

Statement in Opposition to European Parliament Proposal on Article 6 of the Revised Copyright Directive

We, the undersigned organizations, stand together in opposition to Article 6 of the proposed Revised Copyright Directive.

The proposed Directive on Copyright in the Digital Single Market contains much of benefit to education, research and libraries.

These benefits include:

- A licence-based solution for mass digitisation of out of commerce works, that includes a backstop exception where collecting societies either do not exist, or are unable to offer licences due to their limited role set out in law.
- An exception for text and data mining.
- An exception for digital preservation, including the use of cross-border preservation networks.
- A hybrid licence and exception for teaching which clearly allows digital reproductions and cross-border teaching activities through secure means.

We are, however, very concerned at the European Parliament's proposed Article 6 for two reasons.

Firstly, concerning line 154, libraries and educational establishments will routinely want to use the same in-copyright materials for teaching, text and data mining and preservation purposes. Forcing an institution to choose which of these activities to undertake entirely undermines the role and function of libraries and universities to support education and teaching.

It also will undermine the new discipline of Digital Humanities. The humanities – history, politics, geography, literary studies etc – play a vital role in understanding how our societies work. Digital Humanities work by using methods such as text and data mining to analyse large volumes of digital – or digitised – works in order to detect trends and phenomena, and then to teach and do further research.

To give just one example, if a university has taken a preservation copy of an in-copyright work, then under this proposal the digital version can neither be text and data mined nor used in a classroom in the context of a Digital Humanities degree. Given the growth of this subject across universities in Europe this makes no sense, as it undermines this new discipline and area of scholarship.

Secondly, concerning line 155, the European Parliament's proposal would frustrate text and data mining, our ability to preserve our own history, as well as teaching and learning in universities when there is a technological protection measure preventing access to a digital item accessed under a licence / terms and conditions of access. The European Commission's proposal expressly sought to allow Member States to give access to organisations where technical protection measures were preventing access. The European Parliament's version of Article 6 reverses this.

In the interests of research, investment, policy making and preservation of the historical record in Europe, it is vital to reject this non-sensical amendment by the European Parliament, and stick with the European Commission's original text.

We strongly urge you to support these changes, and appreciate your work on this important legislation.

Bibliographical Society of America
International Center for Medieval Art
Medieval Academy of America
National Council on Public History
Society for the History of Authorship, Reading, and Publishing (SHARP)