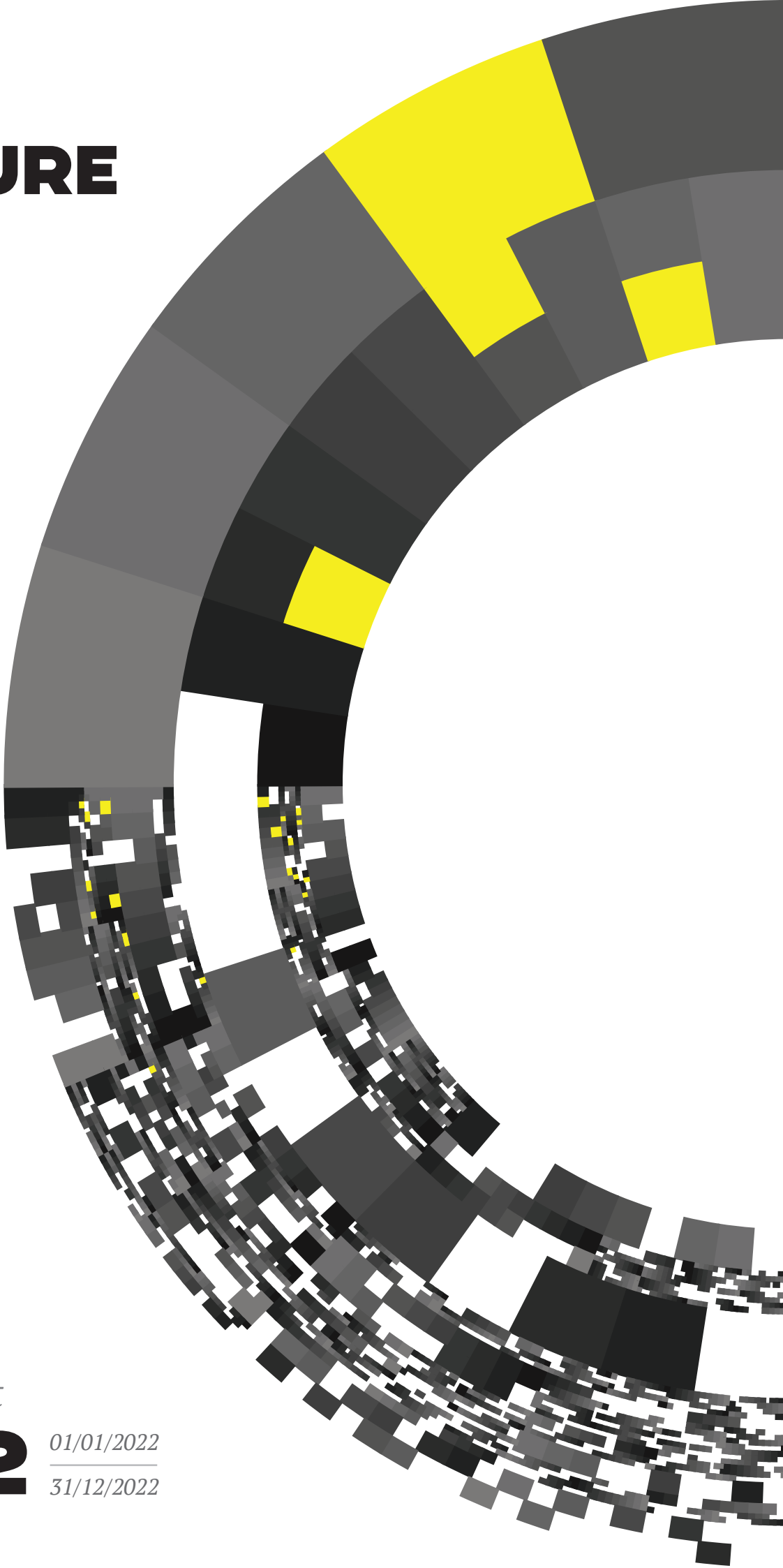


# OPEN \_FUTURE



*annual report*

**2022**

01/01/2022

31/12/2022

# 1. INTRODUCTION

This annual report covers the second full year of our operations, during which we benefited from the organisational foundations that we set up in 2021. In 2022, we further developed our programmatic work, including our fully-running research, advocacy and communication activities. We gained additional capacity by hiring a full-time Director of Research, launching our fellowship programme, and initiating our own in-person and virtual events. We have also increasingly worked with external experts and contractors, thus increasing our capacity as an organisation.

