The Proposition

8 January 2024

Timeline

Directive on Copyright in the Digital Single market

Stocktaking document on the Copyright Infrastructure

IP Action Plan to support EU's recovery and resilience

Study on Copyright and New Technologies

Open Rights Data Framework for trust and interoperability across sectors, jurisdictions, and access points

AI & Copyright Use Case

2019-2020 ——— 2020-2022 ——— 2022-2023 ——— 2024 →

Characteristics of a data framework

A successful **data framework** is minimally prescriptive but maximally inclusive. It supports many **different solutions**, past, present and future.

It enables **numerous ways** in which individuals and organisations can cooperate in creating, enriching, governing, and distributing trusted information. A successful data framework helps to streamline current processes and trigger innovative businesses. It is of potential benefit to everybody in the ecosystem.

Definition of the copyright infrastructure

The **copyright infrastructure** is the set of <u>rules</u>, <u>technologies</u> and <u>institutions</u> that **frame**[1] data management practices in the **creative industries** to improve authoritative and updated information on rightsholders, terms and conditions, and licensing opportunities.

An intellectual property action plan to support the EU's recovery and resilience, COM(2020) 760

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[1]: For the sake of clarity, this framework includes neither data nor systems.

Objectives of the Digital Decade Policy Programme

Objectives of the Digital Decade Policy Programme	Objectives of the Copyright Infrastructure
• Inclusive, transparent, and open digital environment	☑
• Interoperable digital technologies and services	☑
• Secure and accessible digital and data infrastructures	☑
• Digital regulatory environment	☑
• Sustainable, resilient, and efficient digital infrastructures	☑
• Coherent coordination of policies and programmes	☑

The **Copyright Infrastructure Task Force** set up by the Governments of Estonia and Finland proposes to collaborate with the **EDIC Europeum** and other EU initiatives to support three areas of the **Digital Decade Policy Programme**:

a) European common data infrastructure and services, in relation with

g) Connected public administration, and

h) European blockchain services infrastructure.

OPEN RIGHTS DATA EXCHANGE

technical layer providing mechanisms for trust and interoperation of identification and rights metadata

OPEN RIGHTS DATA FRAMEWORK

semantic layer addressing the challenges of declaration, discovery and conflict where the meaning of identification and rights metadata is made clear and consistent

ACQUIS COMMUNAUTAIRE

foundational legal layer defining authors' rights by conventions, treaties, directives, acts and regulations

Set of <u>rules</u>

The semantic layer brings data together. Its building blocks are **identifiers** and **schemas** (the formats in which metadata is captured). There are many types of these in use, standard and proprietary.

The ORDF will be designed to combine any and all of them. Based on some of the best work done in metadata standards in the last 25 years, the ORDF will set an **innovative data architecture able to integrate rights and content data of any kind or complexity**.

Set of technologies

The Copyright Infrastructure Task Force will promote the advances of technology programmes supporting the **interoperability**, **searchability**, and **trustworthiness** of rights management information.

These cutting-edge technologies are the base of the Digital Decade comprehensive framework: **blockchain**, **digital wallet**, **digital twins**, **high-performance computing**, and **5G**.

