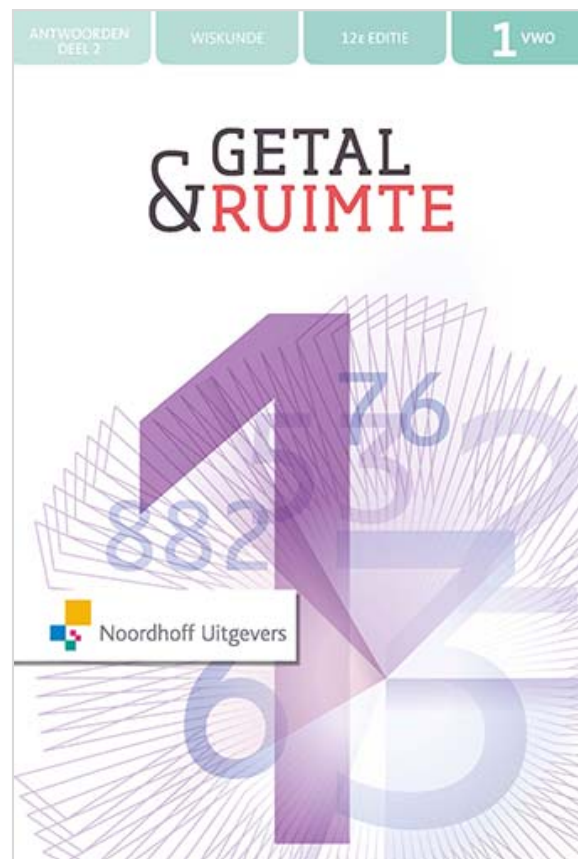
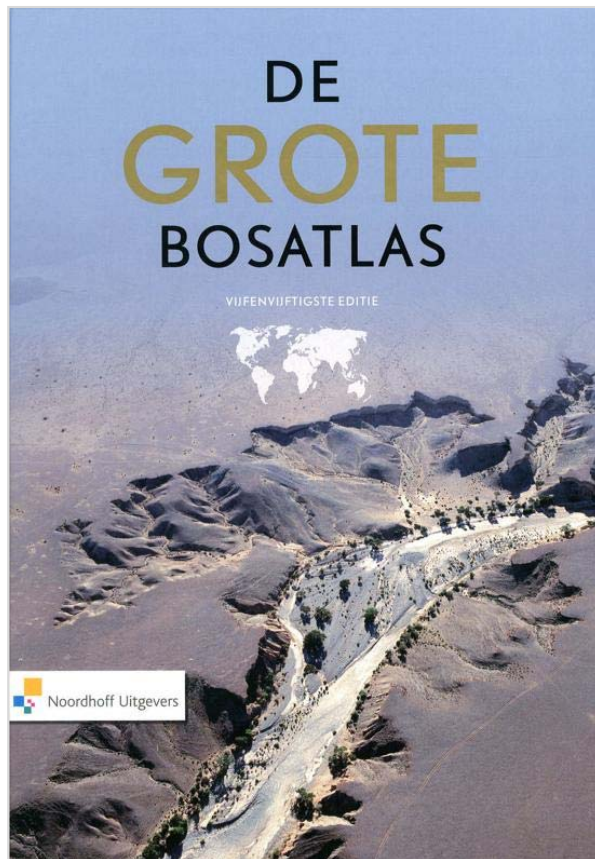


