

**PRESS RELEASE**  
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## Once upon a time there was a Pirate... ...fighting for the reform of copyright.

“In this legislative period, I will be **advancing the long overdue European Copyright reform. This is going to be a challenging task, (...)**”, stated MEP Julia Reda back in June 2014. As rapporteur of the EP Legal Affairs Committee’s (JURI) report on the implementation of the InfoSoc Directive (Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society), **Reda’s efforts to bring transparency, ambition and sense of urgency to the EU copyright reform** are to be applauded. However, the more than 11,000 comments received by the EU Commission to the copyright consultation or the 556 amendments that were tabled to her draft report on the InfoSoc Directive already pointed to this “challenging task” becoming quite a daunting endeavour... Her ambitions have now been severely hindered by **the watered-down report that has resulted from the political compromise reflected in JURI’s vote.**

As LERU has repeatedly stated, **two changes are of utmost importance for research-intensive universities and for universities in general:**

- **a mandatory exception for text and data-mining** (not overridable by private contract and for both commercial and non-commercial purposes) **and**
- **a mandatory exception for research and education purposes.**

The current “shopping list” of exceptions and limitations, from which Member States can pick and choose which to apply, is not a serious approach for a Union that prides itself for having an internal market (now about to also develop a *Digital Single* one). Neither is it the right approach for the development of a real European Research Area. Further harmonisation is needed and, in areas such as education or research, the current uneven playing field amongst Member States is far too important to be ignored. **Anything less than mandatory exceptions at the EU level will just preserve the current status quo of legal uncertainty and fragmentation.**

Unfortunately, political reality seems to have struck back and **reaching a political compromise has prevailed over adopting a meaningful report.** Forget about the long-awaited harmonisation by making mandatory all the exceptions and limitations in the InfoSoc Directive. **Now the text suggests “minimum standards” across the exceptions and limitations.** The mandatory exception for text and data mining - which several MEPs suggested in their amendments- has now been reduced to the need “to properly assess the enablement of automated analytical techniques for text and data”.

This is a discouraging approach, which becomes even more disappointing when accompanied by statements on the need to duly justify “by a sound and objective economic and legal analysis” any new exceptions or limitations; or a call on the EC to “examine the possibility of reviewing a number of the existing exceptions and limitations”. It is regrettable that, 14 years after the

adoption of the InfoSoc Directive, the need for new exceptions and limitations does not seem self-evident. Let's not kid anyone: **the EU will never be a successful knowledge economy without the right regulatory framework to enable it.**

**LERU not only regrets the watering down of the content of the Report but also the “tone” set by the EP in this reviewing process.** From a position of “stressing”, “noting” or “calling on the EC to make” in the draft report, the EP now modestly calls the EC “to examine the possibility of”, “to study the impact of”...losing not only the sense of urgency of the copyright reform but also underestimating its role in it.

This report on the implementation of the InfoSoc Directive has now set the scene for the proposal that the EC will present by the end of this year. LERU calls on the EP to adopt a stronger and more ambitious position with regard to mandatory exceptions for research and education purposes and for text and data-mining. As stated by LERU Secretary-General, Prof. Deketelaere: **“Lowest common denominator approaches cannot be the default position resulting from political compromise.** Certainly not in such an important file. “ LERU trusts that this report has been a preparatory exercise for the EP and that a much more serious and ambitious position will be adopted during the fierce battle that lies ahead for the reform of EU copyright.

#### Related articles

LERU news item: [European Commission Thinks Again on Copyright White Paper](#) (23 July 2014)

LERU news item: [European Research Organisations Call On Elsevier To Withdraw TDM Policy](#) (1 July 2014)

LERU Press release: [LERU rejects European Publishers Council's suggestions on Text and Data Mining](#) (26 June 2014)

LERU news item: [LERU's and LIBER's position on Text and Data Mining](#) (23 June 2014)

LERU news item: [EC blocks WIPO-negotiations on Copyright and TDM](#) (6 May 2014)

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#### About LERU

The League of European Research Universities (LERU) is an association of twenty-one leading research-intensive universities that share the values of high-quality teaching within an environment of internationally competitive research.

Founded in 2002, LERU advocates education through an awareness of the frontiers of human understanding; the creation of new knowledge through basic research, which is the ultimate source of innovation in society; and the promotion of research across a broad front in partnership with industry and society at large.

The purpose of the League is to advocate these values, to influence policy in Europe and to develop best practice through mutual exchange of experience. LERU regularly publishes a variety of papers and reports

which make high-level policy statements, provide in-depth analyses and make concrete recommendations for policymakers, universities, researchers and other stakeholders.

The LERU universities are:

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