

Shaping the EU Digital Knowledge Agenda

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10 November 2025

Verfassungsblog
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This article belongs to the debate » [Enabling Access, Fostering Innovation: Towards a Digital Knowledge Agenda in Europe](#)

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Why Reform is Key for Access to Information Online

In our very tense global geopolitical context, the European Union urgently needs to develop policies that foster innovation and creativity to compete in the global knowledge economy and to establish a true European [knowledge society](#). First, innovation is needed to ensure the survival of our European “social market economy”, as the [EU Treaty calls it](#). Most European countries are poor with respect to natural resources and expensive when it comes to labour. The [EU has no choice but to innovate](#) if it wants to maintain its advanced level of social protection. Second, innovation and creativity are needed to

safeguard democratic participation and fundamental rights. Access to knowledge is crucial for citizens to stay informed and make democratic decisions. For individuals, it is also fundamental for their personal self-realisation and growth – a truth that has held for generations.

The digital revolution has multiplied the potential for research and learning, which are preconditions for innovation and development. Research and development are often listed among the top priorities for EU policy makers. Nonetheless, the legal framework governing access and use of knowledge dates back to the analogue age. Last year former Italian Prime Minister Enrico Letta urged the EU to implement a “[fifth Freedom](#)”, dedicated to the free movement of research, innovation, knowledge, and education. His argument: The four freedoms of the European Single Market “fall short in addressing the shift from an economy based on ownership to a new one, based on access and sharing”.

Removing the hurdles of access to knowledge

For this purpose, research and education must be prioritised, and the well-known regulatory hurdles urgently need ambitious reform. This is particularly true for copyright law, [which poses many barriers for researchers and educators when using protected material in the digital environment](#). It starts from the fact that we still have a very fragmented market with 27 different copyright regimes, which makes it very complicated for knowledge providers to navigate. In a context where the online world has abolished physical geographical boundaries, this creates a huge competitive disadvantage for the EU in the movement of and access to knowledge. Let's be clear: unified rules in the form of an [EU copyright law](#) are needed to create a true European digital knowledge society and a functioning digital single market!

But that is not all: outdated copyright legislation also constitutes [a significant barrier to access and use of information for research and education purposes](#). Based on the principle of exclusivity in copyright law, any publication results in the transfer (licence) of a researcher's copyright to a publisher – and that for the next 70 years after the author's death. From this moment on, access is controlled by publishers who can dictate conditions and prices for access – on top of that, potentially under 27 different legal regimes, given the territoriality of copyright law. This has the curious effect that [knowledge is privatised by publishers](#), even though it has often been produced in public universities with public funds (this has been the case in the EU in particular for research funded under Horizon 2020 and Horizon Europe, and will be the same without proper legislative change under the future MFF). The same public institutions and researchers that created the knowledge in the first place have to pay high fees (again with public funds) to be able to use it in their scientific articles or provide access in their libraries or schools. While certain rules exist that allow reuse of copyrighted material, [they are clearly insufficient to guarantee broad access to knowledge](#). In digital environments, knowledge is often hidden behind paywalls because a few big market players use their technical means and strong bargaining powers to limit access – or at least to prevent access on fair terms.

Proposals for a needed reform

How did we arrive here? For one, copyright legislation in the past has been too often shaped by the activities of interest groups and lobbyists, rather than by a clear societal project and the public interest. This needs to change. In fact, for over two decades, several scholars have advanced proposals of reforms to create a more research- and education-friendly copyright law. In its most recent opinion entitled “[An EU Copyright Framework for Research](#)”, the European Copyright Society, a platform for critical and independent scholarly thinking on European copyright law and policy, has emphasised the urgent need to adapt the EU copyright framework, calling “for immediate action on the EU copyright framework to address the most pressing challenges it raises for European researchers and their institutions”. The various proposals for reform are on the table: broadening research and educational exceptions to copyright and making them safe from contractual and technological overrides, allowing researchers to republish their draft articles in public repositories and archives (so called “second publication rights”), creating institutional access and price control for research institutions and schools, implementing a digital lending right for libraries, and many others.