Below we present a detailed account of our organisational strategy, including our three core objectives and our achievements in each area. We want to begin by highlighting several key achievements from last year:

- Our Digital Public Space advocacy has resulted in the inclusion of this concept, as one of the core ones, in the European Union's Declaration on Digital Rights and Principles;
- The concept of the Paradox of Open has received significant engagement from both activists and academics, and proved to be an important way of framing current challenges to openness;
- The relevance of our AI\_Commons work has been proven by policy debates around openness and AI, which intensified in the second half of 2022;
- Our proposal for a European Public Data Commons that we had developed in response to the Data Act proposal has had considerable influence on the discussions on the B2G data sharing provisions of the Act. Despite this, it failed to gain sufficient political traction and, as a result, did not influence the proposal;
- We successfully have worked with Members of the European Parliament on allocating funding for a feasibility study for a Public Domain registry based on the white paper authored by Felix Reda (GFF) and Paul Keller that we published in late 2021. In November 2022 the European Parliament approved the pilot project.

We also learned several crucial lessons this year, which we are translating into our 2023 work plan and our strategy going forward.

Firstly, we faced challenges related to mobilising the Open Movement as a whole, which is one of the core goals of our work. We are adjusting our strategy to one focused on specific advocacy goals instead of overarching movement strategies. And one that also takes into account that this movement needs to be continuously maintained through narrative and communication work.

Secondly, after intense direct advocacy on a specific policy file: the Data Act, we understood that our strength lies in formulating longer-term policy proposals. Going forward, we aim to invest more resources in such long-term policy framing while still paying attention to ongoing policy developments and debates.

## 2. OUR STRATEGY

Our strategy in 2022 continued to be based on the objectives established in 2021, and our guiding principle: to leverage openness in designing and building of systems that maximise the societal benefits of information resources in the networked information economy.

Our work has focused on three strategic objectives:

1. **Digital Public Space:** Our goal is to advance the idea that there should be Digital Public Spaces in the online environment that are governed by a different logic from the commercial internet.
2. **Future of Open:** Our goal is to develop an updated theory of action for the open movement, aimed at leveraging openness to design and build systems that maximise the societal benefits of information resources in the networked information economy.
3. **Data Commons:** Our goal is to explore alternative ways of data governance based on the idea of open access commons and to engage in the EU data governance discussion to advance these concepts.

Our work in 2022 confirmed that this is a strong set of objectives, with the added advantage of many connecting points that exist between them. For example, our AI\_Commons work is an in-depth exploration of key challenges to openness, which also addresses issues around data governance.

For each of the objectives, we have aimed to strengthen the strategic advocacy capacity of the open movement, by advancing advocacy, conducting research, narrative building and developing shared advocacy goals. We also strive to be the voice expressing a public interest position in debates often dominated by commercial interests.

Collaboration and networking are also important elements of our strategy, aimed at maximising our impact as one (small) organisation of many in a field of peer actors. In 2022, we played a key role in coordinating the Shared Digital European Public Sphere coalition, a European data governance advocacy network and in networking with leaders from the Open Movement.

We continue our focus on European policymaking and advocate for a unique European approach to digital policies that have at their heart visions of the digital commons. At the same time, we believe that an exchange of views with activists, experts and stakeholders in other regions is crucial. To this end, we remained engaged in networks and policy debates that are also global in scope, and paid particular attention to the exchange of ideas between organisations in Europe and North America.

## 3. IMPACT

In this section, we provide an overview of the activities that we have undertaken for each of our strategic objectives, during the reporting period. The lists of activities described below are not

exhaustive and are meant to highlight those of our activities that we consider to have made the most impact to advance our strategic objectives.

### ***3.1 Future of Open***

In 2022, we continued a conversation among key Open Movement organisations and activists to critically examine the state of openness and reimagining it. Based on discussions about openness and power, framed by our 2021 essay on the Paradox of Open, we began creating a shared advocacy agenda for the Open Movement.

