

CSC's feedback on the call for evidence for the review of the CDSM Directive

Copyright legislation must not hamper data-driven RDI

CSC sees the upcoming review of the Directive 2019/790/EC on Copyright in the Digital Single Market as an opportunity to improve the copyright legislation, as Europe's technological competitiveness depends on a copyright framework that effectively supports data-driven research and innovation while ensuring a high level of protection for rightsholders. Copyright legislation should therefore strike a balance: it must safeguard intellectual property rights while remaining fully compatible with broader strategic objectives such as technological sovereignty, research integrity, open science and research, and innovation.

TDM must be allowed more widely

At present, legal uncertainty continues to constrain research and innovation, also making it difficult for European companies to develop services based on data. Greater clarity and consistency are needed, particularly as regards text and data mining (TDM). Currently European tight TDM restrictions harm European competitiveness, because they do not allow European companies to use European data through TDM. At the same time, non-European companies are using European data to their advantage without restrictions. If this situation continues, non-European companies will keep on dominating the European markets and Europe will keep lagging behind. Thus, it is crucial to allow TDM more widely for innovation purposes for European RDI actors, institutions and companies.

At minimum, TDM exceptions for research must be preserved and implemented more harmoniously across Member States. It must also be made clear that TDM exceptions apply fully to AI training on lawfully accessible data, in line with the original purpose of the research exceptions that was to foster AI development, including generative AI. In addition, technological protection measures (TPMs) must not prevent lawful TDM. This supports the overall objective to boost Europe's competitiveness by removing all unnecessary restrictions on the use of data for research and innovation purposes.

Infrastructures, data and skills to complement enabling legislation

In addition to regulation, attention must be paid to the necessary infrastructure for value creation from data. Europe is investing heavily in computing capacity. However, Europe's data sovereignty remains limited, as access to and control over large-scale datasets, especially web data, are currently concentrated among a small number of non-European platforms. This creates dependencies for European researchers, startups, and companies, and limits their ability to fully benefit from European data, because they do not have access to it.

Addressing this requires a strong ecosystem approach and long-term planning to build European data infrastructures as ecosystems including high-performance computing, data spaces, AI and quantum capacities, and as an essential part a European web data infrastructure, which will allow



also Europeans to reap the benefits of web data. The prototype of a web data infrastructure is already in place and should be scaled to European level, based on the work done in the ows.eu project¹.

Strengthening data availability and data sovereignty within Europe is also closely linked to economic competitiveness. Web data currently flows out of Europe and underpins the growth of non-European digital giants, including in AI development. Enabling European companies to access, use, and build on this data is essential to ensure that value creation, innovation, and growth can take place within Europe. Furthermore, without European data sovereignty we cannot reduce our dependencies on non-European service providers.

Finally, skills development must be addressed in a horizontal manner. Researchers, institutions and businesses across all fields need to understand the importance of data and be equipped to manage and use it securely and effectively. Strengthening data-related skills is essential to ensure that regulatory improvements and infrastructure investments translate into tangible outcomes for research, innovation, and European technological sovereignty.

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¹ <https://openwebsearch.eu/the-project/>