Copyright law and practice around "text mining" has become a topic of growing interest because of the promise that computational analysis of published research can speed the pace of scientific progress. This paper argues that the United States currently enjoys a competitive advantage vis-à-vis its trading partners because copyright law leaves space for researchers to mine any content they have access to through limits on the right of reproduction coupled with fair use. Other countries' more restrictive copyright laws coupled with sui generis database rights hinder uses of new technologies to draw new insights from the literature. The paper then describes two unfortunate developments. First, in the U.S., research libraries are giving up our competitive advantage by signing contractual agreements that sacrifice users' right to computationally analyze the published literature as a term and condition of access to this literature. Second, in the EU, publishers are demanding a licensing solution to enable machine reading rather than an expansion of limitations and exceptions to copyright that would bring EU law in line with that of the United States. The paper concludes with recommendations about how to respond to both developments.

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