

Legal Annex: CommonsDB as European Copyright Infrastructure

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commons db



CommonsDB is an initiative funded by the European Commission to develop and test a prototype registry of Public Domain and openly licensed works. CommonsDB is led by [Open Future](#) in collaboration with [Liccium](#), [Europeana Foundation](#), [Wikimedia Sverige](#), and the [Institute for Information Law](#) (IViR).



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1

Summary of legal findings of CommonsDB to date

The first two CommonsDB feasibility studies¹ proceed from a basic conceptual distinction that is legally decisive. CommonsDB is not designed as a repository of works. It does not store digital copies of protected content, public-domain material, or openly licensed works. It is designed as a registry of rights information and associated metadata, linked to digital assets through content-derived identifiers, primarily the International Standard Content Code (ISCC). Its function is therefore infrastructural: to make rights information more stable, verifiable, interoperable and machine-actionable.

This architecture shaped the principal copyright-law conclusion of the first study: the normal operation of CommonsDB does not give rise to material copyright liability risks. Since CommonsDB stores ISCCs, rights metadata, verifiable credentials and source references, rather than the digital assets themselves, its ordinary operation does not involve the reproduction, communication to the public or making available of protected works within the meaning of the InfoSoc Directive². The study nevertheless identified reliance-related edge cases, particularly where metadata supplied by a Data Supplier points to an asset that is in fact infringing or inaccurately described as public domain or openly licensed. Even in such cases, the risk of primary liability remains limited. CommonsDB does not itself assess copyright status, upload the underlying content, or deliberately intervene to facilitate infringement. Liability could only become plausible in exceptional circumstances, for example where the registry knowingly continued to facilitate access to specific infringing resources after receiving sufficiently precise notice, analogously to the considerations developed in Court of Justice of the EU (CJEU) case law on communication to the public and intermediary knowledge.

The first study also considered CommonsDB's classification under EU rules on platforms. Its Metadata Storage component may potentially qualify as a hosting service under the Digital Services Act³, because it stores information provided by Data Suppliers. Depending on how "dissemination to the public" is understood,

the public display of registry records might also bring CommonsDB within the definition of an online platform⁴. Conversely, CommonsDB is not an online content-sharing service provider under Article 2(6) DSM Directive⁵, since it does not store and provide public access to large amounts of copyright-protected works uploaded by users. Nor is its search functionality an “online search engine” under Article 3(j) DSA, since it does not enable searches across, in principle, all websites or all websites in a particular language.

The first study further examined data governance. The metadata processed by CommonsDB will usually consist of factual information, such as titles, creators, identifiers, URLs, dates, rights statements and declaring-party information. Such data will often not meet the originality threshold for copyright protection. However, complex metadata records or structured datasets may, in exceptional circumstances, attract copyright protection or sui generis database protection under Directive 96/9/EC. This does not preclude CommonsDB’s operation, provided that Data Suppliers grant the necessary permissions contractually and the registry’s open-data policy is reflected in its admission and submission terms. The study also concluded that CommonsDB, in its present non-commercial and open-access form, is unlikely to qualify as a data intermediation service under the Data Governance Act⁶, although this assessment would need to be revisited if the registry evolved into a market-based data-sharing intermediary.

The second feasibility study⁷ deepened the analysis in three respects. First, it addressed the public upload functionality in CommonsDB Explorer. Where a user uploads a media file solely to generate an ISCC and query the registry, the resulting technical copy is transient, integral to a technological process, and lacks independent economic significance. It therefore falls within Article 5(1) InfoSoc Directive. Even if the process were characterised as text and data mining, Articles 3 and 4 DSM Directive would not displace Article 5(1), since the DSM Directive preserves that exception for technical copies that do not go beyond its scope.

Secondly, the second study analysed the reliability of rights statements. Wikimedia and Europeana illustrate two different trust models. Wikimedia relies primarily on user declarations, community review, technical filters, volunteer moderation and post-upload correction mechanisms. Europeana relies more heavily on institutional metadata chains and the trustworthiness of cultural heritage partners. Both models are legitimate but imperfect. They show that the reliability of registry information depends not merely on the initial declaration, but on the capacity of Data Suppliers to validate, correct and update rights information over time. Accordingly, CommonsDB’s governance must treat trust as an operational process, not as a one-off credential.

