

ECS – Versailles, 29 May 2026

# Cultural Heritage Institutions and TDM

Prof. dr. Thomas Margoni & Prof. dr. Martin Senfleben



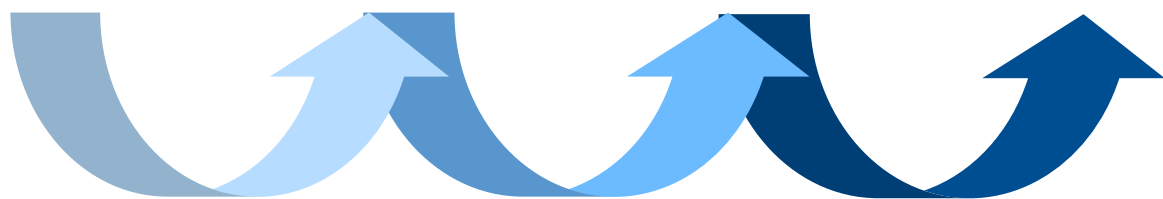
## Policy background

Digital  
sovereignty

Towards more  
European AI  
(‘Public AI’)

Vehicle:  
Art. 3  
CDSMD

Legal-  
doctrinal  
challenges?



## Issues requiring attention

### Lawful Access: obstacle for CHIs?

- open access, contract, other lawful means (mainly own collections + external)
- lawful access should also cover content that is freely available online (mainly external sources)

### Risk of freeriding on investment made by CHIs?

- commercial users bound to invoke Art. 4 CDSMD
- leading to licensing obligations

## Issues requiring attention

Freedom for CHIs to compile curated training datasets in anticipation of future use for scientific and/or commercial purposes?

- approach in *Kneschke/LAION*
- sui generis database right to control appropriate use and visibility?

## Open question

If sui generis right  
deemed desirable  
from a 'Public AI'  
perspective...

...exercise (or opt-out)  
by CHIs compatible  
with **broader data  
legislation?**



The End. Thank you!

Questions? Remarks?

Prof. dr. Thomas Margoni & Prof. dr. Martin Senfleben