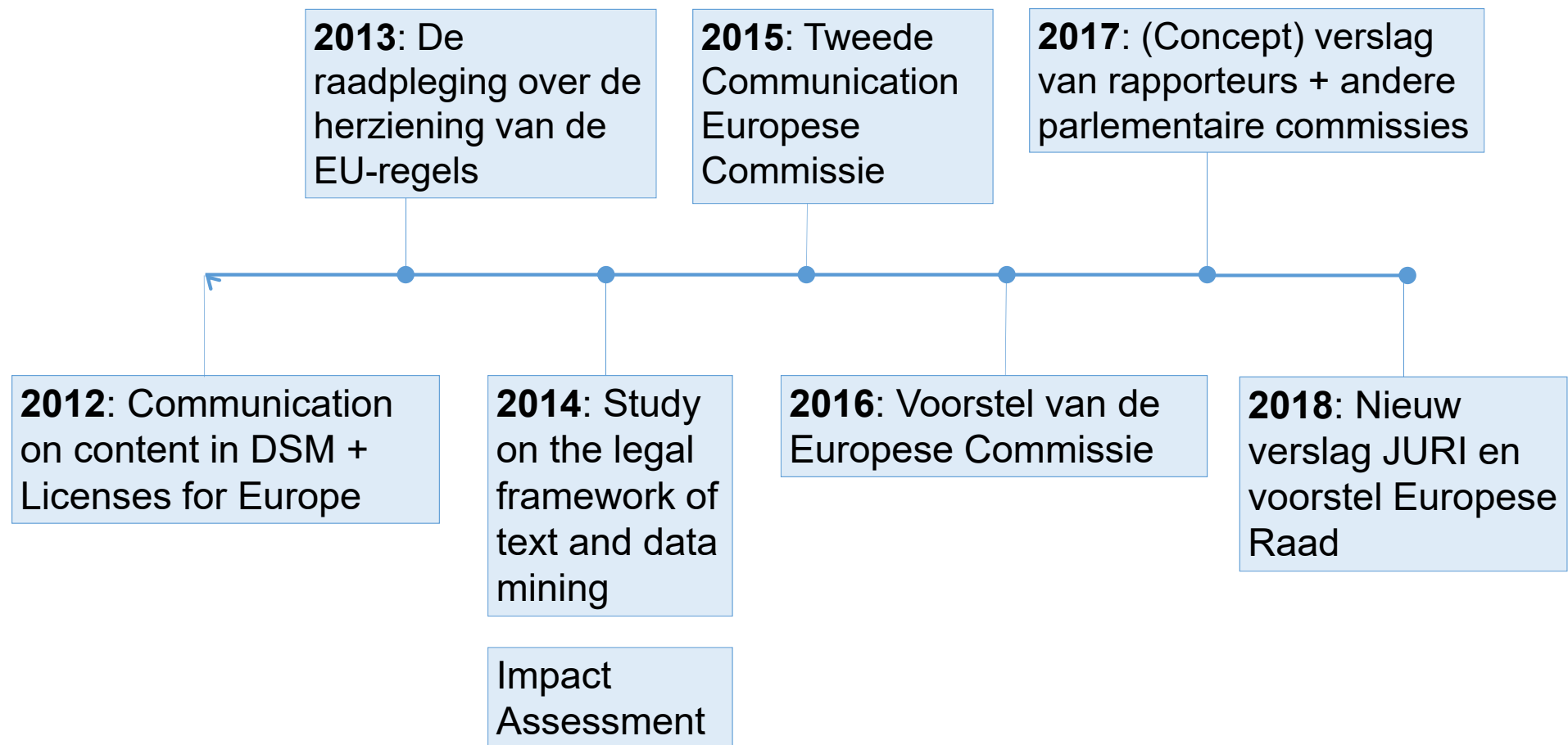
De tekst- en datamining exceptie in de DSM-richtlijn

Hans Osinga
15 juni 2018





Totstandkoming van TDM voorstel



Oorspronkelijke aanleiding

- TDM voor de wetenschap.
- Geraadpleegde werken bestaan (over het algemeen) uit wetenschappelijke publicaties in **wetenschappelijke tijdschriften en databases**.
- Impact assessment: Er zijn momenteel **geen gegevens**, behalve anekdotisch bewijs, die de **potentiële vraag** naar TDM-licenties **kwantificeert**.