Set of <u>institutions</u>

Building a pervasive and inclusive ORDF at European and then global level requires **cooperation** and **coordination** between standards organisations, existing repositories, rightsholders and rights users.
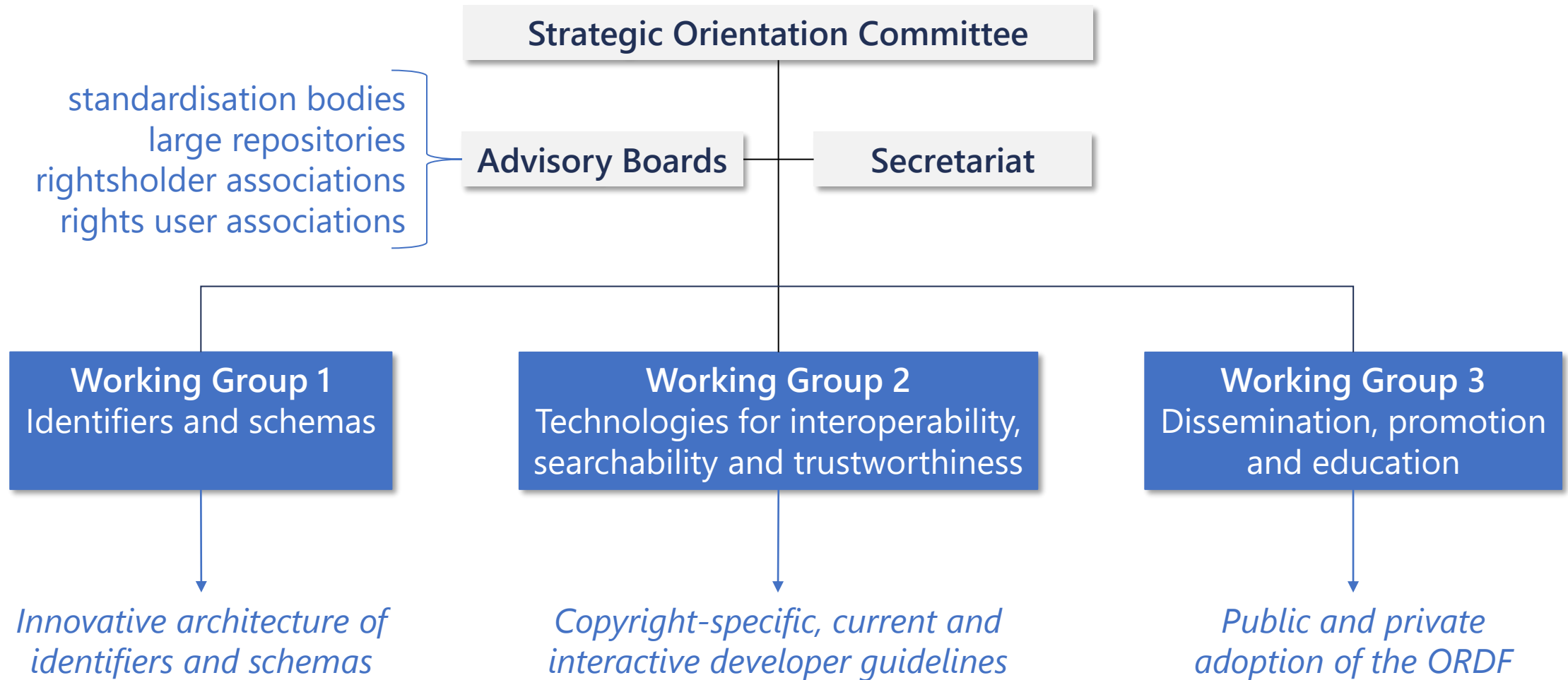
The CI Task Force does not publish standards itself but coordinate **requirements** and **resources** to foster the creation and evolution of standards within standards organisations. It assures the **governance** of the ORDF and liaise with the **European Data Innovation Board**.

The CI Task Force will define, promote, and govern an Open Rights Data Framework to facilitate the **fast, simple, and accurate management, licensing, enforcement, and remuneration of copyrights** and related rights.

For this purpose, the CI Task Force will carry out the following activities:

a) define an **innovative architecture of identifiers and schemas** to integrate rights and content data of any kind or complexity,

b) develop current and interactive user **references to technologies supporting interoperability, searchability, and trustworthiness of rights management information**, and

c) disseminate and promote the results from activities (a) and (b) among **all stakeholders of the European creative industries**.

Organisation

Strategic Orientation Committee

standardisation bodies
large repositories
rightsholder associations
rights user associations

Advisory Boards

Secretariat

Working Group 1
Identifiers and schemas

Working Group 2
Technologies for interoperability, searchability and trustworthiness

Working Group 3
Dissemination, promotion and education

Innovative architecture of identifiers and schemas

Copyright-specific, current and interactive developer guidelines

Public and private adoption of the ORDF

Liaisons

Creative Industries
- Creators
- Management organisations
- Online platforms
- Users

Standards Developing Organisations
- ETSI
- CEN
- ISO
- W3C

Copyright Infrastructure Task Force

technologists
jurists
business modellers

Council of the European Union
- Working Party on Intellectual Property (Copyright)

European Commission
- IP Action Plan
- DSM Contact Committee
- Digital Decade Policy Programme
  - EDICs
    - **Europeum (EBSI)**
    - **Alliance for Language Technologies (ALT)**
    - Etc.
- Data Spaces Support Centre
- Other initiatives

