

NEXT GENERATION INTERNET

Introduction to the European
Digital Commons Policy Landscape



What are existing Digital Commons policy initiatives in Europe?

From policies promoting **free access to open resources** in the 2000s...

...to policies promoting Digital Commons as **alternative governance models** for technology.

Digital Commons and the open movement

Mobilizing the wealth of networks

Numerous organizations and initiatives launched with a belief in openness, free knowledge and the potential of horizontal and decentralized modes of collaboration.

They believed in leveraging the power of the internet to build a more democratic society, provide universal access to knowledge and culture, and build a path to more freedom, justice and equality.

Yochai Benkler explained **the value of “commons-based peer production”** in his work “The wealth of networks”. He demonstrated its competitive advantage against proprietary production by classical firms.

Mobilizing the wealth of networks

Sometimes, strong intellectual property laws can block innovation instead of helping it. **Innovation thrives when knowledge is shared freely**, combining market and non-market ideas, and blending shared resources with private property.

At the turn of the century, the main worry was that intellectual property laws would limit access to information. Digital commons were alternatives to proprietary software and closed innovation. Advocacy and policy efforts focused on:

- Creating private licenses for shared digital resources ;
- Establishing copyright rules to ensure open access to knowledge and information ;
- Promotion of initiatives in various sectors related to open source software, open data, open science and open knowledge, especially in the public sector.

Policies promoting access to open resources

Type of resource		Associated impact (policy goals)	Associated approaches (policy instruments)	Examples of policies
Open Software	Software used by state actors	Reduce dependency on proprietary software, reduce costs and improve interoperability.	Regulation, public procurement. Promotion of adoption and technical assistance. Contributions by public servants.	Preference for Open Source in the eGovernment law of the Italian Republic, the “Codice dell’Amministrazione Digitale” (CAD) Open Source Observatory (OSOR) information and legal support of OSS adoption in public administrations Red.ES in Spain
	Other software	Innovation and economic growth through openness and interoperability.	Regulation. Funding. Promotion of adoption and technical assistance.	DMA interoperability provisions Industrial promotion of Open Source through Brazilian state IT company Serpro
Open Data	Public sector information	Governance: transparency and accountability, better policy-making and delivery. Innovation and economic opportunities.	Regulation. National and local data portals. Digitalization policies in public sector organizations, sometimes with support from a dedicated central agency. International coalitions.	European Directive on the re-use of public sector information. data.overheid.nl in the Netherlands. <i>Etalab</i> Task Force in France. Open Government Partnership.
	Other types of information	Vast array of potential social and economic value of data re-use: innovation, efficiency gains and economic growth, better policy making, etc.	Regulation for data portability and interoperability or “data of public interest”. Technical assistance / funding for skills, infrastructures.	Data Governance Act. Common European Data Spaces. Public partnerships with citizen initiatives: IGN and OSM in France.

Policies promoting access to open resources

Type of resource		Associated impact (policy goals)	Associated approaches (policy instruments)	Examples of policies
Open Hardware	Plans and designs	Technological innovation (linked with open science and research policies). Local manufacturing and repair, green and circular economy, resilient urban development. Access and control over technology, consumer rights.	Regulation of intellectual property rights and standardization policies. Financial support for infrastructure (fablabs and makerspaces). Technical and legal assistance, support for communities of practice.	EU Directive on common rules promoting the repair of goods. DO IT Europe (H2020 Funding), FabLab Barcelona, WAZIUP Open Source IoT and Cloud platform. CERN OSPO and Hardware License or Open Hardware Academy by TU Delft.
Open Content	Science	Knowledge dissemination: increase of visibility, reuse and quality of academic research results. Achieving more productive, democratic, and egalitarian research practices. Reduction of costs associated with subscription models for scientific journals.	Regulation of IP rights: obligations for publicly-funded research to be OA. OA policies and strategies by research institutions. Support of publication infrastructures through funding or public participation: repositories for articles, data sharing infrastructures, OA journals. Promotion of citizen science initiatives.	EU Directive on Open Data and the Re-use of Public Sector Information (PSI Directive) Loi pour une République Numérique on Open Access for scientific publications (France) FAIR data principles European Open Science Cloud (EOSC)
	Education	Knowledge dissemination, inclusion, new forms of digital education. Reducing costs of conventional educational materials.	Regulation (IP rights) on the public domain, exemption for educational uses. Creation and maintenance of online public libraries with OER. Use and contribution to OER in the public sector. Education to and promotion of CC licensing.	2017 "Open Learning Policy Framework for South African Post-School Education and Training" National OER repositories in France and Norway, British Columbia Open Textbooks (Canada), Virtual Learning Environments programme (ProEVA) in Uruguay
	Culture	Culture dissemination of heritage collections and cultural works, for instance through standardized access to cultural metadata.	Regulation (IP rights) on the public domain, exemption for educational uses, legal frameworks for digital copies. Licensing policies for public domain artworks. Infrastructure and metadata for better discoverability.	Rijksmuseum's open collections initiative Europeana Data Exchange Agreement

