Monitoring international legal regulation trends to develop legislation in the digital economy in Russia

- Cost of data exchange?
- Search market: competition issues
- New OECD Index on artificial intelligence

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What is the price?

The EC will calculate the cost of data exchange

Author: Maria Girich

In 2025, the Rolls-Royce integrated its platform Blue Data Thread equipped with a system Trax eMRO[1]. This allowed airlines, service organizations and the Rolls-Royce (the aircraft engine manufacturer) to share vital engine health data online.

Such exchange accelerates maintenance, reduces aircraft downtime, and improves aircraft operating efficiency.

The development of such projects raises questions about data access and the cost of sharing.

The data transfer process accounts for only about 20% of the data sharing costs. Main expenditures appear when collecting and cleaning data, ensuring system compatibility, and complying with legislation, especially when transferring financial, medical, transactional and sales data.

In February 2026, the EC considered the Guidance on determining reasonable compensation for expenses in mandatory B2B data exchange between companies under the Data Act rules, namely:

- data generated by connected devices (i.e. IoT: vehicle telemetry, data from home appliances, industrial sensors, medical devices, etc.);
- data required for digital services related to the device (such as equipment diagnostic data).

If a data owner (for example, device manufacturer) has affiliated companies or an agreement with a data recipient (for example, with a partner service center for car repairs), it should not discriminate against competitors of such partners. Other service centers should also have access to data under the same conditions as the manufacturer's partners.

The new EC Guidance defines the list of costs to be taken into account when setting the selling price of the data. The cost should be “reasonable”, or it may not exist at all.

To determine “reasonableness,” the EU uses the FRAND concept.[2] The concept is based on the practice of licensing “patents for technologies that are essential for the implementation of a technical standard”[3] (for example, 4G, GSM, Wi-Fi, Bluetooth, etc.). If a company wishes to produce a product corresponding to the standard, it must pay royalties for the patent.

The FRAND concept in the EC Guidance keeps the cost of access to data at a level proportionate to the actual costs incurred by the data holder, without creating excessive financial barriers for other companies.

Thus, for instance, in the Interdigital case (owns patents’ package for 3G, 4G, 5G) the company inflated the price of the license for Lenovo by 65% above the "reasonable" cost. FRAND mechanism regulates the cost of access to technologically important resources, including, towards data.

What are the costs that the EC Guidance suggest to include in pricing?

For example, pursuant to a general rule, the Data Act requires that data be provided in a structured, commonly used and machine-readable format. If a company stores data in a rare format, the cost of converting cannot be included in the price paid by the data recipient. Payment is allowed only for the actual costs of providing access to the data.

For example, costs for maintaining server infrastructure, processing access requests, etc.

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[1] Software for managing aircraft fleet maintenance and repair

[2] Fair, reasonable non-discriminatory terms and conditions.

[3] Standard-essential patents.

It is unacceptable to shift normal business operating costs, such as the cost of improving or enhancing data quality, to data recipients.

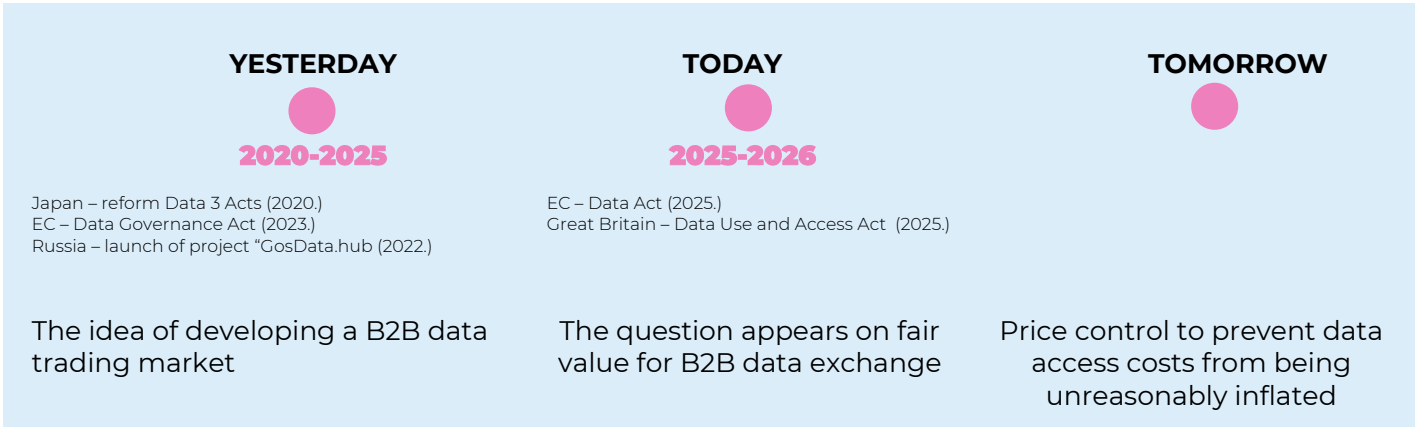
Individual investment costs may be included, such as those for obtaining data from external sources, transferring it to the holder's infrastructure, or creating new data sets (including deploying data collection devices). However, compensation may not include investments already recouped through the sale of a connected product or service, nor expenses for data created jointly with the user.