LIBER - Association of European Research Libraries

"TDM zal de vooruitgang van de wetenschap **exponentieel verhogen**. Het heeft het potentieel om de ontdekking van geneeswijzen voor ziekten zoals **kanker** en **Parkinson** te vergemakkelijken. Het is al gebruikt om te ontdekken hoe bestaande medicijnen kunnen worden gebruikt om andere aandoeningen te behandelen."

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"

Gepolariseerde discussie

Onderzoekers

- Onderzoekers zijn (over het algemeen) **ontevreden** over de huidige situatie.
- **Rechtsonzekerheid** over of en hoe auteursrecht van toepassing kan zijn op tekst- en datamining.
- Bestaande **licentiemechanismen** worden beschouwd als **ontoereikend**.

Uitgevers

- Uitgevers zijn (over het algemeen) van mening dat er **geen groot probleem** is op het gebied van tekst- en datamining.
- **Licenties** worden ontwikkeld en zijn de beste manier om verder te gaan.
- Uitgevers **voldoen al aan TDM verzoeken** en bieden oplossingen.

Reikwijdte van de exceptie

Partij:	Reikwijdte:
EC (voorstel)	“onderzoeksorganisaties” (incl. publiek-private partnerschappen ten behoeve van wetenschappelijk onderzoek)
JURI	“een persoon die rechtmatige toegang heeft tot werken en ander materiaal”
IMCO	“onderzoeksorganisaties en instellingen voor cultureel erfgoed”
ITRE	“onderzoeksorganisaties, non-profit organisaties en startende bedrijven”
Raad	Twee excepties: “onderzoeksorganisaties en instellingen voor cultureel erfgoed ten behoeve van wetenschappelijk onderzoek” + optioneel tijdelijke reproducties voor een ieder.
JURI (2)	online door een ieder (mits geen voorbehoud) + geen nieuwsmedia + wetenschappelijk onderzoek door onderzoeksorganisaties en instellingen voor cultureel erfgoed

1. Member States shall provide for an exception to the rights provided for in Article 2 of Directive 2001/29/EC, Articles 5(a) and 7(1) of Directive 96/9/EC and Article 11(1) of this Directive for:

a) reproductions and extractions made by research organisations in order to carry out text and data mining of ~~as regards~~ works ~~or~~ and other subject-matter to which they have lawful access for the purposes of scientific research that are lawfully available online, provided that the rightholder has not reserved such uses in a machine readable format.

This exception shall not apply to text and data mining of press publications within the meaning of Article 2 paragraph 4 of this Directive or to text and data mining of any works and other subject-matter incorporated in a press publication provided that publishers of these press publications express such reservation by listing their websites in a central point of information online.

Reproductions and extractions made for the process of text and data mining of such works and other subject-matter shall be deleted as soon as they are no longer required for this purpose.

b) reproductions and extractions of works or other subject-matter to which they have acquired lawful access made in order to carry out on a non-for-profit basis text and data mining for the purposes of scientific research by research organisations and cultural heritage institutions.

Any contractual provision contrary to the exception provided for in paragraph 1 b) shall be unenforceable.

Reproductions and extractions made for text and data mining purposes shall be stored in a secure manner. As soon as the research activity has ended the copies shall be deleted or, if Member States choose to make use of this possibility, stored by trusted bodies appointed for this purpose.

Compensatie

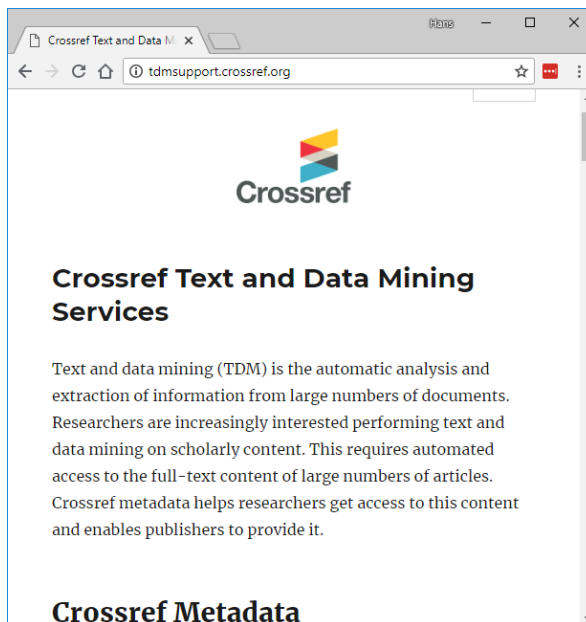
Impact assessment:

