COMMUNIA

1 January - 30 November 2025

2025 COMMUNIA Annual Report

MARCH 2026

Executive Summary

This report covers COMMUNIA's activities between 1 January 2025 and 30 November 2025, corresponding to the third reporting period of our core grant from Arcadia, which began in July 2022.

The 2025 reporting period marks a consolidation phase for COMMUNIA's work at the European level. Building on the momentum generated by our campaign for a *Digital Knowledge Act* in 2023–2024, and on the renewed political attention to copyright issues triggered by the rise of generative AI, 2025 was a year of sustained engagement with the new European Parliament and Commission. With a new mandate in place, our efforts centred on refining our policy proposals, strengthening relationships with institutional actors, gathering evidence of the barriers faced by public-interest institutions, and contributing substantively to emerging regulatory debates—in particular around AI, research rights, and unfair licensing conditions.

Throughout the reporting period, COMMUNIA documented a broad range of activities, including two new policy papers, two workshops with the European Commission, fifteen submissions to public consultations, six additional publications, a variety of contributions to external outlets, numerous policy-facing engagements, and dozens of civil-society and academic interactions.

The following achievements stand out:

- **A report on unfair licensing practices:** We gathered evidence—including confidential licensing clauses—on the contractual barriers faced by libraries. Beginning with a workshop with licensing managers and policymakers, this work culminated in a widely referenced report and multiple contributions to consultations at both EU and national levels. The report has been highlighted by Commission officials, Members of the European Parliament, civil-society organisations, and academic experts.
- **A proposal for a general scientific research exception:** We strengthened our work on research rights through a new policy paper and submissions to consultations related to the *European Research Act* and other initiatives affecting access to and the reuse of research resources. This work increased visibility for the needs of non-institutional researchers and put forward innovative solutions to prevent publishers from using freedom of contract to the detriment of researchers.
- **Our AI-related work:** We played an active role in the General-Purpose AI Code of Practice discussions, drafted amendments for the European Parliament's own-initiative procedure on copyright and generative AI, and released a new policy paper on AI-generated outputs. Our advocacy for user-rights safeguards is reflected in both the final version of the Code of Practice and the draft compromise amendments to the parliamentary procedure.
- **Fixes to the European copyright framework:** Anticipating the Commission's evaluation of the *Copyright in the Digital Single Market (CDSM) Directive*, we used 2025 to explore necessary reforms to better support users and public-interest institutions.

COMMUNIA enters 2026 well-prepared, with a robust body of policy proposals, a strong network of allies able to contribute evidence to support our advocacy, and a clearly articulated vision for progressive, user-centred copyright reform.

Organisational Development

COMMUNIA's organisational structure remained stable throughout 2025, with Policy Director Justus Dreyling and Legal Director Teresa Nobre continuing to lead the association's day-to-day work with the support of Policy Advisor Leander Nielbock. Our distributed working model functioned smoothly, supported by regular online coordination and periodic in-person meetings (both at dedicated times and alongside

major events). Our shared office space with Wikimedia Europe continued to serve as the hub for COMMUNIA's Brussels-based activities.

Membership also remained stable over the reporting period. COMMUNIA counts ten institutional members across seven EU Member States, one member in the UK, and two members based in the United States, alongside ten individual members. Together, they represent most major organisations in the open movement as well as committed individuals from a range of professional backgrounds. Throughout 2025, we drew on a pool of around fifteen active contributors, who participated in drafting processes, provided subject-matter expertise, or supported specific projects.

To foster engagement within the membership, COMMUNIA facilitated several joint activities. These included joint research projects, coordinated work on translations of our brochure *A Digital Knowledge Act for Europe*, and an in-person member meeting that enabled deeper discussion of complex legal questions and collective strategic planning for the year ahead.

Mission and strategy

In 2025, we continued our advocacy work along the strategic priorities defined at the beginning of our granting period. Our priorities are the outcome of a process to operationalise our mission to foster, strengthen and enrich the Public Domain (as defined in the *Public Domain Manifesto*) and our twenty *Policy Recommendations* into actionable measures.