September 2022	**Establishment** of the CI Task Force by Estonia and Finland
January 2023	**Report** to the Secretaries of State
March 2023	Submission of **interest** in EDIC to the Commission
March-May 2023	Latvia joins Estonia and Finland; the three Member States prepare a **pre-notification** (technical description and proposed statutes) with the support of the Commission; Germany and Portugal observe the deliberations of the CI Task Force.
June 2023	**Announcement** of the pre-notification by the Commission
September 2023	Lithuania joins Estonia, Finland and Latvia; the four Member States prepare an **application** (technical description, budget, and proposed statutes) with the support of the Commission; Germany observes the deliberations of the CI Task Force. The Commission recommends the CI Task Force to work closely with the **EDIC Europeum**.

Article 19 of the EDIC Europeum Statutes: The EBSI Use Case Groups

1. The Assembly of members may set up EBSI Use Case Groups to drive the governance of EBSI use cases. The EBSI Use Case Groups shall follow the mandate given to them by the Assembly of members.

2. An EBSI Use Case Group shall be convened by one or more persons appointed by the Assembly of members.

3. The EBSI Use Case Groups shall:
   a) Support the deployment of a use case or a family of use cases on EBSI;
   b) Work on the technical specifications and first implementation of a specific EBSI use case, or ensure that solutions are provided by service providers or technical providers;
   c) Facilitate the adoption of a use case.
   d) Coordinate their work with other use case groups and other EDIC Europeum governance groups.

4. The Assembly of members may change the mandate of the EBSI Use Case Groups and may decide when an EBSI Use Case Group has completed its mandate, and if any EBSI Use Case Groups should be merged or dissolved.

5. Implementing Rules may indicate further details of the mission and functioning of the EBSI Use Case Groups.

Member States can join the EDIC Europeum and contribute to the working groups of the Copyright Infrastructure Task Force.

As **Members** or **Observers** of the EDIC Europeum, they –
a) **appoint** a representing entity (entities),
b) **participate** in the working groups of the CI Task Force,
c) **support** and **promote** the adoption of relevant standards,
d) **promote** uptake of the work and resources of the CI Task Force among relevant users and **gather** users' feedback,
e) **facilitate** the integration of the services of the CI Task Force,
f) **contribute** in-kind to the budget of the EDIC,
g) **attend** the Assembly of Members of the EDIC.

As **Members** of the EDIC Europeum, they also –
a) **contribute** financially to the budget of the EDIC,
b) **participate** in and **vote** at the Assembly of Members of the EDIC.

Copyright Infrastructure Task Force and EDIC Europeum, current approach

The Copyright Infrastructure Task Force will be officialised –

- **Host**: an existing Finnish entity
- **Strategic Orientation Committee**: The Working Party on Copyright (Council of the EU)
- **2024 budget**: €167,000.00 funded by the Finnish Government for copyright work

In 2024, the Copyright Infrastructure Task Force will –

- Complete its **planning** by 20 December 2024,
- Launch the **AI & Copyright Use Case**, completing the legal and technical requirements by 28 June 2024, and the design by 20 December 2024, and
- Join forces with the **EDIC Europeum** by collaborating on the AI & Copyright Use Case, which will become a **Use Case Group** under conditions that remain to be defined.

Note – Member States and/or their Ministries can contribute to the EDIC Europeum as members or observers.

Let us plan together (for discussion only)

5 February Next meeting of the Working Party on Copyright

15 February Founding General Assembly of EDIC Europeum

29 March Setting of the Copyright Infrastructure Task Force
AI & Copyright Use Case – Initial scope (creative sector and Member States)
Use Case Group proposal to EDIC Europeum

8-9 April Conference of the Belgian Presidency on AI and DSM

28 June AI & Copyright Use Case – Legal and technical requirements

20 December Completion of the planning phase
AI & Copyright Use Case – Design

The AI & Copyright Use Case

8 January 2024

AI & COPYRIGHT USE CASE

Requirements

- **Information**: standardise interoperable identifiers and opt-out declarations
- **Traceability**: identify content that has been generated by AI
- **Transparency**: document the training and generation algorithms used to produce AI-generated content

Regulations

- **EU directive 2019/790 on copyright** Articles 3 and 4 (text and data mining)
- **Artificial Intelligence Act**
- **Etc.**