Thirdly, the second study developed a proposed conflict-resolution model. CommonsDB should not itself determine the legally correct copyright status of disputed assets. Instead, it should preserve all declarations, identify conflicts transparently, and delegate substantive resolution to the relevant Data Suppliers. The current response logic distinguishes between declarations indicating no known restrictions, such as Public Domain Mark and CC0, and declarations indicating open licensing, such as CC BY and CC BY-SA. Where conflicting declarations arise, the registry may flag disagreement and display provenance, but it should not convert a majority view into a legally binding determination. This is consistent with CommonsDB's function as a copyright-information infrastructure rather than an adjudicatory body.

Taken together, the two studies support four legal conclusions relevant to the present analysis. First, an ISCC-based registry can reduce legal uncertainty without becoming a rights-clearance authority. Secondly, legal risk is lowest where the registry remains declarative, transparent, non-constitutive and technically conservative. Thirdly, any public operator must distinguish between hosting declarations and determining legal status. Fourthly, the longer-term legitimacy of such infrastructure depends on clear competence, governance, interoperability, redress and accountability arrangements.

2

Express legislative mandates for copyright registries in EU law

EU copyright law already contains two examples of EU-level copyright-information infrastructure expressly entrusted to the EUIPO: the Orphan Works Database⁸ and the Out-of-Commerce Works Portal⁹. These instruments provide appropriate points of reference or comparator assessing a non-mandated registry such as an ISCC-based CommonsDB implementation.

2.1 The Orphan Works Database

Directive 2012/28/EU on certain permitted uses of orphan works establishes a harmonised system enabling certain beneficiary organisations, including publicly accessible libraries, educational establishments, museums, archives, film or audio heritage institutions and public-service broadcasters, to use orphan works in pursuit of their public-interest missions. The system rests on a diligent search for rightholders. Once a work is considered orphan in one Member State, that status is recognised across the Union¹⁰.

The Directive also creates an express information infrastructure. Article 3(5) requires Member States to ensure that beneficiary organisations provide specified information to competent national authorities, including the results of diligent searches, the use that the organisation intends to make of the orphan work, any change in orphan-work status, and relevant contact information. Article 3(6) then requires that this information be recorded in a single publicly accessible online database established and managed by the Office for Harmonisation in the Internal Market, now the EUIPO, in accordance with Regulation 386/2012.¹¹

This is a clear legislative mandate. It identifies the legal purpose of the database, the class of works, the beneficiaries, the information to be recorded, the national

authorities involved, the EU-level operator, and the legal framework within which the database is to operate. The EUIPO is not merely exercising a general information-management power. It is performing a specific statutory function that supports the cross-border effect of the orphan works regime.

2.2 The Out-of-Commerce Works Portal

The Out-of-Commerce Works Portal is established under the DSM Directive. Articles 8–11 create a mechanism enabling cultural heritage institutions to make out-of-commerce works in their permanent collections available under licences granted by sufficiently representative collective rights management organisations (CMOs) or, where no representative organisation exists, under a mandatory exception or limitation. The regime is accompanied by an opt-out right for rightholders.¹²

Article 10 DSM Directive provides the corresponding publicity infrastructure. Member States must ensure that information identifying the out-of-commerce works or other subject matter, the relevant uses, the available opt-out mechanisms and, where relevant, licensing details are made permanently, easily and effectively accessible on a public single online portal. This must occur from at least six months before the relevant works are distributed, communicated to the public or made available. Article 10 further provides that the portal shall be established and managed by the EUIPO in accordance with Regulation 386/2012.

This mandate is likewise explicit. The portal is not an optional policy service. It is an integral publicity mechanism for the legal regime governing out-of-commerce works. It enables rightholders to become aware of intended uses and to exercise opt-outs. Its legal function is therefore procedural and rights-protective, even though the portal itself does not adjudicate ownership or infringement.

2.3 Comparator value

The Orphan Works Database and the Out-of-Commerce Works Portal show that EU copyright law can assign registry functions to the EUIPO where information infrastructure is necessary to make a substantive copyright mechanism workable. They also demonstrate the legislature's preference for specifying the legal effects, responsible actors, information flows and institutional operator of such infrastructure. This matters for CommonsDB. A public-domain and openly licensed works registry would be analogous in infrastructural function, but not identical in legal basis. Unlike orphan works and out-of-commerce works, there is currently no dedicated EU copyright instrument that requires the creation of a general registry for public-domain or openly licensed works, nor any provision that expressly assigns such a task to the EUIPO.