What is next?

In Russia, B2B data exchange is unregulated. However, the RF Ministry for Digital Technology, Communications and Mass Media has launched the "GosData.hub" ("Data Lake") project, suggesting the transfer of anonymized data sets from businesses to the state. Initially, government agencies and associated organizations are granted access to the data, and only after a year of collection other Russian users obtain access (currently free of charge).

For example, by 2027, Ministry for Digital Technology, Communications and Mass Media plans to ensure that mobile operators transmit subscriber geotracking data to the "Data Lake." Operators commercialize such data: for example, MTS operates the "Geoeffect" service, which analyzes population movements and behavior through geotracking and mobile traffic. The company sells aggregated data on the most visited points and user behavior (e.g., transactions); access costs approximately Rb 7.000–15.000 per month per region.[1] If similar data were centrally collected in the Ministry for Digital Technology's "Data Lake" across all regions, the government could save Rb 7.9 mn per year[2] on purchasing commercial analytics from mobile operators, and that is just for one operator.[3]

Therefore, the price of access is determined as the amount of costs required for providing data.



For example, in 2025, JPMorgan distributed price-lists to fintech start-up companies dealing with access to clients' banking data, which have been earlier provided for free. However, now, costs amount to 60-100% from the start-ups revenues. This is why price containment is important for developing innovation.

[1] The Light tariff for Moscow, the Moscow region, St. Petersburg, and the Leningrad region is Rb 15.000. For other regions, it is Rb 7.000.

[2] (4 regions (Moscow, Moscow region, St. Petersburg and Leningrad region) × Rb 15 000) + (85 regions × Rb 7 000) × 12 months = Rb 7 860 000/year.

[3] If we extrapolate this benchmark to at least 4 largest mobile operators, the state's potential savings on a comparable volume of access could reach Rb 30.7 mn per year.

Empire strikes back

How a global search monopoly is trying to maintain its influence

Author: Ivan Ermokhin

In February 2026, a new legal dispute involving Google has broken out in the United States, but now the IT giant has acted as a plaintiff against a company known privately as SerpAPI.

The lawsuit itself dates back to December 2025, when Google accused SerpAPI of web scraping search data and then selling it. According to the IT giant, this violates its copyright. In February 2026, SerpAPI responded to the claims by asking the court to refuse to consider the case.

In the lawsuit, Google made several claims.

Firstly, copyright on the structuring of search results data has been violated. Although the data is not the company's product, the approach to structuring and issuing data, according to the search engine, is protected by copyright.

Secondly, while recognizing its copyright in search results, Google accused the defendant that SerpAPI took measures to circumvent technological protection built by the IT giant.

The fact is that in January 2025, Google launched the SearchGuard system, which tracks user behavior and prevents the automated collection of search results data. Circumvention of technological protection for collection of copyrighted works is expressly prohibited by the US law.[1]

Thirdly, SerpAPI is accused of violating the copyrights of third parties who provide data to Google based on licensing agreements (for example, photographs of famous people).

SerpAPI did not agree with Google rationale. According to the company, data that they collect, are in public domain, and any person can receive and collect it («fair use» principle). Google does not have copyrights to the content of search results, and therefore cannot take advantage of copyright protection in compliance with legislation.

In addition, according to the defendant, the created SearchGuard system is not aimed at protecting copyrighted works, but in general prevents downloading of any data.

In their public statement SerpAPI sharply notes: SearchGuard is aimed not at protecting works, creators or publishers, but at Google's ability to generate revenue.

