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INSPIRING ERA

REPORT

INSPIRING ERA EXCHANGE in-person event on ERA ACTION 1 & 2

EU Copyright Rules and Data Access Rights for Research in the Age of AI

July 9, 2025

Introduction: The INSPIRING ERA Exchange event, organized in partnership with the IP4OS project, convened research managers, data infrastructure providers, open science professionals, legal experts, and government officials from across Europe for a thorough exploration of EU copyright rules and data access rights, particularly as they impact research in the age of AI. The aim was to clarify key legislative provisions, identify persistent barriers, and develop actionable recommendations for a harmonized, innovation-friendly legal framework supporting open science and knowledge valorisation in the European Research Area.

Objectives of the event: The event targeted the following goals:

- Highlight and improve awareness of research exceptions to EU copyright and new data access rights for research.
- Foster discussion on opportunities and challenges arising from current EU copyright and data legislation, with focus on enabling AI-driven research.
- Generate policy recommendations based on findings from recent European Commission studies, notably the 2024 report on improving access to and reuse of research results, publications, and data.

Open Science policies underpin the ERA, aiming to make research results and data accessible, reusable, and interoperable. This depends critically on copyright and data legislative frameworks, which establish the legal conditions for sharing, accessing, and reusing scientific outputs—domains complicated by fragmentation and inconsistent implementation across member states.

Attendees: The event brought together 30 attendees from the community of practice, including research managers, policy officers, copyright/data compliance experts, researchers, data infrastructure/service providers, and representatives of national governments working in copyright and data policy.

Methodology: An overview of the INSPIRING ERA project, including the concept of INSPIRING ERA EXCHANGE, was provided by Maciej Woszczyk and Maciej Zdanowicz from the National Centre for Research and Development (NCBR), followed by contributions from EC representative Bertil Egger Beck (DG RTD) and Victor Alamercery (DG CNECT). Kacper Szkalej (Institute for Information Law, University of Amsterdam) delivered the presentation 'Research Exceptions and Data Access: Copyright & Data Legislative Framework,' while Thomas Margoni (KU Leuven Centre for IT & IP Law) spoke on 'Researcher Practice: Navigating Legal Requirements and Data Use.' Teresa Nobre (COMMUNIA Association) presented 'General AI Models and Open Science,' and Julia Priess Buchheit (IP4OS, Kiel University) covered 'Research Security and Knowledge Valorisation.' The presentations highlighted key insights and were followed by an interactive Q&A session.
Subsequent exchanges included breakout sessions carried out in three groups, preceded by an icebreaker to help identify key topics and guiding questions. The event concluded with a wrap-up that summarized key challenges, conclusions, and recommendations.

Content:

The meeting provided a comprehensive and forward-looking narrative on ERA policy governance, open science, data access, copyright, legal frameworks, and research security,

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with each expert contributing substantive analysis and practical recommendations regarding current legislative developments and institutional strategies.

Opening remarks by Bertil Egger Beck set the scene, detailing major shifts in ERA governance. The updated architecture now incorporates strengthened coordination, implementation, and monitoring roles, marking a strategic step forward in European research management. Central to this evolution is the latest ERA Policy Agenda, which structures work into a cohesive policy narrative, eleven enduring structural policy domains (such as enabling open science, supporting research infrastructures, advancing researcher careers, and championing gender equality), and eight targeted ERA actions. These actions include promoting equity, ensuring research security, leveraging AI in scientific processes, and enhancing knowledge valorisation

Open science was introduced as the foundational norm for European research. Defined by rapid and unrestricted access to research outputs, rigorous adherence to FAIR principles (Findable, Accessible, Interoperable, Reusable), open sharing practices, reproducibility standards, and broad interdisciplinary collaborations, open science is designed to drive transformative change. The rationale for this paradigm rests on three pivotal goals:

- Improved research quality through greater transparency and robustness
- Increased efficiency by encouraging widespread sharing and accelerating scientific progress
- Enhanced societal impact by fostering trust, adoption, and practical application of scientific results

Structural Policy 1, ERA's flagship instrument for open science, prioritizes expanding data sharing, accelerating the roll-out of the European Open Science Cloud (EOSC), and fostering legal and regulatory environments that support the reuse of publicly funded research. Anticipated outcomes include significant increases in EOSC adoption, broader availability of FAIR data, and more informed copyright and data policy decisions.

