



**Without a broad text and data mining exception,
the UK cannot succeed in its ambition to be an AI superpower**
(or even keep up with the rest of the world)

In June of 2022, the UK Government responded to the AI and IP consultation (“Consultation”) and announced plans to implement a broad text and data mining (TDM) exception, including for commercial purposes. The response also assured that “rightsholders will still have safeguards to protect their content”.

This announcement came after a lengthy and thorough engagement process via the AI and IP call for views (“Call for views”) and the subsequent Consultation. No one can accuse the government of not giving this issue careful consideration.

The announcement was welcomed by the IP Federation’s members. The benefits of a text and data mining exception in the UK are clearly apparent to industry. It enables our companies to conduct better scientific research, it enables us to partner with researchers using information technology to obtain new insights and develop novel concepts from large collections of data and text. Regrettably, early this year, the IP Minister announced that the decision to implement a broad text and data mining exception was incorrect and instead of implementing the exception the UK Government will continue to consult in this area.

While some forms of analyses carried out with TDM technology could be performed by a human, the scale at which TDM can analyse documents, images and other digital data means that we are able to unlock new insights that would otherwise be prohibitively time consuming and labour intensive. TDM has applications in many sectors including healthcare, sustainable energy management and supply chain management – all urgent issues which we cannot delay addressing given the notable benefits and value-add to UK citizens.

Importantly, a copyright exception for text and data mining does not create a carte blanche for entities to infringe copyright. It simply means that the step of copying a document within an AI system to merely perform text and data mining should not be prevented by copyright. Any resulting output of a process involving text and data mining would still be subject to copyright law. This was confirmed by the UK government itself in its Call for views.

The European Union has already recognised the urgent need to allow TDM in its legislation. Also, other countries around the world including Japan, the US, Canada, China and Singapore, several of the UK’s key trading partners, have adopted broad mandatory exceptions to their copyright laws to remove barriers to text and data mining. Compare the UK Government’s hesitancy with the action of the Ministry of Justice in Israel, that around the same time issued an opinion clarifying that existing copyright law permitted text and

data mining, in order to further support AI innovation in Israel, one of many countries that have removed barriers to text and data mining. Against this worldwide context, the UK's legislation and policy with regards to TDM may influence investment decisions and attraction of talent, causing an impact on its economy – the IP Federation's global membership urges the UK government not to take this issue lightly, given that the UK is already behind several other jurisdictions on these matters. We are at a time of huge opportunity – with massive computing power, sophisticated algorithms and big data, we have the potential to find new innovative solutions to society's biggest challenges. The UK cannot afford to delay in implementing a text and data mining exception.

Sonia Cooper, Immediate Past President