Advancing a Digital Knowledge Act

Since late 2023, we have promoted the idea of a *Digital Knowledge Act (DKA)*: a targeted legislative intervention that would enable universities, educational facilities, libraries, archives and other knowledge institutions to offer the same services online as offline. Framing our proposal around the needs of knowledge institutions has allowed us to build a compelling narrative that resonates strongly with cultural, educational, and research establishments and their representative organisations. The *DKA* encompasses four key areas for action:

1. **Protecting the Public Domain:** Public sector documents and public speeches remain essential sources of information, yet they are not always freely accessible. We advocate for measures to exclude them from copyright protection. We also call for the removal of legal barriers that prevent the reuse of Public Domain cultural heritage materials *(Policy Recommendations #3, #4, and #5)*.
2. **Unlocking research:** Researchers continue to face obstacles when accessing

and sharing research materials. We promote a general scientific research exception that is fit for both institutional and non-institutional researchers, as well as an obligation to openly publish publicly funded outputs *(Policy Recommendations #3, #8, #9, and #14)*.

3. **Promoting digital adaptation:** Unfair licensing practices for digital materials pose major challenges for libraries and research organisations. We advocate for an EU-wide e-lending right and an obligation for rightsholders to license digital works to knowledge institutions under fair conditions *(Policy Recommendations #10, #12, and #13)*.
4. **Shielding knowledge institutions from legal risk:** The fragmented and complex state of EU copyright law often deters institutions and individuals from engaging in research collaborations and other public-interest activities. To counter this chilling effect, we propose a limitation on liability for those acting in good faith *(Policy Recommendations #17 and #19)*.

As the new EU mandate took shape, we focused on the areas with the strongest political momentum: a general research exception, a secondary publication right, and measures addressing unfair contracts and technological barriers. We refined our legislative proposals, collected evidence, deepened relationships with policymakers, and strengthened our community of stakeholders affected by the current framework. While we do not expect the adoption of a standalone *DKA* during this mandate, it continues to function as a powerful narrative tool and an effective vehicle for introducing concrete interventions into ongoing legislative files, such as the forthcoming *European Research Area Act*.

Shaping the AI-copyright framework

Questions surrounding the use of copyright-protected works for AI training remain central to EU policy debates. Our work in 2025 focused on preserving the flexibilities for scientific research established in the *Copyright in the Digital Single Market Directive (CDSM) Directive*—in particular the text-and-data mining exceptions for scientific research and for the development of Public AI in collaboration with cultural heritage institutions. We also drew attention to user-rights concerns in discussions on emerging copyright-compliance obligations and proposed measures addressing output similarity. In parallel, we contributed substantively to debates on the legal status of AI-generated outputs *(Policy Recommendations #2, #9, and #16)*.

Fixing the Copyright Directive

A concrete opportunity for copyright reform will arise with the Commission's review of the *CDSM Directive*, scheduled to begin in 2026. While a comprehensive overhaul appears unlikely, the review offers an opportunity to address provisions that have not fulfilled the legislator's original intentions and to bring *DKA*-derived measures—particularly those concerning access to and reuse of cultural heritage—onto the agenda. Notable examples include the out-of-commerce works

regime in Article 8, which has not delivered the expected results, and the Public Domain safeguard in Article 14, which is effectively undermined in several Member States by cultural-heritage legislation. Throughout 2025, we laid the groundwork for interventions during the review process *(Policy Recommendations #4, #5, and #7)*.

Other areas

As noted in last year's report, we continue to take an opportunistic approach to strategic litigation. Beyond supporting one ongoing case that closely aligns with our mission, few new opportunities emerged in 2025. In the absence of promising cases, we have prioritised policy work.

Finally, COMMUNIA continues to serve as a focal point for activists and academics committed to progressive copyright reform. We remain dedicated to community building and to fostering intellectual exchange among our members and partners through our involvement in networks such as the Open Heritage Statement Coalition (formally known as Towards a Recommendation on Open Cultural Heritage or TAROCH Coalition) and the Access to Knowledge or A2K Coalition *(Policy Recommendations #3, #4, and #14)*.

Impact

In 2025, COMMUNIA continued to build momentum across all core areas of its work. The following section highlights key activities that advanced our strategic priorities. It is not meant to be exhaustive, but to showcase where our work had the greatest impact.

