



COPYRIGHT DSM DIRECTIVE

General objective: Adapt the copyright framework to digital and cross-border environments

Application to universities/academics: as **data users** and as **providers of digital infrastructures**

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC ([Copyright in the Digital Single Market Directive](#))

Relevant provisions:

- Article 2(6)** Excludes providers of **not-for-profit educational and scientific repositories** from the definition of ‘online content-sharing service provider’, and thus, from the obligations imposed on such providers.
- Article 3** Introduces a **mandatory exception for universities and other research organisations** to the exclusive right of reproduction and the right to prevent extraction from a database when they use protected content in the context of **text and data mining (TDM)** technologies.

Anticipated impact on universities:

Topic	Capacity	Impact	Explanation
Exemption for scientific repositories	Provider of infrastructure	High	The Directive explicitly excludes providers of not-for-profit educational and scientific repositories from the definition of ‘online content-sharing service provider’, thereby excluding them from far-reaching obligations to protect copyright. Universities are not treated in the same way as commercial service providers.
TDM exception	Data user	Medium	The TDM exception allows for the use of lawfully accessed copyright-protected works by means of text and data mining technologies for scientific research purposes, thus enabling researchers to use <i>more</i> data for scientific research.

Interactions with other frameworks & potential (consistency) issues:

Interaction	The Directive complements the rules laid down in the various EU copyright directives, including the Information Society Directive .
Issue	Instrumentalisation of publicly-funded research data for commercial gain: the fact that not-for-profit scientific research benefits from exceptions under EU copyright law renders universities attractive for industry-sponsored research that can be used as input for commercial products.