- **Negatieve gevolgen** bij bulkdownloads en crawlen.
- Uitgevers hebben **zwakke prikkels** om de juiste **technische vereisten te ontwikkelen** om TDM op lange termijn mogelijk te maken.
- Prikkel om te **investeren** worden **verminderd**.

Overweging in voorstel:

- **Potentiële schade** voor rechthebbenden die door deze uitzondering ontstaat **minimaal**, dus geen compensatie.

Oplossingen in de markt (3 / STM)



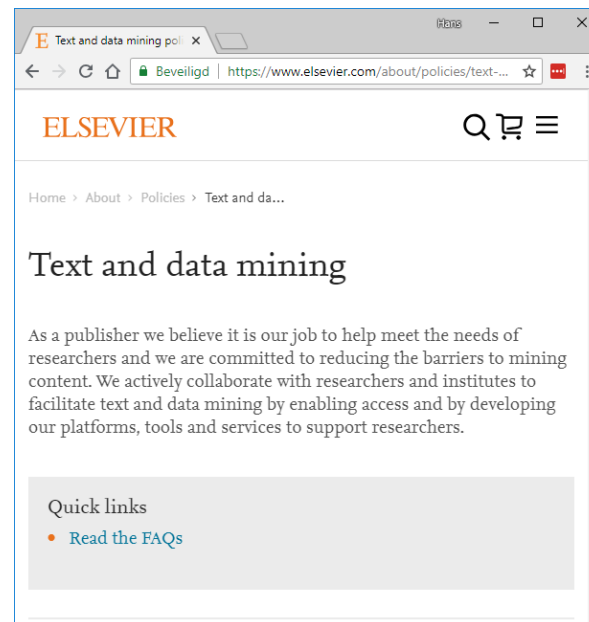
The screenshot shows the Crossref Text and Data Mining Services page. The browser address bar displays 'tdmsupport.crossref.org'. The page features the Crossref logo at the top. Below it, the heading 'Crossref Text and Data Mining Services' is followed by a paragraph explaining TDM as the automatic analysis and extraction of information from large numbers of documents. It mentions that researchers are increasingly interested in performing text and data mining on scholarly content, which requires automated access to the full-text content of large numbers of articles. Crossref metadata helps researchers get access to this content and enables publishers to provide it. At the bottom, the text 'Crossref Metadata' is visible.

Crossref

Crossref Text and Data Mining Services

Text and data mining (TDM) is the automatic analysis and extraction of information from large numbers of documents. Researchers are increasingly interested performing text and data mining on scholarly content. This requires automated access to the full-text content of large numbers of articles. Crossref metadata helps researchers get access to this content and enables publishers to provide it.

Crossref Metadata



The screenshot shows the Elsevier Text and data mining page. The browser address bar displays 'https://www.elsevier.com/about/policies/text-...'. The page features the Elsevier logo at the top. Below it, the heading 'Text and data mining' is followed by a paragraph explaining that as a publisher, Elsevier believes it is their job to help meet the needs of researchers and is committed to reducing the barriers to mining content. They actively collaborate with researchers and institutes to facilitate text and data mining by enabling access and by developing their platforms, tools and services to support researchers. A 'Quick links' section is visible at the bottom with a link to 'Read the FAQs'.