3

EUIPO's existing competences and the possibility of operating a non-mandated registry

3.1 EUIPO's legal status and existing copyright-related functions

The EUIPO is a decentralised EU agency with legal personality¹³. Its core statutory tasks concern the administration and promotion of the EU trade mark system and the EU design system, together with convergence of practices and tools in those fields¹⁴. In this respect, the EUIPO is not a general EU copyright office. EU copyright remains harmonised through directives and regulations, but there is no unitary EU copyright title administered by the EUIPO.

Nevertheless, the EUIPO's functions have expanded beyond trade marks and designs. Regulation 386/2012 entrusts the Office with tasks related to the enforcement of intellectual property rights and establishes the European Observatory on Infringements of Intellectual Property Rights¹⁵. Article 2 of that Regulation includes tasks such as improving understanding of the scope and impact of infringements, improving understanding of the value of intellectual property, promoting knowledge of best practices, raising public awareness, enhancing knowledge of technical tools, and providing mechanisms to improve online exchange of enforcement-related information between Member State authorities.

Copyright-related functions have also been conferred on EUIPO through specific instruments. The Orphan Works Directive and DSM Directive assign to EUIPO the management of the Orphan Works Database and Out-of-Commerce Works Portal¹⁶. The EU legislator deemed it appropriate for EUIPO to manage these initiatives in light of EUIPO's tasks in the field of intellectual property rights enforcement, as mandated in Regulation 386/2012¹⁷. In addition, EUIPO has developed

copyright-related policy and knowledge functions, including the Copyright Knowledge Centre¹⁸. These developments are relevant to institutional capacity and policy coherence. They do not, however, by themselves create unlimited competence to operate new copyright registries.

For the sake of completeness, it is worth to briefly mention the following EUIPO initiatives. Since 2016, the EUIPO Observatory manages the Agorateka portal, a searchable online gateway linking to providers of legally available digital content.¹⁹ In 2018, EUIPO explored the feasibility of the EU Digital Deposit System, envisaging an EU-level digital timestamping and proof-of-existence service, but this system is not operational as of today.²⁰ Finally, the EUIPO is currently implementing CopyrightView, a service that consolidates information on national and EU copyright databases, providing users information on copyright status, authorship and ownership of works.²¹

3.2 Conferral and agency powers

The legality of a non-mandated EUIPO registry must be assessed against the principle of conferral. Under Article 5(2) TEU, the Union acts only within the limits of competences conferred upon it by the Treaties. EU agencies, as creatures of secondary law, are subject to an additional institutional version of the same principle: they may act only within the powers conferred on them by their founding instruments and other applicable EU legislation.

The *Meroni* doctrine remains the starting point. An EU institution or agency may be entrusted with clearly defined executive powers subject to objective criteria and review, but not with discretionary powers, implying a wide margin of discretion, as that would alter the institutional balance guaranteed by EU primary law.²² In addition, the *Romano* case stipulates that secondary law bodies may not be empowered to adopt acts having the force of law.²³ The more recent *ESMA Short Selling* case added nuance to the *Meroni* doctrine, specifying that agencies may exercise significant technical or executive powers where the legislature has defined the conditions, limits and reviewability of those powers. This includes the possibility to delegate discretionary powers to agencies as long as that discretion is limited.²⁴

Applied to an ISCC-based copyright metadata infrastructure, the critical distinction is between a technical information service and a legally authoritative rights-status mechanism. If EUIPO merely hosted a voluntary, non-constitutive registry of third-party declarations, without determining copyright status, imposing duties on rightholders, creating presumptions, limiting lawful reuse outside the registry,

or deciding disputes, the activity could plausibly be characterised as an ancillary copyright-information service. It would support transparency, interoperability and knowledge exchange in the internal market, and could be linked to the Observatory's information-exchange functions and to existing EUIPO copyright portals.

