

DGIP-CEDS

Data Governance and Intellectual Property Governance
in Common European Data Spaces

Project brochure

Author (MSCA Postdoctoral Fellow): **Dr. Richard Rak, Ph.D.**

Project coordinator: **Prof. Dr. Sc. Ivana Kunda**

Coordinating entity: **University of Rijeka, Faculty of Law (PRAVRI)**



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Contact information:

Author (MSCA Postdoctoral Fellow): Dr. Richard Rak, Ph.D. (richard.rak@uniri.hr)

Project Coordinator: Prof. Dr. Sc. Ivana Kunda (ivana.kunda@uniri.hr)

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1 Project summary

The development of a data-driven economy that capitalises on the potentials of digital transformation could bring huge benefits across sectors and domains (such as the provision of more personalised healthcare, improved energy efficiency or more efficient transport systems), but it also poses significant risks and challenges (including the necessity to mitigate/eliminate risks and balance often competing rights and interests associated with data usage). To maximise those potentials, in its European Strategy for Data (2020), the Commission set forth to create a single market for data by setting rules on access to, sharing of and reuse of data, supplemented by the development of Common European Data Spaces in a broad range of sectors and domains. In support of those efforts, during the 2019–24 political mandate, the EU adopted several horizontal legislative acts (Data Governance Act, Data Act, AI Act), as well as the European Health Data Space (EHDS) Regulation, the first sectoral legislative framework for a Common European Data Space. However, certain aspects of those legislative acts have been criticised by stakeholders for failing to ensure legal consistency, fair allocation of rights and responsibilities and due mitigation/elimination of data protection and intellectual property (IP)-related risks.

Acknowledging the pressing challenges ahead of its 2024–2029 mandate, the European Commission has pledged to draw on existing data rules to ensure a simplified, clear and coherent legal framework for data sharing at scale under the (forthcoming) European Data Union Strategy. At the same time, as numerous EU-funded data space pilot projects are making strides, discussions on the creation of Common European Data Spaces are expected to enter a more advanced (possibly legislative) stage in further sectors and domains. In anticipation of those developments, the ‘Data Governance and Intellectual Property Governance in Common European Data Spaces’ (DGIP-CEDS) project analyses how existing and future legislative frameworks (and accompanying contractual frameworks) could be fine-tuned or conceptualised to ensure the adoption and implementation of fair data economy principles in Common European Data Spaces. DGIP-CEDS intends to contribute to EU policy developments by identifying cross-sector commonalities and developing, where possible, common or similar data governance and related IP governance solutions, which could be adopted or implemented across different sectors or domains. As Common European Data Spaces are being developed in sectoral or domain-specific silos, DGIP-CEDS seeks to aggregate and transmit knowledge between the development of data spaces to support the adoption of adequate, effective and consistent legal frameworks.

2 Research objectives

DGIP-CEDS aims to map, analyse and further develop legal definitions, rights and obligations, structures, procedures and related mechanisms to support the conceptualisation and operationalisation of (potentially recurring) data governance and related intellectual property (IP) governance issues in Common European Data Spaces. The specific research objectives (and corresponding work packages) are:

- **to map legal sources, principles, requirements and data space configurations which may define data governance and IP governance in Common European Data Spaces;**
- **to analyse the legal operationalisation of data governance and IP governance requirements in the implementation of the European Health Data Space (EHDS)** (by focusing on the national implementation of the EHDS by public sector bodies in Croatia and on the rights/obligations and interests of various health stakeholders);
- **to develop legal solutions to support the conceptualisation of data governance and IP governance requirements in other Common European Data Spaces** (by considering developments in the energy, industrial-manufacturing, and smart city and communities data spaces and the rights/obligations and interests of relevant stakeholders).

In principle, the data governance and IP governance aspects of a Common European Data Space concern the development of a framework that outlines clear roles, rights and duties, procedures and mechanisms, infrastructure, standards and other relevant measures to ensure effective protection of data, respect for fundamental and acquired rights and legitimate interests, while facilitating openness to data sharing and data reuse for the purpose of creating shared value among relevant stakeholders. Accordingly, DGIP-CEDS focuses on the following legal problems in Common European Data Spaces and their (cross-)sectoral implications:

1) **Scope, definitions and functional roles**

- How to define data products and related concepts?
- How to delimit personal data (special categories of personal data) and non-personal data in scope?
- How to include privately-held data and data held by public sector bodies?
- How to designate or determine data holders / providers, data users / consumers, data subjects, third-party rights holders, service providers / enablers, other participants, data space governance authorities and supervisory authorities?

