence (EARE)** is pleased to see that the Bulgarian Presidency acknowledged the need to **maintain the *optional* Text and Data Mining (TDM) exception** proposed in December 2017 (Article 3a) in its latest Presidency Compromise text on the Copyright directive ([7450/18](#)).

However, we remain **concerned about the introduction of paragraph 2** in article 3a, which strengthens the possibility for rightsholders to **unilaterally** prevent the beneficiaries of this optional exception from simply understanding and using the information they already have legal access to.

Unfortunately, this paragraph will make it easier for rightsholders to **override the optional exception**, significantly hindering its benefits. We are particularly concerned that rightsholders may use technical measures to **unreasonably restrict** the use of TDM. **We believe that this is a step backwards**, after the progress made by the Council in recent months.

Keeping in mind the foundational role that TDM plays in Artificial Intelligence (AI), Europe must not fall behind other regions of the world in the competitive race to develop AI-powered solutions. Only a **mandatory exception for all TDM users**, both private and public, will give Europe a chance to take the lead in this area.

This position is supported by the wider research and innovation ecosystem, and **we believe there are ways to adopt an approach that preserve existing business models**: in a [recently published Open Letter](#) signed by **28 organisations** and shared with JURI committee members on 26 March, all signatories outline **simple and efficient revisions** that would effectively fix the TDM exception and ensure it can create value for all without causing any commercial harm to copyright owners.

We call on the current and incoming Presidencies to make sure the TDM exception is future-proof, by defending a **broad mandatory exception,** which we view as the only solution to ensure Europe can live up to its ambitions of becoming a global leader in AI, machine learning and data analytics.

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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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