ELSEVIER

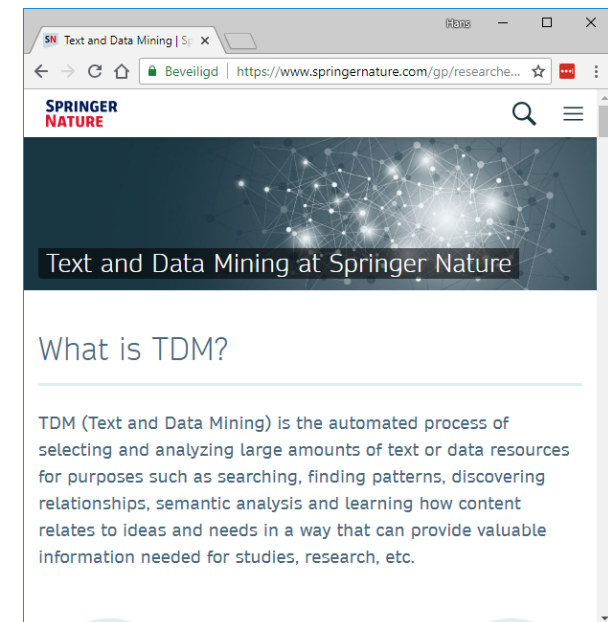
Text and data mining

Home > About > Policies > Text and da...

As a publisher we believe it is our job to help meet the needs of researchers and we are committed to reducing the barriers to mining content. We actively collaborate with researchers and institutes to facilitate text and data mining by enabling access and by developing our platforms, tools and services to support researchers.

Quick links

- [Read the FAQs](#)



The screenshot shows the Springer Nature Text and Data Mining page. The browser address bar displays 'https://www.springernature.com/gp/researche...'. The page features the Springer Nature logo at the top. Below it, the heading 'Text and Data Mining at Springer Nature' is followed by a paragraph explaining that TDM (Text and Data Mining) is the automated process of selecting and analyzing large amounts of text or data resources for purposes such as searching, finding patterns, discovering relationships, semantic analysis and learning how content relates to ideas and needs in a way that can provide valuable information needed for studies, research, etc.

