



The First Project

1. Introduction

This document outlines the First practical project of the Copyright Infrastructure initiative, originally raised as a priority of the Finnish Presidency of the Council of the EU in 2019. The work has been led by the Copyright Infrastructure Task Force which is a multi-country project established on initiative of Estonia, in order to support a long term development of the Copyright Infrastructure on EU level, supporting also the global level.

This detailed project description forms basis for representatives of Member States and relevant cultural heritage organisation of the EU **to assess and confirm interest in participating in this First project. Interest should be notified to sender by 2 September 2024.** Any commitment to the actual project is subject to a formal decision on funding made by the Ministry of Education and Culture in Finland to the leading organisation of the First Project and an agreement between the leading organisation and the participating organisation.

The document contains information on the background of the initiative of the Copyright Infrastructure, the separate tasks of the CITF as well as the content of the **First Project**.

The **First Project** of the CITF shall validate aspects of the CITF proposition (Annex) and launch its work at hand of the AI and Copyright use case to be conducted later on the technical platform of the European Blockchain Service Infrastructure (EBSI). The **First Project** shall analyse the key elements of the use case¹ and legal requirements of the opt-out expression mentioned in the Article 4(3) of the EU directive 790/2019 on copyright in the Digital Single Market.

¹ A use case is a concept used in software development, product design, and other fields to describe how a system can be used to achieve specific goals or tasks. It outlines the interactions between users or actors and the system to achieve a specific outcome.

2. Background

The Copyright Infrastructure Task Force (CITF) has been established by the Governments of Estonia and Finland in September 2022. It supports the following areas of activity listed in alphabetic order in the 2030 Policy Programme "[Path to the Digital Decade](#)":

- (a) European common data infrastructure and services, in relation with
- (g) Connected public administration, and
- (h) European blockchain services infrastructure (EBSI).

Following these headings the CI Task Force will:

- (a) Define the Open Rights Data Framework (ORDF) – the set of rules (identifiers, schemas, and architecture) to start building a Common European Copyright Data Space²,
- (g) Take steps to ensure that the ORDF could be used to interconnect European public administrations such as national copyright registration, transfer recordation, and legal deposit systems, as well as national libraries and archives, and intellectual property offices,
- (h) Promote the advances of technology programmes supporting the interoperability, searchability, and trustworthiness of rights management information. These cutting-edge technologies include blockchain, digital wallet, digital twins, high-performance computing, and 5G.

The ORDF emerged from:

- The stocktaking document "[Developing the Copyright Infrastructure](#)" published by the Council of the European Union under the Presidency of Finland in December 2019
- The study "[Copyright and New Technologies](#)" published by the European Commission in March 2022

Since September 2022, the CITF has continued to explore the setup of a Multi-Country Project (MCP) around the ORDF as suggested in the above-mentioned study.

Among other developments:

- The CITF has iteratively formalised its proposition in the draft *CITF – The Proposition – Draft – June 2024.pdf* annexed to the present document,
- Italy, Latvia, and Lithuania have joined the CITF, as well as 9 observers from EU and EFTA countries
- An AI and Copyright use case has been discussed between the CITF and representatives of the European EDIC, and legal requirements document has been prepared including also two examples for the use case

² Data Strategy of the European Commission 2020

- The Working Party on Intellectual Property (Copyright) at the Council of the European Union has been continuously updated on the CITF work, and representatives of the European Commission have participated in the work of the CITF
- The work relates closely to the urgent need to find a solution for a standardized opt-out mechanism in machine-readable format under Article 4(3) of the DSM directive and as required in the AI Act.
- The AI Act (EU) 2024/1689 was published today 12 July in the EU Official Journal. The rules on General Purpose AI of the AI Act related to copyright will hence take effect 20 days and 12 months from this day.

3. Copyright Infrastructure Task Force

While the **First project** outlined in this proposal shall start the activity relating to specific use cases on a functioning data infrastructure, the **Copyright Infrastructure Task Force** shall continue its work on the policy related issues. Such activities include close co-operation with the current and incoming Presidencies, the Commission, EUIPO and other entities. The policy related tasks aim to support the long-term goals of the Copyright infrastructure:

