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STUDY ON COPYRIGHT LIMITATIONS AND EXCEPTIONS
FOR LIBRARIES AND ARCHIVES

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* The views and opinions expressed in this Study are the sole responsibility of the author. The Study is not intended to reflect the views of the Member States or the Secretariat of WIPO.

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NORWAY	307
OMAN	309
PAKISTAN	311
PANAMA	313
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EXECUTIVE SUMMARY

This study of copyright exceptions for libraries and archives provides an overview of the nature and diversity of statutory provisions in the copyright law of the 184 countries that are members of the World Intellectual Property Organization. For the first time, it gathers library exceptions from nearly all WIPO countries and provides an analytical survey of the law. The statutory exceptions for libraries primarily address such issues as reproduction of copyrighted works for purposes such as private research and study, preservation and replacement of materials, and document supply and interlibrary lending. Some countries have statutes on the “making available” of copyrighted works. This study also encompasses library exceptions to the prohibition against circumvention of technological protection measures.

Of the 184 countries in WIPO, the research for this project collected current and translated statutes from 149 countries. Of those countries, 128 of them have at least one statutory library exception, and most of the countries have multiple statutes addressing a variety of library issues. Twenty-one countries have no library exception in their copyright law.¹ These basic statistics demonstrate the widespread prevalence of library exceptions, suggesting that they play an important role in the law and in facilitating library services. The fact that statutes tend to center on pursuits such as research and preservation also suggests that copyright law has an important role in the ability of citizens to have continuing access to the rich variety of materials held in libraries.

The statutes differ greatly from one country to the next. The statutes can be distinct in nearly all respects, from their scope of applicable libraries to the specific activities encompassed. Among statutes on one topic, such as reproduction of materials for research, the statutes set widely divergent standards with respect to the scope of materials that may be copied, the conditions and requirements for making the copies, the possible application of digital formats, and the circumstances under which the copies may be delivered to and subsequently used by individual researchers. The following chart summarizes some of the findings in this study and indicates the diversity of the statutes in force around the world.

These great variations among the statutes are one of the most important findings of this study, but patterns among the statutes are also evident. Some of the patterns are historical, such as the influence of British law in many countries. Other patterns are regional, such as the trend in many African countries to have either no library exception or a fairly general provision permitting libraries to make copies of works without many detailed requirements. Some patterns are the result of regional cooperation, most notably the European Union. As a result of a European Union directive from 2001, the library exceptions among the twenty-seven members of the E.U. bear some similarities to one another. Nevertheless, some E.U. countries have added their own distinctive touches to the legislation, leading to important variations among statutes drafted even in a context where harmonization of the law is a priority.

The specific terms of the library exceptions reveal much about the relationship of copyright law to library services in different countries. These statutes do more than simply

¹ Three additional countries have no copyright law and hence no library exceptions: Afghanistan, Laos, and the Maldives.

govern library activities. They are a reflection of cultural, historical, and economic objectives. Sometimes those objectives are in conflict with one another. The statutes are therefore often a compromise among competing interests, typically permitting libraries to make certain uses of copyrighted works, while setting limits and conditions to protect the interests of copyright owners, publishers, and other rightsholders.

This study presents the law as it exists today, but it should establish a foundation for future studies related to the origins, purposes, and effects of the copyright exceptions. This study should also generate discussion about the feasibility and future of library exceptions. Many libraries may be served well by statutes allowing single copies of materials for research or limited copying for preservation. Other libraries are struggling with issues that usually reach beyond current law, such as large-scale digitization of collections and automated harvesting and collecting of Internet-based resources. The character of library exceptions today may offer good indications of the issues and complications that lie ahead as lawmakers begin to explore anew the expanding range of copyright issues affecting libraries.

Library Exceptions in National Copyright Statutes			
Summary of Findings of a Study for the World Intellectual Property Organization			
Study by Kenneth D. Crews			
Exception	Number of Countries	Report	Conditions and Variations
None	21	Part V.B.	
General Library Copying	27	Part VI	<ul style="list-style-type: none"> • Any Needs of the Library • Copying for Administrative Purposes of Library • Limited Number of Copies • Reproduction and other Uses
Copies for Research or Study	74	Part VII	<ul style="list-style-type: none"> • Copies for Users • Limited to Research or Study • Proof of User's Purpose • Limited Types of Works • Unpublished Works • Making Available on Premises • Availability of Licenses
Copies for Preservation or Replacement	Preservation: 72 Replacement: 67	Part VIII	<ul style="list-style-type: none"> • Single or Multiple Copies • Damage to or Condition of the Work • From or for Permanent Collection of the Library • Deposit in Another Library • Availability of the Work on Market for Purchase • Digital Formats
Document Supply or Interlibrary Loan	Document Supply: 17 Interlibrary Lending: 6	Part IX	<ul style="list-style-type: none"> • Journal Articles or Other Works • Availability for Purchase • Substitution for Purchase

Copy Machines on Premises		Part X.A.	<ul style="list-style-type: none"> • Exoneration of Library from Liability • Relation to Rights to Make Personal Copies • Posting Notices on Machines • Remuneration to Rightsholders
Limitation on Remedies		Part X.B.	<ul style="list-style-type: none"> • Limited Liability of Library and Librarians • Complete Protection or Limited Amount • Good Faith Belief of Librarians
Circumvention of Technological Protection Measures	26	Part XI	<ul style="list-style-type: none"> • Limited Purpose of Circumvention • Conditions and Restrictions • Circumvention for Purposes of Exercising other Exceptions • Burden on User or Burden on Owner to Provide Means • Requirement to Obtain Court Oversight

AUTHOR'S PREFACE

This study of copyright exceptions for libraries has the principal objective of providing an overview of the nature and diversity of statutory provisions in the copyright laws of the 184 countries that are members of the World Intellectual Property Organization. For the first time, it gathers library exceptions from nearly all WIPO countries and provides an insightful and analytical overview of the law. It should provoke many questions about that law and inspire further research. The conclusion of the paper offers further suggestions about the many research questions that remain ahead.

The report was commissioned by the World Intellectual Property Organization in August 2007. Delivery of the initial complete draft occurred in April 2008. The several months were essential for finding and analyzing the relevant statutes. The timetable for completion also means that the study is focused on collecting the facts about the current state of library exceptions throughout the world. This study may be useful to lawmakers considering alternative provisions, to librarians seeking to bring practical meaning to the law, and to scholars examining the complications and dynamic of copyright law.

Locating, sometimes translating, and properly comprehending the statutes of 184 countries will inevitably be subject to limitations and prone to some discrepancies. I welcome any additional information from any readers of this report. If I have in any way misunderstood or misinterpreted the laws of a country, I hope to have the opportunity to continuously improve on my study of these issues with additional analysis of copyright exceptions.

A NOTE ON TERMINOLOGY

The terms and labels employed in the discussion of copyright and copyright exceptions can have profound implications. At many points in this report, the critical issues turn on the exact language employed in a statute. On the other hand, for the efficiency of communication, this report will use some streamlined terminology. Some of these choices will be explained more fully in the report, but at the outset, readers will benefit from knowing the following choice of terms:

- “Library” and “librarian”: In this report, these terms may be used to include not only libraries and librarians, but also archives and archivists. The differences between libraries and archives are many and important. This report will offer some insights into the differences, and it will point out various places where the statutes have made a distinction. For the sake of efficiency of language, this report will use the term “library” to address both types of institutions. Readers may refer to the summaries of the statutes in the appendix to see the specific institutions mentioned in each provision.
- “Copyright”: The scope and character of copyright law is changing in many countries. For this report, the term “copyright” will refer to the legal rights associated with a protected work of any type. Those rights will most often encompass the so-called “economic rights” of reproduction and the like. Where appropriate, this report will make specific mention of moral rights, anticircumvention, and neighboring rights.
- “Exception”: This report is fundamentally about copyright exceptions. The language of the law and of legal literature will sometimes use other labels, including “exemptions,” or “limitations on rights of copyright owners,” or “rights of copyright users.” This report takes no position on the appropriateness of any label, other than selecting “exception” for purposes of clarity and simplicity. The particular exceptions applicable explicitly to libraries (and archives) are “library exceptions.”²

² The present author found in the research for this report that others have struggled with the terminology of “exceptions” in a remarkably similar manner. See, for example, Robert Burrell & Allison Coleman, *Copyright Exceptions: The Digital Impact* (Cambridge: Cambridge University Press, 2005): 10.

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This study required support and encouragement from many colleagues from around the world. Numerous individuals demonstrated their interest and passion for the issues of copyright in libraries by supplying me with current information about copyright law and with case studies involving the application of library exceptions. Through our exchanges, I learned much about nuances in the statutes and their importance to librarians, publishers, authors, and the public. I cannot list everyone who supported this project, but I especially want to thank:

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on gathering copyright statutes and working with me to prepare the charts that now form the appendix to this report. Trina and I struggled daily with statutory interpretation and debated the law's meaning. Her wisdom and comprehension of copyright law proved critical at every stage of gathering and understanding the statutes.

At WIPO, I give special thanks to Michael Keplinger, Jorgen Blomqvist, Richard Owens, and Geidy Lung. They kindly offered me this opportunity, and they patiently provided guidance. I also thank my colleagues at Indiana University and Columbia University. I began the study while at Indiana, and I moved to Columbia at the beginning of 2008. Both universities strongly encouraged my work on this project and provided the essential support for research.

PART I: INTRODUCTION

Copyright exceptions applicable to libraries have been an important part of world copyright laws at least since 1956, when the English Parliament revised the British copyright law and enacted the first copyright exception specifically for libraries.³ As copyright law took on an increasingly international character, and as lawmakers looked to the laws of other countries for statutes to emulate, library exceptions became prevalent in many parts of the world through the last few decades. The growth of libraries, the expansion of computer technology, and the proliferation of library services have added to the demand for exceptions under copyright law to permit libraries to make copies of many works for research, preservation, and other purposes. For these reasons, library provisions have become relatively common in copyright law, and they have become diverse and complex as countries have grappled with the context of library services as well as the changing expectations of copyright owners and publishers.

Of the 184 countries of the world that are members of the World Intellectual Property Organization, 128 of them have in their copyright statutes a provision that specifically permits libraries to make copies of copyrighted work in connection with the performance of library services. The simple fact that a large percentage of the countries have such statutes is an indication of their importance. Another indicator of the importance of the statutes is the continuing effort by lawmakers to enact or revise the provisions. In the months leading to completion of this study, new library provisions were enacted in Israel, New Zealand, and the Russian Federation.⁴

The prevalence of such statutes also suggests that copyright law has an important relationship to libraries and plays an important role in the performance of library services. Many of the services that are addressed in this report are focused on making copies of works for purposes of preserving the materials in the collection and for purposes of providing copies to individuals for purposes of their research and study. The fact that statutes tend to center on such pursuits also suggests that copyright law has an important role in the ability of citizens to have access to the rich variety of materials held in our libraries.

The rapid development of library exceptions in recent years also has led to an enormous variety of laws. The statutes are diverse in all respects, from their scope of applicable libraries to the library activities encompassed. Copyright law also has introduced a new concept: the prohibition of circumvention of technological protection measures. Libraries expressed concerns about this concept from its earliest introduction into the legal system, and as a result many countries enacting that prohibition have carved out exceptions there too for libraries. The details of all of these laws are the subject of this report, but the growth and variety of copyright statutes for libraries affirms clearly the merit of bringing fresh understanding to the subject.

³ The chronology of early drafting of library exceptions is surveyed in: "Photoduplication of Copyrighted Material by Libraries," in *Studies on Copyright*, Study No. 15, at 49-67 (1963).

⁴ Another recent indication of the importance of the exceptions is the issuance in March 2008, after three years of study, of a proposal for reform of the library exceptions in the United States. For the final report and related documentation, see: <http://www.section108.gov/>.

PART II: SCOPE OF THE STUDY

The scope of the study is defined in several ways. First, it is limited to the 184 member countries of WIPO. Second, it is limited to statutes that refer explicitly to libraries or archives. In that regard the scope is limited only to those statutes that apply broadly to a wide variety of libraries within the jurisdiction of the national law. For example, many of the statutes are limited to non-profit libraries, but that one condition still means that the statute can encompass a rich variety of public libraries, academic libraries, and libraries in museums, government agencies, and more. This scope also includes archives. Often, a national statute may refer only to libraries, but other national laws refer to libraries and archives. Both types of institutions are included in this report.

Not within the scope of this report, however, are the statutes that are limited to only specific libraries or a small number of specifically designated libraries. Many countries have statutes that permit the national library or a named state library or some other specifically identified library to have special privileges under the law in order to carry out a specific function. Sometimes that function is narrow, such as permitting a library to make preservation copies of a small set of identified motion pictures. Sometimes that specialized function is broad and flexible, such as a statute that permits the national library or similar organization to make copies of materials in service to members of the national legislature. In all such respects, those statutes are outside the scope of the detailed analysis of this report.

This report instead focuses on statutes that can apply broadly to many libraries and in turn allow those libraries to undertake certain activities in service to typically any member of the public. Finally, the scope of this report is focused on statutes that permit the library to make copies or other uses of protected works in direct furtherance of the operation, mission, or services of the library. Consequently, most of this report focuses on uses of copyrighted works for purposes of preservation, research and study, or making or sending copies for interlibrary loan.

Of special interest to WIPO is the related issue of “anticircumvention.” Since development of the WIPO Copyright Treaty of 1996,⁵ many member states have enacted statutes addressing the issue of circumvention of technological protection measures (TPM). While many countries have enacted prohibitions against such circumvention, a smaller number of countries have created exceptions or limitations on that prohibition. Occasionally, those exceptions are specifically applicable to libraries. This report addresses those statutory provisions.

Many other copyright statutes have important application to libraries but are outside the scope of this study. This report will give little if any attention to the following:

- **Public Lending Law.** The copyright laws of many countries regulate the ability of a library to lend books and other materials to the public. Sometimes a library is required to pay a royalty fee for the right to lend works, and in other countries some libraries are exempt. Public lending is a significant topic worthy of an independent report.

⁵ World Intellectual Property Organization Treaty, December 20, 1996.

- Legal Deposit. Most countries require the deposit of all published works with the national library or other institution. Occasionally, this issue overlaps with the library exceptions.⁶ For example, some statutes permit a library to make a copy of a work that is not in the collection but that should have been deposited.⁷
- Library Services for the Visually Impaired. Libraries are sometimes authorized to make and retain formats of works that serve the needs of persons who are blind or visually impaired. This issue is the subject of a separate report from WIPO, issued in 2007.⁸
- Fair Use and Copying for Personal Use. Many such exceptions could be relevant to libraries, but are not explicitly or primarily applicable to libraries. This report maintains a focus only on library exceptions. A few other exceptions are noted in the statutory summaries in the appendix to this report.⁹
- Compulsory License for Translations. The appendix to the Berne Convention permits developing countries to enact compulsory licenses for the translation and reproduction of books and other works for educational needs. Sometimes the authority to exercise this license is vested with the library. While analysis of these provisions is not within scope, this study has identified several countries that have adopted this compulsory license: Burundi, Cape Verde, Nigeria, Qatar, Togo, United Arab Emirates, and Zimbabwe.¹⁰
- Orphan Works. The original charge for this study included analysis of the orphan work problem, but the study of national statutes has rarely revealed an appropriate statute. Orphan works are works that are protected by copyright, but the author cannot be identified or found.¹¹ A few countries include a statutory presumption that such works are in the public domain after passage of many years (e.g., Zimbabwe). Only two countries have offered a more innovative approach. For example, Canada and the

⁶ Legal deposit is examined in the context of preservation statutes in Australia, the Netherlands, the United Kingdom, and the United States. *International Study on the Impact of Copyright Law on Digital Preservation* (2008), available at: http://www.digitalpreservation.gov/partners/resources/pubs/wipo_digital_preservation_final_report2008.pdf.