- We published [eight responses to our Paradox of Open essay](#), which continue the exploration of issues around openness and power. Our contributors include James Boyle, Anna Mazgal, Zuzanna Warso, Balázs Bodó, Jeni Tenisson, Leonhard Dobusch, Carolina Botero and Derek Slater. We have also conducted [the second season of Open Future Sessions](#), monthly conversations of open leaders and experts.
- In the last quarter of the year, we began mapping the Open Movement through a network analysis of Twitter data. We have also initiated a survey of the views of key stakeholders on open movement advocacy. We will continue this work in 2023.
- The AI\_Commons activity has been an opportunity for us to explore key issues and challenges to openness, based on a case in the emergent field of AI. We published three research studies: on [Creative Commons licensing of AI training datasets](#), on [users' perspectives on such practices](#) and a [white paper covering cases where open content is used for face recognition training](#).
- We have also conducted an [in-person AI\\_Commons workshop](#), bringing in key stakeholders (including Internet Archive, Wikimedia Foundation, Creative Commons, RAIL initiative, Github, Flickr, MLCommons). We have finalised this project by publishing [the final report](#) with findings and recommendations.
- In August 2022, we began exploring the emerging practices of openness in the field of AI and Machine Learning, triggered by the emergence of new licensing practices in this field. We started by publishing our [research notes on this issue](#). Furthermore, we participated in a [deep dive on the topic conducted by Open Source Initiative](#), and conversations [conducted by Creative Commons](#). At the end of the year, we started developing a shared research agenda with other stakeholders and initiated a quantitative study of new licensing practices.
- In November 2022, the European Parliament adopted the 2023 EU budget, which includes funding for a pilot project on “[Public EU directory of works in the public domain and under free licences](#).” The pilot project will consist of a feasibility study for a public domain repository based on the [2021 white paper authored by Felix Reda and Paul Keller](#).

## 3.2 Digital Public Space

Our work on promoting Digital Public Spaces and Public Digital Infrastructures has culminated in the publication of a public draft of our [white paper on a European Public Digital Infrastructure Fund](#). We see this proposal (which will be released in February 2023) as one of the key components for future EU policies aimed at supporting Digital Public Spaces.

- We have worked with two key stakeholders on these issues: the initiators of the [German Sovereign Tech Fund](#) and a group of French commons-focussed initiatives that has formed during the French EU presidency (in the first half of the year). We coordinated with them to provide civil society input for the European Working Group on the Digital Commons, hosted by the French Council Presidency.
- Together with the French commons coalition, we have [published an op-ed](#) in [Mediapart](#) (in French) and [Euractiv](#) (in English) supporting the work of the European Working group on the digital commons and advocating for a more ambitious set of Commons policies.
- Throughout the first half of the year, we took over the rotating responsibility of chairing the bi-weekly meetings of the [Shared Digital European Public Sphere](#) coalition. We thus played a key role in its development.
- We have worked with [PublicSpaces](#) in the Netherlands on shaping the international programme of the [PublicSpaces Conference](#) that took place in May in Amsterdam. At the event, we organised a panel on the EU digital policy agenda.
- Together with the [Commons Network](#), we have published our [report on generative interoperability](#) that outlines the role that interoperability can play in transforming the digital environment towards more public-civic spaces. The report was launched in March with an [online salon](#) with Amandine Le Pape (Element/Matrix) and the interoperability scholar Ian Brown (visiting CyberBRICS Professor at FGV Law School).
- We have been tracking the development of the EU's Digital Decade strategy (including the Declaration on Digital Rights and Principles, and the Path to the Digital Decade programme) through a dedicated [Digital Decade policy observatory](#) on our website. We have also frequently commented on these two policy initiatives.

While the [Declaration of Digital Rights and Principles](#) that was adopted by the Council, the Parliament and the Commission in December from 2022 is far from perfect, we are happy that some of the core concepts and narratives that we have advocated for, such as interoperability, open standards and Digital Public Space, have found their way into the declaration. This provides us with important reference points to continue our efforts to push for more investment into public digital infrastructures and digital commons in 2023.

## 3.3 Data Commons

For this objective, our work has focused on promoting the concept of public data commons through both direct advocacy and research work. Our focus has been on the legislative process

for the Data Act, a key policy proposal developed in 2022 as part of the European Data Strategy. We continued to fill an advocacy gap in this area and strived to build a network of fellow organisations engaged, or interested, in advocacy in this field. We also worked on providing a stronger conceptual framework.