- Formulate detailed **ORDF objectives** (e.g., interoperability and searchability) and **values** (e.g., trust, security, and inclusiveness) aligned with the Acquis Communautaire, the 2022 Path to the Digital Decade, and the Commission's new work plan following the 2020 IP Action Plan having referred to the need to develop the copyright infrastructure,
- Define a strong basis for the future of the Copyright Infrastructure including national and European in-kind and financial commitments, and attract more Member States to join the CITF,
- Identify, as appropriate, relevant grants and collaborations and potentially submit applications,
- Identify and liaise the relevant standardisation bodies, existing repositories of rights management information, and associations of rightsholders and rights users, and reach out to them,
- Continue to liaise with the Strategic Orientation Committee consisting of Member States delegates to the Working Party on Intellectual Property (Copyright),
- Put the CITF on the agenda of the Polish and Danish Presidencies of the Council of the European Union, and prepare a first draft of an eventual recommendation³,
- validate aspects of the CITF proposition at hand of components of the AI and Copyright use case described hereunder,
- Meet twice in person in Brussels and work on copyright challenges, whereby these meetings would take place just before or just after scheduled meetings of the Working Party on Intellectual Property (Copyright),

³ Recommendation regarding the future of the CITF, for instance that the CITF could be hosted by the Working Party on Copyright (Council) or by the EUIPO.

- Meet **once in person in** Hungary/Poland and work on data and digital transformation, whereby this meeting would take place just before or just after a meeting related to the Digital Decade organised by the Polish presidency and could be coordinated with the Europeum EDIC.

4. First project and its objectives

A national institution among the cultural heritage institutions (galleries, libraries, archives, and museums) from a Member State participating in the CITF shall be the leading organisation of the **First Project**. A good candidate for the leading role would be the National Library of Finland. The Ministry of Education and Culture is working over the summer on commissioning the library to take the lead on the First Project. Final decisions depend on the interest of other partner institutions to collaborate in this project to pilot elements of the prospective use case.

The leading organisation for the **First project** will endeavour to set up an adequate consortium of partners and subcontractors from Member States.

The **First project** will:

- 1) Develop the key elements of the selected AI and Copyright use case together with partners from at least 2 cultural heritage organisations
- 2) Define and pilot **technical use case requirements** of the prospective use case
- 3) Define a prospective use case group⁴ to be applied from the Europeum EDIC in 2025
- 4) Report on the results to the CITF and the Council Working Party on Copyright

5. AI and Copyright use case

The **First Project** shall analyse the key elements of the use case based on the legal requirements of the **opt-out expression mentioned in the Article 4(3) of the EU directive 790/2019 on copyright in the Digital Single Market as presented in the Proposal (see annex)**. It will rely on the transpositions of that article in the national jurisdictions of the Member States participating in the **First Project**.

Exemplary use cases for the opt out declaration are:

⁴ 'EBSI Use Case Group' means a working group, dedicating its work to the technical specifications and first implementations of specific EBSI use cases, as provided for in Article 17 of the Statutes of the Europeum EDIC: Read more: <https://digital-strategy.ec.europa.eu/en/policies/edic>

- 1) training of a large language model (LLM) on scientific publications in [European] languages
- 2) training of AI with in-copyright images from [European] countryside

The decision on which use case will be selected is made by the Copyright Infrastructure Task Force based the results from the **First project**, piloting key elements of the examples and outline the prototype of the technical solution for the ORDF related to the opt-out in the selected area.

A prototype of a technical solution shall be designed for at least 2 national jurisdictions and at least 1 cultural heritage sub-sector. The mid-term objective is the definition of a standardised architecture for the expression, storage, retrieval, and interpretation of opt-out expressions.

With specific regard to opt-out expressions, the analysis would also consider:

- The interrelations between internal **author IDs** used by libraries, an industry identifier such as ORCID, an international identifier such as ISNI, the EU work on eIDAS 2.0 and developments at HAND (used in the US). The mid-term objectives would be verified author credential and interoperability,
- The interrelations between international standards such as DOI, ISBN, ISCC and ISSN and internal **work IDs** used by libraries. The mid-term objective would be open standards for hard bindings (e.g., digital watermarks) and soft bindings (e.g., distributed ledgers),
- A liaison with the standardisation project of ISO / JPEG Trust focused on the **standardisation of authorship attributions and rights declarations**. The focus would be on images handled by galleries, libraries, archives and museums. The mid-term objective would be open attribution and declaration standards applicable for images, texts, sounds, and audiovisuals.
- The feasibility of **interconnecting existing registries**, e.g., the registries of national libraries in the Member States participating in the **First Project**. A particular focus would be on the definition of an interconnection protocol. A prototype of a technical solution between 2 participants in the **First Project** could be designed. The mid-term objective would be the definition of a copyright infrastructure capable of integrating hundreds of millions of existing records.