The outcome of the trial becomes especially significant if plunged into the context of who SerpAPI is working with.

Daily updated search results data play a significant role in the development of generative AI, which is why SerpAPI's clients include creators of ChatGPT.

The service uses SerpAPI to obtain Google search results data. The search engine's attempt to limit data collection, first technologically, and now in court, is a struggle between Google and OpenAI for market position.

Currently, there is an increase in the popularity of chatbots, which is reducing interest in traditional search. Thus, for example, 72% of those who own paid version of ChatGPT, installed the chatbot page as the start page in their browsers, thereby replacing Google search.

[1] Article 17 U.S.C. § 1201(a)(1)(A) DMCA law.

What is next?

SerpAPI, proving in its statement the absurdity of the accusations, notes that its fine due to Google's accusations could amount to $7 trillion - according to the law, compensation is assigned for each download. This is more than, for example, Germany's GDP.

Suppose that a similar dispute arises in Russia (and this has already happened, see VK vs. Double Date 2017-2022), then the system of penalties will be more modest, since Russian legislation does not likely provide for compensation for each download, and Russian courts will consider the violation as a whole. However, even in this case, the fine for a company collecting data from a Russian search engine in the same way as SerpAPI could amount to Rb 10 mn.[1]

2000-2010

The legislation of the USA, EU, Russia is aimed at the protection of copyright and related rights, a broad interpretation of the boundaries of protection

Countries encourage companies to invest in data collection and analysis and provide protection

2010-2020

Gradual restriction of the companies' rights in the US, EU and other countries to collected user data

Exponential growth in the amount of data leads to the emergence of new companies in the market

In the global race to develop AI, governments will reduce previously provided copyright and related rights protection for training models

[1] Article 1301 of the RF Civil Code assumes reimbursement from Rb 10.000 to Rb 10 mn or twice the cost of a license to use the work.

Small Index – Great responsibility

OECD worked out an index to compare countries' measures on AI development

Author: Kirill Chernovol

The main issue for most countries today is how to provide conditions for the AI development, without sacrificing safety. In February 2026, the OECD launched the OECD.AI Indexl, a tool to assess the implementation of an earlier approved Recommendation 2019 on AI.

The index shows how a country is doing in terms of creating a "comfortable environment" for AI development. The index allows countries to assess how well they are doing relative to other countries in developing AI, where there are weaknesses, and which policies should be addressed. In their turn, companies will be able to determine where they are potentially more comfortable designing and training their systems.

The Index currently includes only OECD countries (Russia is not included). The "most advanced" of the 38 countries were: the US and the United Kingdom with the best performance in AI research; the US on infrastructure and policies on AI; Switzerland on employment and skills; and Luxembourg on international cooperation.

61%

Of all venture investments in 2025 ($258.7 bn) invested globally in AI companies

Index figures also include, for example, the number of high-quality AI scientific publications in international databases, the number of patent applications, fiber optic connections, data center clusters with AI accelerators (graphics processors), use of AI by authorities, availability of AI-"sandboxes", influx of specialists in the field of AI, etc.[1]

Russia has launched a federal project "Artificial Intelligence," setting goals for scientific publications on AI, the use of AI by government agencies, and participation in international AI standardization groups. By June 2026, the Ministry for Digital Technology must submit a plan for development of data center infrastructure.

In February 2026, the OECD has also published Due Diligence Guide for Responsible AI. These are recommendations for companies on how to identify and prevent risks and negative impacts of AI on employees, consumers, competition, etc.

The OECD cites "bad" company practices, such as monitoring employees and relying on emotion-recognition algorithms to decide who to fire, as examples of how to avoid such behavior.

Suppose a company develops AI for skin cancer diagnosis and buys data from a contractor whose employees manually label patient photos. However, the contractor does not possess measures to protect mental health of employees. For the latter, this means the risks of labor disputes and that data purchasing might be rejected for unethical reasons. For the developer, this also poses a commercial risk: if it turns out that the AI was trained on data obtained in violation of employees' rights, companies demanding responsible supply chains in AI development may refuse to cooperate with such a supplier.

Another question arises about attraction of investment. Currently, only 38% large technological companies (out of 200) publish principles of responsible AI, and only 10% disclose their internal mechanisms for AI management.

