Editorial

2024 was an important year both for legal and for technical developments relating to artificial intelligence (AI) and text and data mining (TDM). Landmark cases, such as the LAION ruling by the Hamburg court, provided early judicial interpretations of national TDM provisions post-implementation of the Copyright in the Digital Single Market (CDSM) Directive, while further litigation has recently also unfolded in the United States and the United Kingdom.

Against this backdrop, the Institute for Intellectual Property and Market Law (IFIM) at Stockholm University hosted a conference on TDM, AI, and Libraries in collaboration with Wikimedia Sverige and Swedish Library Association. The event was opened by the Dean of the Law Faculty, Professor Jane Reichel and closed by the National Librarian Karin Grönvall and Stockholm University Library's Head Librarian Wilhelm Widmark. It brought together legal scholars, researchers, and librarians all eager to examine the evolving legal framework surrounding TDM, AI-driven research, and its impact on knowledge dissemination.

A major theme of the conference was the complex interplay between copyright and AI-related research. While copyright may serve as a foundation for intellectual creation, it also presents a number of uncertainties and potential obstacles for researchers and libraries, particularly when it comes to digitization and access to materials to be used in TDM. Libraries hosting digitized materials are restricted by national copyright legislation when it comes to accessibility provided to researchers. The research exceptions to copyright are, in turn, hard to navigate and rarely interpreted in the national courts. The conference provided an important and rather unique platform to discuss if and how copyright needs to be amended to allow libraries to fulfil their role in supporting research and researchers.

Building on the very interesting debates in the conference, this issue of the Stockholm IP Law Review explores the legal, ethical, and practical challenges of TDM in the age of AI. The contributions examine TDM implementations across jurisdictions, the role of open-access knowledge, and the implications of AI for copyright law. Maja Bogataj Jančič and Ema Purkart analyze Slovenia's approach to TDM, highlighting both the progressive steps taken and the lingering legal uncertainties, while Konrad Gliściński provides insights into Poland's implementation, where conflicting interpretations have raised concerns over its compatibility with EU law. Branka Marušić explores how different EU Member States have navigated the harmonization of TDM exceptions, questioning whether the legal framework fosters cohesion or divergence across Europe.

Beyond legislative analysis, this issue also considers how AI is reshaping legal research itself. Professor Johan Lindholm examines the growing role of computational methods in legal scholarship, highlighting how natural language processing (NLP) and large-scale data analysis can transform traditional legal research methodologies. His work challenges the perception that doctrinal and empirical approaches are incompatible, arguing instead that data-driven legal analysis can provide deeper insights into legal texts, case law, and legal decision-making patterns. In a similar vein, Holli Sargeant and Professor Felix Steffek introduce a dataset of UK Court decisions, the Cambridge Law Corpus, and explore how AI models can predict outcomes in the UK Employment Tribunal, offering a glimpse into the future of computational legal analysis. These contributions reflect how AI is not only reshaping how legal professionals access and interpret the law but also redefining the nature of legal scholarship.

The role of open-access knowledge in AI training is another topic addressed. Eric Luth scrutinizes the use of Wikipedia and the other Wikimedia platforms as a source for AI training data, highlighting potential tensions between open-access licensing and proprietary and commercial AI development while arguing for the value and importance of open-access material in AI training. Relatedly, Ana Lazarova and Eric Luth examine the position of knowledge custodians—libraries, archives, and cultural heritage institutions—as enablers or gatekeepers in the AI era, exploring the legal and practical dilemmas they face in managing access to digital resources. A core

focus of their discussion is the opt-out mechanism of the CDSM Directive's TDM exception, assessing whether current legal structures empower rightsholders to control AI's use of copyrighted material—or rather introduce further legal uncertainty that could hinder research and innovation.

As AI-driven research accelerates, so does the urgency of ensuring that copyright law evolves to support and not stifle scientific inquiry. The contributions in this issue reflect the ongoing legal debates surrounding TDM, copyright, and AI, offering perspectives on how the law can better accommodate technological progress, respect the rights and interests of copyright holders, while safeguarding the ecosystem of free and open knowledge and its production.

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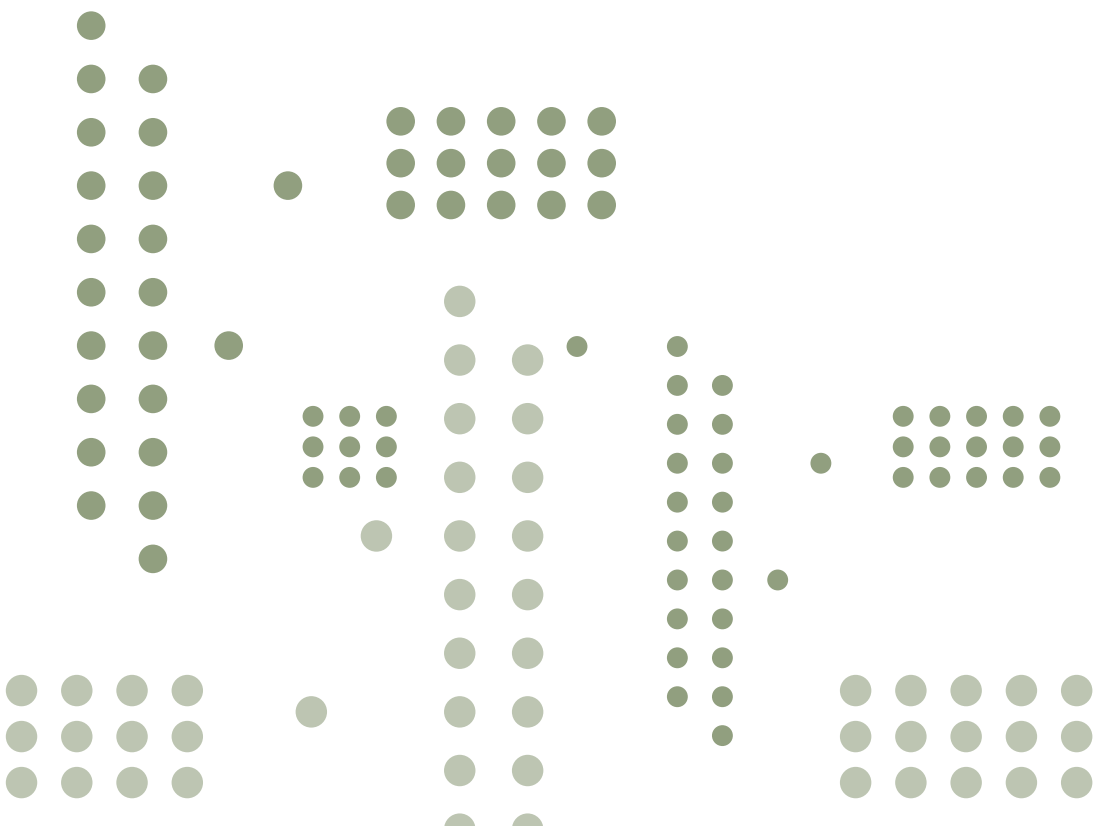### EDITOR

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