

Written evidence submitted by the Library and Archives Copyright Alliance (GA0120)

We are writing to you on behalf of the Libraries and Archives Copyright Alliance (LACA), with feedback on the recent decision made by the government to backtrack on its pledge to provide greater access to data for the purposes of Text and Data Mining (TDM), and therefore maintaining unnecessary barriers to lawfully accessed data sources that form the backbone of AI development.

LACA has members from among the UK's largest university, research and national health service institutions and aims to collaborate with government to achieve a balanced IP regime in the UK and internationally.

In our view, the current exception allowing TDM only for non-commercial uses severely limits the scope of AI research and innovation, and prevents the UK from capitalising on the diverse, agile and creative benefits that AI can bring to the UK's economy, its society and its competitive research environment. From the perspective of research organisations, not only does the non-commercial stipulation limit the Knowledge Transfer Agenda, but in contrast to other developed countries' copyright laws the lack of any general provisions to support technology and science and the lack of specific provisions to allow sharing of data in the context of machine learning encourages poorly trained AI and bias – something which Rishi Sunak has recently committed the UK to preventing.

With this as a background, we very much welcomed the government's initial response to the 2022 consultation, to amend the legislation to allow commercial AI on lawfully accessed third party data.

In backtracking, we are concerned that the government may have been swayed by the entertainment and publishing industries to maintain unnecessary barriers, putting these interests above those of the future of the UK's technological, scientific and research environment, and failing to take advantage of the Brexit freedoms of legislating for the benefit of the UK economy. It disadvantages not only universities,

but also smaller organisations, limiting R&D in AI (where they do not choose to simply relocate abroad) to rich corporations with the capacity to negotiate for large enough data sets to feasibly train AI algorithms, and to therefore determine how and where AI can be exploited. This will limit the scope and applicability of AI, potentially creating monopolies on its application, and ensuring that the UK falls behind its peers in creative AI solutions.

We would urge the government to reconsider this U-turn, and implement changes to the TDM exception to permit commercial uses of lawfully accessed data.

06 June 2023