6. Work package and *deliverables*

Proposal management

- Select one leading institution, a legal entity established in one of the Member States participating in the **First Project**,
- Enrol project partners and subcontractors,
- Agree on a **Work Breakdown Structure** (who does what by when, what does it take, and what does it cost),

- Define *Charters, Engagement Plans and Definitions, Requirements, and Key Criteria Documents* for the First Project

Decisions on this will be made end of September 2024 following confirmations from participating Member States.

Project management

- Sign a *Project Collaboration Agreement*
- Manage the administrative and financial aspects of the **First Project**

Deliverables

The First project will:

- Conduct a pilot on areas defined above and deliver a report on the results to the Copyright Infrastructure Task Force, which will inform the Council working party on Copyright and the European Commission.
- Assess options for the use case group
- Publish a *Report* on the **First Project**, whereby –
 - the two *Charters, Engagement Plans and Definitions, Requirements, and Key Criteria Documents* are attached to the *Report*
 - the *Design of the prototype* is attached to the *Report*
 - the targeted readership includes:
 - the European Commission, the Working Party on Intellectual Property (Copyright), the relevant Committee(s) at the European Parliament, EUIPO, and the relevant data and/or copyright authorities of the 27 Member States
 - the standardisation bodies, stakeholder organisations, and Digital Decade initiatives with which the **First Project** will have established working liaisons
- Organise a *Workshop* to present and discuss the *Report in spring 2025*.

7. Timetable

The provider to carry out the **First Project** and provide the deliverables will be contracted in accordance with the rules on **Government Grants** of the Finnish Ministry of Education and Culture (MinEdu).

The tasks of the contractor will be carried out in accordance with the instructions and time schedule set by MinEdu.

Kick-off meeting, target: 15 October 2024

A kick-off meeting will take place virtually at the latest 10 working days following the entry into force of the contract, in order to settle all the details of the **First Project**, and in particular

its scope, as well as to discuss the *Work Breakdown Structure*. The kick-off meeting will be scheduled for up to 1 day and selected representatives of the European Commission, national IP offices, and other experts will be invited to attend and contribute actively to the meeting. The contractor will provide MinEdu with the *Minutes of the kick-off meeting*.

Draft outline, target: 30 November 2024

The aim of the *Draft Outline* will be for the provider and MinEdu to agree on the core structure for the *Report* before drafting the different sections. This *Draft Outline* should be provided at the latest 2 months after the entry into force of the contract.

Interim report, target: 31 January 2025

The aim of the *Interim Report* is to demonstrate the progress of the **First Project**, and in particular of the *Charters* and *Engagement Plans*. The contractor will present a draft *Interim Report* no later than 4 months after the entry into force of the contract. The draft *Interim Report* will be presented and discussed at a meeting (physically in Brussels or in Poland or virtually) with participation from relevant experts if relevant. The contractor will include the results of this meeting in a final *Interim Report* for MinEdu's approval. MinEdu will provide comments to the *Interim Report* within 10 working days. Additional (virtual) meetings can be scheduled as necessary.

Final report, target: 31 May 2025

The contractor will submit a draft *Report* to MinEdu (and the Copyright Infrastructure Task Force at the latest 7 months after the entry into force of the contract. MinEdu will reserve the right to approve or reject the draft final *Report*, with comments and request for adjustment, after presenting and discussing the results of the **First Project** with stakeholders and the European Commission. After taking comments and input into consideration, the contractor should present a final *Report* suitable for publication within 8 months of the entry into force of the contract.

8. Available budget

The available budget is EUR 167,000.00 (one hundred sixty-seven thousand Euros). MinEdu expects to fund the **First project** for a maximum amount of EUR 167,000.00 (one hundred sixty-seven thousand Euros). This does not preclude the submission/selection of a proposal requesting a lower amount. The funds are offered based on a call published in Finland in August 2024. The funds are granted to the organisation selected to lead the project (contractor) in Finland. The participating organisation from other Member States will not apply for the grant. The contributions of the participating organisations detailed in accordance with a Project Collaboration Agreement made between the leading organisation and the participating organisations. Participation will not require financial contributions from participating organisations.

The budget will also cover the costs of the work of the CITF and its activities.

MinEdu reserves the right not to award all available funds depending on the proposals received and the results of the evaluation. The grant awarded may be lower than the amount requested.

9. Annexes

- CITF – The Proposition – Draft – June 2024.pdf
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