COPYRIGHT INFRASTRUCTURE TASK FORCE

Market assessment
Prioritised use case items
Definitions
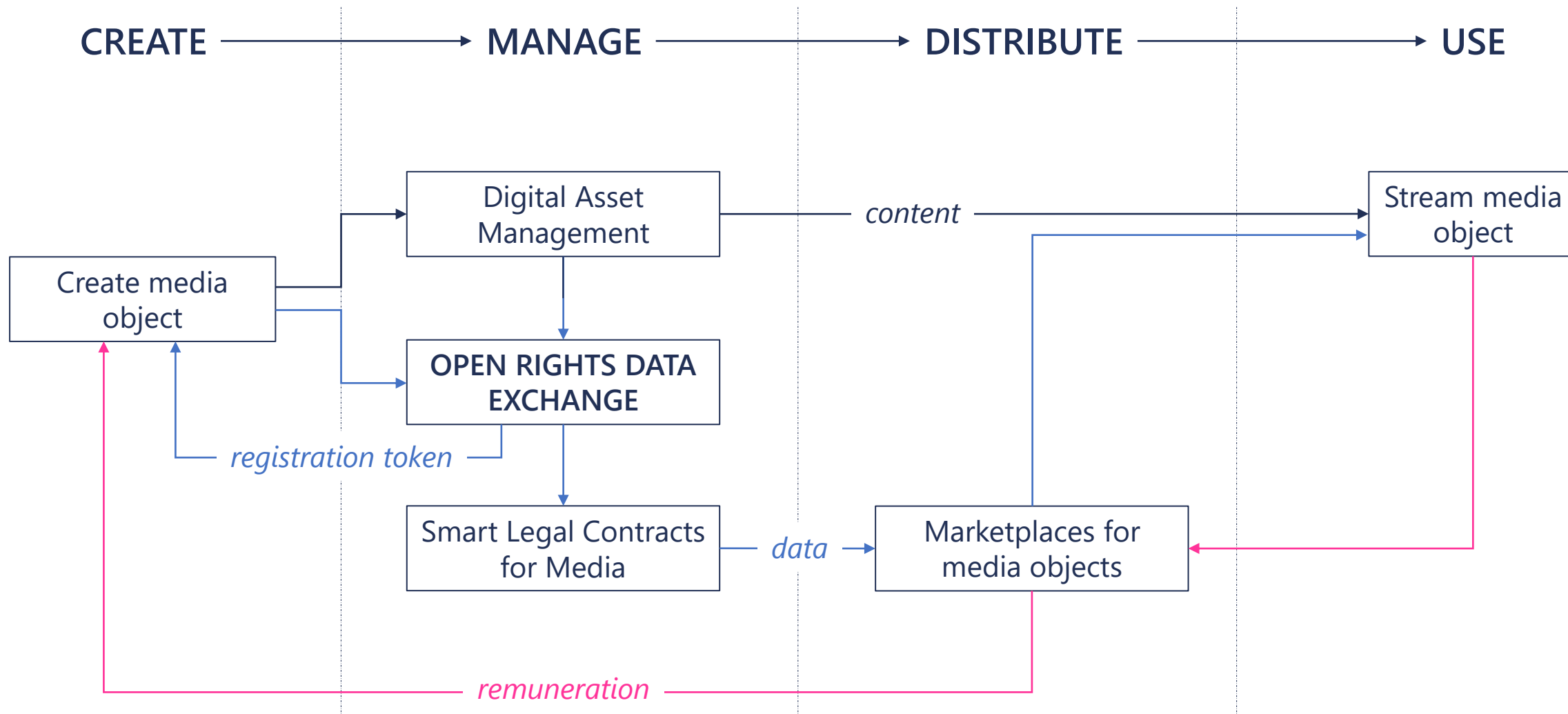Requirements and key criteria
Engagement plan
Liaison agreements

