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PROGRAM ON  
INFORMATION JUSTICE AND  
INTELLECTUAL PROPERTY


# Copyright & Right to Research

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Topics

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# The Right to Research for Text and Data Mining

## **Reproduction**

- All works (including whole works)
- All users (commercial, individual)
- Non-expressive research

## **Communication**

- Validation
- Collaboration
- Cross-border

# Empirical Research

## The Impact of Copyright Exceptions for Researchers on Scholarly Output

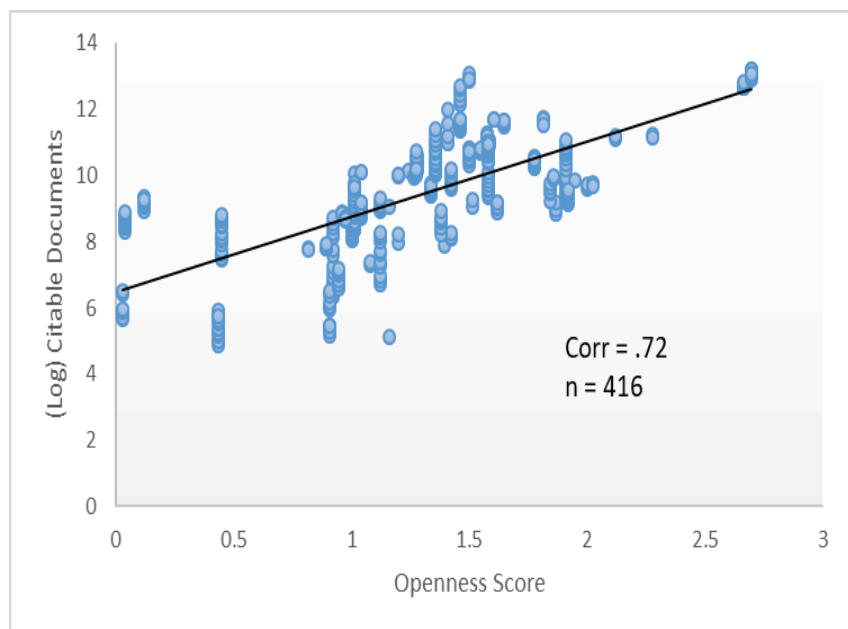
Michael Palmedo\*

### Abstract

High prices restrict access to academic journals and books that scholars rely upon to author new research. One possible solution is the expansion of copyright exceptions allowing unauthorized access to copyrighted works for researchers. I test the link between copyright exceptions for health and science researchers and their publishing output at the country-subject level. I find that scientists residing in countries that implement more robust research exceptions publish more papers and books in subsequent years. This relationship between copyright exceptions and publishing is stronger in lower-income countries, and stronger where there is stricter copyright protection of existing works.

**Key Words:** Copyright, Copyright Exceptions, Intellectual Property, Access to Knowledge, Knowledge Governance, Research, Publishing, Scholarship.