⁷ For example, Law on Copyright of the Philippines, § 188.2.

⁸ Judith Sullivan, *Study on Copyright Limitations and Exceptions for the Visually Impaired*. For the full report, see: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696.

⁹ WIPO previously commissioned a separate study surveying copyright exceptions in general. Sam Ricketson, *WIPO Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment* (2003).

¹⁰ Other studies suggest slightly wider adoption of the license provision. See, for example, Ruth L. Okediji, *The International Copyright System: Limitations, Exceptions and Public Interest Considerations for Developing Countries*, Issue Paper No. 15 (Geneva: International Centre for Trade and Sustainable Development, 2006): 15 (reporting that thirteen countries had by 2004 “expressed an interest” in the license). Professor Okediji bluntly declares the Berne appendix to be “a failure.” *Id.*

¹¹ Orphan works can exist for many reasons, ranging from the simple omission of the name of an author or owner, to the often inherently informal, collaborative, and amorphous nature of blogs and wikis. *International Study on the Impact of Copyright Law on Digital Preservation*, Part 2.3.23 (2008).

Republic of Korea allow a user to apply to a government agency for a license to use the orphan work. At the instigation of the Commission of the European Union, a report on the subject of digital libraries recommended that lawmakers develop a solution to the problem of orphan works, based principally on requiring a reasonable search for the owner.¹² In April 2008, legislation was introduced in the United States Congress, but that proposal for dealing with orphan works is highly complex by comparison.

PART III: METHODOLOGY AND GENERAL FINDINGS

A. Working with Copyright Statutes

The sources of the statutes are identified in the appendix. At the end of the summary of the laws from each country is a notation about the source. At the beginning of the appendix is a list of websites and other resources that were critical for locating many of the statutes. Statutes from many countries were not readily available on websites or in libraries. Instead, numerous colleagues supported this project by providing copies of statutes and helping to translate them.

To the extent that English-language versions of the statutes were available, they were used for this study. The researcher was able to translate or find assistance with translating some statutes that were in German, French, and Spanish. Translations are often inaccurate and include misinterpretations; those deficiencies are one of the inherent limitations of a study of worldwide copyright law.

The researcher and a research assistant systematically reviewed the statutes and prepared the charts found in the appendix to this report. The charts are organized alphabetically by country. Within each country, the laws were separated by subject matter. Most countries that have library exceptions for multiple activities will have a discrete provision for each subject. For example, the statute for preservation will be separate from replacement; the statute for research copying will be separate from the law of interlibrary loans. Not all countries make such neat separations. For purposes of this study, we usually separated the concepts and created a distinct chart for each library activity.

Except for charts that reflect recent changes in the law or newly found statutes, the charts in the appendix were drafted and reviewed by the researcher and one research assistant between September and December 2007. We cross-checked each other's work. We scrutinized the charts for accuracy and consistency of language. We attempted to preserve the language of the statutes in the charts when it reflected a concept in a distinctive or precise manner. By reorganizing the statutory language onto a standard chart, we could then quickly see the similarities and differences among the many library exceptions. A few charts were added or changed as new information came available after December 2007.

¹² *Report on Digital Preservation, Orphan Works, and Out-of-Print Works: Selected Implementation Issues*, 18 April 2007, available at http://ec.europa.eu/information_society/newsroom/cf/itemlongdetail.cfm?item_id=3366.

B. Preparation of Library Case Studies

Finding case studies from libraries was less systematic. Some of the case studies are from published sources, and those sources are footnoted with each relevant case. Gathering new cases did not come easily. With assistance from many colleagues in the library profession, the invitation was widely circulated, principally by email, for anyone to submit examples that might be suitable for this study. Many of the cases are an outgrowth of such general requests. The cases are consequently anecdotal evidence of the working relationship between libraries and copyright law; they are not generalizable data.

The invitation to the worldwide community of librarians provided a rich variety of situations that librarians are currently facing as they seek to work with copyright law and adjust their service to conform to the requirements of the national statutes. Librarians came forward with examples that demonstrated a successful compliance with the law, and examples that revealed deep deficiencies in the statutes. Sometimes the librarians, working with publishers and others, were able to resolve problems in the law. On other occasions, however, the problems persist.

This study found many librarians wanting clearer laws that would apply to the services they want to deliver. Many librarians bluntly wrote of their desire for statutes that would explicitly allow activities that the librarians saw as good or beneficial. Librarians wrote of the desirability of statutes permitting back up copies of music, motion pictures, and other works that are often expensive and prone to loss or damage. Other librarians reported on the challenge of making copies to serve the needs of classroom instruction or to establish a reserve reading room for students. The demand among librarians for more supportive legislation was unmistakable.

Most important for this study, however, were case studies that reveal different ways that librarians and others actually have addressed problems in the law, and on many occasions have done so in coordination with publishers and other copyright owners. Librarians have grappled with vague statutes, limited rights, and the need to negotiate for permission and other opportunities. The extent to which they have been successful or not when working with the statutes tells much about the ability of the law to meet the needs of libraries. The case studies selected for this report show how librarians and other interested parties have worked with administrative agencies to address the scope of the statute, or have worked with associations of libraries and publishers to craft interpretive standards. Some case studies show that libraries are not always successful. Sometimes the relationship between libraries and copyright owners degenerates into litigation, and court rulings might yield more confusion than clarity about the law.

These case studies generally share one characteristic: They reveal that libraries are heavily invested in the process of understanding and applying the law. Some libraries are working alone to interpret and apply the law. Other libraries are working through their professional societies to reach resolutions that are endorsed by a wide range of libraries, and perhaps publishers, authors, and other interested parties. Still other libraries have participated in the legislative process, which others have had to contend with the demands of litigation. In yet other examples, libraries have confronted challenges in the law, but have not reached a desirable solution, leaving libraries to curtail or cancel various services. When a library service is cancelled altogether, probably no one benefits. The public loses services, and as many of these case studies demonstrate, copyright owners lose the opportunity to reach

agreement about the use of materials and possibly obtain a payment of royalties from the libraries or their users.

PART IV: THE FOUNDATION OF LIBRARY EXCEPTIONS

Like most copyright exceptions, the library exceptions within this study have roots in the historical, practical, and political context of the country. Whether a country has such an exception, and the particular details of its terms, will often depend on the many forces that come to bear on the process of creating and enacting legislation. On the other hand, the exceptions and much of copyright around the world are based in large part on the requirements and provisions of the Berne Convention and other multinational agreements. These documents have a profound influence on the statutory provisions within this study.

A. The Berne Convention

The Berne Convention for the Protection of Literary and Artistic Works is the most important of the international copyright agreements. Its origins date to 1886, and the most recent revision is from 1971, with amendments from 1979.¹³ As of this writing, 164 countries have indicated to WIPO their adherence to the Berne Convention. Taking that step means a great deal for the shape of copyright law in that country. To join Berne, a country must reform its laws to conform to the requirements of the agreement. For example, Berne prohibits the requirement of formalities as a precondition to copyright protection.¹⁴ Therefore, member countries may not impose requirements of copyright notices or registration as a means to obtaining protection.

The Berne Convention also includes several provisions related to exceptions and limitations. Only one exception is required.¹⁵ Article 10(1) specifies that it “shall be permissible” to make quotations from published works, but subject to various conditions. Other articles of Berne provide for exceptions, but leave them to the discretion of the country. That discretion is generally only about the decision to have an exception. The provisions of Berne typically include detailed conditions, narrowing any restriction that the country might adopt.

The Berne Convention does not mention libraries or archives among the allowable exceptions. Therefore, the authority under Berne to adopt a library exception is founded on Article 9(2):

¹³ Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, revised, Paris, July 24, 1971, 25 U.S.T. 1341.

¹⁴ Berne Convention, Art. 5(2).

¹⁵ The Berne Convention, Art. 2(8), also bars copyright protection for “news of the day,” which is sometimes described as a “limitation” on copyright, rather than an “exception.” Sam Ricketson, *WIPO Study on Limitations and Exceptions of Copyright and Related Rights in the Digital Environment* (2003): 10-11.

It shall be a matter for legislation in the countries of the Union to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

Known as the “three-step test,” this provision permits countries to enact statutory exceptions, but only if they are within the bounds of the three criteria: (1) certain special cases; (2) no conflict with normal exploitation of the work; and (3) cannot unreasonably prejudice the author’s interests.

Expounding on the three-step test is beyond the scope of this report, although it has become the subject of intense scrutiny and analysis in recent years.¹⁶ Scholars and lawmakers have debated its meaning as well as the method of applying the tests.¹⁷ The essential point for this report is that Article 9(2) sets a framework for the drafting of copyright exceptions in the national laws of member countries.

The enforceability of the three-step test, however, is quite a different matter. The test is principally a standard for questioning whether a statutory exception conforms to Berne. The significance of that point may be best demonstrated by considering the import of Article 9(2) in countries where the statutes do not include the three-step language. Berne is not necessarily a self-effectuating treaty. A country may indicate to WIPO that it has adhered to Berne, but that adherence may be a question of legal interpretation. Whether the exceptions in that country are consistent with Article 9(2) may not be explicit and left subject to debate. If Berne is not a binding treaty, it is also not itself part of the law of that country, and therefore the courts lack authority to interpret and apply it in cases involving exceptions.

What is the role of the three-step test in such countries? It may be a guide to legislators when they are enacting new exceptions, but again the question of compliance is largely a matter of interpretation and likely conflicting views.¹⁸ Article 9(2) and many other provisions of Berne, however, are now enforceable through the World Trade Organization and the incorporation of Berne into TRIPs, or the Agreement on Trade Related Aspects of Intellectual Property.

B. TRIPs and the World Trade Organization

Negotiations of the General Agreement on Tariffs and Trade (GATT) in the late 1980s and early 1990s led to the creation of the World Trade Organization (WTO). The WTO agreements, adopted at the “Uruguay Round” of the GATT negotiations in 1994, included the

¹⁶ Martin Senftleben, *Copyright, Limitations and the Three-Step Test: An Analysis of the Three-Step Test in International and EC Copyright Law* (The Hague: Kluwer Law International, 2004).

¹⁷ A recent study has urged a reconsideration of prevailing interpretations of the test. P. Bernt Hugenholtz and Ruth L. Okediji, *Conceiving an International Instrument on Limitations and Exceptions to Copyright: Final Report* (Amsterdam: Institute for Information Law, 2008).

¹⁸ At least one detailed study of library exceptions in Australia concludes forcefully that most of them do not withstand scrutiny under the requirements of the three-step test. Sam Ricketson, *The Three-Step Test, Deemed Quantities, Libraries and Closed Exceptions* (Strawberry Hills, Australia: Centre for Copyright Studies, 2002).

TRIPs agreement (the Agreement on Trade-Related Aspects of Intellectual Property Rights).¹⁹ TRIPs was an important development for many reasons. For this study, its importance lies in its adoption of many Berne provisions and the adoption of enforcement mechanisms for the first time in a copyright-related agreement. TRIPs requires that countries have courts and other national means for enforcement of intellectual property law. The terms of TRIPs itself, and the incorporated references to Berne, were also themselves enforceable by review panels of the WTO. If a country enacted a statute that was not consistent with TRIPs, a panel of the WTO could impose sanctions against that country.²⁰

TRIPs incorporates by reference Article 9(2) of Berne, the three-step test. TRIPs goes further and includes its own version of the test in Article 13:

Members shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.

The TRIPs version embodies language that is nearly identical to Berne, but with some important differences. Most important for this report is that Berne Article 9(2) addresses only exceptions to the reproduction right. TRIPs Article 13 permits exceptions to any of the owner's rights. The TRIPs language is also more demanding. Berne states the three-step test as a proviso to the exceptions. TRIPs declares the test in mandatory terms, requiring how countries "shall confine" their statutory provisions. Berne refers to the interests of "authors"; TRIPs references the interests of "right holders."²¹

Most important, TRIPs is enforceable. A country seeking to avoid having to justify its statutes before a WTO panel will probably give high regard to the language of the three-step test. Incorporating the language into the national statutes may be one means of preventing enforcement actions. At the least, the use of the language in the statutes may satisfy the lawmakers that they have met their WTO obligations.

Many countries have included the language of the three-step test in their statutes. Sometimes the test is included in a separate statute, and sometimes it is made a part of the library exception. In any case, the incorporation of the language reveals the important role of the international agreements in shaping the context and parameters of domestic law. The use of this language also has the effect of transforming the test from a measure of international cooperation to a standard for local enforcement of the scope of a statutory exception. Examples of countries using the language:

¹⁹ Agreement on Trade-Related Aspects of Intellectual Property Rights, April 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex IC, 1869 U.N.T.S. 299, 33 I.L.M. 81 (1994).

²⁰ The United States has been the object of an action by a WTO panel examining whether an exception conforms to the three-step test.

²¹ While these differences may be important, not all commentators agree that all the differences have notable consequences. See, for example, Mihály Fiscor, "Collective Management of Copyright and Related Rights in the Digital, Networked Environment: Voluntary, Presumption-Based, Extended, Mandatory, Possible, Inevitable?," in *Collective Management of Copyright and Related Rights*, edited by Daniel Gervais (The Netherlands, Kluwer Law International, 2006): 63-64.

- Australia: A new statutory provision permits general uses of works for purposes of maintaining or operating a library or archives, but only subject to all three conditions of the three-step test.
- Belgium: The preservation statute requires that the copying must not conflict with the normal exploitation of the work or prejudice the legitimate interests of the author. Similar provision: Cape Verde, Ecuador, Mexico, and Paraguay. Vietnam incorporates similar language into its exception for research copying.
- Bolivia: The Cartagena Agreement incorporates the three-step test and extends it to the laws of Bolivia and Colombia.
- Bulgaria: Has a general provision permitting library copying, but it is subject to a separate provision incorporating the three-step test. Similar provision: Congo, Djibouti, Jordan, Lesotho, Malawi, Mali, Rwanda, Sri Lanka, and Tanzania.
- Georgia: In a separate provision, Georgian copyright law imposes a general constraint on all exceptions that reiterates the three-step test. Similar provision: Hungary, Latvia, Malta, Poland, Serbia, Slovakia, Thailand, and Uzbekistan.
- Latvia: Provides an exception to anticircumvention, but the author does not need to permit circumvention, if the intended use of the work would be contrary to the normal use of the work and unjustifiably limit the lawful interests of the author.
- Lithuania: The statute permitting the “making available” of works is subject to the three-step test.
- South Africa: The library exceptions are in regulations, and not in the copyright statutes. The statutes authorize regulations only if they are consistent with the three-step test. The regulations, in turn, repeat the language of the test. Zimbabwe law includes similar language in its authorization of regulatory exceptions.

The language of the three-step test also appears in statutes covering personal copying and other exceptions. For example, Iraq and Namibia have no library exception, but their copyright statutes do mandate that all exceptions be subject to the provisions of the three-step test.

C. The WIPO Copyright Treaty

Negotiations in 1996, under the auspices of WIPO, resulted in the issuance of the WIPO Copyright Treaty (WCT).²² Formally the document is a “special agreement” of the Berne Convention,²³ offered in December 1996 for adoption by the member states of Berne. The WCT was relatively brief, but it included many important provisions. A few provisions are central to this study. Foremost is Article 10(1) of the WCT, which reaffirms the authority of countries to develop exceptions to the rights of copyright owners, in terms parallel to the three-step test of Berne:

Contracting parties may, in their national legislation, provide for limitations of or exceptions to the rights granted to authors of literary and artistic works under this Treaty in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

²² World Intellectual Property Copyright Treaty, Dec. 20, 1996, Treaty Doc. No. 105-17, 36 I.L.M. 65.