Innovative architecture of identifiers and schemas

Copyright-specific, current and interactive developer guidelines

OPEN RIGHTS DATA EXCHANGE

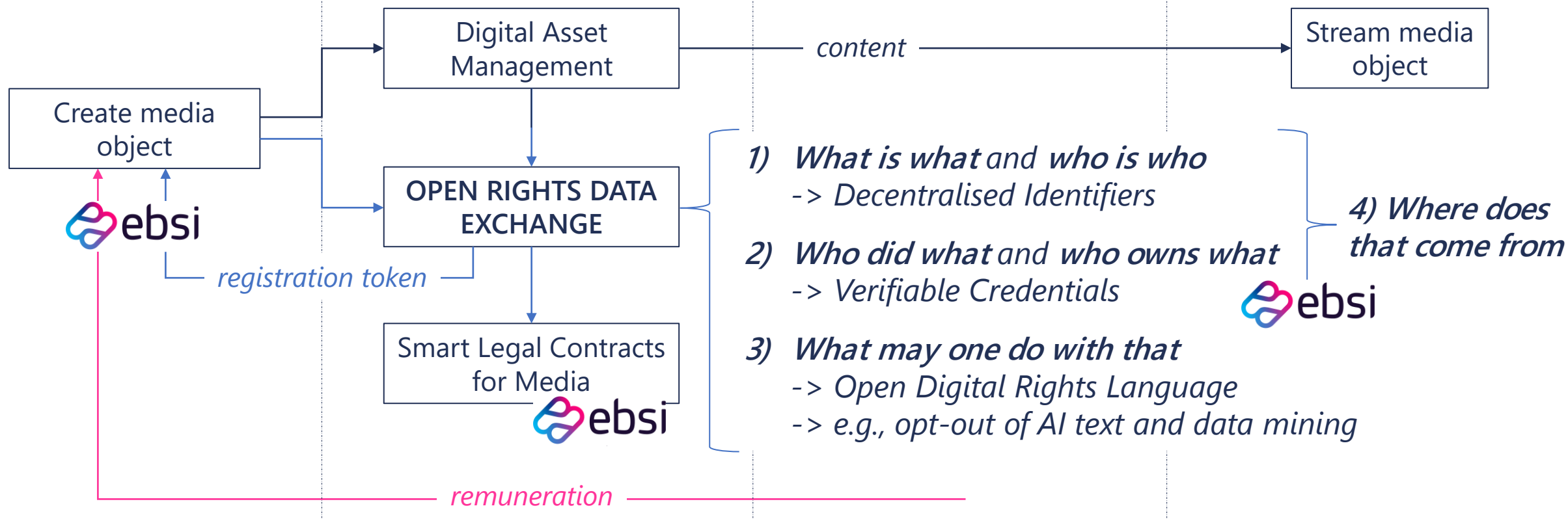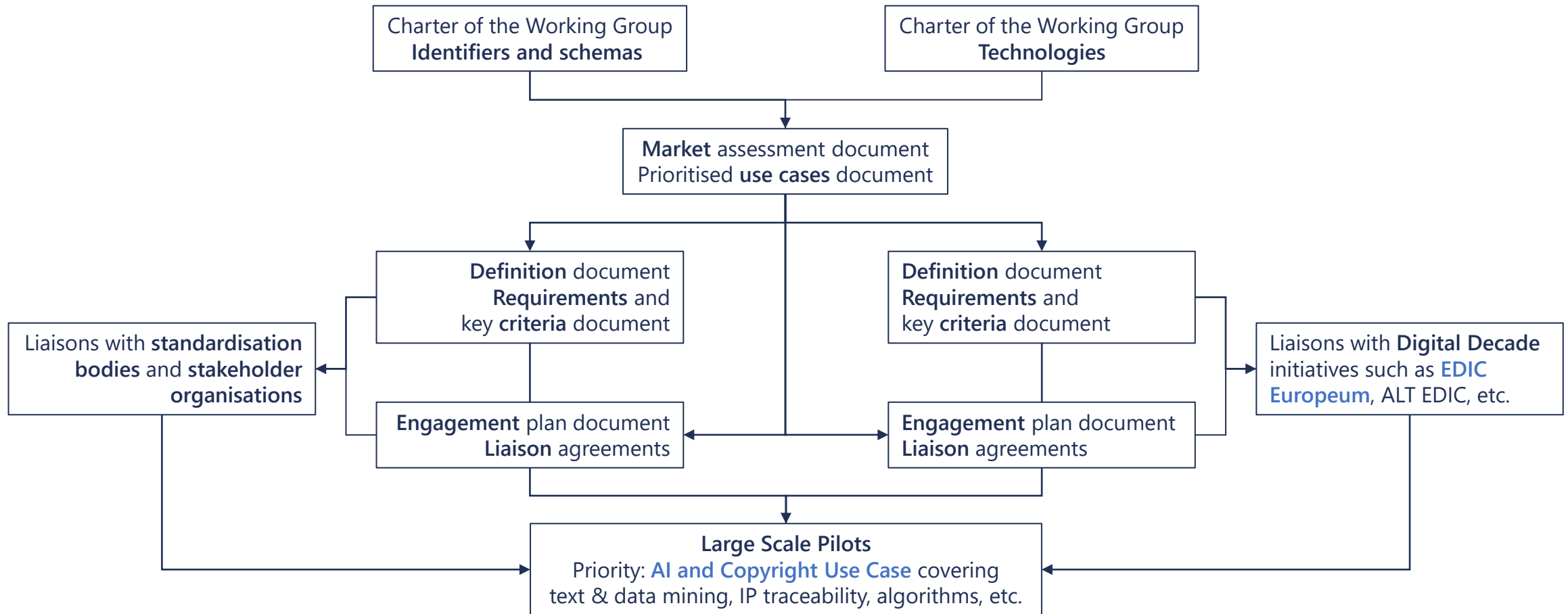ebsi