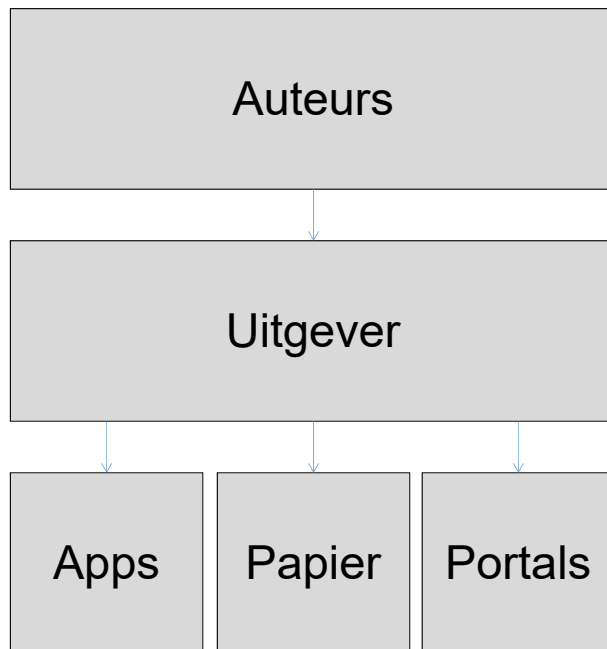
SPRINGER NATURE

Text and Data Mining at Springer Nature

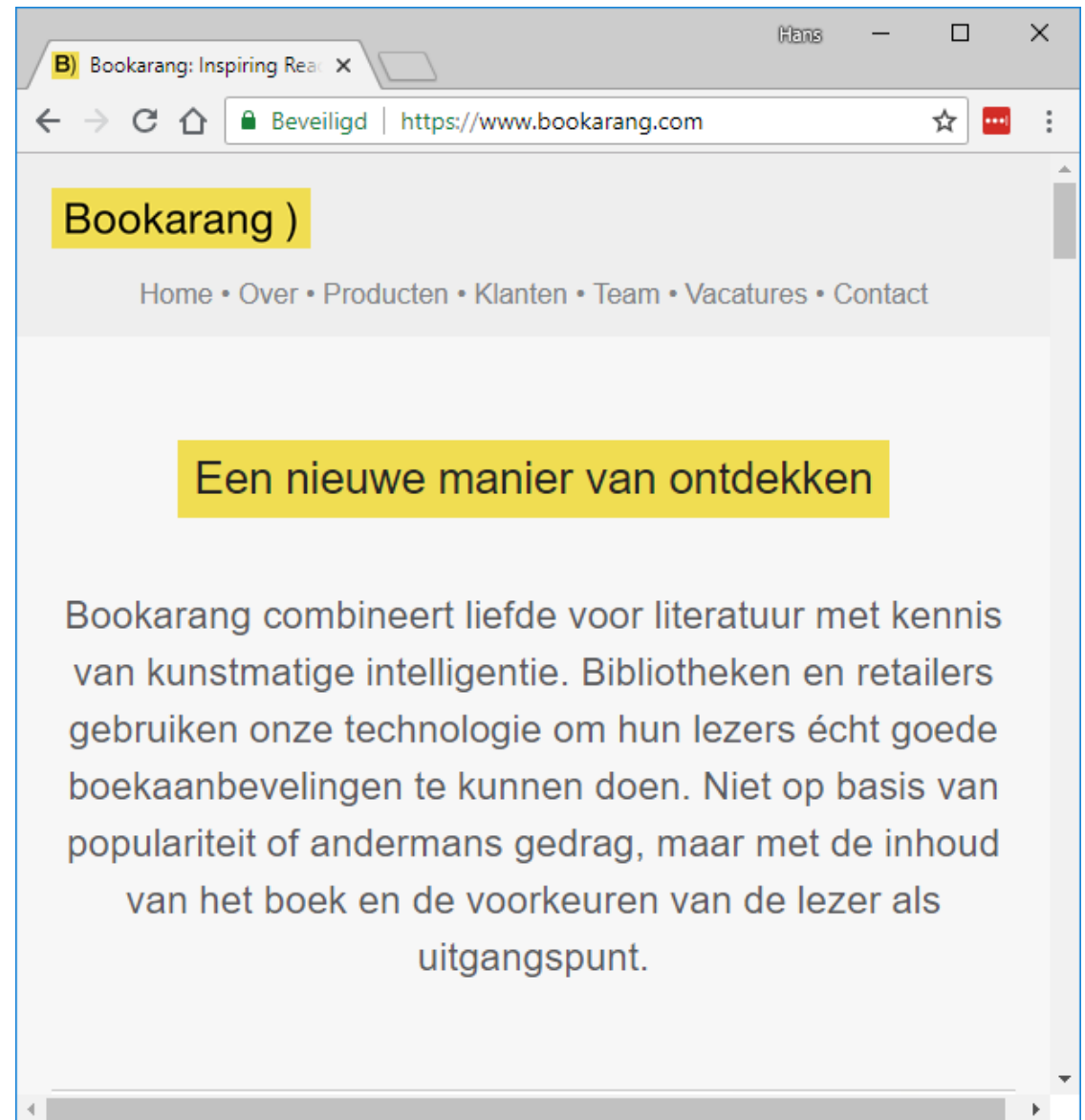
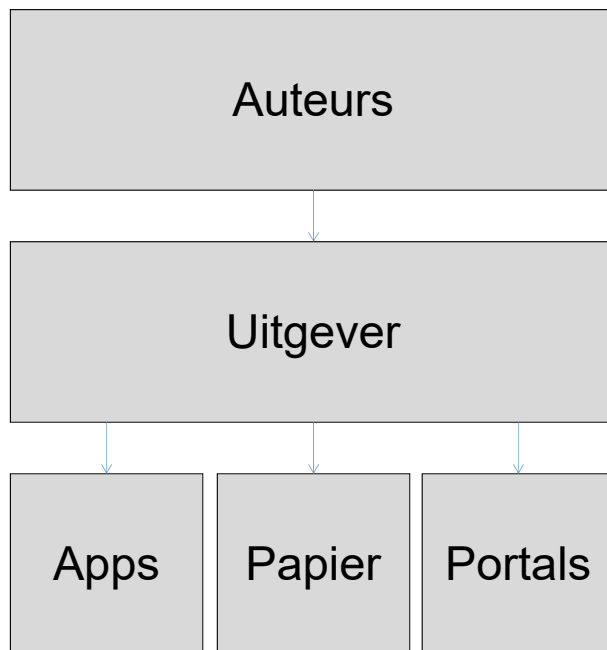
What is TDM?