Advocacy

Advancing a Digital Knowledge Act

In 2025, we continued to advance our campaign for a *Digital Knowledge Act (DKA*), launched in December 2023. While the core ideas of the *DKA* remained unchanged, our focus shifted from developing new proposals to refining, promoting, and strategically positioning existing ones. This involved aligning our recommendations with concrete legislative initiatives—most notably the *European Research Area (ERA) Act*—and prioritising issues that resonated most strongly with policymakers in the Commission and Parliament.

A key priority within this workstream concerned unfair licensing conditions for digital

works. Libraries and other knowledge institutions remain severely constrained by current licensing practices: unlike physical books, digital materials such as e-books cannot simply be purchased and lent under an exception, but must be licensed—often at significantly higher cost and on restrictive or even unfair terms. To gather evidence on these barriers, we collected clauses from confidential licensing agreements and convened a closed workshop in February with licensing managers from the library sector and policymakers. The workshop was praised by both policymakers and practitioners for creating a space to share experiences and document contractual practices.

The workshop also informed an influential report that has already prompted further discussions with the Commission and shaped several submissions to public consultations, including one conducted by the Italian competition authority. We presented these findings in two COMMUNIA online salons (on unfair licensing practices and the right to e-lend) and at external events, such as the *2025 LIBER Annual Conference*, the *2025 Global Experts Network on Copyright User Rights Symposium*, and the *X Ciclo de Derecho de Autor en Bibliotecas: Derecho de autor en el entorno digital* co-hosted by the National Copyright Directorate (Ministry of the Interior, Colombia), amplifying their visibility and impact.

The report has been read and referenced by Commission officials, Members and staff of the European Parliament, academic experts, as well as by libraries and other civil society organisations in their national advocacy efforts.

With the proposal for an *ERA Act* forthcoming, we also refined our recommendations to fully unlock research in the EU. The existing research exceptions in the EU copyright acquis remain too narrow in scope, insufficiently harmonised, and conceptually fragmented, preventing the effective exercise of the right to research. Furthermore, as evidenced by the above-mentioned report, freedom of contract is often exploited by publishers to the detriment of researchers. We published a new policy paper advocating for a general scientific research exception fit for both institutional and non-institutional researchers, and urging the EU lawmaker to introduce protective mechanisms to prevent licenses—including their choice-of-law agreements—from circumventing mandatory exceptions that protect EU research policies.

In our workstream on shielding knowledge institutions from legal risk, we published a study with Centrum Cyfrowe on legal risk awareness and management in European museums. We are also preparing for the release of a second, more extensive study by Institute for Information Law (IViR), which will outline concrete possibilities for introducing limitations on liability for European knowledge institutions—an essential element of the *DKA* proposal, which has become more relevant in the past year due to rightholders threatening to sue Public AI model developers for copyright infringement, on the one hand, and imposing new standards of liability for AI-related copyright infringement on licensing agreements with libraries, on the other.

Throughout the year, we contributed to five EU consultations directly related to the *DKA* agenda, including two on the *ERA Act*, as well as submissions to the *Digital Fairness Act*, the *European Innovation Act*, and the *EU Start-up and Scale-up Strategy*. In addition, we held four in-person meetings with the European Commission.

At the European Parliament level, we helped organise and participated in the event *Regulating innovation in the digital environment: Towards a Digital Knowledge Act*, co-hosted by VOLT. The event led to public statements by VOLT MEPs on social media calling for a *DKA* and resulted in the blog series *Towards a Digital Knowledge Agenda in Europe* on the highly influential Verfassungsblog, featuring contributions from VOLT MEPs, academic experts, and civil-society representatives.

We also strengthened our engagement with policymakers at the national level. Together with the Gesellschaft für Freiheitsrechte, Wikimedia Deutschland, and German Library Association, we co-hosted a network event on digital infrastructures for knowledge and culture, introducing the *DKA* proposal to German policymakers and stakeholders. In Portugal, working with Knowledge Rights 21 and the Portuguese Association of Librarians, Archivists, Information and Documentation Professionals, we laid the groundwork for establishing a secondary publishing right and an obligation to publish publicly funded research in open access. Our Legal Director co-chaired the coalition meetings, helping a broad alliance of civil-society organisations, research institutions, and former policymakers build consensus around the text of a legislative proposal that will support national advocacy in 2026.

Finally, to strengthen national outreach, we collaborated with COMMUNIA members to produce translations of our *DKA* brochure in German, French, and Polish. The German translation prompted an interview with the copyright blog iRights, contributing to further dissemination of the *DKA* concept in national debates.