- We have been among several civil society organisations that engaged in direct advocacy on the Data Act, proposed by the European Commission in early 2022. We responded to the proposal with [a set of policy briefs](#) (on access to data, interoperability and business-to-government (B2G) data sharing), followed by a [white paper on Public Data Commons](#): a public interest framework for B2G data sharing. Since March, we have been conducting direct advocacy on the file, focused on building support for our proposal among Members of the EU Parliament and among other stakeholders. Despite a lot of interest in our proposals among stakeholders and in academic circles, we did not manage to mobilise sufficient political support for our proposal to be included in the European Parliament's position on the proposed Act.
- As part of our advocacy on the Data Act, we have initiated and led a small coalition of advocacy organisations. The coalition has been meeting regularly throughout the year, resulting in coordinated work on policy events and direct advocacy. Key organisations in the network include Open Forum Europe, BEUC, Creative Commons, MyData, Open Data Institute and Wikimedia.
- We have also organised policy debates on the Data Act proposal at [MyData 2022](#) and [CPDP 2022 conferences](#).
- In addition to Data Act advocacy, we continued to follow the Data Governance Act that was adopted in April 2022 and have, together with InStrat, commented on the [European Health Data Space proposal](#).
- To support our advocacy work, we have created a conceptual framework for data commons institutions: the [Data Commons Primer](#). The primer aims to provide guidelines for the design and development of public policies and alignment among data commons advocates.
- Our 2022 Fellow, Jan J. Zygmuntowski, has co-authored the Data Commons Primer and supported our advocacy on the Data Act and the European Health Data Space proposal.
- Our analytical work concerned issues such as [EU policies in the context of global data governance regimes](#) (conducted as part of Francesco Vogelezang's fellowship with the Datasphere Initiative), the [Data Act impact assessment](#), the need for European-level data commons regulations and institutions, and an approach to the [opening of high-value datasets](#) through the Open Data Directive.

It is in this objective that we conducted most of our direct advocacy work in 2022. We are happy that we played a key role in providing a civic, public interest perspective in a crucial debate dominated by commercial interests. The process allowed us also to refine our vision of the public data commons, as expressed in our analytical work. At the same time, this confirmed our

previous experiences regarding the limited impact of advocacy on current files, where the policy debate is from the beginning skewed against a public interest perspective.

### ***3.4 Summary***

Taken together, these activities illustrate our continued ability to deliver on our strategy and work plan. We have successfully proposed a range of narratives and proposals that have resonated both in European policy debates (the proposal for Public Data Commons institutions, the Digital Public Space narrative) and among activists (the AI\_Commons case study, the Paradox of Open conversation). With these efforts, we are fulfilling our role as a think tank for the Open Movement.

At the same time, we did not fully meet the goal of establishing a shared policy agenda for the open movement. This was largely due to the fact that there are fewer platforms for strategic conversations in the Open Movement than we initially assumed (as a case in point, while several US-based actors established the Better Internet coalition, it did not provide an opportunity to collaboratively develop a strategic agenda). The lack of in-person events, which still were not organised in 2022, was an additional factor.

Based on our experiences, we are more confident about the possibility of defining elements of a shared strategic agenda, such as we have been doing in relation to open data and AI governance. And we plan to continue the development of shared advocacy and policy goals in 2023 based on an adjusted theory of action.

At the end of 2022, we consolidated our strategy and decided to focus on just two strategic goals: Digital Public Space and the Future of Open. While we are proud of our advocacy work on the Data Commons, as a small team we can benefit from a greater focus of our strategy. Some elements of our Data Commons work will be included, going forward, in these two strategic objectives.

## **4. COMMUNICATION**

In 2022, we developed further our communication framework, designed to support our core programmatic activities. Additional improvements to our framework included new tools for producing visual content, setting up an account on the Mastodon network, and refining our content production workflow.

### ***4.1 Publishing and dissemination***

Our website ([www.openfuture.eu](http://www.openfuture.eu)) is our primary communication platform. The current version of the website was finalised in March 2022 with the introduction of the public-facing section of our policy observatory, with files covering the [Data Governance Act](#), the [Digital Decade programme](#) and the [Data Act](#).

In addition, we use [PubPub](#) to publish those publications for which we want to solicit feedback. We were happy to learn from the PubPub team that our use of their platform is a source of inspiration.

Throughout 2022, we consistently published opinions and analyses, policy briefs and white papers, reports and longer publications. In total, we published over 40 blog posts and 18 longer publications, including the Report on [Generative Interoperability](#), the policy brief on the [Public Data Commons](#), the [Data Commons Primer](#), the [AI Commons White Paper](#) and the anthology [Paradox of Open: Responses](#). All Open Future publications are published under the terms of the [Creative Commons Attribution 4.0 licence](#). Our publication activity was reflected in traffic data for our website,<sup>1</sup> with an average of around 4.200 page views and 2.100 visitors per month.