TDM (Text and Data Mining) is the automated process of selecting and analyzing large amounts of text or data resources for purposes such as searching, finding patterns, discovering relationships, semantic analysis and learning how content relates to ideas and needs in a way that can provide valuable information needed for studies, research, etc.

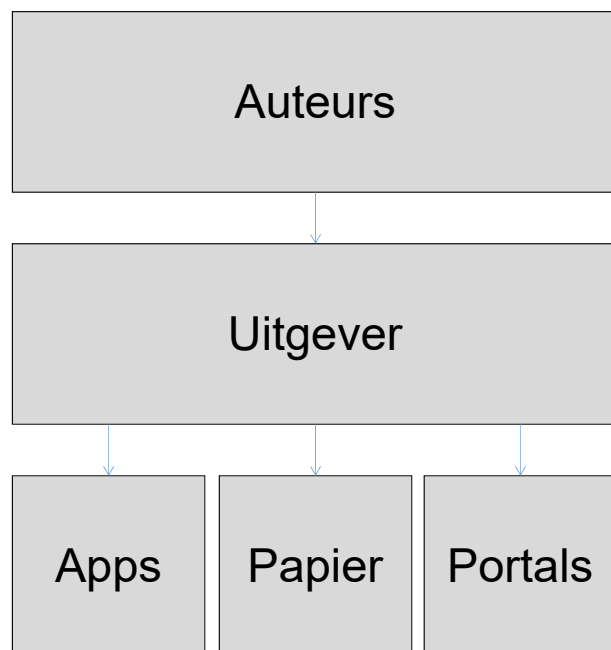
Impact van TDM (3A)



Impact van TDM (3A)



Impact van TDM (3A)



ARRONDISSEMENTSRECHTBANK
TER OTTERDAM

Zaak/Rolnummer: 139609/KG ZA 00-846
Uitspraak: 22 augustus 2000

VONNIS van de president in kort geding
in de zaak van:

1. de besloten vennootschap met beperkte aansprakelijkheid
ALGEMEEN DAGBLAD B.V.,
gevestigd te Rotterdam,
2. de besloten vennootschap met beperkte aansprakelijkheid
NRC HANDELSBLAD B.V.,
gevestigd te Rotterdam,

KRANTEN.COM
HET ONLINE KRANTENOVERZICHT

- | Landelijke kranten
- | Regionale kranten
- | Belgische kranten
- | Buitenland
- | Binnenland
- | Business & finance
- | Internet & ICT
- | Beursnieuws
- | Sport
- | Entertainment
- | Kunst
- | Reizen
- | Religie
- | Zakelijk nieuws
- | Overig nieuws
- | Marketing
- | Mijn Krant

★ Pagina per krant

- nieuws van de krant
- geschiedenis krant
- directe doorlink

Kies uw krant

Proefabonnementen

- | Tijdschriften
- | Kranten

Partners

Klein geluk in Amsterdam: Een korte omweg

Lees dit artikel in Het Parool

Direct naar de krant

▼ Het Financieele Dagblad	▼ De Telegraaf	▼ De Volkskrant
▼ AD	▼ Het Parool	▼ Trouw
▼ NRC Handelsblad	▼ Reformatorisch Dagblad	▼ Nederlands Dagblad
▼ RTL Nieuws	▼ Metro	▼ Zakelijk Dagblad
▼ Zakelijk Nieuws		