Shaping the AI-copyright framework

COMMUNIA has continued to play a prominent role in shaping the evolving debate on artificial intelligence and copyright. Throughout 2025, our work focused on preserving the existing flexibilities for AI training, ensuring in particular that scientific research and cultural heritage institutions can continue to rely on the text-and-data mining exceptions established in the *Copyright in the Digital Single Market (CDSM) Directive*. At the same time, we engaged actively in emerging discussions on transparency obligations, output similarity, the treatment of AI-generated outputs, and broader questions of access to digital content in an AI-driven environment.

A central focus of our work was the EU's *General-Purpose AI (GPAI) Code of Practice*, developed under the *AI Act* and now the primary instrument guiding copyright compliance for AI models in Europe. We participated in all consultation sessions, submitted detailed written feedback, delivered oral interventions, and documented the process through blog posts. This sustained engagement proved effective, with several

of our key positions reflected in the final text of the Code:

- We strongly opposed proposed measures that would risk over-blocking lawful expression—such as output-similarity filters and downstream monitoring obligations without user-rights safeguards, and measures based on vague concepts like "memorisation." The final Code now limits mitigation obligations to actual copyright-infringing reproductions.
- We argued that imposing obligations on open-source GPAI models to prohibit downstream copyright-infringing uses would effectively exclude them from the ecosystem. The final Code does not contain such obligations, ensuring that its requirements remain compatible with open-source licensing.
- We advocated for strong public transparency obligations regarding rights-reservation compliance. Although these recommendations shaped the debate, the final Code leaves this disclosure optional — a missed opportunity, and one we will continue to pursue.

We were also active in the European Parliament's own-initiative procedure *Copyright and generative artificial intelligence – opportunities and challenges*, prepared by MEP Axel Voss of the European Parliament's Committee on Legal Affairs (JURI). We proposed multiple improvements to the draft report, opposing the view that AI training falls outside existing EU exceptions and that output similarity alone amounts to copyright infringement. We supported meaningful transparency requirements and user-rights safeguards, many of which were taken up by other political groups. While the final compromise amendments remain under negotiation, early drafts already reflect elements of our language, and we remain committed to ensuring that the outcome does not establish any problematic precedent.

In parallel to our work on AI inputs, we advanced our thinking on AI-generated outputs. Our new policy paper argues against creating new exclusive rights for generative-AI outputs that do not meet copyrightability criteria. This analysis informed our contribution to a questionnaire on AI-generated outputs prepared by the independent advisory body of the French Minister of Culture and Communication (Conseil supérieur de la propriété littéraire et artistique), where we advocated for a balanced approach that protects creators without undermining the Public Domain or user rights.

Our AI-related work also informed several consultations. In our submission to the Danish consultation on copyright and AI-generated deepfakes, we opposed proposals to expand copyright or related rights to cover realistic digital imitations of individuals, recommending a personality-rights approach instead. Beyond the EU, we contributed to international policy debates, including a submission to the UK Intellectual Property Office consultation on copyright and AI.

Our expertise was further sought at a range of public events. We were invited to speak at the Commission-organised *INSPIRING ERA Exchange: EU Copyright & Data*

Access Rights for Research in the Age of AI, where we emphasised that AI training is permitted under the current EU legal framework. Staff also participated in a discussion hosted by the Center for Democracy & Technology on implementing the AI Act, presented at the International Association of Transport and Communications Museums 2025 annual conference on the "AI shift" in museums, and contributed to an academic workshop organised by the Institute for Information Law (IViR) on unlocking the potential of cultural-heritage resources for AI.

Finally, we initiated internal work streams on two emerging areas of concern: the responsible use of cultural heritage collections for AI training—including questions around remuneration and compensation schemes—and the growing challenges to access posed by increasing technological barriers to online content.

Fixing the Copyright Directive

We identified five areas where the *CDSM Directive* has not resolved existing problems or has failed to operate as the legislator intended. For each, we developed a set of "easy fixes" that we intend to propose during the upcoming review of the Directive. While these priorities may evolve depending on opportunities in other legislative files, our current focus is on:

- obstacles to scientific text and data mining (TDM), including the absence of sharing rights and the lack of mechanisms to obtain access when technological protection measures apply;
- the circumvention of the TDM exception through choice-of-law clauses in licensing agreements;
- the underperformance of the out-of-commerce works regime in Article 8;
- the hollowing out of the Public Domain through national cultural-heritage laws that undermine Article 14; and
- the limitation of the caricature, parody, and pastiche exception to content hosted on online-sharing platforms.