²³ Berne Convention, Art. 20.

Article 11 of the WCT introduced an entirely new concept in international copyright law, the prohibition against circumvention of technological measures:

Contracting parties shall provide adequate legal protection and effective legal remedies against the circumvention of technological measures that are used by authors in connection with the exercise of their rights under this Treaty or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the authors concerned or permitted by law.

In general terms, this section calls on member states to enact statutory bars against bypassing the codes, passwords, and other means that may be used to control access to copyrighted works or that may be used to protect the rights of copyright owners established under other provisions of the law. Hacking a password interface, for example, could become a violation of the law, if the password controls access to copyrighted works or is a means for restricting copying, performing, or making other uses of protected works.

Not only was the concept of “anticircumvention” new to copyright law, but for the first time it allowed member countries to formulate statutory language governing the rights to “access” works, even if economic or moral rights of the owner are not consequently affected. For these reasons and others, the development and advancement of the WCT has been controversial. The language quoted above, from Article 11, references acts that may be “permitted by law.” That language opens an opportunity for countries to create exceptions to the anticircumvention provision. Those exceptions have the potential of providing some balance and defusing some of the controversy surrounding the new law.

Based on that provision of the WCT, member states that have enacted anticircumvention language also have the authority to enact exceptions that would permit bypassing TPMs under specified conditions. Like the exceptions to the other rights of owners, the exceptions permitting circumvention are often meticulous and detailed. Users may take advantage of the exceptions, but only upon meeting a host of exacting and often rigorous statutory requirements. Whatever the terms of the provisions, relatively few countries within this study have enacted anticircumvention exceptions of explicit application to libraries. This study has identified seventy-nine countries that prohibit the circumvention of TPMs. Of those countries, twenty-six have an exception explicitly for libraries.

D. The European Union Directives

The European Union (E.U.) comprises twenty-seven countries, and it is an important economic and political force. It emerged in the years following World War II, and today the E.U. has a direct influence on the shape of the laws on many subjects in all of the member countries. The Council of the E.U. issues directives that are developed and approved through a complex political process involving the Council, the European Commission, and the European Parliament. Once the E.U. issues a directive, members usually have a stated period of months or years to enact conforming legislation, with a leading goal of “harmonizing” the laws of all E.U. countries.

The E.U. has issued several directives on the subject of copyright law. For this study, the most important directive was issued in 2001 and is titled “Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society.”²⁴ The directive mandates many changes in the copyright laws of E.U. countries. In other respects, the directive makes some changes optional. Most of the copyright exceptions listed in the directive are only optional, including the library exception. According to Article 5(2)(c) of the directive:

Member states may provide for exceptions or limitations to the reproduction right . . . in the following cases: . . . in respect of specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage. . . .”

The directive also permits countries to extend these exceptions to the distribution right. The directive further wraps the exceptions with this language from Berne and TRIPs:

The exceptions and limitations . . . shall only be applied in certain special cases which do not conflict with a normal exploitation of the work or other subject-matter and do no unreasonably prejudice the legitimate interests of the rightholder.

Implementation of these exceptions has sometimes been fairly straightforward as a matter of statutory enactment. The language of some national statutes parallels nearly verbatim the terms of the directive. In other countries the issues have become contentious, and the result has been a statute that reflects the dynamic of political pressure and compromise. Sometimes the enacted statute fails to fully encompass the full scope of the intended activity. In particular, many E.U. countries have adopted a provision permitting libraries to make copies for research purposes, but the statute has not explicitly permitted the distribution of the copy to the library user.

This one directive encompasses many other copyright issues, and some of them are important to this study. Article 3 establishes for authors the “right of communication to the public” of their works, and the directive authorizes at Article 5(3)(n) the creation of exceptions permitting libraries to “make available” copyrighted works at dedicated terminals. The directive also gives shape and direction to the law of anticircumvention. Both of these issues will be examined in more detail later in this report.

European Partnership Agreements have extended the influence of the E.U. Some countries outside the E.U. have pursued negotiations to adopt some or all of the E.U. law and to become associates of the European Union. Some of those countries are in Europe, such as Albania, Moldova, and Norway. Some countries are in other parts of the world, such as Cameroon and Suriname. While this study does not identify the influence of E.U. law with respect to library exceptions in these countries, the potential for reshaping copyright law in the European model is evidently extending.

²⁴ Directive 2001/29/EC of the European Parliament and the Council of 22 May 2001 on the harmonization of certain aspects of copyright and related rights in the information society, OJ L 167 of 22 June 2001, 10 ff.

E. Historical and Geographical Influences

Many other forces certainly shape the law of any country, but by looking across the sweep of the many countries within this study, patterns rooted in history and geography are readily evident. Some examples:

- The British Imperial Statute. The British Copyright Act of 1911 was applicable not only in the home country, but it was made applicable to the many British colonies and territories. Later amendments carried a similar reach, whether by legal mandate or the dynamic of legal tradition. The library exception of the law of the United Kingdom is today a distinctive statute, with lengthy provisions addressing the details of allowable uses. Statutes with similar structure, style, and language are today in the laws of Belize, Saint Lucia, Sierra Leone, and many other countries. Australia, New Zealand, and Singapore have somewhat similar statutes, but through the years they have taken a different tack on many of the issues, giving their statutes a character that reveals British roots, but with an independent approach to many details.²⁵
- South America and the Andean Community. South America strongly suggests regional influences. Four countries are members of the Andean Community, which began with the Cartagena Agreement in 1969: Bolivia, Colombia, Ecuador, and Peru. Their laws are similar in many respects. Three other countries, Argentina, Brazil, and Chile, share the common trait of having no library exception at all.²⁶
- Central Africa and the Bangui Agreement. The Bangui Agreement is an agreement among sixteen French-speaking countries, mostly in central Africa. The agreement includes many copyright provisions, including a library exception. Many of the member countries do not have a library exception, but to the extent that the Bangui Agreement is enforceable in that country, it has indirectly adopted a library exception. Another geographical pattern of the region is the adoption by several countries of only a relatively simple library exception that sets some boundaries, but that ultimately allows many types of libraries to make copies of diverse works for seemingly any library purpose. The one statute seems to encompass research, preservation, and any other library activity.²⁷
- European Union and Technological Protection Measures. Following issuance of the Information Society Directive of 2001, E.U. countries adopted library exceptions to the anticircumvention law. Predictably, many of the countries borrowed statutory language from one another, but nevertheless the provisions vary greatly across the continent. A different pattern emerges with respect to exceptions to the anticircumvention legislation. The directive permits, but does not require, library exceptions to this law. Yet twenty-one of the twenty-seven E.U. members have adopted such an exception. Equally important, few other countries have such exceptions. The power of a directive to shape law is clear.

²⁵ Robert Burrell & Allison Coleman, *Copyright Exceptions: The Digital Impact* (Cambridge: Cambridge University Press, 2005): 249-251.

²⁶ <http://www.comunidadandina.org/endex.htm>.

²⁷ http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Except for these patterns and others that most assuredly exist, the library exception statutes vary significantly from country to country. The Berne Convention and other international agreements may have succeeded in harmonizing many aspects of copyright law. This study demonstrates, however, that little international harmonization exists among the statutory provisions creating copyright exceptions for libraries and archives.

F. Tunis Model Copyright Law of 1976

WIPO, with the United Nations Educational, Scientific, and Cultural Organization (Unesco) sponsored the development and promotion of a model copyright act, and the library exception in that proposal has directly shaped the corresponding exception in many countries. The WIPO proposal, also known as the Tunis Model Law on Copyright for Developing Countries, was issued in 1976.²⁸

The library exception in the model act is simple, compared to the detailed statutes of many countries. It permits the following uses of a copyrighted work, in the original language or in translation, without the author's consent:

The reproduction, by photographic or similar process, by public libraries, non-commercial documentation centers, scientific institutions and educational establishments, of literary, artistic or scientific works which have already been lawfully made available to the public, provided that such reproduction and the number of copies made are limited to the needs of their activities, do no conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author. . . .

The drafters of the model law chose to craft a general statute, rather than detail the conditions for copying of specific works for research or other stated purposes. According to the commentary that accompanies the model law, the library exception is intended to track the language of the Berne Convention three-step test. Two of the steps are explicitly repeated in the model law. The first step—that the copying be for “special cases”—is addressed, according to the commentary, by confining the exception to libraries and related organizations, and by limiting the copying to the needs of the institution.

G. Additional Influences

Many other forces come to bear on the existence and shape of library exceptions. Additional international agreements, beyond the Berne Convention and TRIPs, have provisions that are relevant to copyright exceptions. Language similar or identical to the three-step test of the Berne Convention appears in the WIPO Performances and Phonogram Treaty of 1996. More general language permitting statutory exceptions appears in Article 15 of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations. Many of the provisions of these documents, including the

²⁸ http://portal.unesco.org/culture/en/ev.php-URL_ID=31318&URL_DO=DO_TOPIC&URL_SECTION=201.html.

three-step test and other conditions for exceptions, have been further implemented in bilateral and regional trade agreements.²⁹

Not to be overlooked are the usual political pressures and practical needs that exist in every country, albeit with great variation. The publishing industry may be influential in a country where the economic stake is great, leading to narrower copyright exceptions. The librarians in yet another country may be well organized and have stronger political influence, perhaps leading to more generous exceptions that meet library needs. This report can only identify several of the leading forces that have shaped library exceptions. Further research in individual countries may yield important insights about the development of the law.

PART V: PREVALENCE, SCOPE, AND STRUCTURE OF LIBRARY EXCEPTIONS

A. Defining a “Library Exception”

Copyright exceptions are limited in their nature and their terms.³⁰ Because copyright law is generally structured as a set of rights granted to owners, the exceptions are often understood as having relatively narrow, or at least specific, application. Hence, the exceptions within this study usually permit copying of only certain works, for specified purposes, and only subject to detailed conditions. Not all statutes fit that pattern, but most do.

With respect to the more traditional exceptions related to research and preservation, for example, the statutes are generally inveighed by libraries as either a delineation of opportunities, or a defense in litigation. The statutes are generally not an explicit “right” that is enforceable under the law without usually some infringement claim against the library to commence the judicial action. On the other hand, some of the statutes within this study do have some characteristics of actual “rights” that belong to the user, despite the copyright owner’s interests. For example, many of the European exceptions to the anticircumvention provision ostensibly give users an entitlement to circumvent the protection system, and explicit authority and procedures to seek judicial enforcement of the ability to circumvent.

Even without litigation, the exceptions generally do not establish an inviolable “right”; instead, the opportunities that libraries have under the law may ordinarily be waived by agreement between the library and copyright owners, who often do set standards for the use of works in license agreements. The copyright law of Belgium is a rare break, providing explicitly that the exceptions are mandatory and cannot be contracted away (Articles 23bis & 46bis).

The scope of the exceptions generally focuses on reproduction of copyrighted works. The reproduction right may be most often affected as libraries make copies for preservation, research, or any other purpose. When libraries give copies to users for their study or research, the library is also implicating the distribution right. When libraries allow users to watch an

²⁹ Ruth L. Okediji, *The International Copyright System: Limitations, Exceptions and Public Interest Considerations for Developing Countries*, Issue Paper No. 15 (Geneva: International Centre for Trade and Sustainable Development, 2006): 23-24.

³⁰ As explained in the Author’s Preface, this report uses the label “exception” as a matter of consistency and clarity, rather than alternative terms such as “limitation” or “exemption.”

audiovisual work or view images that are stored on a networked server, the service raises questions of “display” or “performance” or “making available.”

A few statutes allude to moral rights. Moral rights vary greatly around the world, but the law of moral rights typically grants an author the right to have his or her name on the work, and to prevent some alterations and perhaps destruction of the work. The library exception in Mexico permits the copying explicitly without authorization of the holder of the “patrimonial” right, or the right of the author to be identified on the work. The Mexican law also requires that a preservation copy may not alter the original work. In one respect the Mexican law reinforces the moral right; in another respect the library statute has predominance over the moral right. The preservation statute of the Netherlands explicitly assures that the author retains certain moral rights.

This section of the report examines the fundamental prevalence and scope of the library exceptions: Which libraries are permitted to employ the statutes? What works may be used? Do the statutes permit copying in digital media? The answers to these questions will tell much about the lawmakers’ vision of libraries, the services they provide, and the importance of deploying new technologies. On the other hand, libraries, copyrighted works, and technologies are changing quickly. The statute in one country may well set standards with respect to these questions and issues, but the law may have been enacted many years before. The standards present in the statute may be a reflection of legislative decisions made long ago, resulting in tension between the letter of the law and the demands and realities that libraries are facing today.

Case Study:

Interpretation and Uncertainty in Canadian Law

Section 30.1 of the Copyright Act of Canada permits libraries to make copies of works under various circumstances for purposes of preserving or maintaining library collections. Among the provisions of that statute is authorization for the library to make a copy “in an alternative format if the original is currently in an obsolete format or the technology required to use the original is unavailable.” Librarians and lawyers have diverged on the meaning of the language and about whether certain formats are actually “obsolete” within the meaning of the statute. One interpretation concludes that the format is obsolete if the equipment necessary for using the materials is in fact no longer available. An alternative interpretation would not set such a demanding standard, but would regard the format as obsolete if the equipment is not readily available or is difficult to obtain on the market.

These conflicting interpretations arise in the context of preserving photographic slide collections. Many libraries in many countries have explored legal grounds for making digital preservation copies of slides. Typically, the library would like to replace the collection of photographic slides with digital images. Among the reasons that libraries pose for making digital copies of slides is that the projectors and related equipment are increasingly difficult to obtain and soon will no longer be manufactured. Because the equipment is technically still available at this time, libraries in Canada are left with a fundamental question about whether they are acting within the terms of Section 30.1.

One university library in Ontario, Canada struggled with this statutory ambiguity. When the library proposed to digitize its slide collection, the university sought legal advice from two

highly regarded law firms. The firms gave the university conflicting advice about the scope of Section 30.1 and of the fair dealing statute in Canadian law (Section 29). One law firm advised that the preservation copies were lawful; the other firm saw them as infringements. The library administrators worked with the university's in-house legal counsel to choose the interpretation of the law that was, in their professional opinion, the correct interpretation for the digitization project. The decision involved not only legal analysis, but also a review of specific precautionary steps taken by the library, and an evaluation of liability risks if the use is later found to be infringement.

In the end, the university adopted the broader interpretation that allowed the library to proceed with the preservation project. Had the university not supported that interpretation of copyright law, the project could proceed only with the additional burden of identifying and locating copyright owners and securing permissions. Many of the slides were decades old, and the question for permission most likely would have been costly and unsuccessful. The librarians report that had they needed to seek permissions, they probably would have abandoned the preservation effort altogether. The use of the collections would ultimately have been limited to the original slides, and as a practical matter library users would have lost access to the materials.

One other Canadian library reported a similar program of digitizing slides. It came to the conclusion that it was working within "fair dealing" as long as the library limited access to the digital collection to users who are at terminals on campus. Even then the library provided access only to small-size and low-resolution images.

