

**MCP Accelerator feedback to
EDIC pre-notification: Copyright Infrastructure**
19 September 2023

Disclaimer: Please note that the feedback below should be considered as preliminary, non-binding and without prejudice to Commission decision when assessing the formal EDIC application.

On 6 June 2023 the pre-notification for the setting up of the Copyright infrastructure EDIC as a European Digital Infrastructure (Copyright infrastructure EDIC) was submitted. DG CNECT has reviewed the content of this pre-notification and comments as follows.

DG CNECT understands that the objective of the Copyright infrastructure EDIC is to develop and promote the utilization of a metadata standard and governance known as the Open Rights Data Framework (ORDF), which would make it possible to aggregate rights data information from various sources, providing a single view on all the information known about a given (set of) copyright-protected work(s) or performance(s). Any rightholder would be able to describe his rights in a unique way that does not depend upon a specific creative sector (there is currently no such ‘cross-sectoral’ standard). The ORDF metadata standard would be based on eIDAS, allowing to identify rightholders accurately and to address some potential data conflicts.

Overall, the idea of a metadata standard is expected to contribute positively to the identification of copyright-protected content and the management and licensing of rights. This is particularly important to facilitate the management of rights in the online environment, also taking account of the development of AI. Therefore, we support further Member States work in this direction.

However, there is doubt whether this task by itself warrants the establishment of an EDIC. A blueprint of the standard was annexed to the Study on the use of new technologies in copyright published by the Commission in 2022¹. The Study has shown indeed that there are data issues in the industry.

DG CNECT suggests:

- (1) **Potential integration into another envisaged EDIC.** DG CNECT suggests that Member States should consider, as an alternative to a self-standing EDIC, integrating it into another envisaged EDIC, such as Alliance for Language Technologies EDIC or Blockchain EDIC . This would not only enhance the capabilities in terms of realising a copyright infrastructure, but would also provide an efficient instrument to reach out to additional Member States and grow the base of participating countries, with further advantages in terms of synergies and economies of scale. By leveraging the decentralized nature of blockchain, such an integrated approach would enable secure and tamper-proof record-keeping of copyrights or related rights. The ALT EDIC could also be an opportunity to develop a metadata standard that would address copyright issues in AI uses (including training data and generative), focusing on the language model. It would also encourage more countries to join the initiative, expanding the EU-wide reach of the copyright infrastructure. With these advancements, the project would be well-positioned to make a greater impact in the field of copyright management and build critical mass.
- (2) **Operationalising** the EDIC with a use case approach and concrete and measurable target contributions to the Digital Decade and copyright policy. Developing a concrete data infrastructure

¹ <https://digital-strategy.ec.europa.eu/en/library/study-copyright-and-new-technologies>

on use cases would provide a concrete contribution to the realisation of the Digital Decade targets and to the IP action plan / copyright objectives. DG CNECT suggest clarifying how the metadata standard would benefit creators and creative industries in practical scenarios (impact on licensing or remuneration). The Working group could discuss the use cases, the associated project plan, and the links to be made with established stakeholders in order to assure their participation in the operational phase.

Regarding specific elements included in the pre-notification, please note our feedback below.

Project rationale and its contribution to Digital Decade Policy Programme objectives and targets:

The purpose and the specific goals of this Multi-Country project proposed for an EDIC could contribute to the goals set out in the Digital Decade Policy Programme Decision, in particular the **Digital Decade (DD) objective** in Article 3e to “*develop a comprehensive and sustainable ecosystem of interoperable digital infrastructures*”². However, DG CNECT understands that the MCP aims to define a metadata standard and promote its use, not to develop a digital infrastructure or a database. Developing a metadata standard would contribute but does not seem to fully address the DD objective to develop an actual infrastructure or to provide greater interoperability in an identified real-case scenario. It would therefore be necessary to consider a more practical contribution to the Digital Decade KPIs or targets. While the availability of a metadata standard would contribute to the objectives, they will not be fully realised by the sole availability and promotion of the standard.

Section 4 of the pre-notification refers to several other Digital Decade objectives, including promoting an open digital environment accessible to all (Article 3a), ensuring digital sovereignty (Article 3c), granting access to digital technologies and data on open, accessible and fair terms (Article 3d), digital regulatory environment (Article 3f), and resilient and energy efficient data infrastructures (Article 3h). DG CNECT recommend limiting the objectives of this MCP to a few and only those that will be realised and achieved by the project. For each DD objective, this MCP should develop corresponding targets and KPIs.

Therefore, DG CNECT recommends that the EDIC should review its objectives and targets, keeping in mind realistic achievements. DG CNECT suggests “**operationalising**” the MCP, e.g. by defining practical scenarios where the metadata standard would be applied, implementing these use cases, and developing the corresponding data infrastructures for these use cases or interoperable layer above the existing infrastructures.

Moreover, the MCP should seek to ensure that the infrastructure would achieve a meaningful EU dimension. The use of existing data infrastructure frameworks set up by the Commission (EBSI or others) could be considered when implementing the use cases, since these are naturally available for all EU Member States.