We also built our presence on social media, focusing on our [Twitter](#) and [LinkedIn](#) accounts and on our newsletter subscribers on Mailchimp. Since January 2022, we have seen an audience increase of 170% on Twitter, 140% and 118% on Mailchimp. As of November 2022, we are also [active on Mastodon](#) and are currently building our followers network there. In addition, Paul Keller has been contributing to the Kluwer Copyright Blog, with three of his blog posts being in [the list of Top 10 popular posts](#).

## ***4.2 Events and public speaking***

Public speaking is, for us, a key form of communication. We aim to be present at key events related to our strategic objectives and intentionally speak at events that help us reach our target groups. In 2022, we made over 40 public appearances ranging from conference keynotes, presentations, panel discussions, workshop contributions to appearances in online and offline media publications.

In 2022, we started the Open Future Salons, online events with guest speakers that we organise to launch our key publications: in June, we held the [Salon #1, launching our policy brief on the Public Data Commons](#), and in November, the [Salon #2, launching the publication of Paradox of Open: Responses](#). In March we co-organised with Commons Network an [online conversation to launch our joint report on Generative Interoperability](#).

Due to our involvement with COMMUNIA – especially in the first part of the year, we played a critical role in the organisation of two key events of the association: the launch of [COMMUNIA's new policy recommendations](#) in Brussels in May; and the conference [Filtered Futures](#) in Berlin in September.

In 2022, we organised or co-organised both online and in-person sessions at [Mozilla Festival](#), [PublicSpaces Conference](#), [CPDP](#), [MyData Summit](#), [Freedom Games and RadicalxChange Warsaw](#). We organised a joint workshop with the University of Amsterdam [Institute for Information Law](#) in October and we also organised our first in-person convening: the [AI Commons roundtable](#), organised together with Creative Commons in November, in San Francisco.

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<sup>1</sup> To monitor traffic on our website, we use [Matomo](#), an open-source tool for web-analytics. We only collect technical access data and we do not collect nor record any personal data. For more information see our [privacy policy](#).



Between September 2021 and June 2022, we have been hosting Season 2 of the Open Future Sessions, monthly discussions with experts from the Open Movement. While the Sessions were on invitation only, we published [detailed summaries](#) on our website.

## **5. ORGANISATION AND SUSTAINABILITY**

In terms of organisational development, the most important developments in 2022 have been the hiring of a director of research (Zuzanna Warso) in June of the year and the launch of our fellowship programme with the selection of our first fellow (Jan J. Zygmuntowski) in January.

At the end of November, our policy analyst (Francesco Vogelezang) left our organisation and accepted a policy advisor position with the Greens in the European Parliament. We intend to fill this vacancy in Q1 of 2023 and maintain this level of staffing in 2023. In 2023 we will expand the size of our fellowship programme by selecting at least two fellows. We have published an open call for fellows in December 2022 and will select the fellows in January 2023.

We have started 2022 under conditions imposed by the COVID-19 pandemic, which forced us to operate remotely, as a virtual organisation (all staff works from home) with regular (at least once a quarter) team meetings. In early summer, we experimented for three months with having a physical office in Amsterdam, for the three Netherlands-based staff members (office space rented from the OBA – the Amsterdam Public Library). We concluded that this did not provide us with any substantial benefits and was not a good fit for our way of operating. After the summer break, we reverted to a fully virtual model and we are committed to continuing to operate in this way. We have sufficient partner organisations (including the Institute for Information law of the University of Amsterdam) that can provide us with physical (meeting) facilities when we need them (we organised two team meetings, one board meeting and a workshop at the IVIR in 2022).

### ***5.1 Our contributions to COMMUNIA***

In July 2022, the COMMUNIA Association for the Public Domain, of which Open Future is one of the core members, received an eight-year grant from Arcadia Fund that allows the Association to hire its own staff and operate as a stand-alone organisation for the first time. Open Future has been instrumental in making this grant happen and has supported, throughout the year, the transformation of COMMUNIA throughout the year towards a stand alone organisation. This support has mainly been provided by Paul Keller, who serves as President of COMMUNIA. Throughout 2022, his role has transformed from being one of the main pillars of the organisation, with significant administrative responsibilities, towards a role that combines representative and supervisory responsibilities. We expect that Paul will be able to transfer the remaining administrative responsibilities to the new COMMUNIA directors in Q1 of 2023.

