



APPLICATION GUIDE

Pre-litigation research support



Digital
Freedom Fund



Introduction

This guide covers how to complete the application form for pre-litigation research support and provides some tips and best practices to help you as you prepare your application.

In case you have more questions along the way, please reach out to DFF's Programme Officer at: grants@digitalfreedomfund.org

Content

01. Applicant information	3
02. What is the research question?	4
03. The research outcome	5
04. Research methodology	6
05. Researcher biographies	7
06. Description of litigation activities	8
07. Objectives for litigation	9
08. How will your research findings be used to help you obtain your litigation objectives?	10
09. Benefits to the digital rights field	11
10. Research products and sources	12
11. References	13
12. Additional comments about the budget	14
13. Pro Bono support	15
14. Is DFF support necessary?	16
15. Further information	17
16. Appendices	18



01.

Applicant information

Next to “full name of applicant” write the name of the contact person for the application.

Next to “organisation”, write the name of the organisation on behalf of which you are applying. If applying as an individual, leave this space blank.

The DFF Programme Officer will provide the application number.



02.

What is the research question?

Why we ask

We would like you to set out the clear, specific research question(s) that you are seeking to answer through this project in order to develop a robust legal strategy for litigation.

Recommended length

¼ page

Examples of what we want to see here



A clearly defined scope (i.e. “we want to determine which of these three jurisdictions is best suited to bring a claim on issue x to achieve y” instead of “we want to see where in Europe we might be able to litigate on x”).

In addition to an overall research question, more specific research sub-questions also help define the scope of the research and help us understand what you want to do (i.e. “what remedies are available in these three jurisdictions and do they help us achieve y?”, “what previous precedent exists in these three jurisdictions supporting or going against our planned litigation?” etc).

Questions that clearly link to the research outcome stated in the next section.

What we don't want to see here



The general mission statement of the organisation.

A broad description of the digital rights issue you are interested in/working on.

A description of challenges you have identified.

Summaries of other digital rights research you have done, without clear links to a specific litigation case.



03.

The research outcome

Why we ask

We want to understand what you expect the end product of your research will show and how this will inform your litigation strategy.

Recommended length

¼ page 

Examples of what we want to see here



A description of the research hypothesis (i.e. “we will have identified the most appropriate jurisdiction to strategically litigate x, and gathered enough evidence to maximise our chances of succeeding in the case”).

A research outcome that links clearly to the stated research question(s).

What we don't want to see here



An outcome that has no clear links to the stated research question(s).

An outcome that has no relationship with your plan to pursue litigation on the relevant digital rights issue.

A list of activities and/or outputs (i.e. “interviews with x and y”, “research report on z completed”).



04.

Research methodology

Why we ask

We want to see that you have well defined and planned research procedures in place. This section should go into more detail than previous sections, explaining the process needed to answer your research question(s) and achieve your research outcome(s).

Recommended length

Up to 1 page 

Examples of what we want to see here



A summary of the evidence and research needed to strengthen your legal arguments.

A description of the research you have already done and evidence you have already gathered in relation to your planned litigation.

A description of the types of evidence gathering/research you will carry out, such as qualitative desk research, interviews, legal analysis, translation, freedom of information requests, mapping of x and y, etc.

A summary of the procedures you will use to ensure high research standards (for example, peer reviews, consent and confidentiality forms for interviews/witnesses).

Laying out a brief timeline, or splitting the research into phases, can be helpful.

What we don't want to see here



Detailed summaries of legal policy/framework analysis.

Descriptions of your broader advocacy and communications work.



05.

Researcher biographies

Why we ask

We want to see that the research team is well resourced and has suitable expertise to successfully work on the subject matter of the planned litigation. This is why we ask you to provide a brief description of all the key staff members that will work on this project, focusing in particular on their role and tasks, and how their expertise makes them suitable for carrying out this role.

Recommended length

One short paragraph per staff member





06.

Description of litigation activities

Why we ask

We primarily fund strategic litigation so we want to see that you have thought critically about the litigation you intend to use this research for.

Recommended length

½ page

Examples of what we want to see here



The factual scenario/circumstances giving rise to your planned litigation.

Details on the parties to the litigation.

Details on any specific law, practice, action or decision that you seek to challenge through the case.

The key digital rights issue that has arisen, which you want to address through litigation.

A description of activities already undertaken regarding this litigation.

What we don't want to see here



A description of litigation activities that don't clearly relate to your research objectives and outcome.



07.

Objectives for litigation

Why we ask

We want to fund applicants that have thought clearly about how their research objectives relate to eventual litigation. There should be a coherent flow showing that your ultimate litigation objectives can be better achieved through the research you propose.

Recommended length

¼  to ½ page 

Examples of what we want to see here



Your “broad aspiration” describes the long-term change for digital rights that you hope to see through the litigation and other relevant activities. For example, “more individuals are protected against unjustified government surveillance” or “individuals’ sensitive data is not used for targeted advertising.”

Your “concrete objectives” state the specific goals you are seeking to achieve through the litigation, these objectives can refer to the enforceable remedy/remedies you have asked for in the proceedings. For example, “a court order preventing x from doing y” or “a declaration that x law is in contravention of y and should be struck out.”

The litigation objectives relate clearly to the research objectives and proposed research outcome.

What we don't want to see here



Litigation objectives that contradict or don't clearly relate to the research objectives.



08.

How will your research findings be used to help you obtain your litigation objectives?