CREATE → MANAGE → DISTRIBUTE → USE

Create media object

Digital Asset Management

OPEN RIGHTS DATA EXCHANGE

Smart Legal Contracts for Media

Marketplaces for media objects

Stream media object

content

registration token

data

remuneration

CREATE ———————→ MANAGE ————————→ DISTRIBUTE ——————→ USE

Create media object

Digital Asset Management ——— *content* ——————→ **Stream media object**

registration token

OPEN RIGHTS DATA EXCHANGE

Smart Legal Contracts for Media

1) *What is what* and *who is who*
   -> Decentralised Identifiers

2) *Who did what* and *who owns what*
   -> Verifiable Credentials

3) *What may one do with that*
   -> Open Digital Rights Language
   -> e.g., opt-out of AI text and data mining

4) Where does that come from

remuneration

Plan

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┌──────────────────────────────┐        ┌──────────────────────────────┐
│ Charter of the Working Group │        │ Charter of the Working Group │
│    Identifiers and schemas   │        │         Technologies         │
└──────────────────────────────┘        └──────────────────────────────┘
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Market assessment document
Prioritised **use cases** document

Definition document
Requirements and
key **criteria** document

Definition document
Requirements and
key **criteria** document

Liaisons with **standardisation bodies** and **stakeholder organisations**

Liaisons with **Digital Decade** initiatives such as **EDIC Europeum**, ALT EDIC, etc.