To advance this work, we organised an in-person workshop in Brussels bringing together practitioners, legal experts, and policymakers. The workshop generated a productive exchange and provided valuable insights that will inform the Commission's review process. We also prepared a campaign website, ready to launch next year to accompany the formal review of the Directive.

Promoting user rights at WIPO

We continued our WIPO-related work in line with the approach set out in the previous year, maintaining a somewhat reduced level of engagement while focusing more strongly on the European dimension. Nevertheless, we invested significant effort in preparing for the 2025 sessions of the Standing Committee on Copyright and Related Rights (SCCR). This included in-person meetings with the European Commission,

active participation in A2K Coalition and A2K Steering Committee meetings, and the preparation of a handout to inform negotiations on the Broadcasting Treaty. During the SCCR session in May, we delivered two statements, one highlighting the need to protect the Public Domain when creating new broadcasting rights and the other calling for substantive discussions on exceptions and limitations for education, research and the activities of cultural heritage institutions.

We also contributed to the Global Expert Network on Copyright User Rights, speaking on one panel and chairing another during its 2025 Annual Meeting in Geneva. In addition, our Legal Director served as a co-chair for the drafting of a Model Instrument on Principles and Objectives for Copyright Limitations and Exceptions, helping to shape a document intended to guide future international discussions.

Towards an Open Heritage Statement

Our Legal Director played a central role in the development of the *Open Heritage Statement*, a global call to advance equitable access to Public Domain cultural heritage in the digital environment and to inform international policy debates, particularly at UNESCO. As co-chair of the drafting workspace, Teresa convened numerous online meetings, facilitated discussions among a diverse group of contributors, and built consensus around the final text. This work culminated in the adoption and launch of the Statement in October, marking a significant milestone for the global open-heritage community.

Miscellaneous

With the review of the *Geoblocking Regulation* underway, we participated in consultations and interviews organised by the European Commission. To broaden the public debate, we also published an op-ed in the German newspaper *Tagesspiegel Background* highlighting the need to reform the geoblocking framework.

We were additionally invited by the European Commission to contribute to discussions on the online piracy of sports and other live events, including as a panelist at the *European Sport Forum 2025* in Krakow. In our submission to the related consultation, we emphasised fundamental rights and proportionality concerns, urging caution against enforcement measures that disproportionately affect users or legitimate services.

Strategic Litigation

We continue to support Cosmo Wenman's case against the Musée Rodin in Paris, which seeks the release of 3D scans of Auguste Rodin's sculptures held in the

museum's collection. The case is now before the Conseil d'État, France's supreme administrative court, and we are currently awaiting its decision.

Communication

Public communication is central to our advocacy work. In 2025, our efforts focused primarily on two areas: our campaign for a *Digital Knowledge Act (DKA)*—with particular emphasis on unfair licensing conditions for libraries—and our work on AI and copyright. Both strands involved extensive publication activity across our main communication channels, including our website and blog, as well as targeted outreach through social media, a print publication, and a series of in-person and online events. We also continued publishing our monthly newsletter, launched in 2024, which has become an important tool for reaching our target audience while reducing reliance on any single social-media platform.

Transparency and Open Access policy

COMMUNIA strives for transparency in all aspects of its work. With few exceptions, we make our proposals, consultation submissions, and reporting publicly available. We also follow a strict open access policy: all of our own content — including blog posts, policy papers, and other publications — is released into the Public Domain under the CC0 licence. Guest contributions to our blog and studies commissioned to external collaborators are typically published under the CC BY licence.

Publishing and communication channels

In addition to our new policy papers, reports, and handouts, we published 38 blog posts over the reporting period. These covered a broad range of topics related to the *DKA*—including the rights of knowledge institutions, research rights, and licensing practices—as well as issues concerning AI and copyright, the Public Domain, and the reuse of cultural heritage. While we do not track visitor data for privacy reasons, direct feedback and social-media interactions indicate that our blog posts and policy papers consistently reach members of our target audience.

