

COPYRIGHT DIRECTIVE PROPOSAL

DRAFT COMPROMISE AMENDMENT

ARTICLE 3

Draft compromise amendments on Text and data mining

Article 3

Text and data mining

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 **of 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.

2. In cases other than the ones mentioned in paragraph 1, a license under which the licensee is allowed to carry out extractions and reproductions from a work or other protected-subject matter shall be deemed to allow for text-and-data-mining, including, where applicable, by their subcontractors, without requiring any specific permission of the rightholders, unless the parties agree otherwise and the rightholder reserves such uses in a machine readable format.

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. Any reproductions of works or other subject matter retained for longer than required are excluded from the scope of this paragraph.

3. Rightholders shall be allowed to apply measures to ensure the security and integrity of the networks and databases where the works or other subject-matter are hosted. Such measures shall not go beyond what is necessary to achieve that objective.

4. Member States shall encourage rightholders, research organisations ***and cultural heritage institutions*** to define commonly-agreed best practices concerning the application of the measures referred to in ***paragraph 1 point b and*** paragraph 3.