With the transformation of COMMUNIA in mind, we have also started to reassess our contribution to COMMUNIA. COMMUNIA remains an important vehicle to intervene in discussions about copyright policy in Brussels and to conduct direct advocacy. We see it as Open Future's role to contribute to COMMUNIA's shared activities with more in-depth analyses and

long-term narratives. Examples of this approach have been Open Future’s role in: driving the development of [COMMUNIA's new policy recommendations](#); providing the concept for the [Filtered Futures Conference](#); developing the proposal that COMMUNIA introduced in the European Commission’s stakeholder dialogue on Cross border access to Audio Visual content (which has been identified by the European Commission as the main outcome of the process and will be further developed with a small group of stakeholders from the AV sector in 2023).

Overall, we are happy with the transformation of COMMUNIA and we feel that Open Future and COMMUNIA are now much more complimentary in their thematic focus and approach.

### 5.2 Sustainability

We are committed to running Open Future in an environmentally friendly and sustainable way. Our operation as a remote organisation allowed us to produce relatively few emissions directly related to our daily operations<sup>2</sup>.

Our most relevant sources of emissions are those related to travel by team members for either team meetings or in-person events attendance. To minimise the amount of CO<sub>2</sub> emissions generated by travel, we kept following our travel policy, which encourages rail travel over other means of transportation,<sup>3</sup> and requires us to track and compensate for our travel-related CO<sub>2</sub> emissions. Furthermore, all international travel is reviewed by the directors, with the aim of reducing the amount of travel that we do.

By implementing such a policy, in 2022 we caused the following CO<sub>2</sub> emissions<sup>4</sup> by travel undertaken by our team members. The amounts of saved CO<sub>2</sub> account for train trips where the duration is longer than 5 hours and is calculated as the difference between emissions for train and air travel:

Type	Number of Trips	CO <sub>2</sub> emitted (in kg)	CO <sub>2</sub> saved (in kg)
Airtravel	14	6.847	
Rail travel	17	323	595
<b>Total</b>	<b>31</b>	<b>7.161</b>	<b>595</b>

We have compensated for these 7.171 kgs of CO<sub>2</sub> emissions (and other incidental emissions that we have not tracked) by purchasing 15 Verified Emission Reductions (saving 15 tonnes of CO<sub>2</sub> emissions) through the Kenya Biogas Programme run by Hivos.

<sup>2</sup> To minimise the emissions related to the products or services that we consume, we select, wherever possible, vendors that provide carbon-neutral products or services – such as our hosting provider [Greenhost](#).

<sup>3</sup> By banning air travel for trips that take 5 hours or less by train, and encouraging rail travel by paying for first-class train tickets for trips longer than 300 km.

<sup>4</sup> Calculation based on search results returned by [ecopassenger.org](#).

## 6. FINANCIAL

The grant from the Arcadia Fund constitutes Open Future's main funding source. With a tie of a grant awarded by the Open Society Foundations in 2021, it covered our core operations in 2022. In addition, we have smaller contributions earmarked for specific activities from Creative Commons, Internet Archive and Wikimedia Germany.

Our 2022 operation expenses were still significantly affected by the COVID-19 pandemic (especially in the year's first half). We continue to operate as a virtual organisation, which has resulted in fewer office-related expenses. We are also travelling less compared to our pre-pandemic expectations, although we have seen an uptick in travel in the 2nd half of the year.

### 6.1 Budget vs. Actual

The following table provides an overview of the budget versus the actual expenditure during 2022. Our overall budget projected expenditures of €547.500 and a matching income. Of this income, €426.600 had been committed at the beginning of the year, and €120.900 constituted a fundraising target.

Both our overall expenditure (€ 422.973) and our overall income (€ 422.973) fall short of the budgeted amounts. This results from significant underspending in all three main budget categories, the reasons for which will be outlined in the next section. While we have not realised our fundraising target, we have raised sufficient additional income (€42.950) to cover our operating expenses.

	2022 (Budget)	2022 (Actual)
<b>Expenses</b>	<b>€547.500</b>	<b>€422.973</b>
Personal Costs	€382.250	€327.890
Activity Costs	€123.000	€70.936
Overhead Costs	€42.250	€24.147
<b>Income</b>	<b>€547.500</b>	<b>€422.973</b>
Arcadia	€300.000	€300.000
Open Society Foundations	€100.000	€53.363
Other	€147.500	€69.610