B. Prevalence of Library Exceptions Around the World

Of the 184 countries that are members of WIPO, the research for this study identified three countries that have no copyright statutes (Afghanistan, Laos, and the Maldives). The research yielded usable sources of copyright statutes from 149 countries. The lists of these countries are made a part of this report in the appendix. Of the working list of 149 countries, 128 of them have a library exception as that term is used in this report.³¹ Thus, twenty-one countries have no library exception. Nearly all of those twenty-one countries are clustered in three parts of the world: Africa; the Middle East; and South and Central America. These countries include:

- Africa: Burkina Faso, Burundi, Cameroon, Cote d'Ivoire, Democratic Republic of the Congo, Guinea, Libyan Arab Jamahiriya, Namibia, Senegal, Seychelles, Swaziland, and Togo.
- Middle East: Iraq, Kuwait, and Yemen.

³¹ The 128 countries with a library exception have at least one of the provisions surveyed in this report related to copies for library services. Twenty-six countries have some form of library exception to the anticircumvention statute; all of those twenty-six countries have at least one of the other library exceptions addressing issues such as research copying or preservation and replacement copying.

- South and Central America: Argentina, Brazil, Chile, and Costa Rica.
- Completing the list of twenty-one countries: Haiti and San Marino.

The lack of a library exception does not necessarily mean that libraries in these countries have no lawful means to make copies or other uses of copyrighted works. The copyright laws may include provisions on fair use or fair dealing, or more common are statutes that permit individual copies for personal use. These statutes may be interpreted to permit library copying for institutional needs, such as preservation. The statutes are perhaps more clearly applicable to individual copies made by library users, and perhaps made by the library for the individual's private study.

Nevertheless, these twenty-one countries lack a statute to give some relative degree of certainty about the uses of copyrighted works that are permitted at the library. This report does not explore the reasons behind the lack of a library exception, yet the geographical trends are compelling. The statutes of the Middle Eastern countries, for example, are similar in many other respects. A country may have many reasons to adopt or not adopt a library exception. Influence from regional neighbors seems to be one force shaping copyright law.

Case Study:

Pressure for a Copyright Exception in Chile

The current Copyright Law of Chile was enacted in 1970, and it has been amended as recently as 2004, but it includes no statutory provisions specifically applicable to libraries. Librarians in Chile, as in many other countries, seek to make their collections more accessible to users, strive to develop programs of preservation of rare or fragile items, and generally seek to promote the use of new technologies. Yet the libraries of Chile have no statutory guidance.

The Copyright Law of Chile includes some provisions that libraries might use. For example, Article 38 broadly permits users to reproduce "fragments" of certain copyrighted works without remunerating the author and without authorization from the owner. Even this narrow right is limited to works of a cultural, scientific, or didactic nature; this limitation would seemingly bar the library from making any copies of works that are for the user's enjoyment, general interest, or simple entertainment.

Because of the lack of any provision in the national law, many librarians have become actively involved in the legislative process. As of this writing, the legislature of Chile is considering a new copyright statute that would include library provisions encompassing the following possibilities:

- Preserving or replacing a work that is part of the library collection, in case of loss or deterioration.
- Substituting a work for another library or file that has become lost, destroyed, or made unusable, as long as the work is not available on the market.
- Adding a work to the library's collection, if the work has not been available on the market for the last five years.
- Making a copy of a work for a user's private study.

- Making a copy simultaneously available to multiple users present at the library.
- Translating a work if it has been published for three years and a Spanish or Castilian translation is not made available by the rightsholder.

Naturally, passage of the legislation is not assured, and the proposal probably has many opponents as well as supporters. The situation in Chile is instructive, however. The complete absence of legislation for libraries leaves libraries unable to provide even common services, and it has led to pressure on the legislature to adopt a list of provisions that have been part of the law of some other countries for many years.

Of the 184 countries, seventy-nine have a statutory prohibition against circumvention of technological protection measures. Of those countries, twenty-six have an exception to the bar on circumvention that is explicitly applicable to libraries. Every country that has an anticircumvention exception for libraries also has an exception to the economic rights for the benefit of libraries.

One pattern among the twenty-six countries with a library exception to anticircumvention is unmistakable: Most of them are members of the European Union. Twenty-one of the twenty-six are E.U. members. The non-E.U. countries are: Australia, Croatia, Norway, Singapore, and the United States.

C. Scope of “Libraries”

Most statutes within this study apply only to libraries and archives of a delineated class. The range of applicable libraries may be extensive, or it may be tightly defined. But the statutes usually include some deliberate measures to embrace libraries of certain types. Most often, the libraries have some form of public-service mission. They are public libraries or academic or school libraries. Sometimes the statute applies to a wide range of nonprofit libraries, which could include libraries that are part of various institutions, from museums to political organizations. In other cases, the statutes defer to administrative agencies to offer a definition or at least to “prescribe” eligible libraries. For example, the Jamaican statute applies to “prescribed” libraries, and the Japanese statute applies to libraries designated by a “Cabinet Order.”

The statutes are sometimes applicable explicitly to “libraries.” The laws of many countries often also mention “archives.” Archives may differ from libraries in some fundamental respects. Libraries can be highly diverse, and they commonly maintain collections for purposes of making them available to a constituency of users. Archives often do much the same, but sometimes an archive has a more critical mission of preserving materials, rather than facilitating current access to the collections. Archives also house large collections of manuscripts and rare or unpublished items. Yet, so do many libraries. Both types of institutions face some of the same copyright concerns: The need to make copies of selected items for research, preservation, or other purposes. The mention of archives in the statute, at the least, assures that these institutions may also enjoy the benefits of the statute. The inclusion of archives can eliminate any ambiguity about the scope of the law, and can manifest an understanding among lawmakers of the important role of archives in serving the public interest.

Some statutes define not only the eligible institutions, but also the range of individuals who may make copies. For example, the Copyright Act of the Bahamas details that the persons who make the permitted copies may be librarians and archivists and persons acting on their behalf. Granted, that scope probably encompasses nearly everyone who works at the library, but the effect of specifying any class of persons is to bar others from having the privilege. For example, presumably under the Bahamian law, guests and other researchers at the library could not make the copies. Left unclear would be volunteers and contractors who might be retained to undertake library projects.

The United Kingdom law permits copies by librarians of prescribed libraries. The statute further defines “librarian” broadly as a person acting on behalf of a librarian. Where relevant, the U.K. statute gives similar treatment to “archivist.” The U.K. law evidently is not limited to professional librarians, nor is it apparently limited to employees or regular staff of the library.

In a different approach, the Copyright Act of Grenada evidently allows any person to make the copies. The statutes address copies for preservation and copies for research. They are relevant to libraries in that they permit the copying of works that are held in a library or other institution that makes the works available to the public. Implicitly, such a statute has the practical effect of applying only to copying in libraries that are open to the public, but one qualified, the work may be copied by the library user or anyone else.

The statutes that define the scope of libraries are highly diverse. Indeed, some countries apply the “library” statute to other organizations. Some examples:

- Algeria: Libraries and document keeping centers, although for purposes of document supply the provision is limited to libraries and document centers that do not have the purpose of making a profit.
- Australia: Libraries that are not for profit, specifically meaning that the library is owned by someone carrying on business for profit.
- Czech Republic: Libraries, archives, and other non-commercial school, educational, and cultural establishments.
- Denmark: Libraries that receive public funding. The Danish statute also applies to state-run museums and other museums that are encompassed by the national Museum Act.
- France: Publicly accessible libraries, museums, or archives.
- Indonesia: Public libraries, scientific or educational organizations, and document centers of a non-commercial nature.
- Latvia: All libraries and archives.
- Paraguay: Non-profit-making public libraries or archives.
- Sweden: Public libraries.

Some countries take an even more sweeping approach, by extending relevant provisions to libraries and archives, with little or no condition. However, conditions find their way into the statutes in other ways. For example, Georgia has statutes on library preservation, and on the making of copies for private study. Georgia broadly applies its provisions to apparently all libraries and archives, but it allows the copying when the copying—as opposed to the library—is not for direct or indirect profit. Thus, while most countries use notions of “nonprofit” or “public” to define the libraries, the Georgia approach would permit even a commercial library to make the copies, as long as the purpose of the copying is not for profit. A private law library, for example, might make a copy of an article at the request of a private individual who needs it for education or personal study. Various other countries take a similar approach, for example the statutes of Ghana and Kyrgyzstan.

The United States take something of a mixed approach. It generally applies the library exception to libraries and archives that are open to the public or at least to outside researchers; the library may be a private or corporate library. For a librarian to make copies under the American statute, however, the librarian must have no knowledge that the copy is for any purpose “other than private study or research.” In other words, most libraries could qualify to use the statute. The copies are also not required to be for non-commercial purposes, but the librarian is not permitted to act if the librarian is aware that the copies are for the non-permitted purposes.

The definition of libraries has significant implications: Which libraries benefit? Which members of the public will have the benefits of the library activities? The definition tells much about the vision of lawmakers for allowing different institutions and their constituent users to benefit from the law. The statutory scope may also reflect the changing role of libraries, archives, museums, and any other organization in the larger society. If the subject of the statute, for example, is copying for preservation purposes, the exception is a recognition that libraries or some other comparable organization is seen as the leader in caring for the heritage of the nation. One can question whether any other group could also attend to that task, but libraries evidently have the leading role in the context of copyright law.

Case Study:

Definition and Scope of Libraries in New Zealand

The Copyright Act of New Zealand includes several specific provisions allowing libraries to make and use copies of materials for purposes such as research and preservation. Like the British model for such statutes, the provisions are more detailed than comparable laws in many other countries. The details have offered some advantages, but the experience of librarians in New Zealand also demonstrates that a detailed statute can rigorously limit the application of the law. In particular, the statutes in New Zealand detailed the scope of libraries that are eligible to take advantage of the statutory provisions. When the law was changed, however, some libraries were initially left out of its scope.

The Copyright Act of New Zealand, as enacted in 1962, included provisions permitting libraries to make copies for specified purposes. The 1962 Act extended those provisions to a relatively broader scope of libraries, including any government library and libraries maintained by any “local authority, public body, University, or school” as well as libraries in “any other

prescribed class” not operated for profit. The Copyright Act was fully revised in 1994. It is the law in force today, and it includes a series of detailed provisions (Section 51 through 56) permitting libraries to make copies for purposes of research, replacement, and supplying to other libraries. One problem with the new law, however, was that it originally did not apply the library exceptions to the full range of libraries that could benefit under the 1962 law.

The 1994 Act listed some eligible libraries, and established that the library exceptions applied to “prescribed libraries.” The scope of “prescribed libraries” was defined by Section 50 of the Act to encompass the National Library, the Parliamentary Library, certain law libraries, and libraries “maintained by an educational establishment, government department, or local authority.” Section 50 also authorized the national government to expand the scope of prescribed libraries by regulation. After the regulations were implemented, notably missing from the list were special libraries affiliated with research and cultural institutions.

The change in the law left those libraries in a quandary. While they were evidently not threatened with litigation, some libraries reportedly ceased activities that were lawful under previous law. If they did not cease operations, they were left with the ethical dilemma associated with continuing services that were clearly no longer lawful.

The scope of eligible libraries was broadened in stages through an exercise of the regulatory authority held by the Governor-General of New Zealand to redefine “prescribed libraries.” In 1995, regulations stipulated that “prescribed libraries” shall include libraries that are members of an “interloan scheme” that is administered by the Joint Standing Committee on Interloan, representing the National Library of New Zealand and the Library and Information Association of New Zealand Aoteroa (LIANZA).

The 1995 regulations encompassed only so-called “Charter” libraries that are engaged in both lending and borrowing of materials. “Non-Charter” libraries were only borrowers, and were by definition not within the “interloan scheme” of New Zealand. As a result, many smaller libraries still lacked the advantage of being a “prescribed library.” That gap in the law was solved in 2006 through redefining the term “interloan scheme.” The authority to redefine the term was with the Joint Standing Committee on Interloan. With these changes in the reach of “prescribed libraries,” the library exceptions now apply to more than 400 libraries in New Zealand.

Additional regulations, issued in 1998, added “libraries of Crown entities” to the scope of institutions that can take advantage of the library provisions of the Copyright Act. Crown entities are diverse governmental agencies with widely diverging duties. For a recent list, see: http://www.ssc.govt.nz/upload/downloadable_files/guide-to-nzss-1july-update.pdf. According to LIANZA, almost thirty of these agencies have libraries, thus expanding again the range of “prescribed libraries.”

This example demonstrates the potential mixed consequences of a detailed law. The detail in the law can assure that some activity is lawful, but the detail in the law also serves to circumscribe the scope of the law. Just as a library may know it is within the law, it also is left with little room to maneuver once it is clearly outside the law. This case study also affirms that some details of the law might effectively be implemented by regulation, where adjustments may be made periodically, and the regulations can be altered to serve changing needs.

D. Scope of Works that May be Copied

The statutes are remarkably diverse in the scope and range of materials that may be copied. Not only do the laws vary from one country to another, but they vary within a single country. For example, one country might openly allow the library to copy any type of work. The library can then copy textual materials, motion pictures, computer software, or any other work, within the other limits of the law, of course. The laws in another country, by contrast, may permit copying of only limited types of works. In yet another country, the law may for example allow copying of all types of works for preservation, but allow copying of only textual works such as books and articles for research purposes.

These parameters on the scope of materials may reflect something about the view of lawmakers regarding the appropriateness of the library's using certain types of works, or they might demonstrate something about either the influence of libraries to seek broader rights, or the influence of copyright owners of certain works to press for confinement of the exception to specific materials. In other words, the statutes of a country might permit the library to make copies of journal articles to give to library users for their research, but not permit similar copying of motion pictures on DVDs. Does that limitation suggest that copyright owners of journals are not as influential as owners of motion pictures in influencing the law? Does it imply that libraries could more convincingly make the case that articles are more important for research purposes than are motion pictures? Without complex research into the development of the law in that country, the answers to such questions are unknowable.

This report will not reveal the causes of such variation in statutes, but it will address some effects. Because the scope of materials often does vary from one country to the next, and from one type of library activity to the next, libraries are left to contend with shaping their services accordingly. As a management matter, the library under such a statute will have to review the type of work and determine if the copying for the given purpose is allowed. The management decision in most cases may be fairly easy. However, libraries are usually making the copies in order to serve the needs of library users. When the law permits copying of only certain works, the burden falls to the librarian to explain to the public why the library will copy one work but not the other. Often, that explanation is met with frustration. Librarians are ordinarily not accustomed to justifying the law, but at best only conveying the conclusion of the law. The researcher who might want a copy of a motion picture may not understand or accept that the library that will make a copy of a journal article will not copy even a portion of a DVD.

E. Digital Media for Reproductions

Many materials in library collections are today maintained, delivered, and used in a digital medium. Libraries subscribe to databases and own growing collections of music CDs, movie DVDs, and a variety of other works in digital formats. Libraries and their users often want copies made in a digital format. Sometimes the original may be digital, and the library would like to make a digital reproduction. Sometimes the original is in an analog format, and the library or the user would like a digital reproduction. The demand for digital reproductions is accelerating, as users make requests from distant locations, and a research copy of a journal article, for example, may be quickly and inexpensively delivered by email or other internet communication.

Similarly, as libraries expand their preservation programs and digital libraries, they are more frequently seeking to make and maintain digital copies of works that may be at risk or that have already deteriorated. Digital is now the common or even standard medium for preservation. Closely related is the development of “digital libraries,” or systematic collections of materials that are collected or converted in digital formats and made available to users from a server maintained by the library. Sometimes the initiative may be for preservation purposes; by storing the materials digitally, the library can limit the handling of the originals and can store them for safekeeping.