Digital Commons as alternative governance models

Alternative trajectories for the governance of technologies

The web has moved away from the ideals and the open design of the early internet and turned into **an environment that is dominated by a small number of platforms**, who developed closed models of sharing.

Openness alone does not account for the power structures that have emerged in the massively intermediated information economy. **Paradox of the Open**: Open is both a challenge to and an enabler of concentrations of power.

Digital commons emphasize on governance - **managing the use of resources in a way that maximizes public benefit while avoiding harm.**

Alternative trajectories for the governance of technologies

“Digital technology does not exist in a vacuum – it has enormous potential for positive change, but can also reinforce and magnify existing fault lines and worsen economic and other inequalities. (...) The world is at a critical inflection point for technology governance.”

United Nations Secretary-General’s
Roadmap for Digital Cooperation (2020).

- Policies have adapted to these new power structures and moved away from utilitarian views of technology and strictly market-based approaches.
- They realized our **collective responsibility in defining technological trajectories** and the need for more public intervention, through regulation, but also strategic investments to regain digital sovereignty, protect digital rights, and create alternatives to the private and extractive model of platforms.

Policies promoting commons-based management of digital resources

Terminology	Definitions	Associated impact (policy goals)	Associated approaches (policy instruments)	Examples of policies
Digital Public Goods	Non-rival and non-excludable digital goods that are relevant for the Sustainable Development Goals (UN definition).	Pooling global resources through shared international responsibility and cooperation.	Promotion of adoption by the public sector, procurement. Technical assistance and communities of practice.	United Nations Digital Public Good Alliance United Nations Development Program 50-in-5 campaign.
Public Digital Infrastructure	Digital solutions and systems that enable the effective provision of essential society-wide functions and services (UN). They are “publicly spirited, but diverse in funding, plural in purpose, participatory in governance, publicly auditable and reviewable” (E. Zuckermann)	Promoting digital sovereignty and cybersecurity.	Public funding and procurement. Public-private-civic partnerships.	India Stack German Sovereign Tech Fund
Digital Commons	Communities organised around digital resources which are defined by distributed and communal production, ownership and governance.	Promoting alternative governance systems for technologies.	Public funding. Technical assistance.	NGI initiative European Working Group on Digital Commons Digital Commons European Digital Infrastructure Consortium
Platform cooperativism	Platforms that are jointly owned and democratically-controlled. They can be managed by public entities, unions or collectives of producers.	Redefining value and power distribution between platforms and workers.	Regulation. Public funding and technical assistance.	NYC Council unanimously passed the "Freelance Isn't Free Act" Social Economy and Consumption Commission of Barcelona City Council

What's next?

Collaborative **mapping of existing policy initiatives** until the end of the year.

Consultations to **define a strategic agenda for Digital Commons** in Europe.

Our ambition is to shape the work of European institutions and get support for Public Digital Infrastructure and Digital Commons included in the next budget of the European Union.

Thank you!



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