

# DSM Directive Survey

## Questions for Educational Institutions

### 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.*

**Q1. In your experience, to what extent has the DSM Directive improved the following:**

- a) Digital access to content across borders
- b) Legal certainty for the use of copyright-protected content in teaching
- c) Legal certainty for text and data mining activities
- d) Use of digital content by cultural heritage institutions

*Grid question with the following answer options:*

1. Significantly improved
2. Somewhat improved
3. No change
4. Somewhat deteriorated
5. Significantly deteriorated
6. I don't know

**Q17. Have you ever relied on the copyright exception for digital teaching to use copyright-protected content in your teaching activities?**

*Instructions: Please select one option.*

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

**Q17\_1 [If Q17=Yes] Can you give some examples of the impact that this exception has had on your work, for example on the use of specific digital materials in your (online) courses and/or in cross-border situations (e.g. easier use of digital materials in class, teaching students online, including those in other countries)?**

*OPEN QUESTION*

**Q18. To what extent has the exception for teaching enabled the use of digital content in classrooms and in digital teaching (including cross-border) in practice?**

*Instructions: Please select one option.*

1. To a great extent
2. To some extent
3. To a limited extent
4. Not at all
5. Do not know / no opinion

**Q18\_1 [If Q18=3,4] Can you elaborate on your response?**

*OPEN QUESTION*

**Q19. Has the digital teaching exception impacted the costs related to the use of protected content in teaching activities in your Member State?**

*Instructions: Please select one option.*

1. Yes, they have increased (please specify by how much).
2. Yes, they have decreased (please specify by how much).
3. They have remained stable.

*(Respondents will be provided with blank space to enter their answers if they select 1 or 2)*

**Q20. Are you required, under the national law of your Member State, to rely on available licences for educational uses rather than being able to use the exception?**

*Instructions: Please select one option.*

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

**Q20\_1 [If Q20=Yes] Are these educational licences easily available on the market?**

*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

**Q20\_2 [If Q20=Yes] To what extent do these licences 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

**Q20\_3 [If Q20\_2=To a little extent; Not at all] Can you please elaborate on your response and detail any shortcomings?**

*OPEN QUESTION*

**Q23. What unexpected benefits or challenges have you experienced in relation to Article 5?**

*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*