Draft Protocol for STM's Article Sharing Framework

To: Article 17 Working Group, STEC, STM   From: STM outside Counsel

Background

In 2015 STM published Voluntary Principles for Article Sharing to clarify how, where and what authors and users can share. This has since been endorsed by a broad range of publishers and platforms via www.howcanishareit.com.

In 2020 STM developed the Article Sharing Framework to assist Online Content Sharing Service Providers ("OCSSPs") in fulfilling their obligations such as in Art. 17 of the Directive on Copyright and Related Rights in the Digital Single Market. Under Art. 17, OCSSPs must ensure the unavailability of copyright protected works based on the "necessary and relevant information" rights holders provide.

The STM solution leverages existing industry practices and technology:

1. STM content is highly curated and rich in metadata e.g. Digital Object Identifier and Journal Article Version
2. STM metadata is deposited and maintained in a cross-industry database
3. Eligibility for legitimate article sharing is determined by a combination of article version and sharing permissions discoverable through the metadata

OCSSPs identify the supplied "necessary and relevant information" at the point of upload and in real-time, which makes it simple for OCSSPs to fulfil their obligation.

The purpose of this Protocol is to make clear that provided the OCSSPs rely upon this information, they will not be held responsible for actions they take in relation to STM content, in the event of publisher errors in relation to incorrect metadata tagging.

Protocol

A. **Rule**
Participating Publishers (PPs) are those that endorse, apply and use the Article Sharing Framework proposed by the Art. 17 Working Group of STEC, STM. PPs will not hold OCSSPs liable for any sharing that is the consequence of incorrect metadata tags the PP may have incorporated in the content subject to OCSSPs willingness and ability to apply corrected metatags as and when made available going forward on their platforms and to remove illicit content when informed by the PPs.

B. **Communication of Rule**
The above Rule could be communicated as part of release paper with the metatag system or made part of FAQs accompanying explanatory information how to use metatags at time of roll-out.

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This Protocol has been considered by STEC and IPC representatives. By using the metadata system, any user of it, be it OCSSP or publisher, agrees to (i) conform to this Protocol and (ii) cooperate with the relief that the Protocol seeks to create for the Art. 17 metadata system to be reliable and trusted by all stakeholders

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CSL, 10 March 2021