Digital storage and delivery also permits broader and easier access for many users. The digital format facilitates searchability of the materials and easy reproduction and other uses for study, research, teaching, and other objectives. The digital format clearly has many advantages for the library and its users. For many of these same reasons, however, the digital format stirs strong objections among some copyright owners. Digital works may be easier to use for teaching, research, and study, but those uses sometimes implicate the reproduction, performance, or making available rights that belong principally to the copyright owners. The decision by lawmakers to allow digital technologies for library copying is sometimes fraught with deeply entrenched interests among all parties.

The statutes address the issue of digital media in several different way, sometimes explicitly, and sometimes by implication.³² Many statutes do not mention the issue at all. In some countries, the statutes state clearly that digital copying is or is not permitted, and in those cases digital copying may be allowed only for some purposes, but not for others.

- Austria: Has a general provision for library copying, which explicitly allows digital copies in some cases.
- Canada: Allows copies of articles for research or private study, and the statute provides that the copy given to the user may not be in digital form.
- China: Allows some preservation copying in digital formats.
- Denmark: Has a separate statute governing the making of digital copies for library users. It permits digital copies of articles and other works, but subject to an extended collective license and the right of the owner to demand remuneration.
- United States: Explicitly allows digital copies for preservation and replacement, but the statute is silent on the prospect of digital copies for research or interlibrary loans.

Many countries broach the issue indirectly. A common example is the definition of “copy” or “reproduction.” A statutory exception may authorize libraries to make “copies” of works under specified circumstances. Only by turning to a separate statutory set of definitions will the library learn that under the law a “copy” may or may not encompass a reproduction of the work in a digital medium. For example:

- Armenia: Permits “reprographic reproduction” for research copies, but the definition specifically excludes storage or reproduction in any machine-readable form. Similar provision: Georgia, Moldova, Russia, and Ukraine.

³² With respect to the library exceptions for “making available,” the activity is by definition occurring in a networked environment and therefore almost inevitably digital. These exceptions are examined in Part VII.F. of this report.

- United Arab Emirates: The copyright law permits reproductions for preservation or research. A separate provision defines “reproduction” as a copy “in any shape” including “permanent or temporary electronic storing.”

The copyright law of New Zealand was amended in 2008, and many of the changes center on exactly the issue of when to permit digital reproduction in the library exception. New Zealand already had an extensive and detailed statute, and the latest amendments explicitly permitted libraries to make digital copies of materials for research purposes, but with added requirements that the library supply the user with information about the terms of use of the copy, and the library destroy all copies produced as an incident to making and delivering the permitted copy. The 2008 amendments also allow digital copies for preservation, and among the new requirements for digital copying is that the original must not be generally accessible to library users. The law of New Zealand allows libraries to make preservation copies available in addition to the original, but not if the copy is digital.

Case Study:

Problems Arising from Lack of Digital Copying in South Africa

The library exceptions in South African copyright law are interpreted to bar digital copying of any materials. Even single copies of works in a digital format are not explicitly within the law. For librarians, the failure of the law to embrace new technologies has meant the end of many activities.

Librarians in South Africa have reported several examples of services that have been seriously hindered because of the lack of a provision in the S.A. Copyright Act that would clearly permit the making of even a single copy of a work in a digital format. Librarians apparently have been unwilling to interpret the ambiguity as including digital technologies. Accordingly, among the library service that are reportedly precluded under the law:

- Single copies of works for use by librarians and library staff in connection with administration of the library. Some countries have such laws, but not South Africa.
- Single copies of newspaper and magazine articles that are collected by the library for use by school children studying popular news subjects. If the library could make a digital collection of such articles, the library could more reliably serve the needs of the school children and preserve the original publications for the collection.
- Single copies of music and audiovisual works that are subject to damage and often difficult or expensive to replace. Especially problematic are “boxed sets” of music CDs or motion picture DVDs. When one disk is damaged, the entire set loses much of its usefulness to the library, but typically the library cannot purchase only a single replacement disk. Library users have reportedly expressed frustration with the sets are incomplete, but the law of South Africa does not explicitly permit the making of a digital replacement copy, or the making of a backup copy in anticipation of damage or loss.
- Digitizing specialized collections to serve research needs. For example, the University of Witwatersrand supports a program titled “Birth to Twenty” that is intended to foster better parenting and to reduce abusive relationships. Digitizing the resources required permission and became possible only upon receiving a sizable donation, allowing the process of digitizing and clearing copyrights to be outsourced to private companies.

- Posting copies of articles, written by local faculty members, to a repository of research maintained by a university. Such repositories have become prevalent around the world, and they important means for promoting research based at the university. At least one university in South Africa has embarked on the process of obtaining permissions from publishers before contributing the work to the repository. The university has not yet paid any fees for permission, but it has invested tremendous staff time, and many requests for permission have gone unanswered.

At least one librarian, choosing not to disclose his or her identity, reported that the library struggles with the lawfulness of making a digital copy of a reference work that is in regular demand. The library cannot budget sufficient funds to purchase multiple copies, but in order to meet the steady demand for the work, the library has made a digital copy for simultaneous use by multiple users at the library. According to this librarian, the scanning “is not completely advisable under the current law without paying copyright fees.” That statement reveals much about the dilemma that libraries face. They could purchase multiple copies or pay royalty fees, but they cannot afford the costs. They intend to work within the boundaries of copyright law, but the law is either uncertain in its application, or simply does not permit services that are demanded by users of the library.

F. Compensated or Noncompensated Uses

Most of the statutes within this study permit libraries to make specified uses of copyrighted works without compensation to authors or owners.³³ Some provisions, however, are conditioned on some form of compensation. Usually that provision is part of the statutory language of the library exception. Occasionally, a separate statute offers the assurance of no compensation. Mozambique has such a provision. The library exception is in Article 12, but Article 47 states that no remuneration is due for uses within the copyright exceptions.

Another model is effectively an “opt-out” by offering a license. For example, Algeria has a library exception for research copies, but the library loses the right to make a copy if the appropriate agency has granted a collective license covering the reproduction. Such provisions are relatively common. They appear in the statutes of Azerbaijan, Fiji, Saint Lucia, and Saint Vincent and the Grenadines, and many other countries.

Typically an exception that requires compensation relies on the mechanism of a collective license agreement, rather than individual payment for each transaction. Copyright owners fundamentally have the right to license or not license many uses of their works, but individual rights clearance can be highly inefficient and impose enormous transaction costs on owners and users alike. Under a system of collective licensing, owners authorize collective agencies to act on their behalf, by granting licenses and collective royalties for multiple owners simultaneously.³⁴

³³ The European Union directive authorizing library exceptions does not require that the exception be subject to compensation, although countries are permitted to require compensation. Raquel Xalabarder, *Copyright Exceptions for Teaching Purposes in Europe*, Working Paper Series WP04-004 (Internet Interdisciplinary Institute, 2004), available at: <http://www.uoc.edu/in3/dt/eng/20418/20418.pdf>.

³⁴ Mihály Ficsor, *Collective Management of Copyright and Related Rights* (Geneva: World Intellectual Property Organization, 2002): 17.

Owners might lose some discretion to control specific uses, but they gain efficiency. Collective agencies of many types serve owners in most countries. Ordinarily, separate agencies are responsible for different uses of different types of works. For example, one agency might represent owners of scientific literature and permit reproductions of it, while another agency represents music composers and licenses public performances.³⁵ Most of the library exceptions primarily permit libraries to make reproductions of textual materials, and as a result libraries are most likely to interact with the collective agency representing rightsholders of books and journals with respect to their reproduction rights.

Some statutory exceptions are conditioned upon the library having entered into a collective license or an “extended collective license” with representatives of copyright owners. For example, Lithuania has a relatively broad provision permitting copies of works for private research, but only if owners are compensated through appropriate collective licensing (Section 23). In the context of libraries, collective licenses are ordinarily negotiated between agencies that represent owners and professional societies on behalf of the libraries. The resulting license may cover only specific subsets of copyrighted works, and it requires payment of a royalty fee by the library. From some perspectives, the requirement of such a license may seem counterintuitive. If parties much reach agreement and pay fees, the statutory exception is limited indeed. The statute is also not available for a library to apply and use in its discretion; the library must first determine whether a collective license exists and whether it covers the particular material that the library would like to copy.³⁶

On the other hand, the requirement of a license has some virtues. By assuring payment of fees, copyright owners are able to enjoy the economic benefits of their works. By requiring a license, the legislature or other lawmaking source presumably has created a broader or more generous exception than it might otherwise have found acceptable. Moreover, the fees for the license may or may not be a burden on an individual library. The costs may be spread widely to all eligible libraries, and in some countries, the cost may simply be part of the library’s operating budget that is covered by public funding. Nevertheless, the license remains a precondition to some library services, and the license can be used to effectively limit the scope of a statutory exception to only certain works.

Case Study:
Extended Collective Licensing in Denmark

Danish law includes provisions for the benefit of libraries, but application of the law sometimes depends on the execution of a collective license agreement with the publishers. Pursuing library services can therefore depend on winning support from, and paying royalties to, the copyright owners. The limits of license negotiations effectively became the limits of

³⁵ Many such agencies are described in Mihály Ficsor, *Collective Management of Copyright and Related Rights* (Geneva: World Intellectual Property Organization, 2002): 37-93.

³⁶ The details of collective licensing have been addressed in many publications. One recent and excellent book providing an overview of the benefits and challenges of collective licensing is: Daniel Gervais, ed., *Collective Management of Copyright and Related Rights* (The Netherlands, Kluwer Law International, 2006).

the law. The Danish experience shows that the license can bring important opportunities and define the boundaries of library services.

Danish copyright law broadly provides that libraries may make digital copies of articles and brief excerpts from books and other literary works, at the request of library users (Section 16b). This exception, however, applies only if the library has met the requirements of an “extended collective license.” Section 50 of the Denmark Copyright Act specifies a few details about the license. Under the law, a collective society can be approved by the Danish Minister of Culture to represent an individual type of work. For example, “Copy-DAN” is an organization based in Copenhagen, Denmark that represents rightsholders of many published works other than audio-visual works (see <http://www.copydan.dk>).

The organization is authorized to enter into license agreements for the use of copyrighted works consistent with Section 16b and various other statutes where such licenses are mentioned. The organization may do much more than enter into a license on behalf of the many rightsholders it represents. By making an “extended” collective license, Copy-DAN may also effectively license rights to works that are owned by parties who are not represented by the organization. Consequently, a library with such a license may confidently make copies of all types of published works that are within the scope of works that Copy-DAN will represent. An agreement with Copy-DAN is therefore a powerful license for libraries, allowing them to make copies of many more works than they would have been possible had the library needed to negotiate individually for permission.

On the other hand, the extended collective license proved to be a challenge to negotiate, and it requires steady payment of royalties to Copy-DAN and other agencies. According to an official of the State and University Library of the University of Arhus, Denmark, the license for digital copies under Section 16b required two years to negotiate and thus far is limited to scientific journal articles. The official estimated that the royalty fee paid by the library is generally equal to the postage it would have paid had it mailed paper copies of the articles to library users. Thus, the library is paying a substantial annual fee for the right to make digital copies, but it probably would have paid the same amount for mail services for the paper copies.

Despite these limitations, the library has been able to convert many of its document delivery services to digital media. According to the library official, the outcome of the license agreement is positive for the library and the publishers. The library can enhance its services, and the publishers receive a steady royalty fee. Because the agreement is still limited to only a subset of publications, the library must maintain alternative delivery systems for works that may not be digitized in accordance with Section 16b.

G. Fees for Library Services

Occasionally a statute addresses the cost of the services provided by the library and whether they may be charged to the user who requests the copies for research or other appropriate purposes. Most countries do not mention the issue, perhaps leaving the inference that the library may charge for services. The few statutes that do address the issue take some widely differing approaches:

- Minimum payment for services: Saint Lucia requires that the library user requesting the copy for research or study must pay for the library services, and the amount shall be not less than the cost attributable to making the copy. The statute adds that the costs can include “a contribution to the general expenses of the library” (Section 69(2)(d)). Similar statute: Antigua and Barbuda, Saint Vincent and the Grenadines, Sierra Leone, and the United Kingdom.
- Maximum payment for services: The research exception in Fiji uses almost exactly the same language, but sets the stated amount as a maximum fee. If the library charges a service fee to the user for the copy, the amount shall be no higher than the actual cost to the library plus a reasonable contribution to library expenses. Similar statute: New Zealand.
- Prohibition on payment for services: Pakistan law broadly permits libraries to make copies of many different works for general public use. One requirement in the statute is that the use is free of charge, suggesting that the library services must also be free of charge.

H. Other General Conditions

Many statutes add various conditions to the library exceptions or to the statutory exceptions in general, such as an obligation to include on the copy the name of the author, or the source of the work. Some of these requirements stem from Article 10(3) of the Berne Convention, which stipulates about all exceptions outlined in Berne: “Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source, and of the name of the author if it appears thereon.”

Many statutes include exactly that language or a close approximation. For example, with respect to any use of a work pursuant to any copyright exception, the Serbian law requires that the use include the name of the author and the source of the work. The statute provides this guidance about naming the source: “publisher of the work, year and place of publication, periodical, newspaper, television or radio station where the work or a part of it was originally published or directly taken from, and the like. . . .”

PART VI: GENERAL EXCEPTIONS FOR LIBRARY COPYING

Many countries have a provision permitting the library to make copies of works for users without explicitly limiting the purpose of the copy to research, preservation, or any other particular use. The countries adopting such a statute are often following the term of the Tunis Model Law on Copyright,³⁷ which promotes a general library exception. Twenty-seven countries were identified as having such a library exception unaccompanied by any other more specific library exception for research, preservation, other activity. In other words, twenty-seven countries employ solely a library exception that may be interpreted to have wide

³⁷ See Part IV.F. of this report.

applicability.³⁸ A few other countries have such a general library exception, plus provisions on specific library activities.³⁹

Under these general statutes, libraries would presumably have tremendous flexibility when making copies of materials for users. The library is not limited to determining or assessing the precise reasons for making the copy. The purpose may be private study, or it may be for use in government, business, or other context. On the other hand, the statutes usually do include other parameters; the library is not free to make copies of any works in any amount.

Typical of such statute is Article 33(5) of the Congo copyright law, which largely tracks the Tunis model. Under this library exception, the copying must be for the needs of the library, and the number of copies must be limited to service the library purposes. Generally similar language appears in the laws of various other countries, such as Cape Verde, Djibouti, Indonesia, Jordan, Kenya, and Syria. Mongolia has adopted a variation that permits copying of only parts of works, but for any nonprofit purpose.

Iceland takes a different approach. Article 12 of its Copyright Act is a general provision, but it is also an authorization for a government agency to make more detailed regulations circumscribing the conditions for the copying. Tunisia takes a similar regulatory approach.

Nigeria may have the statute that is open to the widest potential application. The provision (second schedule (k) of the Copyright Act) applies to prescribed libraries, scientific institutions, and other organizations prescribed by regulation. The Nigerian provision permits the library and other organizations to make “use” of any type of work, and without stated limits on quantity, so long as the copying is in the “public interest.” Yet an additional Nigerian statute permits libraries to make up to three copies of many works, for library use, if the work is not available for purchase in Nigeria.