[1] The information refers to official statistics and administrative data, surveys, etc.: for example, data on publications is from OpenAlex and Elsevier/Scopus, on patents is from OECD arrays, on large models and clusters of graphic processors is from Epoch AI, on supercomputers is from the TOP500 list, on venture investments is from Preqin, on specialists - from LinkedIn, on software projects is from GitHub, etc.

What needs to be done? Start with yourself: assess whether there are practices in the process of creating or operating an AI system that could harm consumers, employees and other stakeholders, distort competition, make the AI's operation opaque, etc. Introduce verification procedures throughout the entire life cycle of AI. If harm cannot be prevented, it is necessary to understand how to mitigate negative consequences and gradually eliminate bad usage practices. Next, work with suppliers and demand to adhere to responsible AI practices.

In Russia, principles of responsible AI are not commonly implemented; there is "soft regulation." The Bank of Russia developed Recommendations on responsible AI in the financial sector, while the Alliance formulated a Code of AI ethics in the AI sphere in 2021.

What is next?

The OECD plans to expand geography of the AI Index, which could include China and Singapore.

Some of the Index's figures can be calculated for Russia as well. For example, the "Graphics Processing Units" indicator is calculated based on Epoch.AI open data. Thus, in Russia, a number of companies, such as Yandex, set up computing centers equipped with graphics processors designed for training and operating AI systems. AI can be trained without such processors, however, using them, training goes faster 10-100 times.[1] Thus, the OECD estimates the development of infrastructure for AI in the country.

If we calculate the cluster score for Russia and the 21 OECD countries possessing confirmed clusters, Russia will be in the 21st place (out of 22 with clusters), ahead of the UK.[2]

The AI Recommendation encourages countries to invest in AI, train human resources, stimulate research, etc.

A methodology has been developed to estimate countries' measures to create conditions for AI development.

More countries will implement measures to develop human resources, research, and infrastructure in AI based on the Index figures.

[1] To measure the relative power of these processors in different countries, their computing power has to be compared to the Nvidia H100 processor. The fact is that Nvidia H100 is one of the most common server accelerators for AI training, therefore, capacities of different systems are converted into H100 equivalents so that they can be compared in understandable terms.
There's a specific methodology for measuring this indicator. It involves using Epoch AI data on the capacity of confirmed data center clusters commissioned no later than 2024 (converted to H100 equivalent). For example, in Russia, 7 clusters with a total capacity of 1570.338409 NVidia H100 equivalents are included in the calculation.
Next, the resulting equivalent must be divided by the population aged 15–64. In Russia, the working-age population, according to the World Bank, is 94.078,090 in 2024:

1 570.338409 ÷ 94 078 090 = 0,0000166919 (around 16.7 NVidia H100 equivalents for 1 million people).

Then, it is necessary to perform min-max normalization: take the result obtained for the NVidia H100 equivalent (Russia) and divide it by the difference between the best (according to Epoch AI – Switzerland) and the worst (a number of countries have a zero score) results.
The rating ranges from 0 to 1, with Switzerland having the highest score among countries and being assigned a weight of 1. To calculate Russia's weight, follow these steps:

16.7 equivalents ÷ 2 943 equivalents NVidia H100 (by Switzerland result) = 0,0057.

[2] United Kingdom has also low ranking (10.9 equivalents NVidia H100 for 1 million people):

10,9 ÷ 2 943 = 0,0037.

The **February 2026** news we found interesting.[1]

- India imposed a ban on platforms for short-term, casual dating, where there is no verification of users' intention to marry. However, "marriage" services for finding a partner aimed to start a family are permitted, taking into account cultural and religious compatibility and may include family members in the dating process.
- China зimposed a ban on issuing yuan-denominated stablecoins without the permission of Chinese authorities. This could, for example, jeopardize issuing of digital financial assets (DFAs) by chemical company GaloPolymer Kirovo-Chepetsk LLC, where 1 DFA = 100 yuan. DFAs could effectively function as stablecoins, as they can be used to pay for foreign trade contracts in Russia.

- In Russia, SimpleWine issued DFA for premium wine: investor can purchase wine at a discount of up to 40% or receive a return of 13.5% per annum.

[1] Since 2025, the Gaidar Institute has been developing a digital platform for analyzing news in Russia and globally on the topic of digital economy regulation – DIgiReg. The news presented has been selected by experts, in part based on an analysis of the platform's data.

DIGEST