Arguably, a voluntary, non-constitutive copyright metadata infrastructure would also enhance the EU's digital sovereignty and competitiveness in data-dependent sectors, such as the online platform and AI sectors. The issue of worldwide competition for data hegemony is not new. While European initiatives have not yet led to an overarching, comprehensive metadata infrastructure for the cultural and creative sectors and industries (CCSI)²⁵, it seems safe to assume that the metadata collections of online platform providers and AI developers are growing continuously – not least because of EU regulations that set data flows in motion from CCSI to online platforms and AI developers.²⁶ In this situation, the establishment of a voluntary, non-constitutive copyright metadata infrastructure at EUIPO could have beneficial effects for both Europe's high-tech companies and CCSI. Arguably, a central copyright metadata infrastructure could offer a counterbalance to growing big tech data portfolios. Once ISCC-based copyright metadata are made available in a central EU repository as standardised open access data resources, newcomers in the online platform and AI space, such as European start-up companies, need not start the collection of copyright metadata from scratch. Once they can use open access data resources of a central EUIPO metadata infrastructure, they have, from the outset, metadata at their disposal that are comparable to the collections of bigger players in the platform and AI arena – at least in those data areas covered by the EUIPO infrastructure, i.e. metadata relating to public-domain and openly licenced works.²⁷

Admittedly, this policy-based interpretation has limits. Regulation 386/2012 is principally concerned with enforcement and infringement-related cooperation. A metadata infrastructure relating to public-domain and openly licensed works is conceptually broader. It serves access, reuse, cultural heritage, licensing transparency and digital commons objectives. Those objectives are legitimate within EU copyright policy, but they are not identical to anti-counterfeiting, anti-piracy or enforcement support. Nor can EUIPO's strategic plans, administrative practice, or policy initiatives substitute for legislative competence. They may evidence institutional priorities and technical capacity, but they cannot enlarge the agency's powers.

The stronger the legal and practical effects of the registry, the stronger the need for an express legislative mandate. If the registry were to define admission criteria, certify Data Suppliers, issue trust credentials, resolve conflicts, remove or suspend declarations, operate EU-wide correction mechanisms, or present records in a way that public authorities and private actors would treat as authoritative, it would no longer be a merely ancillary information service. It would approximate a public copyright-status infrastructure. Such a function should be expressly provided for in EU legislation.

3.3 Legal limits under existing law

Even where a non-mandated registry is treated as compatible with EUIPO's current functions, several legal limits follow.

First, the registry must remain **declarative**. It should record and expose statements made by Data Suppliers, together with provenance, timestamps and credentials. It should not purport to determine that a work is definitively in the public domain, that an open licence is validly granted, or that no third-party rights exist.

Secondly, the registry must **not create copyright formalities**. Under the Berne Convention, copyright protection may not be subject to formalities.²⁸ A public registry may improve legal certainty, but non-registration cannot imply absence of protection, and registration cannot be made a condition for protection or enforcement.²⁹ If these guidelines are taken into account, international copyright law does not pose insuperable obstacles to a central copyright metadata infrastructure at EUIPO. Article 5(2) of the Berne Convention only prohibits the introduction of formalities as to “[t]he enjoyment and the exercise” of copyright. This international ban on formalities does not affect the establishment of an EU metadata infrastructure for voluntary ISCC-based copyright information.³⁰

Thirdly, the registry must **respect the EU copyright acquis**. For public-domain works of visual art, Article 14 DSM Directive supports the principle that faithful reproductions of works whose term of protection has expired should remain free from copyright or related rights unless original. That provision supports the policy rationale for a public-domain registry. It does not itself create a registry mandate. For openly licensed works, the registry must recognise that open licences are private legal instruments whose validity depends on authorship, ownership, authority to license, applicable law and compliance with licence conditions.

Fourthly, the registry **must comply with data protection and good administration requirements**. Where Data Supplier credentials, contact details or natural-person creator information are processed by an EU institution, body, office or agency, Regulation 2018/1725 applies.³¹ If a public operator allows correction requests, conflict reports or removal requests, it must ensure transparent procedures, reasoned responses and effective remedies consistent with Articles 41 and 47 of the EU Charter of Fundamental Rights.

Fifthly, technical operation must **remain proportionate**. ISCC is an asset-level identifier. It can support similarity detection and content-level matching, but it does not by itself establish work-level identity, authorship, provenance or legal status. Public operators must therefore avoid presenting ISCC similarity as legal equivalence.

4

Application to an ISCC-based CommonsDB registry

4.1 Compatibility with EUIPO's existing mandate

A CommonsDB-style registry could take three forms: **(1)** a public-domain works registry, **(2)** an openly licensed works registry, or **(3)** a combined registry. Each raises a different competence profile.

