

Eurodoc Open Letter to European Parliament on Copyright Directive

Dear Members of the European Parliament,

We, representatives of early-career researchers in Europe, hereby respectfully call upon you, the Members of the European Parliament, to **VOTE NO** to accepting the proposal for a [Directive on Copyright in the Digital Single Market \[File 2016/0280\(COD\)\]](#) on 05 July 2018.

The [European Council of Doctoral Candidates and Junior Researchers \(Eurodoc\)](#) is a grassroots federation of national associations representing doctoral candidates and junior researchers in 28 countries across Europe. We are a non-profit organisation based in Brussels and are the main stakeholder for the 1+ million early-career researchers in Europe who form the majority of all researchers and are at the centre of research and innovation.

We have already expressed our concerns about the copyright directive (as a signatory of the open letter to the Members of the Legal Affairs Committee of the European Parliament on [EU Copyright Reform Threatens Open Access and Open Science](#)) and feel the urgent need to directly contact all Members of the European Parliament given the unsatisfactory outcome of the vote in the Legal Affairs Committee of the European Parliament on 20 June 2018.

We [firmly support the vision of the European Commission towards opening up research and innovation](#) as well as bringing together academia, industry, and civic society in Europe (as laid out in the policy programme [Open Innovation, Open Science, Open to the World](#) and supported by the funding programmes [Horizon 2020](#) and [Horizon Europe](#)) and strongly believe that the copyright directive in its current form is a step backwards that will not only seriously hinder the shift to [Open Science](#) but hamper research and innovation in Europe.

We are specifically worried about [Articles 3, 11, and 13 of the copyright directive](#) which place unwarranted restrictions on the text-and-data mining of copyrighted works, give overly extensive rights to press publishers for the online use of press content, and sweepingly oblige requests for authorisation or automatic filtering for uploading online content. This will lead to harmful restrictions on the fundamental rights of freedom of information and severely limit access to research data and publications in Europe. The proposals contradict and undermine the ambitions of the European Union for [Open Access](#) and [Open Data](#) and jeopardise digital infrastructure projects such as the [European Open Science Cloud \(EOSC\)](#).

Article 3: Text and Data Mining

Text-and-data mining is crucial for research and innovation and should be permitted not only for public but also commercial purposes. We agree with the [European Copyright Society](#) that the text-and-data mining of copyrighted works should not be a matter of copyright: text-and-data mining does not use copyrighted works as works but accesses information stored in works and has no impact on the normal exploitation of copyrighted works. We also agree with [European Research Centres](#) that the article will not stimulate research and innovation if restricted to scientific purposes and organisations: research and innovation is driven (collaboratively) by all societal actors including academia, industry, and civil society. We request that text-and-data mining not be labelled as a copyright infringement and that Article 3 be deleted or minimally broadened to allow text-and-data mining of copyrighted works for non-scientific purposes and organisations across Europe.

Article 11: Protection of Press Publications Concerning Digital Uses

Access to online news and media is fundamental for an open and democratic society and for scientific knowledge dissemination. We agree with the [European Copyright Society](#) that granting exclusive copyrights to press publishers for the (re)use of press content will negatively affect freedom of expression and information as well as competition in the online news and media market: public information will (un)intentionally be filtered and distorted while small and independent publishers will be disadvantaged by large publishers. We also agree with [European Research Centres](#) that granting ancillary copyrights to press publishers establishes an unnecessary double layering of copyrights for the same creation: press publishers already acquire copyrights from content creators through legal contracts. We find the exception for hyperlinking unsatisfactory: hyperlinks often involve extracts referring to their linked content but it is not clear if such extracts will be permitted by the (national) legislation. We also find the exception for 'scientific periodicals' unsatisfactory: the definition and scope of such periodicals is not clear and will not cover the full spectrum of scientific outputs. Any granting of ancillary copyrights to scientific publishers will not only increase costs and restrict access to scientific outputs but is diametrically opposed to the open agenda of the European Commission. We request that the discussion of copyright focus on the copyrights of content creators and not publishers and that Article 11 be deleted.

Article 13: Use of Protected Content by Online Content Sharing Service Providers

An obligation to obtain permission for uploading content or to filter content using effective technologies by online platforms will impede the open sharing of information and research data and publications. We agree with [\(original\) internet pioneers and architects](#) that such an obligation will threaten the future of the internet and turn it from an open platform for sharing and innovation into a tool for automated surveillance and censorship of content: online platforms will not be able to obtain permission from all users and automated filters will not be able to distinguish all copyright infringing content which will result in incorrect and excessive content blocking. We also agree with the [European Copyright Society](#) and [European Research Centres](#) that the article is ambiguous in its scope and application as well as being unclearly related to (national) copyright legislation: interpretation of the article will prove highly problematic and lead to conflicts with existing laws for copyright and freedom of expression and personal data protection. We lastly find that the article will limit access to research data and publications in repositories and threaten the future of the European Open Science Cloud (EOSC): it is not clear if the exception for non-commercial online platforms will apply to all educational and scientific repositories and especially to repositories which are run privately or collaborate with industry as in many Horizon 2020 projects. Such repositories along with small to medium companies will face significant legal and operational costs for filtering technology and the risks of intermediate liability. We request support for an open internet and Open Science and that Article 13 be deleted.

Please **VOTE NO** to accepting the proposal and beginning the trilogue discussions on the copyright directive so that there is adequate time to openly and fully address Articles 3, 11, and 13 with all concerned stakeholders and to ensure a fair copyright legislation for Europe!

Kind regards,

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