

Policy makers can TAKE ACTION to ensure that TDM research is unambiguously authorized under copyright laws everywhere.

Domestic reform to protect the right to research

National policy makers can amend their laws to permit TDM and other research uses. It is important that research exceptions apply to all kinds of works, to the reproduction and sharing of materials, and to all users (individuals and institutions). It is also important to ensure that contracts and technological measures cannot override the research uses permitted by law.

Guidance and soft laws on the right to research

At the international level, policy makers can develop guidance, soft laws or other non-binding instruments on TDM and other research uses. This would help countries evaluate their options for reforming copyright laws to protect the right to research.

Cross-border research uses

Policy makers should discuss solutions for cross-border uses of copyrighted materials for TDM. A legal solution for cross-border TDM research would enable researchers everywhere to collaborate on international projects.

International minimum standards for research

Policy makers should engage in negotiations to reach an agreement on a set of international minimum standards for TDM research. A binding international instrument would ensure that all countries permit TDM research.

This document is a summary of a statement of copyright law professors adopted at the Annual Meeting of the Global Expert Network on Copyright User Rights April 20-22, 2022. The signatories include: Sean M. Fiil-Flynn, João Pedro Quintais, Carys Craig, Michael Carroll, Peter Jaszi, Or Cohen-Sasson, Ofer Tur-Sinai, Lucie Guibault, Matthew Sag, Luca Schirru, Rachael Samberg, Martin Senftleben, Thomas Margoni, Bernd Justin Jütte, Ariel Katz, Brandon Butler, Allan Rocha de Souza, Jorge L. Contreras. The full statement will be published at <https://digitalcommons.wcl.american.edu/research/>

Enabling Text and Data Mining Research Through Copyright Reform

Text and data mining (TDM) research - where researchers use computational methods to analyze books, images, databases and other sources - is being used to address some of our most important problems, from medical research to tracking disinformation on the Internet.

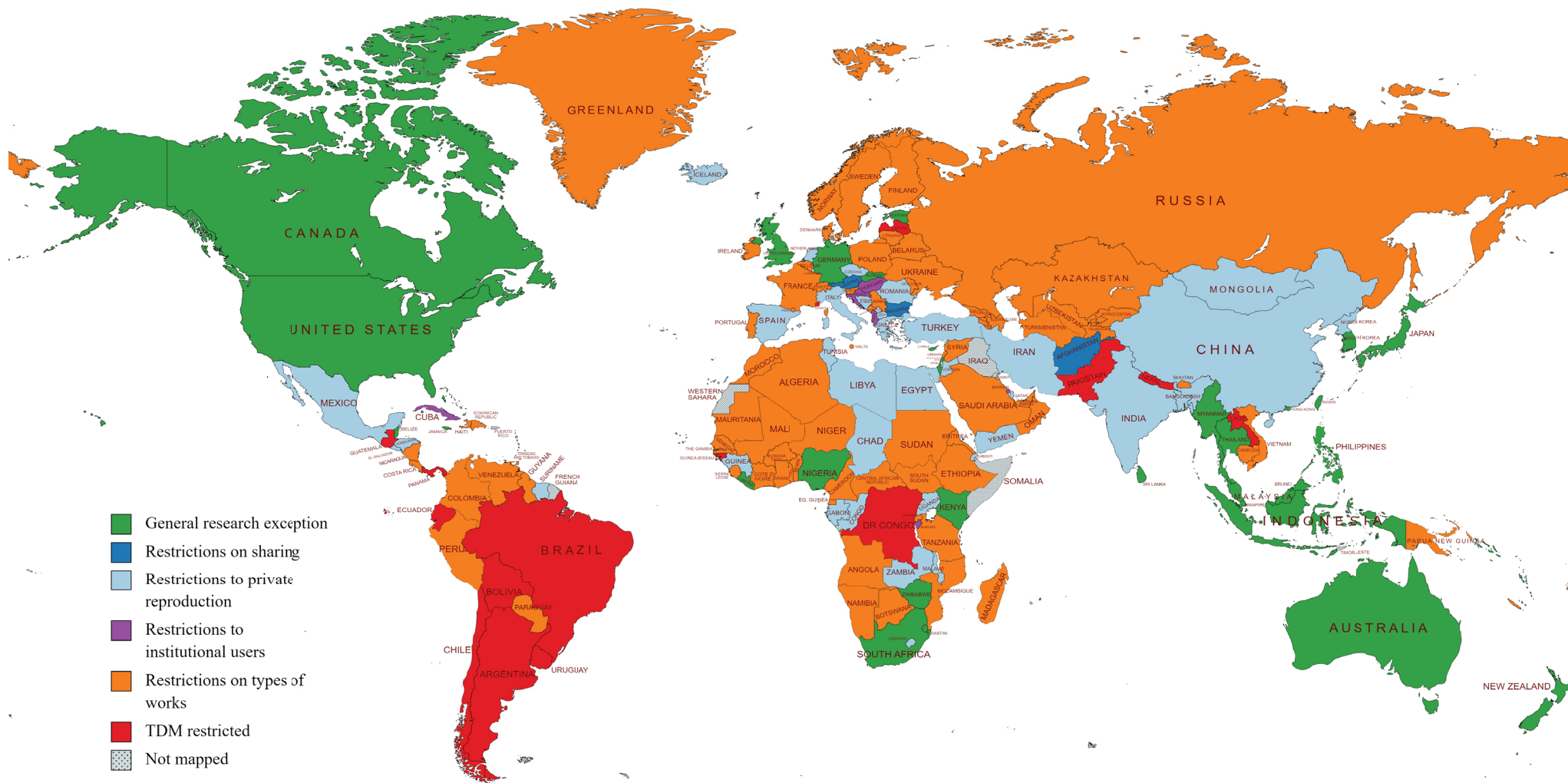
The sources used for text and data mining are often protected by copyright and related rights.

Critical TDM uses may implicate the rights of reproduction (e.g. copying materials to create a “corpus” to be mined) and communication to the public (e.g. sharing materials mined for purposes of verification, validation and dissemination of results).

Most copyright laws are silent on their protection of TDM and existing research exceptions are often inadequate. The map on the next page displays the complex web of copyright exceptions for research that could apply to TDM uses.

This legal fragmentation affects where and how TDM research can occur, and precludes TDM projects across different jurisdictions.

May 2022



Research Exceptions in Comparative Copyright

Figure 1. From Sean Flynn with Luca Schirru, Michael Palmedo, Andrés Izquierdo, *Research Exceptions in Comparative Copyright* (forthcoming <https://digitalcommons.wcl.american.edu/research/>).