The Proposed Directive and proposed legislative amendments

It is possible to identify three main problems with the proposed provision on TDM. First, the beneficiaries of the exception are limited to non-commercial research organisations. Second, TDM is allowed only for scientific research purposes. Third, TDM techniques can be used only in relation to collecting in which there is lawful access.

The origin of the Proposal

The Global research community generates over 1.5 million new scientific publications every year. Data and data mining (TDM) modern research methodologies to engage large amounts of data. In the process, there are many challenges faced by EU researchers and organizations in the field of research.

Beyond licensing, TDM could benefit from either the temporary reproduction exception in Article 5(1) of the InfoSoc Directive or the scientific research exception in Article 5(2) of the same Directive. However, these exceptions do not sufficiently address the copyright-related restrictions faced by scientists using TDM techniques, in some cases of their activities fall wholly within the scope of these provisions, while in some cases may fall partly within the scope of these provisions.

In contrast, the approach proposed in the draft report of the Committee on Legal Affairs (JURI) is to allow for limited exceptions for TDM purposes. This approach would enable the scientific community to access and use large datasets for research purposes.

In conclusion, the proposed amendments are a step in the right direction, but they need to be further refined to ensure that TDM is not limited to scientific research.

Concluding Remarks

In summary, the proposed exception for TDM should be clarified and broadened. As argued in a recent paper on data mining in the EU, there are several ways in which the proposed exception could be improved.

Moreover, TDM is a key driver for European research and innovation. The proposed exception for TDM could provide a significant boost to European research and innovation, helping to facilitate the development of new technologies and the advancement of scientific knowledge.