PART VII: EXCEPTIONS FOR RESEARCH AND STUDY

Statutory provisions addressing the right of a library to make limited copies for private research or study by a library user are common around the world. Of the 184 countries within this study seventy-four of them have a provision of one form or another. In fact, many of the countries have more than one single provision addressing this particular issue. In broad terms, the statutory provisions can be grouped into three categories:

³⁸ Albania, Angola, Austria, Bulgaria, Cape Verde, Congo, Croatia, Cyprus, Djibouti, Greece, Indonesia, Jordan, Kenya, Lesotho, Malawi, Malaysia, Mali, Mongolia, Nigeria, Oman, Portugal, Rwanda, Slovenia, Sri Lanka, Syria, Tunisia, and Tanzania.

³⁹ In addition, two countries have statutory exceptions applicable to library administrative activities, rather than library services. Australia permits copying of many types of works for purposes directly related to the care or control of the collection (Section 51A). Australia also permits uses of copyrighted works for the purpose of maintaining or operating a library or archives, but subject to the three-step test (Section 200AB). Ireland permits copying of any work in the collection for various specified reasons: insurance, security, cataloging, and exhibition (Section 66).

- Exceptions permitting libraries to make reproduction of works without explicit limitation to research, study, or similar purpose.
- Exceptions permitting reproduction of all or nearly all types of works for purposes such as research.
- Exceptions permitting reproduction of specified types of works for purposes such as research.

When a research exception distinguishes between types of works, the distinction is usually published or unpublished works. A few countries have statutes narrowly applicable to other types of works, most commonly journal articles. The statutes include significant variations with respect to other requirements. For example, many of the statutory rights of reproduction are limited to non-commercial uses, or single copies of works, or materials that offer no licensing alternative. While evidently many of the statutes have much in common, they differ greatly in their detail.

To the extent that library exceptions prescribe a purpose for the copy, the statute focuses almost exclusively on the use by the individual requesting or directly receiving the copy from the library. New Zealand law reaches further. The statute permitting research copies of various types of works, as well as permitting copies in interlibrary lending, define the allowable uses of the copy in the hands of any subsequent user: “Where any person is supplied with, or otherwise comes into possession of, a copy made in accordance with this section, that person may use the copy only for the purposes of research and private study.”

A. General Exceptions Permitting Copies for Users

Most of the statutes examined in this section of the study include an explicit statement that the copies are for purposes such as research or study. Fourteen countries, however, have statutes that permit the library to make copies of copyrighted works without detailing the purpose, other than that the copies are for library users.⁴⁰ These statutes give relatively broad rights for the library to make copies, with no obligation to confirm user’s need for the materials.

These general statutes principally appear in African and European law. For example, the copyright law of Benin permits libraries to make single copies of articles and other short published works to fulfill requests from users. The copying is limited to “reprographic reproduction,” such as photocopying. A similar statute appears in the copyright laws of Chad and Morocco.

Most of the other countries taking this general approach are from the European Union. The E.U. copyright directive of 2001 authorizes member countries to enact library exceptions. Many E.U. countries have adopted detailed provisions. But other countries have chosen a comparatively general approach with respect to research copies. Finland permits libraries to make copies of published articles and other short works, as well as copies of materials that are prone to damage, for the private use of the library user. France even more broadly permits such copies with remarkably few conditions, but the copies must be used at the library.

⁴⁰ Benin, Chad, Finland, France, Germany, Israel, Italy, Lebanon, Liechtenstein, Lithuania, Morocco, Pakistan, Poland, and Spain.

German copyright law takes a completely different approach. Ultimately, the statute allows the library to make copies of articles and portions of other works at the request of the user. This same statute was enacted in response to litigation involving interlibrary loans and digital delivery; thus, it addresses in detailed terms when a library may make and deliver a copy to a user who is not at the library. For the user on the premises, however, the statute apparently allows copies of the listed works for the user, regardless of purpose.⁴¹

The several such statutes from E.U. countries share the common trait of allowing libraries to copy certain materials for users, without regard to a research or study purpose. Yet each statute is distinctive. The Swedish statute excludes computer software. The Italian provision allows copies for personal use, but bars copying of sheet music. It also caps copying to 15% of a work or issue of a periodical. The Polish statute applies only to “disseminated” works, which are defined as works that have been made available to the public with permission of the author. That standard would not confine the statute to “published” works, but it might bar the copying of some archival material that the author did not release.

Case Study:

Research Copying and Interpretation by a Library Association in Japan

Not all libraries are comfortable moving forward alone as they work with innovative interpretations of the law. Instead, libraries often work with their professional associations to craft interpretations on behalf of all members, or to represent members in negotiations with copyright owners and others. Library associations in Japan offer an example of successful negotiations with publishers to reach an agreement that allowed library services to expand, and that provided benefits to the publishers. Most remarkable, the agreement is not about merely interpreting the statutes, but actually patching over an awkward gap in the code.

The Copyright Law of Japan creates a dilemma for many libraries that are making copies of individual items for users. Article 31 permits many libraries to make single copies of some works at the request of the user. The statute, however, limits the copying to materials that are in the collections of the library. The dilemma arises when the library obtains a book or other materials through interlibrary loan and then is apparently not authorized to make a copy from the book, because it is not from the collections of the library making the copy.

Academic librarians have reported some frustration with the restriction, and users have had trouble understanding why services are denied. The library can supply a copy of materials in the local collection, but when the book is obtained elsewhere, the ability to make a copy can require the time and expense of securing permission. In an attempt to address any inconsistency in service, the leading library associations of Japan held discussions with publishers in 2005, and effective as of the beginning of 2006, they issued a set of interpretive guidelines summarized as follows:

- Libraries will copy from books borrowed from other libraries only if the book is “rarely available” and is outside the library’s collection policy.
- A book is not “available” when it is not available on the market or is difficult to obtain;

⁴¹ For more information about the application of the statute and the related litigation in Germany, see the case study at Part IX of this report.

or if the borrowing library does not have available funding or the work is available only as part of a larger set.

- The borrowing and the lending library must qualify for making copies under the statute.
- The borrowing library has a “nonbinding obligation” to purchase the book if it receives more than two requests for copies from the same book in one year.

These guidelines are a good example of libraries and publishers reaching agreement that seems to meet the needs of each party. The libraries are allowed to make and deliver copies; the publishers have the benefit of limits on copying and a general commitment from libraries to acquire materials that have recurring demand. Through private agreement, libraries and publishers have resolved what had been a vexing problem with the Japanese statutes.

B. Exceptions Permitting Copies of All Types of Works for Research or Study

Only several countries have statutes that permit libraries to make copies for research or private study, but without detailing certain types of works. The exception in Nepal, for example, permits libraries to make copies, at the request of users, of any works that are “made available” in the library. Presumably, the works could be books, articles, sound recording, archival manuscripts, or perhaps any other type of work. Similarly, Slovakian law permits the library to make copies upon request of materials that are in the library’s collection. The statute seeks to minimize consequences for copyright owners by adding that the person requesting the copy for research purposes must use it “exclusively within the premises of [the] library or archive” (Section 31(1)(a)).

The research exception of Sweden permits copying of articles and short extracts of other works. It also allows copying of any work, if it should not be distributed for reasons of security or preservation of the work. Thus, the library could make and give to users copies of fragile or rare items, rather than permit the use or circulation of the original. As a constraint, the statute explicitly limits copying to paper copies. Other formats are possible, but only if the material is subject to a collective license agreement.

The law of the United Arab Emirates is similarly broad and applies to all works. Again, the law has limits that evidently protect the interests of copyright owners. The library may make the copy only if a license to do so has become “impossible.” The library apparently has a heavy burden to meet before clearing the right to make the research copy for the library user.

C. Exceptions Limited to Specific Types of Works for Research or Study

Most of the research exceptions have some form of limitation on the type or description of the works that may be copied. At the most general, the statutes permit a library to make copies of works from the library’s own collection. Many statutes further limit the scope of materials to textual works, such as books and articles, or they may have a series of separate statutes applicable to sound recordings, motion pictures, and other works. Singapore has such an array of separate statutes. Much more typical is a distinction in the statutes is between published and unpublished works. Within those categories, a few copyright statutes make further distinctions.

One of the unusual statutes on research copying is a special provision in Australia applicable only to unpublished theses kept in the library. The question of copying a thesis arises often in academic libraries, and ordinarily the library must evaluate it as it would any other work. The Australian statute strips away many of the restrictions on copying of other unpublished works and gives the library considerable leeway to make the copy for research purposes. Perhaps most unusual is the provision in Lebanon law that allows some libraries to make copies of computer programs for lending copies to students and other users.

The most common library exception for research copying limits the library to making copies of published works only. Often the permitted works are confined to printed works, effectively barring the reproduction of art, computer programs, motion pictures, and many other materials. Sometimes the statutes add that the copy of the textual work may include accompanying illustrations and the typographical arrangement.

A few countries have a statute for a general class of published works, plus a separate statute for copying of journal articles. Among those countries: Brunei Darussalam, Ireland, New Zealand, and Sierra Leone. The motivation for a separate statute for journal articles is perhaps most clear in Irish copyright law. The general statute permitting copies of published works refers to copies of “parts” and “reasonable proportions” of works. The statute of Ireland allowing copies of articles clearly permits copies of the entire article, and sets a limit on the amount of copying from a “volume” of the periodical: The greater of either as many articles as there are issues in the volume, or ten percent of the volume. Creating a separate statute for journal articles enables lawmakers to set a distinctive standard for the quantity of allowed copying.

The American statute is an unusual of provisions. For example, one provision of the U.S. exception permits copies of articles in periodicals. In nearly every realistic case, such a work will have been published. However, the U.S. statute also permits copying of portions of “other works” or even entire works under some circumstances. The statute lays out parameters for copying these works, but never indicating whether the work must be or a particular type or be published or unpublished. One can reach a similar conclusion about research exceptions from a few other countries: Georgia, Nepal, Samoa, Serbia, Slovakia, Sweden, Thailand, and the United Arab Emirates.⁴²

D. Special Problems of Unpublished Works

Only nineteen countries were identified as having a statute specifically applicable to research copying of unpublished works. Manuscripts, correspondence, and other unpublished works have received distinctive treatment under the law in many respects. From one perspective, these materials deserve greater protection. The author of an unpublished work has not necessarily allowed its disclosure; the work may not be ready for wide circulation, or it may include private or confidential information that was never intended for public access. As a result, the exceptions in copyright law often do not apply to unpublished works, or they apply more narrowly than they do to published works. From another perspective, however, many unpublished works are critical to research. The materials may be journal entries vital to biographical study, or survey instruments and questionnaires that have gathered important

⁴² The statutes of a few of these countries are already examined in Part VII.B. as permitting copies of any type of work for research purposes.

information. The library may have an additional interest in making copies of the works in order to maintain the unique originals.

Because of these tensions, some countries have enacted exceptions allowing research copying of unpublished works, but usually with added restrictions aimed at the special interests of the copyright owners. The statutes that focus on research copies of unpublished works therefore add a variety of distinctive conditions:

- Antigua and Barbuda: No copy is allowed if the copyright owner has prohibited copying, and the librarian ought to have known of the prohibition. Similar provision: Bahamas, Belize, Brunei Darussalam, Fiji, Ireland, Jamaica, New Zealand, Saint Lucia, Saint Vincent and the Grenadines, and the United Kingdom.
- Antigua and Barbuda: The exception further bars copies if the work had been published before it was deposited at the library. Similar provision: Brunei Darussalam, Jamaica, and the United Kingdom.
- Australia: The copying must occur more than fifty years after the death of the author. Similar statute: Pakistan. Grenada and Singapore make a similar requirement, although more than seventy-five years must have passed since the work's creation. Sierra Leone raises the waiting time to 100 years. India requires waiting until sixty years after the death of the author.
- Belize: The work must be unpublished at the time of making the copy, and the librarian ought to be aware of that fact. Presumably, the library could not then reproduce a work in the collections in manuscript form, if the work also exists in published form. Similar provision: Saint Vincent and the Grenadines. Contrast this provision with the timing requirement in the law of Antigua and Barbuda.
- Canada: The library (actually this statute applies only to "archives") must give notice to the person who deposited the work. The library also may not copy the work if any copyright owner of the work has prohibited the copying.

Nigeria has one of the most open statutes for general library copying, as examined in Part VI of this report. Nigeria also has a statute that with comparable breadth allows libraries to make copies of many types of unpublished works for research purposes. The Nigerian statute imposes no condition similar to the restrictions outlined above from other countries.

E. Required Proof of the Purpose

While most research exceptions permit copying specifically for purposes of serving the research or study objectives of the library user, the statutes vary greatly in the extent to which they detail those conditions and the manner in which they have to be satisfied. The statutes typically provide that the copy must be for the user's private research or study, and stipulate little else. Yet a significant number of statutes provide precisely the terms on which the library must confirm the user's objectives.

The copyright law of the United Kingdom details that the user requesting the materials has the burden of satisfying the librarian that the copies are for research or private study and for no other purpose. To ease that burden, the U.K. law provides that a librarian may rely on a written and signed declaration from the user. In this regard, law and practice have become fairly thorough, with libraries adopting model declaration forms and adopting routine practices of having users sign them. Naturally, the library is making the copy and has the

responsibility of assuring that it is following the law. The library is not required to accept a declaration and can reject a request from a user if the library is unsure about full compliance. But at least the U.K. law offers a mechanism that clarifies the user's purposes and allows the library to proceed with the copying services with assurance that it is acting within the law.

In general, nearly all of the library statutes allowing research copies may be grouped into the following categories:

- No specification of proof. The most typical statute sets no explicit standard for the required proof. The statute provides that the copy must be for research or other such purpose, but with no stipulation about the level of proof or the responsibility for carrying the proof. Many countries employ this approach, such as: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Japan, Kazakhstan, Kyrgyzstan, Nepal, Nigeria, Pakistan, Republic of Korea, Russia, Serbia, Tajikistan, Thailand, Turkmenistan, and the United Arab Emirates.
- Librarian has no awareness of non-permitted use. The United States is an example of this category. The library may deliver a copy to a user as long as the library “has no notice that the copy . . . would be used for any purpose other than private study, scholarship, or research” (Section 108(d)). Under this standard, the library may make and deliver the copy if it has specific awareness of the appropriate purpose, or if the library has no knowledge at all about the use of the copy. By this standard, a lack of knowledge on the part of the librarian satisfies the statutory requirement. Liberia and South Africa also take this approach.
- Librarian must be satisfied of permitted purpose. Examples: Andorra, Bhutan, Botswana, Dominica, Ethiopia, Fiji, Ghana, Madagascar, Mauritius, Mozambique, Niger, Papua New Guinea, Qatar, Samoa, Tonga, and Ukraine.
- User must satisfy the librarian that the purpose is permitted. This provision is different from the foregoing, in that it clearly places the burden on the user. The Zimbabwe statute is typical of this category. It allows the library to deliver copies of unpublished works only to persons “satisfying the librarian” that they require the copies for research or private study. Other examples: Antigua and Barbuda, Bahamas, Belize, Brunei Darussalam, Canada, Ireland, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Trinidad & Tobago, and the United Kingdom.
- User must submit written declaration of purpose. This requirement places the burden on the user to commit in writing the intended purpose for the copy, but it also places a burden on the librarian to be sure that the procedure is fulfilled. The written document also produces a record of activity that presumably would be available for review and audit, perhaps by the librarians for self monitoring, or perhaps by outside parties investigating copyright compliance by the library. The United Kingdom statute is a leading example of this approach, and the requirement of filing a declaration appears in the statutes of many countries that follow the British Imperial Statute.⁴³ Countries following this example: Australia and Singapore.

⁴³ For further and additional aspect of this provision related to limiting the remedies that may be imposed on libraries, see Part X.B. of this report.

