European Alliance for Research Excellence Forum

Navigating data and copyright legislation in the age of AI: implications for researchers and innovators in Europe

Report

1 October 2025

18.00-18.30: Doors open
18.30-20.00: Roundtable discussion
20.00-20.30: Networking dinner

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EARE
European Alliance for Research Excellence

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Content

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Context

On 1st October, the European Alliance for Research Excellence (EARE) organized its first Forum, bringing together European policymakers, research representatives, industry, and copyright experts to explore the challenges that researchers and innovators face when accessing data for research, innovation, and AI training.

This session addressed the **practical and legal obstacles in accessing copyrighted data for research**. The discussion included the presentation of the European Commission's study "*Improving access to and reuse of research results, publications and data for scientific purposes*", and the complementary economic study launched in July 2025.

The speakers also explored the **importance of copyright exceptions**, such as text and data mining (TDM), for researchers and innovators, the challenges that persist in their implementation in Europe, and their impact on the European research ecosystem.

Similarly, the discussion also considered the **interaction between the AI Act** (including the Code of Practice, guidelines, and template) and the **copyright** obligations.

Lastly, the event also provided an opportunity to publicly launch **EARE's manifesto** which include the policy priorities of researchers and innovators for the upcoming years and the challenges encountered by researchers in Europe.

Speakers

- **Bertil Egger Beck**, Policy Officer, Open Science and Research Infrastructures Unit, Directorate-General for Research and Innovation (DG RTD)
- **Krzysztof Nichczynski**, Policy Officer, Unit I.2 – Copyright (DG CNECT)
- **Alex Fenlon**, Head of Copyright & Licensing, University of Birmingham, LIBER Europe (Association of European Research Libraries), and member of the European Alliance for Research Excellence (EARE)
- **Bertin Martens**, Senior Fellow, Bruegel

The event was moderated by **Luca Bertuzzi**, Senior AI journalist at MLex.

*First picture: From left to right: **Carmen Bell**, Managing Director, APCO, **Alex Fenlon**, Head of Copyright & Licensing, University of Birmingham, **Bertil Egger Beck**, Policy Officer, Directorate-General for Research and Innovation (DG RTD), **Bertin Martens**, Senior Fellow, Bruegel, **Krzysztof Nichczynski**, Policy Officer, Unit I.2 – Copyright (DG CNECT) and **Luca Bertuzzi**, Senior AI journalist at MLex.*
Second picture: Speakers during the discussions.

Participation and attendees

The event attracted the attention of a broad spectrum of stakeholders, from European policymakers to research organizations, industry representatives and copyright experts. The session attracted a high level of interest, with around **40 people registered** and **30 attending in person**.

The attendees included representatives from EU institutions including the **European Intellectual Property Office (EUIPO)**, the **Representation of the UK and Slovakia**, and the **Heads of the Digital Library** from the **European Parliament**.

Researchers and innovators were represented by **Allied for Startups**, **IFLA**, **STM Association**, the **University of Zagreb**, **Wikimedia**, or **The Guild**. Representatives from industry included **Microsoft**, **Amazon, Political Intelligence**, **Leidar**, **Google**, or **IBM**. Media representatives such as **Euractiv** also registered for the session.

The strong interest in the event showed the importance of copyright policies for the research and innovation ecosystem. This was evident in the several contributions made during the Q&A session.

Pictures of a full room of participants during the panel discussion

EARE Forum Highlights

The conversation focused on **how the current EU copyright and data framework can better support researchers and innovators**.

During the conversation, the European Commission representatives outlined the **importance of the current EU copyright framework including the text and data mining (TDM) exceptions** for research organizations and emphasized the importance of **transparency**. The European Commission also presented key insights from the study *"Improving access to and reuse of research results, publications and data for scientific purposes*", which identified barriers in the EU copyright framework affecting researchers. According to this study, key barriers include the legal **uncertainty regarding the research exceptions to EU copyright**, **difficulties navigating overlapping legal provisions of data and digital legislation on data access rights for research** or **limitations to researchers' legal possibilities to reuse their own work and works of other researchers for future research**.

The discussions also touched upon the **economic impact of the current copyright framework**, the **own-initiative non-legislative report from the** European Parliament **on copyright and generative AI**, and the **future of the current copyright framework**.

- **Krzysztof Nichczynski**, provided an overview of the current EU copyright framework applicable to AI training, focusing on the exceptions introduced by the 2019 Copyright Directive. He highlighted **Article 3, which permits Text and Data Mining** (TDM) for research purposes by research organizations and cultural heritage institutions, and **Article 4, which provides a broader exception without limitations on beneficiaries but allows rightsholders to opt out of this exception via machine-readable reservations for content made publicly available online**.

  Mr Nichczynski emphasized the **relevance of this framework for AI training**, noting that the AI Act's two new copyright-relevant obligations will further support the effective application of the TDM opt-out and will contribute to increased transparency on the data used to train AI models. He also pointed to challenges around **ensuring AI providers respect TDM opt-out and the importance of making available a public summary of training data** to help rights holders identify the use of their content. The Commission supports the effective **implementation of TDM exceptions and rights reservations**, alongside **enhanced transparency and the development of a licensing market for training data**, as promoted through the General-Purpose AI Code of Practice published 10 July 2025.