Why we ask

We primarily fund strategic litigation and want to see that there will be a clear use for your expected research findings to help obtain your litigation objectives. In the previous two sections you described your planned litigation objectives and summarised activities that you have already undertaken with regard to this litigation. Your planned research should now fill the gap and prepare you to litigate. Describe how your research findings will help you obtain your litigation objectives. For example, maybe your litigation objective is to obtain a ruling that practice X is in conflict with the EU directive on Y, so you carry out research to determine which of three possible jurisdictions is best suited to bring forward a claim to show this conflict. Your research finding shows jurisdiction B would be the most strategic, given the case history and partners there that can support your wider advocacy campaign. So you can now go ahead with litigation knowing you have a higher chance of achieving your litigation objective.

Recommended length

½ page



09.

Benefits to the digital rights field

Why we ask

We aim to fund cases that will set a precedent the digital rights field can build upon. We want to see how your case will strengthen the capacity of and collaboration within the digital rights field.

Recommended length

½ page

Examples of what we want to see here



An explanation of how the change to law, policy or society you seek to achieve through the research and subsequent litigation will help set a precedent for the digital rights field.

A plan to either create synergies or maximise benefits from existing synergies between your litigation activities and those of others in the digital rights field.

Demonstration of existing or planned partnerships that will strengthen interconnectedness within the digital rights field.



10.

Research products and sources

Why we ask

We want to check that the research you proposed hasn't been done already, and that you aren't missing out on sources that could help you answer your research questions.

Recommended length

½ page 

Examples of what we want to see here



A clear description of research products you have reviewed and sources you have contacted about your research questions.

What we don't want to see here



Assumptions that the research is needed, without any evidence that you have checked for already existing sources.



11.

References

Why we ask

We may reach out to others in the field that have worked with you before to help understand your background and credentials for leading a digital rights litigation project. References are more important if you are a recently established organisation, or new to the digital rights field.

Recommended length

The name, organisation and email address of two individuals

Examples of what we want to see here



Two references who are not part of the team involved in the pre-litigation research.

Examples could include, individuals from other digital rights organisations, lawyers and researchers you have worked with.



12.

Additional comments about the budget

Why we ask

We want to see that you have done a final check that the expenses you are asking for are fully explained and justified in the application. This is a chance for you to go back and check your budget again. In case any expenses are not elaborated in the application you can explain them here for clarity.

Recommended length

¼ page

Examples of what we want to see here



Confirmation that you've checked the budget and are happy that all expenses are fully justified in the application.

An explanation of any expenses in the budget that may need clarification. For example, you might like to flag expense lines you want to discuss further (for increasing/decreasing).

What we don't want to see here



Budget lines not related to specific research and evidence gathering activities (for example, lawyer fees, court filing costs, etc; these costs can be part of a strategic litigation grant application).



13.

Pro Bono support

Why we ask

We aim to foster a strong pro bono culture in Europe and do not want to help create an ecosystem in which resource-light digital rights activists are being charged full corporate rates by law firms. If an applicant engages outside counsel, DFF will generally prefer that outside counsel work on the litigation *pro bono*.

Recommended length

½ page

Examples of what we want to see here



A clear justification for working with external legal support (i.e. no in-house legal experts, best qualified to research a specific legal matter, etc).

A description of specific actions taken to secure external lawyers working pro-bono, or at a reduced, capped or fixed fee, and what the external lawyers have agreed to.

If paying full fees, a clear explanation for why it was not possible to get a reduction.

What we don't want to see here



General statements about the specific context being difficult to find lawyers who will work for reduced fees.

A request for commercial rate fees without a detailed justification.



14.

Is DFF support necessary?

Why we ask

We aim to support more and better strategic litigation cases to advance digital rights. In fact, we will often ask you to increase certain budget lines to ensure the litigation is properly resourced. However, we also do not want to help create an ecosystem in which already well-resourced organisations and law firms are getting more funding for work they could already do with support from others. In this section, you can summarise the different avenues of support you have considered (for example, academics to support research, pro bono legal support, or more collaboration with other experts in the digital rights field for communications and advocacy), and where DFF can support can add extra value.

Recommended length

¼ page



15.

Further information

Why we ask

Here you can add any further information you deem relevant that did not fit into the other sections of the application. You can leave this section blank if it is not relevant.

Recommended length

Maximum ½ page 



16.

Appendices

Why we ask

We have designed this application form so that, if completed fully, we will not need any further information from you in order to assess the merits of your application. However, there may be situations where related documents and links will help elaborate or support your application. Therefore, you can list the documents you are sending along with the application here. You can leave this section blank if it is not relevant.

Recommended length

Maximum ½ page 

Examples of what we want to see here



A numbered list with a brief (no more than one sentence) description of each document appended.

Examples could include, detailed research methodology, your litigation strategy for the case, your advocacy strategy for the case, memoranda of understanding with other organisations who will be involved in the research, etc.

What we don't want to see here



General organisational strategy documents.

Research and strategy documents in languages other than English (instead provide English summaries if you think it is useful).

About the Digital Freedom Fund

The Digital Freedom Fund supports strategic litigation to advance digital rights in Europe. With a view to enabling people to exercise their human rights in digital and networked spaces, DFF provides financial support for strategic cases, seeks to catalyse collaboration between digital rights activists, and supports capacity building of digital rights litigators. DFF also helps connect litigators with pro bono support for their litigation projects. To read more about DFF's work, visit: www.digitalfreedomfund.org.

For questions concerning the application process, please contact:
grants@digitalfreedomfund.org