A public-domain registry (1) is closest to existing EU copyright policy. It supports access to cultural heritage, aligns with Article 14 DSM Directive for visual artworks, and complements EUIPO's existing role in orphan and out-of-commerce works infrastructure. It would also support the broader internal-market objective of reducing uncertainty for cross-border reuse. If operated as a voluntary registry of declarations by trusted cultural heritage institutions, without legal determination by EUIPO, it could plausibly be accommodated within a broad interpretation of EUIPO's copyright-information and Observatory functions.

An openly licensed works registry (2) is more legally sensitive, although not necessarily problematic. Open licensing concerns works that remain protected by copyright but are made available under standardised permissions. A registry may record that a Data Supplier asserts the existence of a CC BY or CC BY-SA licence. It cannot, absent mandate, verify that the declarer owns or controls all relevant rights, that no third-party rights remain, or that licence conditions have been complied with. The registry must therefore avoid becoming an implied clearance mechanism.

A combined registry (3) is operationally attractive, since many repositories contain both public-domain and openly licensed materials. Legally, however, it requires careful separation between categories. Public Domain Mark, CC0, CC BY and CC BY-SA do not have identical legal effects. In particular, CC0 purports to waive or license rights to the fullest extent possible; Public Domain Mark is a statement

about status; CC BY and CC BY-SA are licences subject to attribution and, in the case of CC BY-SA, share-alike conditions. A public registry must preserve these distinctions rather than reduce them to a generic “free to use” signal.

4.2 Legal risks and limitations

The principal legal risk is **competence creep**. If EUIPO operated CommonsDB as an official EU copyright-status register, users might reasonably treat inclusion as an official confirmation that reuse is lawful. That would exceed the legal nature of the underlying declarations and could create reliance risks for users, Data Suppliers, rightholders and the operator. The risk increases if EUIPO exercises discretionary control over admission, ranking, conflict resolution or suspension without a legislative framework.

A second risk concerns **conflicts and corrections**. CommonsDB’s delegated conflict-resolution model is legally sound because it keeps substantive responsibility with Data Suppliers. A public operator may display conflicts, forward notices, record responses and preserve provenance. It should not adjudicate contested ownership or licence validity unless legislation defines the applicable procedure, evidentiary standards, legal effects and remedies.

A third risk concerns the **appearance of comprehensiveness**. A CommonsDB registry can increase certainty only for assets that have been declared by participating Data Suppliers. It cannot provide negative clearance. The absence of a record must not be presented as evidence that a work is protected, unavailable, orphan, non-open, or unsafe to reuse. Conversely, the presence of a record should be treated as a verified declaration, not as a definitive legal status.

A fourth risk concerns **interoperability and lock-in**. If the registry and discovery layer remain a single-vendor implementation, public adoption may create dependence on proprietary infrastructure and weaken the public-law legitimacy of the system. The legal case for EU-level adoption is stronger if ISCC functions as a common identifier layer and the registry/discovery layer is specified openly, enabling multiple public and private nodes to interoperate under common governance rules.

Notes

¹ Feasibility Study Part 1: https://openfuture.eu/wp-content/uploads/2025/06/250619commonsdb_feasibility_study_pt1.pdf

² Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc Directive), ELI: <http://data.europa.eu/eli/dir/2001/29/oj>.

³ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (DSA), Art. 3(g)(iii), ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>.

⁴ Art. 3(i) DSA.

⁵ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (DSM Directive), ELI: <http://data.europa.eu/eli/dir/2019/790/oj>.

⁶ Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act), ELI: <http://data.europa.eu/eli/reg/2022/868/oj>.

⁷ Feasibility Study Part 2: <https://www.commonscdb.org/blog/commonscdb-feasibility-study-part-2-from-design-to-deployment/>

⁸ <https://euipo.europa.eu/orphanworks/>

⁹ <https://euipo.europa.eu/out-of-commerce/>

¹⁰ Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (Orphan Works Directive), Arts. 1–4, ELI: <http://data.europa.eu/eli/dir/2012/28/oj>.

¹¹ Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Right, ELI: <http://data.europa.eu/eli/reg/2012/386/oj>.

¹² DSM Directive, Arts. 8(4), 8(5) and 9.