Engagement plan document
Liaison agreements

Engagement plan document
Liaison agreements

Large Scale Pilots
Priority: **AI and Copyright Use Case** covering
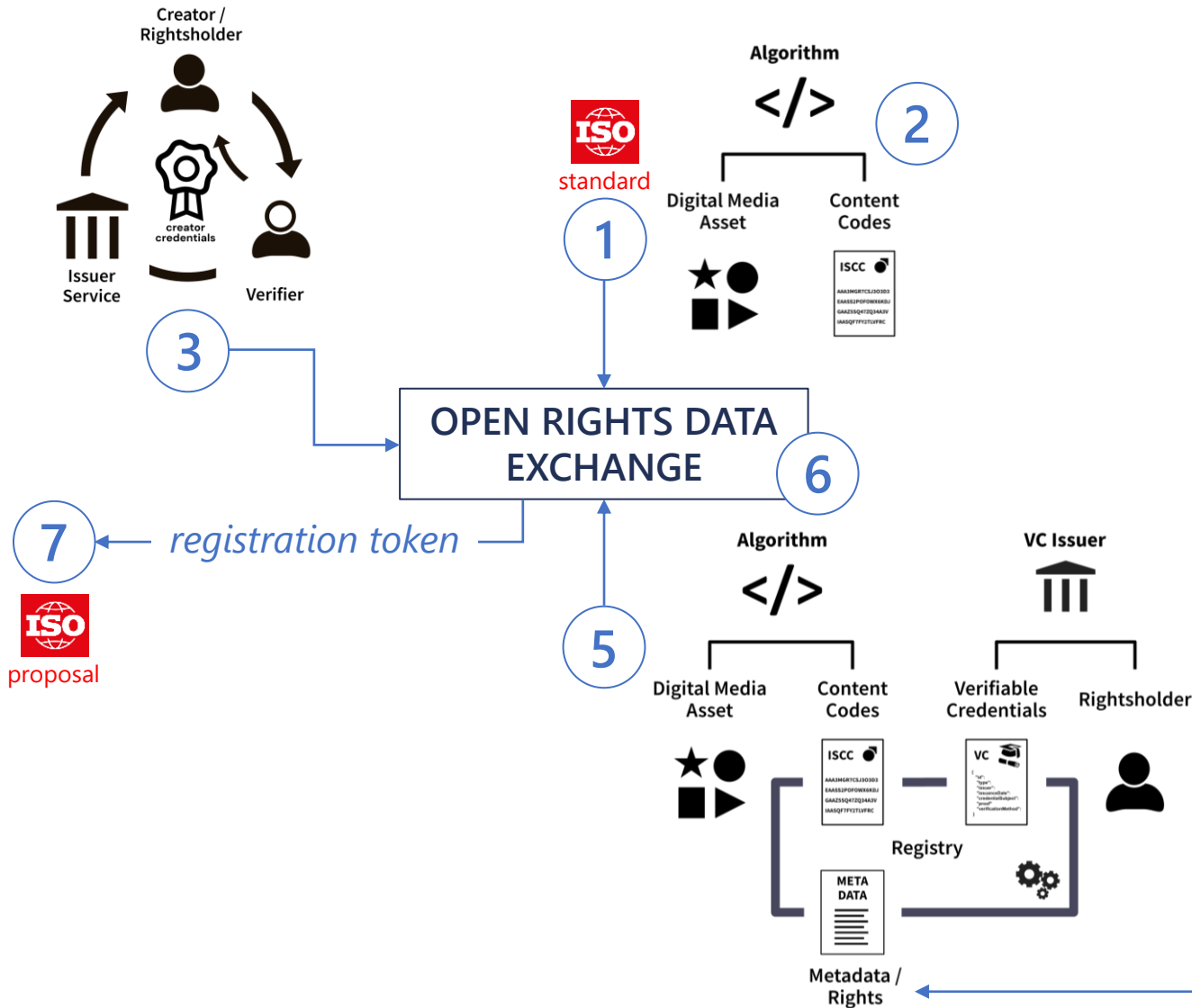text & data mining, IP traceability, algorithms, etc.

The Copyright Infrastructure Task Force is adopting a methodology based on the **OpenStand principles** and convening a team of experts to address the AI and Copyright Use Case.

European technologies

1) International Standard Content Code
2) Liccium App
3) Creator Credentials
4) Opt-Out Policy, e.g., TDM·AI Protocol
5) Verifiable Declaration
6) Open Rights Data Exchange
7) Tokenisation of Media Registration

"Content **must not** be used for AI training purposes." (TDM·AI protocol, according to the Directive EU/2019/790 on Copyright, Article 4)

The buttons (1), (2), (3), and (4) are clickable and link to descriptions of the respective items.

A comparison of opt-out protocols for discussion

	TDM·AI	C2PA	IPTC	TDMrep	Robots.txt	Comments
Schema definition	✓	✓	✓	✓	✓	Suggested or specified schema
Web-published content	✓	✓	✓	✓	✓	Can be used if content is published on websites
Opt-out embedded in asset metadata	✓	✓ (Selected file formats*)	✓ (Visual content)	(potentially EPUB, PDF)	✗	Opt-out is bound to the asset
Certificate embedded in asset metadata	✓	✓	✗	✗	✗	Verification of declarer's identity embedded within metadata.
Opt-out resilient when content is shared, metadata or watermarks are removed	✓	✗	✗	✗	✗	Opt-out persists in case of social sharing and removal of metadata or watermarks
Certificate resilient when content is shared, metadata or watermarks are removed	✓	✗	✗	✗	✗	Attribution remains variable regardless of social sharing and removal of metadata or watermarks
Verifiable timestamp	✓	✗	✗	✗	✗	Declaration includes a verifiable timestamp
Opt-out resilient to content **manipulation**	✓	✗	✓	✓	✓	Opt-out remains accessible when content is altered or modified
Certificate resilient to content **manipulation**	✓	✗	✗	✗	✗	Verifiable attribution certificate remains accessible when content is altered or modified
Comments	In development, based on upcoming ISO standard ISO/DIS 24138	New industry standard proposal	Industry standard	W3C Community Group Report	Global standard (RFC 9309)	

* https://opensource.contentauthenticity.org/docs/c2patool/#supported-file-formats

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