F. Exceptions Permitting “Making Available” for Research or Study

The E.U. Information Society Directive of 2001 included a requirement that authors shall hold the right to authorize the “communication to the public” of their works, which includes the “making available to the public of their works in such a way that members of the public may access them from a place and at a time individually chosen by them.” The concept is a reflection of changing technology for delivery of copyrighted works to purchasers and other users. Films and music may be streamed on the Internet, and text and images can be delivered as static images on screen. Users may be able to receive and benefit from the works, but the delivery does not necessarily involve the conventional reproduction of the work or distribution of copies. Establishing a right of communication or “making available” clarifies that copyright owners may control new forms of delivery.

Because library services may often encompass the act of making a work “available,” the E.U. directive also permits countries to enact library exceptions to this right. Article 5(3)(n) gives E.U. countries the discretion to create an exception:

for use by communication or making available, for the purpose of research or private study, to individual members of the public by dedicated terminals on the premises of [libraries, archives, and other specified institutions] of works and other subject-matter not subject to purchase or licensing terms which are contained in their collections.

Exceptions that accordingly permit a library to make a work available for research or study appear in the copyright laws of eleven E.U. countries;⁴⁴ this study found few similar statutes in the laws of non-E.U. countries.⁴⁵ Typical of the E.U. statutes is the provision from Poland that permits a library to make a work available at terminals located at the library for research and study purposes.⁴⁶

The German exception for “making available” is a relatively complicated variation on the more common E.U. provision, and it implicates the reproduction right. It allows publicly accessible libraries to make a published work available for research or private study on dedicated terminals on the library premises. The statute adds that this right cannot supersede contractual restrictions. In an indirect reference to the reproduction right, the number of copies made available simultaneously cannot exceed the number of copies of that work in the library collections; the library is not necessarily effecting a communication of each item, but may properly allow multiple use of one copy. The German statute is not a free right of use, but instead requires payment of reasonable compensation to copyright owners. On the other hand, the statute gives some relief to libraries from potential infringement liability. Owners

⁴⁴ Denmark, Estonia, Finland, Germany, Hungary, Italy, Lithuania, Malta, Netherlands, Poland, and Spain.

⁴⁵ China, Norway, Russia, and Singapore.

⁴⁶ The terminology of “making available” is a distinctive trait of E.U. law, so exceptions to such a right are not likely to appear in the law of non-E.U. countries. Most countries do, however, have comparable rights of public display and public performance. This study has identified few exceptions to those rights that are applicable explicitly to libraries. The 2008 amendments to the New Zealand copyright law added provisions about “communication” rights and an exception allowing libraries to communicate digital works to individual users in the library. The concept may be the same, but the terminology is different.

seeking compensation for these uses must make their claim through a collective rights society and not directly against the library.

The “making available” exceptions are on their own terms ordinarily limited to facilitating access to materials in the library collections for private study and research by library users. They are important for the fulfillment of basic library services. As library collections increasingly comprise digital works that may be perceptible only by means of communication to computer terminals, libraries need such an exception merely to allow users to read and use the materials. While these E.U. exceptions are ultimately for the purpose of research and study, they are critically different from the other research exceptions. Those provisions allow a library to make a copy to give to the user. The “making available” exception only allows users to see, read, watch, or otherwise perceive the one work only on the premises and without possessing a copy.

The right of “making available” and the exceptions to it raise many potential complications for the function of the law and the ability of copyright owners and libraries to apply it. In particular, although these statutory exceptions are overtly referencing the copyright owner’s right of communication, they stir questions about the reproduction right.⁴⁷ The process of making a work available may include either posting a copy on a server, or creating incidental copies as a routine technological aspect of communicating content on the Internet.⁴⁸ These possibilities underscore that the structure of the law, as a discrete set of rights with defined exceptions often may not reflect the changing nature of technology and library services.

PART VIII: EXCEPTIONS FOR PRESERVATION AND REPLACEMENT

Preservation and maintenance of library collections have become an increasingly important part of library service, and these activities routinely necessitate making copies of copyrighted works. Sometimes preservation services involve older materials, the copyrights to which have expired. But many new works are today at risk of loss, damage, or wear and deterioration. Many modern books are printed on acidic paper that decays relatively quickly. Newspapers and other periodicals are similarly fragile, and the customary wear of daily readership can destroy them. Videotapes are easily scratched, broken, or damaged through exposure to magnetic fields. Digital materials stored on disks and other devices are prone to a variety of peculiar hazards that often leave them at greater risk than print materials.⁴⁹

Protecting these works, and valuable archival materials, is one of the fundamental missions of many libraries. If copying the works, however, is an infringement of copyright, library services are at risk, and important collections cannot be maintained for future use. On

⁴⁷ The right of communication, and hence the exception for “making available,” is also comparable in some respects to issues related to the owner’s rights of public performance and public display. Often work that is made available may be a work that is performed or displayed at terminals and available to the public. However, the right of communication can apply even if the access is by just one individual and the work is not received by the public.

⁴⁸ Many of the E.U. countries have an additional exception permitting such copies that may be merely incidental to the electronic access and dissemination.

⁴⁹ The problems of digital preservation are emphasized in *International Study on the Impact of Copyright Law on Digital Preservation*, Part 1.4.3 (2008).

the other hand, if libraries are allowed to make any preservation or replacement copies, the copying may result in lost sales of new works. For example, if a library can make a backup or replacement copy of any damaged VHS videotape, the copyright owner of the motion picture on the tape may have lost a potential sale of the same work, whether on VHS, DVD, or any other medium.

The issues are frequently addressed in library literature and in the law as “preservation” or “replacement.” Preservation generally involves the making of a copy of a work before it has been lost for any reason, in order to ensure its continued availability.⁵⁰ That loss could be from deterioration, electronic damage, or simple theft. In any case, preservation is in this study usually involves the making of a copy of the work in anticipation of that loss. The library may allow use of the copy, or it might put the copy or the original in storage as a safeguard. Replacement is closely related. It usually involves the making of a copy specifically to replace an item that already has been lost from the library collection, or the original is for other reasons no longer suited for general use.

The concerns of copyright owners have become more acute in recent years and a richer variety of materials have become available on the market. Newspapers are a common object of preservation or replacement copying because of their vulnerability to loss or damage. But today many newspapers are available online, sometimes without cost to the user, and sometimes for an access fee. Works may be marketed as large databases and collections, or as single articles or even briefer portions. If the library is able to make and preserve its own collection of newspapers, according to this argument, the copyright owner is losing sales through licensing of its online database, or is losing traffic at a website. That traffic can have strong commercial benefits to the copyright owner. For any work that is available for sale from the copyright owner, a copy of even a small portion made by the library is arguably the loss of a potential sale.

The library exceptions for preservation and replacement accordingly reflect a tension between meeting the needs of the library while protecting the interests of copyright owners. A typical statute permits the library to make the preservation or replacement copy, but only subject to conditions that might, for example, require the library to first check the market for a purchase of the work. Thus, the market is protected, but the library is allowed to make the copy if the owner is not currently selling the work in question.

Case Study:

Preservation of Sound Recordings in the United Kingdom

Sound recordings are an important part of the historical collection of materials in the British Library (BL), but sound recordings were not included in the scope of materials that libraries may copy for preservation purposes under the law of the United Kingdom. When the British Library began a major preservation effort, it encountered the limits of the law.

The BL maintains a large collection of sound recordings and is currently pursuing an initiative known as the British Library Archival Sound Project for the digitization and preservation of the materials. In a recent article, the copyright compliance officer of BL reports the library

⁵⁰ *International Study on the Impact of Copyright Law on Digital Preservation*, Part 1.4.1 (2008).

“has recently put up to 4000 hours of materials from its sound archive on an extranet” for use by educators.⁵¹ Some of the recordings have significant commercial value, but most do not. All are potentially important for educational needs.

Preservation of sound recordings has become increasingly important as new formats and technologies come available, often leaving previous technologies obsolete. In some cases, important recordings are available only on scarce or fragile media. An important example from the BL collection is a 1964 speech by Nelson Mandela, recorded on dictabelt, and the playback equipment is no longer available.

Section 42(1) of the Copyright, Designs, and Patent Act of the United Kingdom is a fairly broad statute, allowing qualified libraries to make copies of works for preservation or replacement, provided that the copies become part of the library’s permanent collection in addition to or in place of the original item. However, according to the British Library, the statute “appears somewhat contradictory on the matter of whether or not a copy of a sound recording or film/broadcast can be made for preservation or heritage purposes: it clearly allows a library to make ‘a copy from any item in the permanent collection’ but only refers to this not infringing in regard to literary, dramatic, musical, typographic and artistic works.”⁵² In other words, if the copy is of a sound recording, that copy may be infringing.

BL therefore adheres to an interpretation of the statute that does not extend preservation copying to sound recordings. As a result, BL has invested tremendous staff time tracing copyright ownership and seeking permissions from numerous possible owners. Identifying owners is especially problematic for older materials and for works in foreign languages that are not easily translated.⁵³

The British Library is actually engaged in much more than merely copying. By posting the digitized sound recordings to an “extranet,” the BL is arguably making a performance of the works or is generally making them available to the public. These uses of the sound recordings may be infringements themselves. Even if the preservation statute encompassed sound recordings, the library may still be left with the need to clear performance rights or communication rights or to fit the activity within yet another statutory copyright exception.

A. Overview of Preservation and Replacement Statutes

Of the countries within this study, seventy-two have a statute permitting preservation copying by libraries. A similar number of countries, sixty-seven, have a statute permitting replacement copying. Further, fifty-three countries have statutes that explicitly permit the

[Footnote continued from previous page]

⁵¹ Benjamin White, “No idea is an island: Rights clearance of sound recordings by the British Library,” *Copyright World* 167 (February 2007): 24-26.

⁵² This statement is from the response of the BL to the “Gowers Review of Intellectual Property. See Section 2.3.2 of the paper available at:

http://www.hm-treasury.gov.uk/media/5/6/british_library_375_132kb.pdf.

For the full text of the Gowers report, see:

http://www.hm-treasury.gov.uk/media/6/E/pbr06_gowers_report_755.pdf.

⁵³ White article.

library not only to make the copies for its own collection, but to make the copies for adding to the collections of another library. Indeed, if a work has been lost or stolen the most practical means of replacing it in the collection is to obtain a copy from another library. Hence, under many of these statutes either a library can obtain an original and make a copy of it as a replacement in its own collection, or a library can make a copy and send it to another library rather than placing the original at further risk.

Finnish law includes the concept of “completion,” under which the library may make copies of a work for the specific purpose of either completing a work or filling in a missing part of a work that is published in multiple parts. Examples of completion might include the making of portions of a book to replace missing pages, or making a copy of a book or other work that is one volume in a set, such as one volume from an encyclopedia. Under Finnish law, the doctrine of completion applies to any type of work, so the library might use it for copying a book or copying a disk in a set of DVDs. The provision in Finland applies only if the work is not available through commercial means. Unclear is whether the library can make the copy when the full set is commercially available, or may make the copy so long as the individual part is unavailable in the marketplace. The concept of “completion” also appears in the statutes of Denmark and Sweden. The preservation statute of the Philippines raises a similar concept by allowing the library to make a copy of missing issues or other such works under some circumstances.

Estonia has one of the most aggressive provisions. Its preservation statute includes the explicit right to make a digital collection for preservation purposes. The statute requires that the library search the market for a purchase, but even if the work is available, the library’s right to make a digital preservation copy remains. Apparently, the law of Estonia permits libraries to build extensive collections of digital copies, although it is not clear when or whether those copies may be used. A newly enacted provision in Israel includes authority for the library to make “reserve” copies as part of the replacement exception. The statute provides that the reserve copy may not be used as an additional copy. Apparently the law in Israel and in Estonia permits extensive copying of materials to hold in reserve or in an archive for later use should the original become unavailable.

Case Study:

Preservation of Websites in the United States

Websites are a proliferating source of valuable research information, but websites change frequently and are taken down entirely on a regular basis. The information on websites is valuable long after it is originally posted, and users of information commonly need specific versions of websites and that have been superseded. Many libraries desire to make regular downloads of websites for long-term preservation, but nothing in the law clearly permits such activities.

The current preservation provisions in the U.S. Copyright do not apply to website preservation for a variety of reasons. For example, if websites are deemed to be “published,” then Section 108(c) of the U.S. Copyright Act permits a library to make preservation copies only if the original is deteriorating, lost, or stolen, or if the format is obsolete. A website, currently available on the Internet, is not likely to satisfy that requirement.

Nevertheless, many libraries are engaged in the preservation of websites. Most likely, they are relying on an interpretation of fair use, Section 107 of the Copyright Act. But fair use is open to divergent interpretations, and libraries cannot be entirely certain of whether their activities are within the law. In one example, the library of the University of California, Los Angeles (UCLA) maintains a “Campaign Literature Project.” Immediately after a statewide special election in California in 2005, when Arnold Schwarzenegger was elected governor, his campaign officials contacted UCLA in an effort to locate a blog that had been accidentally deleted from the campaign’s own website. UCLA had a copy. Not all libraries would have collected and retained a copy, even if they wanted one. Not all libraries would have made such an open interpretation of fair use that ultimately proved to meet the preservation mission of the library and the information needs of the library user.

UCLA librarians recognize that although that story has a good and productive end, it was with some risk of copyright infringement. Moreover, if the content were a commercial product or some other information that the copyright owner did not want in circulation, the copyright owner might have been displeased by the downloading at UCLA and might have threatened legal action. UCLA has joined with many other libraries and other organizations to support a recommendation in the U.S. for adding a specific statutory provision assuring the right to preserve websites.

The preservation of websites illustrates a significant challenge for the development and application of the law. The activity may be within fair use or other general provision, but that is left to widely divergent interpretations. With little assurance that the copying is within the law, the libraries are taking on the activity at potentially great risk. On the other hand, the experience of the UCLA library suggests that often the copyright owner stands to benefit from the library’s preservation efforts. Although the risk of a lawsuit may be low, the library is left with the burden of interpreting the law and calculating and accepting the risks.

B. Conditions and Restrictions in Preservation and Replacement Statutes

The preservation and replacement statutes are diverse in their detailed conditions. Among the common conditions in these statutes: single copies only; copy of works currently in the library collection; the copy becomes a permanent part of the collection; the copying is for nonprofit purposes. A few countries impose notably few restrictions on preservation or replacement copying. Benin allows single reprographic reproductions of any works, with few other conditions. Several countries have comparably simple statutes: Cambodia, Czech Republic, Denmark, Japan, Lebanon, Poland, Republic of Korea, Spain, Sweden, United Arab Emirates. Even the United Kingdom, which has lengthy and detailed statutes on many other issues, has a fairly straightforward statute for preservation.

Perhaps the most critical provisions relate to the availability of the work for purchase on the market, and the exact condition of the work that is copied. The first provision often calls for the librarian to check the market for a purchase of the work, rather than make a copy. The second provision specifies whether the work is lost, damaged, or otherwise no longer suitable for customary use at the library.

1. Availability of the Work for Purchase

Among the common conditions are requirements that the work not be available for purchase on the open market. Some statutes require a search of the market and other statutes specify that the search must be “reasonable” or that the library must find that replacing the work is “impossible.” As with most of the statutes on library exceptions, the preservation statutes have much in common, but vary greatly in their detail.

A diverse range of countries adhere to the requirement that the library determine that obtaining a copy of the work under reasonable conditions is impossible. Examples: Algeria, Armenia, Bhutan, Botswana, Dominica, Egypt, El Salvador, Estonia, Ethiopia, Georgia, Ghana, and Israel. Many other countries set a less rigid standard of determining only that it is not reasonably practicable for the library to purchase the work. Examples: Antigua and Barbuda, Bahamas, Brunei Darussalam, Fiji, Ireland, and Jamaica.