Restoring the social contract while securing fundamental rights and the EU’s core values

These reforms to copyright law are necessary to restore copyright to its original purpose: [to incentivise access to knowledge](#). In this context, it is important to recall that copyright emerged in the 18th century and had its origins in the ideas of the Enlightenment. The thinkers of the Enlightenment pleaded for the recognition of intellectual property in order to assure the authors the fruits of their works. However, they thereby pursued not just a strictly individual but also [a social ideal, i.e., the dissemination of Enlightenment ideas](#). This knowledge dissemination-driven purpose, which reflects copyright’s [social function](#), has been perverted – by restricting and oftentimes excluding access rather than facilitating it. The EU regulatory copyright framework should reflect the fundamental values of the European Union as set out in the Treaties and the Charter of Fundamental Rights of the EU: Article 3 states that the Union aims to “work for sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment”. Innovation is inevitably intertwined with scientific, economic, and cultural development. It is therefore urgent to align the [innovation policies with the sustainable development goals](#) – this is relevant for copyright law in particular. If we take the generally accepted [Bundtland-definition of sustainability](#) (based on the homonymous 1987 UN Commission) [as slightly developed by Van Hees in his foundational article](#), according to which “sustainable development means stimulating and encouraging economic development (e.g., more jobs, creativity, entrepreneurship and revenue), whilst protecting and improving important aspects (at the global and European level) of nature and society (inter alia natural assets,

public health and fundamental rights) for the benefit of present and future generations”, it is obvious that forward-looking research- and education-friendly policies are a must to secure the establishment of a [sustainable copyright system in the EU](#).

Our fundamental rights framework creates similar imperatives. The European Court of Human Rights identified freedom of expression and the right to information as “[one of the essential foundations of \[a democratic\] society, one of the basic conditions for its progress and for the development of every man](#)”. The emergence of new fundamental rights in this field – such as the right to research – [should lead to ambitious policies better enabling access to knowledge in a digital environment](#). Research- and education-friendly intellectual property regimes can foster creativity and innovation in the online world and a sustainable framework for knowledge production, including knowledge sharing. In a fundamental rights and value-based approach to the Digital Single Market, copyright rules must be designed in such a way as [to enable cultural participation and the enjoyment of scientific progress](#). In this context, copyright needs to work as a facilitator, [an inclusive rather than an exclusive right](#). For this purpose, the fundamental rights to research and to education and freedom of expression and information need to take centre stage in the future rules that govern our knowledge society.

Towards a Digital Knowledge Agenda establishing a Digital Knowledge Society

A “*Digital Knowledge Agenda*” should position the EU as a global leader for innovation and new knowledge production. To give shape to this agenda, a [conference was held in the European Parliament in Strasbourg on July 10, 2025 by the Innovation Law and Ethics Observatory \(ILEO\)](#) together with Volt Europa and its members in the European Parliament – with the support of various institutions such as the University College Dublin Center for Digital Policy, the Program on Information Justice at American University Washington College of Law, Communia, Knowledge 21, and the Center for European and International Studies at the University of Strasbourg.

The event aimed to identify the main pillars of a research- and education-friendly copyright system and define the key issues that a legislative reform would need to address. Thus, the Digital Knowledge Agenda – as a legislative project for the current EU legislature – must ensure that researchers, innovators, and knowledge institutions can access and work with protected works to enable scientific and cultural progress. Time is of the essence. We need to remove copyright barriers that restrict access to knowledge for innovators and prevent institutions from fulfilling their public-interest role. This is a crucial step toward creating an innovation ecosystem that reduces inequalities and creates a level playing field both online and offline. We are deeply convinced that it is high time that European policy makers and academics engage in an open dialogue to address and advance these issues.

Fundamental rights are at the core of Europe’s DNA. Values-based innovation regulation must become a political priority. It cannot just be discussed behind closed doors between powerful actors. It is too relevant to the world we live in – and paramount to the innovative

world we leave to future generations.

SUGGESTED CITATION Geiger, Christophe; Boeselager, Damian: *Shaping the EU Digital Knowledge Agenda: Why Reform is Key for Access to Information Online*, *VerfBlog*, 2025/11/10, <https://verfassungsblog.de/eu-digital-knowledge-agenda-copyright/>.

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