**JEL Codes:** O34, K11, D83



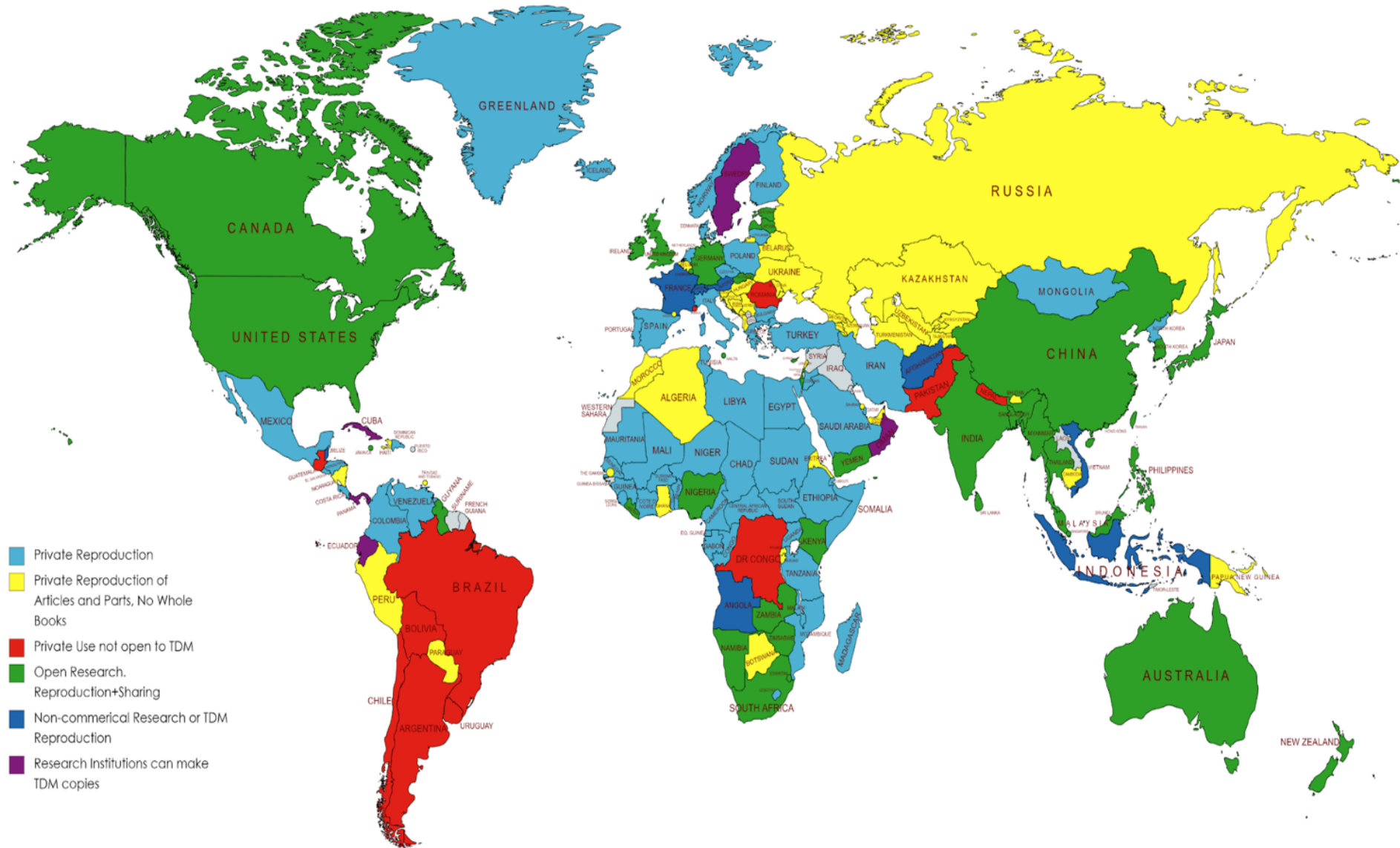
Handke, Christian and Guibault, L. and Vallbé, Joan-Josep, Is Europe Falling Behind in Data Mining? Copyright's Impact on Data Mining in Academic Research (June 7, 2015). Available at SSRN: <https://ssrn.com/abstract=2608513> or <http://dx.doi.org/10.2139/ssrn.2608513>

**Table 4.** Results of multilevel regressions with DM share as dependent variable and with varying intercept (random effects).