Zoek artikel: - Alle Kranten -

Het Financieele Dagblad

- Overheden deden te weinig met hun krediet
- Voor isolatiebedrijf Pluimers mag de van-het-gas-af-hausse b...
- Adviseurs: dga's gebruiken cv om privacy te beschermen
- Vlakke opening Damrak op komst
- Dé Nederlander bestaat niet
- Straatarm Bangladesh ontfermt zich over de Rohingya-moslims
- 'De wereld wordt steeds rijker'

Gratis nieuwsbrief!

- * Headlines via de mail
- * Om 8.00u of 17.00u
- * Zowel voor NL als BE
- * Kans op prijzen


uw@emailadres.com

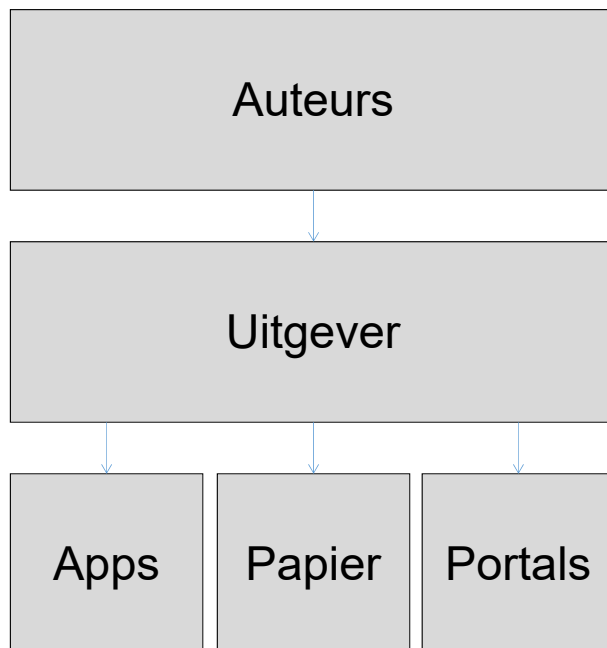
Info 

online.nl
INTERNET | TV | BELLEN

€32,50
per maand
*Na 6 mnd €42,50

MEEST COMPLETE

Impact van TDM (3A)



The screenshot shows the Kennisnet Edurep website. The header includes the Kennisnet logo and navigation links: thema's, diensten, publicaties, bijeenkomsten, and over ons. The main banner features the Edurep logo and the tagline 'Digitaal leermateriaal beter vindbaar maken'. Below the banner is a navigation bar with links: wat is edurep, metadata, edurep widgets, aanmelden, and aangesloten partijen. The main content area is titled 'Metadata voor betere vindbaarheid' and explains the purpose of Edurep in making digital learning materials discoverable for schools. It mentions that providers add 'labels' (metadata) to their materials, which Edurep collects. It also states that when teachers and students search, Edurep presents an overview of available materials. Finally, it notes that labeling can be done by either providers or users.

Kennisnet thema's ▼ diensten ▼ publicaties bijeenkomsten over ons ▼

Edurep

Digitaal leermateriaal beter vindbaar maken

wat is edurep metadata edurep widgets aanmelden aangesloten partijen

Metadata voor betere vindbaarheid

Om digitaal lesmateriaal vindbaar te maken voor scholen in het po, vo en mbo, geven aanbieders hun leermaterialen 'labels' mee. Dat wordt metadata genoemd. Edurep verzamelt deze metadata.

Wanneer leraren en leerlingen een zoekopdracht aan Edurep geven, presenteert Edurep een overzicht van links naar beschikbaar materiaal van de aanbieders.

Het labelen van educatieve materialen kan door twee partijen gebeuren: de aanbieders en de gebruikers.

Metadata door aanbieders

...afwachten.

Hans Osinga

hosinga@infinitaslearning.com

