

September 2021

## ALLEA STATEMENT ON THE EUROPEAN COMMISSION PUBLIC CONSULTATION ON THE DATA ACT

The European Federation of Academies of Sciences and Humanities (ALLEA) is a long-term proponent of Open Science and has prepared and issued reflections, declarations, and recommendations on the most challenging issues on this topic, including intellectual property rights (IPRs)<sup>1</sup>. In this context, ALLEA welcomes the European Commission's public consultation on the forthcoming Data Act that is currently ongoing<sup>2</sup>.

Since the online questionnaire prepared by the European Commission for this purpose seems to be geared towards commercial data users and public bodies, we kindly submit our comments from the point of view of the academies in the form of this brief statement.

ALLEA generally supports the policies underlying the Data Act initiative to promote the sharing of data held by the private or public sectors. Sharing data is a sine qua non for the scientific community. In its April 2012 declaration 'Open Science for the 21st century'<sup>3</sup>, ALLEA first stressed the need to promote (i) access to scientific publications as soon and as freely as possible ("Open Access"), (ii) the development of open platforms allowing access to research data that are discoverable and re-usable ("Open Data"), (iii) support for interoperable e-infrastructures to manage the expected scale of future data flows ("Open e-Infrastructure"), (iv) the culture of open science based on online collaborations and high standards of quality and integrity ("Open Scientific Culture").

As the ongoing COVID-19 pandemic demonstrates, facilitating access to data and data sets held by private or public bodies is vital to scientific progress and the public interest at large. Scientists and academic research institutions should therefore be able to fully benefit from current and future data sharing governance structures in the EU.

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1 For example: [https://www.allea.org/wp-content/uploads/2015/07/Statement\\_ALLEA\\_Open\\_Access\\_2013-11.pdf](https://www.allea.org/wp-content/uploads/2015/07/Statement_ALLEA_Open_Access_2013-11.pdf), [https://www.allea.org/wp-content/uploads/2015/12/Supplementary-Statement\\_Open-Access\\_FINAL.pdf](https://www.allea.org/wp-content/uploads/2015/12/Supplementary-Statement_Open-Access_FINAL.pdf), [https://allea.org/wp-content/uploads/2020/03/EOSC\\_statement\\_2020.pdf](https://allea.org/wp-content/uploads/2020/03/EOSC_statement_2020.pdf), [https://www.allea.org/wp-content/uploads/2018/12/ALLEA\\_Response\\_PlanS.pdf](https://www.allea.org/wp-content/uploads/2018/12/ALLEA_Response_PlanS.pdf)

2 <https://digital-strategy.ec.europa.eu/en/consultations/public-consultation-data-act>

3 [https://www.allea.org/wp-content/uploads/2015/09/OpenScience-Rome-Declaration-final\\_web.pdf](https://www.allea.org/wp-content/uploads/2015/09/OpenScience-Rome-Declaration-final_web.pdf)



In order to maximise data sharing by private and public actors, it is imperative that intellectual property rights do not stand in the way. ALLEA therefore urges the European legislature to refrain from introducing any new IP right that would protect “machine-generated data”, such as the “data producer’s right” envisaged in the Commission’s communication “Building a European Data Economy”<sup>4</sup>.

For the same reason, we strongly object to the extension of the existing sui generis database right to embrace machine-generated data. Unfettered access to such data is essential to many fields of science. For example, in astronomy, biology and geology, scientific data are commonly generated with the aid of highly advanced digital equipment. Creating IP rights in such machine-generated data would severely impede scientific freedom and bear the risk of creating unwanted monopolies in scientific data sets.

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<sup>4</sup> [https://eur-lex.europa.eu/content/news/building\\_EU\\_data\\_economy.html](https://eur-lex.europa.eu/content/news/building_EU_data_economy.html)

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### **About ALLEA**

ALLEA is the European Federation of Academies of Sciences and Humanities, representing more than 50 academies from over 40 countries in Europe. Since its foundation in 1994, ALLEA speaks out on behalf of its members on the European and international stages, promotes science as a global public good, and facilitates scientific collaboration across borders and disciplines. Learn more: [www.allea.org](http://www.allea.org)

### **About this Statement**

This ALLEA statement has been prepared by ALLEA’s Permanent Working Group Intellectual Property Rights (PWGIPR). Through its Working Groups, ALLEA provides input on behalf of European academies to pressing societal, scientific and science-policy debates and their underlying legislations. With its work, ALLEA seeks to ensure that science and research in Europe can excel and serve the interests of society. Read more about the ALLEA PWGIPR and its members: <https://allea.org/intellectual-property-rights/>

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