  The future plans of the European Commission include a **study to assess the feasibility of introducing a central registry for TDM opt-outs** and the **upcoming study to support the review of the Directive on Copyright in the Digital Single Market**. This review process will be useful to identify which aspects of the current framework are functioning effectively and what are the shortcomings. Based on the results of the study, the Commission will consider if there are areas where regulatory updates or additional provisions may be needed to improve the application of the rules or better achieve the objectives of this Directive. **The final conclusions of this review and possible follow-up decisions are expected by end of 2026**.

- **Bertil Egger Beck** presented his work at the Open Science unit and the key findings of the study "*Improving access to and reuse of research results, publications and data for scientific purposes*" which identifies barriers in the current copyright framework for researchers. The study has been prepared for the Commission but only reflects the views of the authors. The Commission has not yet adopted a position on the possible measures identified in the study.

The study revealed that **researchers are often required to transfer copyright to scientific publishers to have their findings published in the most prestigious journal, limiting how their works can be shared, accessed and reused**. Similarly, the study indicated **significant legal uncertainty of the current EU copyright framework regarding what they can do with their own work and the works of other researchers**. The report also highlighted issues in using copyright works in research activity. Finally, the results of the study **underscored the difficulties faced by researchers navigating overlapping data access rights** including the Open Data Directive, the Data Act, or the Digital Service Act (DSA).

To address these issues, the study explored several policy options including **secondary publication rights and the harmonization and expansion of the research exception** to cover all parts of the research process. To complement this study, the European Commission has recently launched **an economic study to assess the impact of identified policy options on publishers, researchers, and the broader economy**. The new **European Research Area policy agenda** for 2025 to 2027 includes an initiative on a **copyright and data legislative framework fit for research as a part of structural policy 1 on enabling open science**. The European Commission is also preparing the **European Research Area Act**, scheduled for **Q3 2026**, which may include legislative proposals on copyright and data access.

- **Alex Fenlon** welcomed the Commission's study and explained the work that LIBER Europe has undertaken to distill it into **thirty-five practical actions for research libraries and policy makers**. He also highlighted the challenges that researchers and research libraries are facing, including a **fragmented implementation of the copyright exceptions across member states, legal complexity, uncertainty, and copyright anxiety**, as highlighted by a recent study by UK and Canadian research libraries. He called for **clarity and a simplified, harmonized legal framework to support open science and international collaboration**.

  Regarding the INI report on generative AI and copyright, Mr. Fenlon welcomed the transparency measures that support Open Science but warned that **these measures can become a burden for research organizations when research flips from theoretical into practical impactful activities in industry, culture, and society**. Similarly, he **acknowledged the opt-out registry but considered that there are still questions to be answered** that the ongoing feasibility study may respond such as how this registry will interplay with robot.txt and if this registry will create a de facto copyright registry.

  Finally, he expressed hope that the **European Research Area Act** will provide clarity and reduce legal uncertainty.

- **Bertin Martens** offered an economic perspective on copyright, emphasizing that while **copyright** is intended to incentivize innovation, it **may now act as a barrier in the age of artificial intelligence**. He argued that since AI significantly reduces the cost of conducting research, copyright protections should be less restrictive to allow greater access to data and foster innovation.

  Regarding the copyright framework, he considered that **Article 3** of the Copyright Directive is **outdated and excludes private research institutions** while **Article 4's opt-out mechanism could severely limit AI training and innovation**. He **dismissed collective licensing as an impractical solution due to the scale and complexity of negotiating rights with millions of content providers**. Furthermore, he highlighted a structural imbalance in data access, pointing out that **AI models are disadvantaged compared to search engines, which enjoy broader access to online content**. Mr. Martens also expressed **strong criticism of the European Parliament's draft INI report on copyright**

and generative AI, describing it as biased in favor of rights holders and a setback for AI development in Europe.

Looking ahead, he emphasized that **AI is rapidly transitioning from pre-training to real-time inference, a shift not adequately addressed by current legislation** such as the AI Act or the Code of Practice. As a potential path forward, he proposed that **copyright law take inspiration from patent law, allowing AI models to learn from copyrighted content without reproducing it commercially**.

The session drew strong interest from the audience, particularly during the Q&A. One participant from **IBM** raised concerns about the distinction between **input and output licensing in AI**, suggesting that **economic incentives similar to those used in music streaming could help resolve copyright tensions** in the AI space. A representative from **The Guild of European Research-Intensive Universities** inquired about the potential role of the upcoming **European Research Area Act** in streamlining copyright and data access, proposing that **researcher rights be consolidated under this legislative initiative**. Lastly, a participant from the **University of Zagreb** questioned the **effectiveness of secondary publication rights** in facilitating AI reuse and expressed concern about the **complexity of assessing economic impacts**, particularly in light of rapidly shifting costs and technological developments.