

13 December 2017

Dear Mr Johnson

## **“Growing the artificial intelligence industry in the UK” and text and data mining**

The Libraries and Archives Copyright Alliance (LACA) supports an automatic right to perform computer analysis of copyright works for libraries, archives or their users whenever they have lawful access to the content.

This has now been echoed in recommendation 3 of the Growing the artificial intelligence industry in the UK report<sup>i</sup> (1).

These calls recognise that the right to read includes the right to mine, a principle enshrined in the *London Manifesto for Fair Copyright Reform for Libraries and Archives in Europe*, which has signatures from over 125 institutions and organisations in the UK and beyond, including from national and local libraries, national museums, universities, and professional associations<sup>ii</sup>(2).

This principle must be accompanied by sufficient financial and technical resources to support the public archiving and long-term conservation of data, including open data and research data. Implementation is essential for the competitiveness and growth of the UK in the world market.

### **The Government’s Industrial Strategy**

The Government in its Industrial Strategy, launched by the Business Secretary the Right Hon Greg Clark on 27 November, rightly makes embracing the opportunities brought by technical change a top priority.

The Strategy’s “Four Grand Challenges” is led by a target of placing the UK “at the forefront of the artificial intelligence and data revolution.”

There is a powerful call in the Strategy: “Each Grand Challenge represents an open invitation to business, academia and civil society to work and engage with the

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Representing ARA: The Archives & Records Association, ARLIS/UK & Ireland: The Art Libraries Society of the UK and Ireland, British Film Institute (BFI), BIAL: British and Irish Association of Law Librarians, The British Library, CILIP: the Chartered Institute of Library and Information Professionals, HearFirst, IAML/UK & Ireland: The International Association of Music Libraries, Archives and Documentation Centres, LIS-COPYSEEK online community, Museum Libraries, The National Archives, NHS Scotland, The National Library of Scotland, The National Library of Wales, National Records of Scotland, Research Libraries UK (RLUK), Scottish Council on Archives, Share the Vision, Society of Chief Librarians in England and Wales, SCONUL: Society of College, National and University Libraries, Universities UK (UUK), The Wellcome Trust.

government to innovate, develop new technologies and ensure the UK seizes these global opportunities.”

With regard to text mining, in effect AI can simply do what human minds have done for thousands of years: read text to extract facts and trends. Human minds, aided by pens, pencils, paper and vellum, have long done this; AI can now read, sift, and collate far faster. In regulating this essential work, we must be careful not to run counter to the Strategy by reducing the public domain or hampering the new thinking and innovation which is essential to the successful development and growth of the UK economy.

It is clear that the Government recognises that partnership and collaboration between business, academia and civil society will be the engine that drives the UK’s future global success. The rights of creators, owners, and civil society need to be balanced in order for that partnership to work at its best.

### **Core principles**

To have the right to mine one must first have the right to read. Likewise the “three-step test” of copyright law must be respected.

Crucially, TPMs (Technical Protection Measures) and contracts must not be permitted to inhibit the exercise of this right to mine.

Fundamentally, what we are talking about is the transformation of data that one already has lawful access to into a format that will enable quicker and/or better innovation, and connecting of disparate information. This will ensure better quality, accurate data and benefits to industry and innovation.

### **Necessary action**

In accordance with the AI industry report, the Industrial Strategy, and the London Manifesto, we call on the Minister and the Government to act to ensure balance is maintained between the interests of rightholders and civil society to support and foster education, innovation and enterprise:

1. Make the right to mine automatically apply whenever there is the legal right to read; and
2. Ensure that the law enshrines the principle that TPMs and contracts can never inhibit or prevent the exercise of the right to mine.

With kind regards,

A handwritten signature in black ink that reads "Fred Sanderson". The signature is stylized and written in a cursive-like font.

Fred Sanderson

Chair, Libraries and Archives Copyright Alliance

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<sup>i</sup>"3. To support text and data mining as a standard and essential tool for research, the UK should move towards establishing by default that for published research the right to read is also the right to mine data, where that does not result in products that substitute for the original works. Government should include potential uses of data for AI when assessing how to support for text and data mining."

Department for Business, Energy & Industrial Strategy and Department for Digital, Culture Media & Sport (2017) Growing the artificial intelligence industry in the UK: Independent report Recommendations of the review. London, UK. Available at:

<https://www.gov.uk/government/publications/growing-the-artificial-intelligence-industry-in-the-uk/recommendations-of-the-review>

<sup>ii</sup>LACA (2015) The London Manifesto – Fair Copyright Reform for Libraries and Archives in Europe. London, UK. Available at:

<https://archive.cilip.org.uk/research/topics/copyright/copyright-campaigns>