To disseminate our work, we remained active across multiple social-media networks, including the Fediverse, Bluesky, and LinkedIn. Posts across these channels are regularly shared and engaged with by a diverse audience. LinkedIn has been our most important communication channel in 2025, where we expanded our follower base to almost 1000 followers.

We also dedicated significant efforts to promoting our work in external outlets, which helped bring our perspective to a broader policy audience.

Finally, our monthly newsletter and event announcement list continued to grow throughout the year, offering increasingly valuable channels for structured communication that are independent of commercial social-media platforms.

Events and public speaking

In 2025, we co-hosted two public-facing events: *Public Domain Day 2025* and a network event with members of the German Parliament. Both gatherings featured prominent speakers from academia and civil society and attracted a diverse audience of practitioners, policymakers, and advocates. In addition, we organised three online salons, focusing respectively on unfair licensing practices, the French proposal to extend resale rights to second-hand books, and the right to e-lend.

Beyond our own events, staff members were invited to speak at a wide range of external engagements, including events hosted by the European Parliament and the European Commission. COMMUNIA staff also contributed to academic conferences and civil-society gatherings, such as *GLAM WiKi 2025: Resilience, Shaping the Future Through Community and Openness* and the Institute for Information Law (IViR) workshop *Unlocking the Potential of Cultural Heritage Resources for Culturally Diverse, Unbiased AI Systems*, as well as the "fifth freedom" podcast series hosted by Information Labs.

We found that closed workshops are a particularly effective type of event. Bringing together practitioners who can speak directly to the barriers they encounter, legal experts, and policymakers created a setting that enabled more focused discussions and concrete problem-solving. These workshops are not only more cost-efficient than large public events, but they have also proven to have a greater impact on policymakers. Going forward, we intend to prioritise this format and organise public events only where there is strong public interest in the topic.

Financial

The Arcadia grant remains COMMUNIA's principal source of funding. In addition, we administer a small tie-off grant from the Open Society Foundations to support legal research and prepare strategic litigation. Membership fees constitute a much smaller share of our overall budget. We would also like to acknowledge the substantial in-kind contributions of many members, who dedicate their time, expertise, and other resources to COMMUNIA's work. Although these contributions are not reflected in our

financial reporting, they are indispensable to the organisation's success.

Budget vs. actual

As per Arcadia's request, we concluded the reporting period one month earlier (30 November instead of 31 December). As a result, we did not fully spend our 2025 budget. However, projected expenditures across most categories remain broadly aligned with the budgeted amounts.

Staff costs and our membership activity fund were mostly in line with expectations. Overall activity costs were slightly below projections, in particular because event spending remained below the maximum foreseen for the year. Overhead costs fully aligned with the budget. Unspent funds will be used to support additional activities in 2026.

The litigation fund will no longer be included in the financial report going forward, as this fund is fully supported through the tie-off grant from the Open-Society Foundation. This ensures that Arcadia's financial report accurately reflects only the expenditures financed by its respective contribution.

2025 financial report and 2026 budget

	2025 Budget (Jan. - Dec. 2025)	2025 Actual (Jan. - Nov. 2025)	Dec. 2025 (projected)	2026 Budget
Expenditures	**365.900 €**	**304.900 €**	**41.000 €**	**372.500 €**
Staff costs	269.350 €	237.800 €	24.000 €	277.700 €
Activity costs	73.400 €	46.000 €	14.300 €	66.800 €
Overhead costs	23.150 €	21.100 €	2.700 €	28.000 €
Income	**360.830 €**	**360.830 €**	**0 €**	**375.830 €**
Arcadia	357.500 €	357.500 €	0 €	372.500 €
Membership fees	3.300 €	3.330 €	0 €	3.330 €
Other funds	**8.400 €**	**-**	**-**	**-**
OSF grant	8.400 €	-	-	-
Result	**3.300 €**	**55.930 €**	**-**	**3.300 €**

About COMMUNIA

The COMMUNIA association advocates for policies that expand the Public Domain and increase access to and reuse of culture and knowledge. It acts as a network of like-minded activists, researchers and practitioners based in Europe and the United States who seek to limit the scope of exclusive copyright to sensible proportions that do not place unnecessary restrictions on access and use.

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For more information on COMMUNIA visit our website: www.communia-association.org; or contact us at: communia@communia-association.org.

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