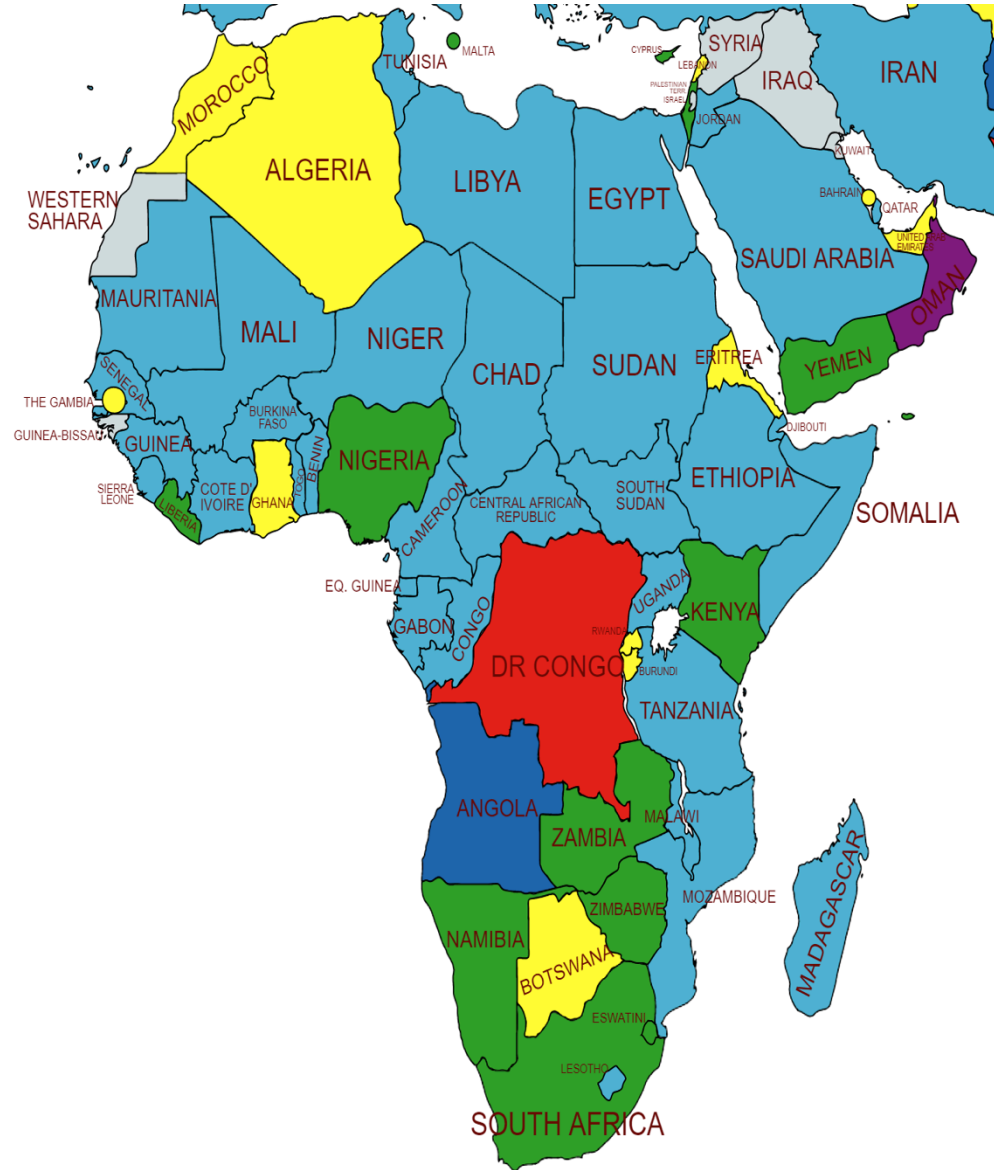
	Model 1	Model 2	Model 3	Model 4
(Intercept)	0.542*** (0.075)	0.709 (0.860)	3.362*** (0.928)	3.812*** (0.936)
Copyright [Ref. <i>Not allowed</i> ]				
<i>Rectangular Snip</i>				
<i>Allowed</i>	0.301 (0.280)	0.342 (0.357)	0.288 (0.335)	9.678 (27.063)
<i>Probably allowed</i>	1.460*** (0.161)	1.453*** (0.168)	1.246*** (0.166)	0.821*** (0.191)
<i>Probably not allowed</i>	0.073 (0.137)	0.296** (0.130)	0.183 (0.131)	-0.075 (0.150)
GDP/capita (\$1,000)		0.010** (0.004)	-0.019*** (0.005)	-0.005 (0.006)
Population (log)		-0.021 (0.047)	-0.439*** (0.068)	-0.449*** (0.067)
Rule of Law		-0.001* (0.0004)	-0.001* (0.0004)	-0.392*** (0.103)
Total research output (log)			0.552*** (0.061)	0.525*** (0.060)
<i>Definitely allowed</i> *Rule of Law				-6.980 (20.582)
<i>Probably allowed</i> *Rule of Law				0.393*** (0.103)
<i>Probably not allowed</i> *Rule of Law				0.391*** (0.103)
R <sup>2</sup>	0.165	0.168	0.278	0.308
F	50.079*** (df = 3; 763)	18.704*** (df = 6; 557)	30.572*** (df = 7; 556)	24.657*** (df = 10; 553)
N	767	564	564	564

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

# Figure: Global Map of Research Exceptions Enabling TDM Research



# Africa



# Open General Exceptions

## **United States, Fair use, Sec. 107**

the fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

(1)the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2)the nature of the copyrighted work;

(3)the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

## **Kenya**

Art. 26. ...copyright in any such work shall not include the right to control—

(a) the doing of any of those acts by way of **fair dealing for the purposes of scientific research**, private use, criticism or review, or the reporting of current events subject to acknowledgement of the source;

# Specific TDM Exceptions

## Singapore 2021 - computational data analysis

244.— ... (a) the copy is made for the purpose of —

(i) computational data analysis; or

(ii) preparing the work or recording for computational data analysis;

...

[may] supply (whether by communication or otherwise) the copy to any person other than for the purpose of —

(i) verifying the results of the computational data analysis carried

## Japan

It is permissible to exploit work .. where such exploitation is not for enjoying or causing another person to enjoy the ideas or emotions expressed in such work; ... [such as] exploitation for using the work in a data analysis



# Implications

Domestic law reform

International law reform (WIPO SCCR)

Information exchange