

# DSM Directive Survey

## Questions for Research Organisations

### 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

**Q2. Have you relied on the TDM exception for scientific research purposes (Article 3)?**

*Instructions: Please select one option.*

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

**Q3. To what extent does the TDM exception for scientific research purposes 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

**Q3\_1 [If Q3=1,2,3,4] Can you please elaborate on your response?**

*OPEN QUESTION*

**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

**Q7\_1 [If Q7=4,5] Can you quantify the amount of content where the rightholder has implemented (technical) measures to prevent mining of content?**

*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**