¹³ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the

European Union trade mark (codification), Art. 142, ELI: <http://data.europa.eu/eli/reg/2017/1001/2025-12-01>.

Originally established as the Office for Harmonization in the Internal Market (Trade Marks and Designs) under Council Regulation (EC) No 40/94, it was renamed EUIPO through Regulation (EU) 2017/2001 without any change to its legal nature.

¹⁴ Regulation (EU) 2017/1001, Art. 151.

¹⁵ See <https://www.euipo.europa.eu/en/observatory>.

¹⁶ Orphan Works Directive, Art. 3(6) and DSM Directive, Art. 10(1) respectively.

¹⁷ Orphan Works Directive, Preamble para. 16 and DSM Directive, Preamble Recital 41.

¹⁸ See <https://www.euipo.europa.eu/en/copyright-knowledge-centre>. The Copyright Knowledge Centre has its legal basis in Arts. (2)(2)(c), (f) and (g) of Regulation 386/2012.

¹⁹ See <https://agorateka.eu/search>

²⁰ See Feasibility Analysis for an EU Digital Deposit System, <https://www.euipo.europa.eu/en/publications/feasibility-analysis-for-an-eu-digital-deposit-system>.

²¹ See Mapping of EU Databases and Metadata standards providing Information on Copyright-protected Works, <https://www.euipo.europa.eu/en/publications/mapping-of-eu-databases-and-metadata-standards-providing-information-on-copyright-protected-works>.

²² Judgment of the Court of 13 June 1958, Case 9-56, ECLI:EU:C:1958:7 (*Meroni & Co., Industrie Metallurgiche, SpA v High Authority of the European Coal and Steel Community*), p. 152. Subsequently, the scope of the Meroni doctrine was expanded in Judgment of the Court (First Chamber) of 26 May 2005, Case C-301/02 P, ECLI:EU:C:2005:306 (*Tralli*), paras. 41-44 (concerning internal delegation of powers within the ECB) and Judgment of the Court (Grand Chamber) of 12 July 2005, Joined Cases C-154/04 and C-155/04, ECLI:EU:C:2005:449 (*Alliance for Natural Health and Others*), para. 90 (relating to delegation of implementing powers from the Community legislature to the European Commission).

²³ Judgement of the Court (First Chamber) of 14 May 1981, Case 98/80, ECLI:EU:C:1981:104 (*Romano*), para. 20.

²⁴ Judgement of the Court (Grand Chamber) of 22 January 2014, Case C-270/12, ECLI:EU:C:2014:18 (*ESMA Short Selling*), paras. 50-54.

²⁵ Cf. P Rixhon, A Strowel et al., *Study on Copyright and New Technologies: Copyright Data Management and Artificial Intelligence – SMART 2019/0038*, Brussels: Publications Office of the European Union 2022, 53-55 and Annex 5.3, available at: <https://data.europa.eu/doi/10.2759/570559>; MRF Senftleben, T Margoni et al., 'Ensuring the Visibility and Accessibility of European Creative Content on the World Market: The Need for Copyright Data Improvement in the Light of New Technologies and the Opportunity Arising from Article 17 of the CDSM Directive', *Journal of Intellectual Property, Information Technology and Electronic Commerce Law* 13 (2022), 67 (74-77); N Gronau, M Schaefer, 'Why Metadata Matters for the Future of Copyright', *EIPR* 43 (2021), 488 (490-494).

²⁶ M.R.F. Senftleben, 'Improving music metadata: towards a central repository of creative industry, online platform and AI data resources', *Journal of Intellectual Property Law and Practice* 21 (2026), 384-391, <https://doi.org/10.1093/jiplp/jpag042>.

²⁷ Senftleben, id., 387.

²⁸ Berne Convention, Art. 5(2).

²⁹ A similar conclusion was reached in regards to the legality of the EU Digital Deposit System, stipulating that the system may not create formalities and participation must be voluntary. See EUIPO, Feasibility Analysis for an EU Digital Deposit System (June 2018), p. 36, <https://www.euipo.europa.eu/en/publications/feasibility-analysis-for-an-eu-digital-deposit-system>

³⁰ M.R.F. Senftleben, 'Improving music metadata: towards a central repository of creative industry, online platform and AI data resources', *Journal of Intellectual Property Law and Practice* 21 (2026), 384 (389), <https://doi.org/10.1093/jiplp/jpag042>.

³¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>.