Brussels, 15 January 2019

**Do not block Europe from becoming a leader in Artificial Intelligence (AI):**
**Adopt a broad and mandatory Text and Data Mining (TDM) exception**

As the European Commission, Council and Parliament are preparing for **a last trilogue meeting** on a revised Copyright framework for Europe, We, representatives of the broader European research and innovation ecosystem, namely universities, large and small European technology companies, startups and scaleups and libraries, who stand at the forefront of developing research underpinning the next generation of data analytics and artificial intelligence innovation, wish to make a **last plea to EU institutions to <u>make Article 3a mandatory rather than optional</u>** in the ongoing reform of the Copyright Directive.

**Europe is now at a crossroad:**
AI, relying on the powerful capability of data analytics, has the potential to double the annual economic growth rates of European countries by 2035[1]. The European Commission recently published its Coordinated Action Plan on AI with the goal of reaching at least 20 billion euros of public and private investments by the end of 2020[2]. Several Member States, including France[3] and Germany[4] are also launching national strategies, pouring large sums of money into the development of AI.

<u>**If we want these billions of euros of investments to bear fruit, it is imperative that European companies, startups, journalists and researchers alike be able to use TDM and enable modern techniques like machine learning and data analysis, which form the basis of AI.**</u>

The copyright directive, if it **restricts TDM to narrowly-defined research organisations only**, will cripple beneficial public-private partnerships and severely hinder the capacity of European companies and researchers to compete with data analytics counterparts from the rest of the world**.**

Member state governments, and the European Commission are strongly supporting and funding Knowledge Transfer activities between universities and private enterprises. Having different legal regimes for AI and text and data mining will **create large barriers for universities and businesses** involved in Knowledge Transfer and **undermine the European taxpayers' investment in science**.

**The ability to create leading AI and data analytic technologies depends on access and use of large and diverse data-sets in both the public and private spheres**. While EU institutions are still debating who should be allowed to use TDM and in what circumstances, other countries such as Japan, China, and the U.S., have moved forward with research-friendly TDM rules that do not discriminate against certain users and researchers.

As EU institutions aim to find a political agreement on the Copyright Directive next week, we urge negotiators to seize this last opportunity to get the fundamentals of AI right: **by replacing *"may"* by *"shall"* in Article 3a, Para. 1** of the proposed text, the EU would pave the way for a broad and effective TDM exception across Member States, allowing European researchers and companies to remain competitive in the global AI race.

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[1] https://www.accenture.com/t20170524T055435__w__/ca-en/_acnmedia/PDF-52/Accenture-Why-AI-is-the-Future-of-Growth.pdf
[2] http://europa.eu/rapid/press-release_IP-18-6689_en.htm
[3] https://www.aiforhumanity.fr/pdfs/MissionVillani_Report_ENG-VF.pdf
[4] https://www.bundesregierung.de/resource/blob/997532/1550276/3f7d3c41c6e05695741273e78b8039f2/2018-11-15-ki-strategie-data.pdf

**Signatories:**

- Allied for Startups;
- Center for Democracy & Technology (CDT);
- Communia Association;
- Confederation of Open Access Repositories (COAR);
- Deutsche Startups;
- DIGITALEUROPE;
- ESOMAR;
- European DIGITAL SME Alliance;
- European University Association (EUA);
- Frontiers;
- League of European Research Universities (LERU)
- Ligue des Bibliothèques Européennes de Recherche (LIBER);
- Open State Foundation.