Victor Alamercery outlined crucial new rights for researchers under the Digital Services Act (DSA), especially Article 40, which creates a formal framework for vetted researchers to access both public and non-public data from very large online platforms and search engines. Data access serves the critical goal of studying systemic risks—such as the spread of harmful content, threats to fundamental rights, and challenges in security and health. The session explored:

- Requirements for researcher accreditation and project vetting
- Transparent publishing requirements for research using accessed data
- Mechanisms for real-time, anonymized, or pseudonymized data access through APIs and specialized data libraries
- Secure infrastructure, cataloguing modalities, and the EU's efforts to develop technical and security standards through delegated acts.

Kacper Szkalej presented an in-depth review of how copyright protection intersects with legal exceptions for research and teaching in the EU. He emphasized that national implementation of directives leads to significant uncertainty for cross-border projects. Key elements included:

- Overview of directives like InfoSoc, DSM Directive, and Database Directive

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- Details on the DSM Directive's mandatory exception for text and data mining (TDM) in public-interest research, which faces practical obstacles such as licensing complexities and technical barriers
- Advocacy for harmonizing exceptions, clarifying lawful access, and reducing the regulatory burden, with the argument that research exceptions should evolve as recognized user rights supporting academic freedom and data-driven research

He argued for harmonizing exceptions, clarifying lawful access, and eliminating unnecessary barriers, especially for AI/data-driven research, describing current exceptions as mediators supporting academic freedom, moving toward recognition as user rights.

Thomas Margoni mapped the complex landscape of directives—the Open Data Directive (ODD), Data Governance Act (DGA), Digital Services Act (DSA), Digital Markets Act (DMA), Data Act, and AI Act—affecting research organizations. The analysis highlighted inconsistencies in terminology and scope, recommending:

- Greater harmonization of definitions, procedural rights, and reduced compliance complexity
- A coordinated EU framework, potentially through a Researcher's Act or Digital University Act, anchored in academic freedom and digital self-determination.

Teresa Nobre addressed novel legal opportunities and persistent challenges in using general AI models for research. She examined:

- Various legal bases for lawful data access and use for AI training, including exceptions and licensed data
- The role of the CDSMD in harmonizing TDM exceptions, and the fragmentation persisting in Member State regulation—particularly for non-commercial scientific research
- Barriers including contractual, technical, opt-out regimes, and ambiguity about AI-generated outputs
- The need for further legal harmonization and more robust enforcement.

Julia Priess Buchheit introduced the IP4OS Synergy Framework, emphasizing interdisciplinary and integrated institutional processes for securely managing and valorizing FAIR research outputs. This model brings together data stewards, legal and ethics experts, researchers, and knowledge transfer professionals to address risks such as export controls, patenting strategy, data provenance, and external threats. Case studies illustrated:

- Compliance risks from poor IP or data management
- Implications of security breaches related to open sharing or weak governance The framework calls for strategic capacity building, embedded protocols, and coordinated training to achieve sustainable and secure knowledge valorisation.

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Key Takeaways and Conclusions:

Each breakout group tackled sectoral and institutional challenges:

- Legal fragmentation of research copyright and TDM exceptions;
- Need for awareness and training in open science and data access practices;
- Institutional support for navigating copyright/AI governance (copyright officers, easy-to-use legal tools, competence centres);
- Research security challenges and recommendations for secure infrastructures (e.g. trusted repository labels, cyber risk protocols);
- The importance of ethical AI, patent strategies, and publisher engagement.

Conclusions and recommendations:

- Institutional capacity building modelled on GDPR's data protection officer system (copyright/IP officers, dedicated competence centres);
- Policy harmonization on copyright exceptions, data access, SPRs, TDM, and AI governance;
- Coordinated training programs and developed user-friendly tools for researchers and support staff;
- Sustainable career paths for legal/data governance professionals, especially in widening countries;
- Emphasis on inter- and intra-institutional cooperation for legal and ethical best practices;
- Engagement with research security and ethical data sharing practices at both European and institutional levels.

The INSPIRING ERA Exchange fostered mutual learning and debate on the complex but critical themes of EU research copyright, data access, and open science. Through diverse expert presentations, interactive breakout sessions, and actionable recommendations, the event advanced concrete proposals for harmonizing legal frameworks, developing professional capacities, and supporting secure, innovative research in a rapidly evolving European knowledge landscape.

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