

NEWS RELEASE



For Immediate Release

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STM response to Directive on Copyright in the Digital Single Market

The International Association for Scientific, Technical and Medical Publishers (STM) notes the [Directive on Copyright in the Digital Single Market](#) as released by the European Commission earlier today. Whilst the Directive presents clarity in a number of areas, it unfortunately introduces unnecessary vagueness in others and fails to adequately recognise scientific publishers as rightsholders.

Recital 33 of the Directive on Copyright in the Digital Single Market expressly excludes STM publishers from a publisher's related right. Furthermore, the protection granted by virtue of a new publishers related right in Article 11 does not extend to STM publishers. This exclusion is disappointing, unwarranted and potentially discriminatory. STM Publishers continually invest in new content and a wide range of innovative solutions which help advance the dissemination of published content. The publisher's related right recognises the value added by STM publishers and therefore safeguards the important role that STM publishers play in the scholarly

communication ecosystem. It also grants the necessary protection and leverage to guarantee the long-term viability of the system itself.

Within Article 3 'Text and Data Mining', 'lawful access' is not sufficiently defined. In its current framing, 'lawful access' could cover unforeseen uses such as copying rented or deposited content or indeed accessing illegally hosted material. It is imperative that "lawful access" be combined with the consent of the rightholders. Likewise, the exception provided within this Article extends to commercial use which poses a risk to existing well operating and understood scholarly systems.

The Directive lacks a clause which excludes 'exception hopping'. Exception hopping, where a series of exceptions are combined or applied in sequence to gain additional advantages for different beneficiaries are prohibited and this should be highlighted directly.

Finally, Art 6(3) of the Directive on Copyright in the Digital Single Market stipulates that Art 5(5) and the first, third and fifth subparagraphs of Article 6(4) of the Information Society Directive shall apply. While STM supports the application of these Articles, and especially Art 5(5), STM is gravely concerned at the non-applicability of Art 6(4).4 as this may undermine certain well-functioning business models.

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Notes to Editors

1) [STM](#) is an international association of over 120 scientific, technical, medical and scholarly

publishers, collectively responsible for more than 60% of the global annual output of research articles, 55% of the active research journals and the publication of tens of thousands of print and electronic books, reference works and databases. We are the only international trade association equally representing all types of STM publishers – large and small companies, not for profit organizations, learned societies, traditional, primary, secondary publishers and new entrants to global publishing.