2) **Interaction with other legislations**

- How to ensure consistency with the cross-sectoral EU digital legislative frameworks?
- How to permit connection of data from different Common European Data Spaces?

3) **Rights and duties of actors in various data space configurations**

- What types of legal organisational forms and governance frameworks are permitted for the establishment of data spaces?
- How to allocate responsibilities and enforcement powers: (i) in a peer-to-peer data space; (ii) in a single data space coordinated by a data space governance authority with an extensive or limited role; or (iii) in a federated data space?

- 4) **Facilitating the sharing of 'FAIR' (findable, accessible, interoperable and reusable) data sets and the potential effect of data sharing on the 'fair' balancing of fundamental rights, acquired rights and legitimate interests**
 - How data-sharing obligations may simultaneously affect respect for privacy, protection of personal data, consumer protection, the right to property, freedom to conduct business etc.?
- 5) **Determining 'fair' conditions under which data users may access data**
 - Mandating vs incentivising data sharing
 - Purposes of use and prohibited use purposes
 - Data permits
 - Institutional, data sharing and service agreements
 - Model contractual terms and 'unfair' contractual terms
 - Anonymisation, pseudonymisation and synthetic data
 - Natural persons' right to object
 - Accountability and liability
 - Principles for the calculation of 'fair' fees
 - 'Fair' distribution of value created/generated from accessed data;
- 6) **'Fair' IP governance**
 - Should the data holder / provider or other third-party rights holder have a right to refuse data sharing on specific grounds?
 - 'Fair', reasonable and non-discriminatory licensing and non-disclosure agreements available for cases when data sets subject to IP rights and/or trade secrets are made available
- 7) **'Fair' conditions for international data transfers**
 - Necessity for data localisation requirements vs considerations to facilitate international data flows, and the principle of reciprocity

3 Work packages

3.1 Landscape analysis and model-building for data governance and IP governance in Common European Data Spaces

Deliverable:

Typology of data governance and IP governance in Common European Data Spaces (2025, Q4)

The deliverable aims to map legal sources, principles, requirements and data space configurations which may define data governance and IP governance in Common European Data Spaces.

3.2 Impact analysis of the implementation of the European Health Data Space (EHDS)

Deliverable:

Impact analysis of data governance and IP governance in the implementation of the European Health Data Space (EHDS) (2026, Q2)

The deliverable aims to analyse the legal operationalisation of data governance and IP governance requirements in the implementation of the European Health Data Space (EHDS) (by focusing on the national implementation of the EHDS by public sector bodies in Croatia and on the rights/obligations and interests of various health stakeholders).

3.3 Projective analysis for future Common European Data Spaces

Deliverable:

Legal solutions to support the conceptualisation of data governance and IP governance requirements in Common European Data Spaces (2027, Q1)

The deliverable aims to develop legal solutions to support the conceptualisation of data governance and IP governance requirements in other Common European Data Spaces (by considering developments in the energy, industrial-manufacturing, and smart city and communities data spaces and the rights/obligations and interests of relevant stakeholders).

3.4 Training and transfer of knowledge

Key outputs:

University workshop on Marie-Sklodowska Curie Actions (MSCA) Postdoctoral Fellowships (2025)

University seminar on the European Health Data Space (2025/26)

University seminar on Common European Data Spaces (2026/27)

3.5 Communication and dissemination

Key outputs (in addition to deliverable reports):

Scientific paper and conference presentation on *fair data economy principles in Common European Data Spaces* (2025)

Scientific paper and two conference presentations on *data governance and intellectual property (IP) governance issues in the European Health Data Space (EHDS) Regulation* (2025)

Conference presentation(s) on *conceptualising data governance and IP governance requirements in future Common European data spaces* (2026)

Organisation of national multi-stakeholder event on the *implementation of the European Health Data Space (EHDS) Regulation in Croatia* (2025/26 TBC)

Organisation of *European Researchers' Night* (event for the general public) on Common European Data Spaces (2025/26 TBC)

Organisation of European multi-stakeholder event "*Conference on the Law of Common European Data Spaces*" (2027)

3.6 Management activities

Key outputs (for public):

Data Management Plan (2025)

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[DGIP-CEDS project website](#)

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