

DSM Directive Survey

Questions for Commercial Users of TDM

Section 2.1: Text and data mining (TDM), teaching exception, preservation exception

Use of TDM, educational and preservation exceptions (Articles 3–6).

For the next few questions please note that the Directive provides for an exception for text and data mining activities conducted for the purposes of scientific research (Article 3) and a general text and data mining exception (Article 4). Rightholders may reserve their rights and exclude their content from the scope of the latter exception.

Q4. Have you relied on the general TDM exception (Article 4) for your activities?

Instructions: Please select one option.

1. Yes
2. No
3. I don't know

Q5. To what extent does the general TDM exception meet your needs?

Instructions: Please select one option.

1. To a great extent
2. To some extent
3. To a little extent
4. Not at all
5. I don't know

Q5_1 [If Q5=1,2,3,4] Can you please elaborate on your response?

OPEN QUESTION

Q6. Have you relied on the TDM exceptions in activities related to the development of large language models / AI models?

Instructions: Please select one option.

1. Yes
2. No
3. I don't know

Q6_1 [If Q6=1] If yes, can you please indicate concrete cases and elaborate on the benefits / limitations of the TDM exceptions?

OPEN QUESTION

Q7. [If Q2=yes and/or Q4=yes] Have you faced any barriers in making use of the TDM exceptions?

Instructions: Please select all applicable options.

1. I have not faced any barriers
2. Legal uncertainty about my use case
3. Difficulties to obtain lawful access to the works
4. Technical restrictions and Technological Protection Measures (TPMs) preventing TDM on content to which I have lawful access
5. TDM not allowed under licence or contract
6. Difficulties to identify rights reservations expressed by rightholders

7. High volume of content for which rights were reserved ('opted out')
8. Other, please specify

Q8. How has Article 4 impacted your TDM practices and / or business model?

Instructions: Please select one option.

1. Negatively
2. Somewhat negatively
3. Positively
4. Somewhat positively
5. It hasn't impacted them at all
6. I don't know

Q9. Please elaborate on your assessment and explain for which type of activities you have relied on the TDM exception (e.g. data analytics, AI training, etc) and in which sector.

OPEN QUESTION

Q16. What unexpected benefits or challenges have you experienced in relation to the introduction of the TDM exceptions?

OPEN QUESTION

Section 2.5: Other impacts

The following questions concern the value added by the Directive, as an EU-level intervention, compared to the pre-existing situation in the Member States. Please respond based on your direct experience.

Q126. Based on your experience, please indicate one key benefit or value added by the DSM Directive, if any?

OPEN QUESTION

The following questions concern the efficiency of the Directive and aim to assess the incurred costs of the Directive. Please respond based on your direct experience.

Q127. To what extent has your organisation incurred compliance costs because of the Directive?

Instructions: Please select one option.

1. To a great extent
2. To some extent
3. To a little extent
4. Not at all
5. I don't know

Q128. What is the nature and level of those compliance costs and in relation to which of the Directive's provisions are they incurred?

OPEN QUESTION

The following questions concern the coherence of the Directive and aim to assess to what extent the provisions of the Directive are coherent with other national or international laws.

Q129. How well do the DSM Directive's provisions align with other relevant EU legislation (e.g., GDPR, AI Act, Digital Services Act, Orphan Works Directive)?

Instructions: with 1 being not at all aligned and 5 being fully aligned.

1. Slider: 1 2 3 4 5

Q129_1 [If Q129=1 or 2] Please specify any particular laws where you have noticed alignment or conflict.

OPEN QUESTION

Q130. Have you experienced any legal or practical tensions or conflicts between the DSM Directive as implemented and other national laws in your country?

Instructions: Please select one option.

1. Yes
2. No
3. I don't know

Q130_1 [If Q130=Yes] Please describe the tension or conflict and its impact.

OPEN QUESTION