In addition, the MCP should clarify how an *ecosystem of interoperable digital infrastructures* will be achieved. DG CNECT suggests clarifying how the MCP will integrate with the existing copyright data infrastructures (CISAC, collecting societies’ databases, user databases, or other relevant rights data providers) that would be part of the future ecosystem within the meaning of Article 3a. Use cases should reach out to a critical mass of users and integrate with existing data practices used in the creative sectors (e.g., collecting societies or users).

On a strategic level, the pre-notification suggests potential links or integration into other prospective EDICs, such as EBSI EDIC (where Copyright might be considered as one of the use cases). In particular, the eID

² <https://digital-strategy.ec.europa.eu/en/library/staff-working-document-policy-programme-path-digital-decade>

(that is foreseen to be within the scope of EBSI EDIC) would be required for the authentication of user rights, which could address potential data conflicts and would contribute to the **DD target of eID adoption**. Links with EBSI and EuroCloud should be clarified in terms of contribution to practical scenarios. The potential for integration with Alliance for Language Technologies EDIC should also be considered, taking into account the AI and copyright interplay.

Issues for further consideration / improvement:

- (1) Overall, the pre-notification sets very ambitious potential targets (“comprehensive data infrastructure”, to frame existing data management practices) which should be made more realistic and concrete. DG CNECT suggests clearly separating what could be achieved theoretically from what can be and will be achieved within the MCP and make it more practical.
- (2) In particular, some parts would benefit from more concrete and practical details. The usage scenario for the metadata standard would benefit from additional details. It is not clear who would provide data, who would supervise data quality, who would use data in practice, and why the currently available standards and existing copyright infrastructures do not sufficiently address the problem.
- (3) In a study published by the Commission in 2022, as well as in a stocktaking paper published by the Finnish Presidency of the Council of the European Union in 2019, several data management issues in copyright were identified, such as the problem of a lack of authoritative data, ensuring up-to-date data when such data is owned and used by different players, disputes on rights, etc... The MCP proposal should clarify whether these issues will be addressed and explain how they would be solved, at least for the concrete use cases.

Financial and in-kind contribution:

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Finland agreed to give in-kind and financial contribution of €0.5 million between 2024-2027. Estonia and Latvia agreed to in-kind contribution (amount not known). These commitments are not final and are subject to confirmation by the relevant national representatives.

Please note that Union programmes require co-financing³. Co-financing of the Union programmes can be done from own resources, financial contributions from third parties or income. However, restrictions may apply to in-kind contributions from third parties to be declared as a cost.

Assessment:

The financial and in-kind contribution should be adjusted if the objectives of the Digital Decade to develop an actual infrastructure are to be met.

³ This does not apply to Coordination Support Actions which may be funded up to 100%.

Implementation Strategy:

Please note that the Implementation Strategy would have to be re-considered if the proposed actions were to be integrated into another envisaged EDIC, as discussed above in this document.

Description of actions and a timeline for their implementation.

The actions defined in the MCP are essentially about (1) developing the metadata standard (by end 2024), with the contribution of other Member States to set the strategic orientations and identify possible uses, and (2) to promote its use in 2025 and beyond. The actions are described at a high level.

Tasks, roles and responsibilities of members and, if applicable, observers of the EDIC.

The EDIC proposal identifies three tasks: definition, promotion, and governance. As part of the definition, the EDIC would define use cases and requirements, and identify and map existing standards.

DG CNECT suggests adding operational tasks implementing and testing the standard through real use case scenarios.

DG CNECT suggests that the MCP should reflect better the involvement of possible users of the standard in the definition, in order to ensure that the standard is fit for use and foster buy-in by potential users. In this context, the role of the advisory board in the definition of the metadata standard could be significant. DG CNECT suggests identifying the stakeholders relevant to real use(s) cases and ensuring their participation from the start of the EDIC, as members or as observers through the advisory board.

Milestones targets and deliverables.

The targets are too broadly defined. There should be measurable targets related to both the Digital Decade and to copyright policy.

In terms of deliverables, it is understood that a standard will be produced, but it is not clear if this will be a proprietary standard or if it will be submitted to a standardisation organization. The deliverable ‘public and private adoption of the ORDF’ seems intangible and should be replaced by concrete deliverables.

DG CNECT suggest adding deliverables concerning the relation with EBSI, eIDAS and EuroCloud, as appropriate.

Key performance indicators (KPIs)

The KPI framework misses KPIs related to the Digital Decade targets, to the impact on copyright, and to the use of the metadata standard in the creative sectors. DG CNECT suggests that the MCP should include KPIs that would allow measuring progress towards concretely identified Digital Decade targets. DG CNECT suggests clarifying the ‘public and private adoption’ KPI with something measurable.

Risk assessment, if necessary with appropriate mitigation measures.

DG CNECT suggests the EDIC to detail further the risk assessment and to consider additional risks, such as those linked to the acceptance and buy-in by the stakeholders, use and spread of the metadata standard, data risks (authoritative level of the data, need for regular updates, availability, accuracy), standardisation risks, and other relevant risks, and to integrate appropriate mitigation measures in the timeline.

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