Case Study: Regulations and Digital Preservation in South Africa

The Copyright Act of South Africa does not include specific statutory provisions for libraries. The Act does include a general provision (Section 12(1)) for “fair dealing,” but like most such statutes it is not specific and leaves the user with questions about the scope of application and the exact meaning of the law. Section 13 of the Act further establishes this authority for regulatory exceptions: “In addition to reproductions permitted in terms of this Act reproduction of a work shall also be permitted as prescribed by regulation, but in such a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legitimate interests of the owner of the copyright.”

The Minister of Economic Affairs of South Africa has, in exercise of the authority under Section 13, issued by regulation special provisions for libraries and archives. The original regulations were issued in 1978, and in many respects the language follows the text of Section 108 of the United States Copyright Act. The South African regulations permit libraries to make copies, subject to general conditions about non-commercial uses, openness of the collection to the public, and a notice of copyright on the copies. The regulations detail the conditions under which a library may make a copy for purposes such as preservation and replacement, and copies for private study by researchers.

Many libraries of South Africa have used the regulatory provisions for preservation copying. The growth of digital technologies has led to a demand to make digital preservation copies. The regulations date from 1978, and they do not explicitly encompass digital technologies. Indeed, because the regulations are modeled on the statute from the United States, the law in South Africa is in some respects encountering the same problem that the U.S. Congress addressed when it added references to digital preservation in 1998. Without similar changes in S.A. law, however, research librarians have generally concluded that the exception does not permit digital preservation. As a result, libraries are not deploying the new technologies for preservation. The alternative, according to some librarians, is to seek permission from copyright owners, a task that can be prohibitively expensive or time consuming.

The inability to use digital technologies often means that libraries do not undertake major preservation efforts. Consequently, access to collections is limited, and libraries are unable to assure access to materials for future needs. The situation is reportedly more acute for legal deposit libraries that have a central mission of assuring public access to collections that represent the national interest.

Australia calls for the library to make a reasonable investigation of the market, and an officer of the library must make a written declaration that the work cannot be obtained within a reasonable time and at an ordinary commercial price. The officer has the alternative of preparing a declaration of reasons why the library should make the preservation copy even if a copy of the work can be obtained. These declarations under Australian law are not to be taken lightly. Filing a false declaration can be a criminal offense. Singapore and a few other countries have similar provisions.

2. Circumstances of the Original Work

Many of the statutes fairly simply set a standard that the work must be lost, destroyed, damaged, or otherwise be of some condition that leaves it unfit for library needs. Variations on such standards appear in the laws of many countries. Latvia uses this familiar language and permits libraries to make preservation copies of works that are “particularly valuable.” Mexico permits preservation copies if the work is out of print, not cataloged, or in danger of becoming unavailable. Russia permits copies of works that are lost or spoiled. Venezuela allows copying of works that are mislaid, destroyed, or rendered unusable.

Canada has one of the more detailed statutes on this point. It sets forth a variety of circumstances that might make the work eligible for copying. The work must be rare or unpublished, and it must be (or at risk of becoming) deteriorating, damaged, or lost. Another option is that the original cannot be used because of required atmospheric conditions. Yet another possibility is that the original is in an obsolete format. The United States also allows preservation and replacement copying if the format of the original is obsolete. The U.S. law defines that concept by whether the device for using the work is commercially available. Slide projectors and phonorecord turntables may not be obsolete, but probably will in the near future.

A contrary example is the law of Finland, which sets no explicit standard. The statute in Finland broadly allows libraries make preservation copies of any works in the collection. Similar statutes are in the laws of the following countries: France, Greece, Panama, and Zambia.

3. The Future of Preservation

The restriction and conditions in the preservation statutes have proven to be seriously problematic in an era of digital libraries and the need to capture large volumes of content that is at risk of loss. Various official agencies have given the issue fresh examination and issued some proposals for possible revision of the law, or at least the development of acceptable

practices. Some of the most significant developments have occurred in Europe and in the United States.

The Commission of the European Union has established an initiative known as “i2010: Digital Libraries” to take up some of these issues. Under its auspices, the High Level Expert Group on European Digital Libraries issued a report in 2007 noting the limitations and restrictions in some preservation statutes and making recommendations for library practices. The report recommends that in countries that have a library exception for preservation, rightsholders should permit libraries to make multiple copies to assure effective preservation, and libraries should be able to make successive copies to meet the conditions of new technologies. The report includes various other recommendations, but significantly they are in the nature of agreed practices, rather than statutory changes.⁵⁴

By contrast, a commission in the United States issued its report in March 2008, with detailed recommendations for statutory revision. The Section 108 Study Group conducted a thorough examination of all aspects of Section 108, the provision of the U.S. Copyright Act on library exceptions. Among its recommendations are proposals for revising the statutes in order to permit a flexible number of copies of works, and for expanding preservation opportunities to encompass online materials and websites.⁵⁵

Whether future changes in library exceptions occur through statutory change or other means, these official examinations of current law underscore the general problem of enacting specific statutes at a time of rapid change in technology, library practices, and access to diverse copyrighted works. These initiatives from the E.U. and the U.S. also reflect significantly different approaches to problems with existing law. In both cases, the groups that studied the problems and offered proposals comprised experts in the field and representatives of diverse stakeholders. The European proposal is based on the premise that the stakeholders can reach a solution that libraries, publishers, and others could accept as a matter of cooperation. The U.S. proposal is built on the assumption that any solution must come from Congress. The appropriate solution may depend on multitudes of factors and will likely vary greatly among different countries. Regardless, the continuing high-level attention given to the problem of copyright and preservation tells much about the importance and the complexity of the issue, and the likely need for change if the statutes are to be reasonably effective in a time of steady change.

PART IX: DOCUMENT SUPPLY OR INTERLIBRARY LOANS

Library services that operate under such names as “document delivery” or “inter-library loan” (“ILL”) can be critical for facilitating access to materials from other libraries around the world. ILL is important for all types of libraries and in all parts of the world. The small public library in a remote town may depend heavily on ILL for receiving a great deal of materials that it likely cannot justify to purchase. An academic library may rely on “borrowing” copies of articles in specialized journals from a large research university.

⁵⁴ *Report on Digital Preservation, Orphan Works, and Out-of-Print Works: Selected Implementation Issues*, 18 April 2007, available at http://ec.europa.eu/information_society/newsroom/cf/itemlongdetail.cfm?item_id=3366.

⁵⁵ *The Section 108 Study Group Report*, March 2008, available at <http://www.section108.gov/docs/Sec108StudyGroupReport.pdf>.

A corporate library may similarly need to obtain articles from a university library to support its pharmaceutical research.

ILL generally serves the purpose of providing a copy of a work to a library in order to fulfill the request of an individual user. That user usually receives and may keep the copy for private study. Closely related to ILL is the “supplying” of copies from one library to another for purposes of retaining the copy in the collections of the receiving institution, or otherwise generally for use by the receiving library. This study identifies six countries that have statutes on ILL copying. Seventeen countries have statutes on “supplying.” Nearly all of the countries with either type of statute have been to some extent influenced by the British Imperial Statute or legal system.

The statutes examined here have the common characteristic of permitting the reproduction of some works at a library for purposes of transmitting the copy to another library. To the extent that the libraries are sending and receiving the original books, journals, and other materials—and not making copies—they are usually not raising complex copyright issues in most countries. Sometimes the library services may be subject to public lending laws. Many copyright statutes also include the doctrine of “exhaustion” or “first sale.” That statute generally means that once a lawful copy of a work is sold or otherwise made publicly available, that copy may be further loaned, sold, or otherwise conveyed. Hence, one library may under the law purchase a journal and send the original journal to another library upon request. Only when the libraries are making and sending copies of the works do they ordinarily encounter more serious copyright questions and constraints. Only then to the library exceptions surveyed in this study come into application.

Case Study:

Litigation, Statutory Change, and Document Delivery in Germany

The copyright law of Germany was amended in recent years to more clearly address the application of digital technologies to the making of copies by libraries for a user’s private study. The circumstances in Germany offer insight into the conflicts and compromise that often accompany legislative change. Moreover, the statutory revision in Germany came as a result of litigation involving publishers and libraries that endured for several years and sometimes created even more confusion about the law.

The German copyright law long has included a provision broadly permitting single copies of articles and other works for study or other personal use (Section 53). The ability of libraries to make and deliver copies was not clearly specified in the law, and in 1994 the “Börsenverein,” a trade association of German publishers and booksellers, began legal proceedings against the German National Library of Science and Technology. The library had instituted and promoted a service of making and supplying copies of journal articles upon request, with payment of service fees by the user. After five years of litigation, the German court ruled that the library could make and deliver the copies, but only upon payment to a collective licensing agency.

In 2000, the publishers and libraries reached agreement allowing for a broad right to make copies, but with payment of “several million euros” to the licensing agency.⁵⁶ This agreement was not renewed after 2002, and beginning in 2003 German libraries were able to secure a license only for delivery of articles by mail or fax within Germany. Shortly after, the parties became more contentious, filing various legal claims with the courts and with the European Commission, all aimed at addressing the scope of German copyright law as applied to libraries.

In December 2006, a German court ruled that Section 53 did not permit libraries to make and deliver copies through interlibrary loan services. The court nevertheless recognized the decades of library practices to rule that libraries may continue to deliver paper copies by mail or fax. But the court ruled that Section 53 does not permit digital reproduction and delivery.⁵⁷ The court ruling not only limited the ability of libraries to use new technologies, but the ruling also left libraries to struggle with the scope of the law and the meaning of a statute that could be reinterpreted based on a record of library practices.

These developments were occurring as the German legislature was considering legislation for implementing the European Council Directive 2001/29/EC on the Information Society. Article 5 of the directive permits member states to enact limitations or exceptions for many purposes, including the making of copies by libraries under some conditions.

Following extensive debate, Germany added library exceptions to the copyright law. Of particular significance is Section 53a, which explicitly allows libraries to make and deliver copies of article and other short works, but only in paper form by mail or fax. Digital deliver is further permitted, but with additional restrictions: The library can deliver only a facsimile or graphic copy of the work (such as a pdf); the copy may be only for education or research; and the publisher has not made the work available to the public on reasonable terms at places of the user’s choosing.

The new statute took effect in Germany on January 1, 2008. Its practical implications are yet to be determined, but while a statute is generally expected to bring some certainty to the law, the language of this statute immediately began causing some confusion. Libraries are required to determine whether the work is for an appropriate purpose, and whether it might be available on appropriate terms from the publisher. In the end, the libraries are ultimately determining whether they may deliver the copy in paper form or by digital means. That decision is hardly unusual. The general nature of library exceptions is to place the responsibility on the librarians to determine whether they are acting within the meaning of the law.

⁵⁶ Many of the details are from: Uwe Rosenmann, “Subito and German Developments in Copyright Law,” paper delivered at the World Library and Information Congress: 71st IFLA General Conference and Council, August 2005, Oslo, Norway (available at: <http://www.ifla.org/IV/ifla71/papers/097e-Rosemann.pdf>).

⁵⁷ This summary of the court ruling is from: Harald Müller, “The Subito Case in Germany: Implications for Libraries,” paper delivered at World Library and Information Congress: 72nd IFLA General Conference and Council, August 2006, Seoul, Korea (available at: <http://www.ifla.org/IV/ifla72/papers/089-Mueller-en.pdf>).

A. Exceptions for ILL Copying

Making and sending copies of materials may be a crucial library function, but for some copyright owners it is an interference with potential sales of the work. Perhaps most controversial in this regard is the copying of journal articles. Articles may be the most commonly demanded work for copying to serve the research needs of users at other locations. Journal articles are also frequently marketed by a variety of means by publishers. As a result, publishers often criticize ILL services as direct interference with a major commercial market. If a library can rely on ILL to secure copies of articles, then the library does not need to purchase its own subscription to the journal. If a researcher can rely on the library to obtain a copy, then the researcher need not seek to buy a copy directly from the copyright owner or publisher. Moreover, as new technologies make the reproduction and delivery of materials cheaper and easier for libraries, so do these innovations make marketing of individual articles a realistic prospect for publishers. Nevertheless, ILL remains vital for meeting the service objectives of many libraries, and many works are still a long way from being reasonably available to purchase by individual users.

The ILL exceptions embody these tensions between library services and the interests of publishers. The Australian statute demonstrates the potential complexity of the matter. Section 50 of the Copyright Act addresses ILL as well as document supply. The library may make copies of articles and even whole works, but only after a search of the market and the filing of declarations by the librarian about the lack of availability of the work on the market. The statute adds a plethora of conditions defining market availability and stipulating exactly when a digital copy may be made. Comparable provisions appear in the statutes of New Zealand and Singapore. These statutes are a clear indication of the complex struggles that often underlie the provision of copies in the name of interlibrary lending.

The United States has enacted a different model. Under American law, the library making the copy must generally assure that the reproduction conforms to the requirements of the research exception. American copyright law allows libraries to make copies of articles or other short works, as well as entire works, under stated circumstances. The library receiving the copy is subject to the separate requirement that it does not receive copies “in such aggregate quantities as to substitute for a subscription to or purchase of such work.” Unlike in Australia, the library is not necessarily compelled to search the market for the work, but it does need to determine when it might have sufficient demand for copies, such that the library theoretically should own the work in question.

The U.S. statute does not set any standard for determining the “aggregate quantities”. In most cases, libraries are today left to make reasonable determinations about the limits of receiving copies. In 1979, shortly after enactment of the ILL provision, a governmental body, the Commission on New Technological Uses of Copyrighted Works (CONTU), issued a report with guidelines for libraries that receive copies of journal articles through ILL.⁵⁸ In summary, those guidelines propose that libraries may receive in each calendar year not more than five copies of articles from the most recent five years of issues of any journal title. Once a library exceeds the limit of five copies, the suggestion is that the library should consider

⁵⁸ For the full text of the final report from CONTU, see: <http://digital-law-online.info/CONTU/contu1.html>. Two other countries have adopted the general language of the U.S. statute: Liberia and South Africa. The research for this study did not reveal whether libraries in those countries also adopt the interpretive guidelines used in the United States.

having its own subscription to that journal. Some libraries, in the alternative, pay a licensing fee to the publisher for the right to make additional copies. The CONTU guidelines have been widely adopted at American libraries, but they address only copies of articles from recent issues of journals. Left to debate since the late 1970s has been the scope of copying permitted of earlier articles or of books and other types of works.

Case Study:

Safeguards and the Expansion of Digital Technologies in the United States

The United States Copyright Act permits libraries to make copies of individual journal articles, subject to a variety of restrictions and conditions, to give to users at the library. The library making the copy may also send the copy to another library that has requested it on behalf of a user at that location. The law permits the making of copies for the user or researcher to keep in the name of “interlibrary lending.”

Some of the library provisions of the U.S. Copyright Act, specifically applicable to preservation copying (Sections 108(b) & (c)), explicitly allow libraries to use digital technologies to make the permitted copies. The provisions applicable to making copies of journal articles for users whether at the library or sent through interlibrary loan, are silent on the types of permitted technologies (Section 108(d)). When the provisions were first enacted, in 1976, digital technologies were not extensively contemplated. Mention of digital technologies in the preservation statutes was added only in 1998. Librarians, scholars, lawyers, and others who study the law have widely divergent views about the lawfulness of making and delivering, by digital technologies, copies of journal articles to users as part of interlibrary loan operations.

Many copyright owners are concerned about digital delivery of copies directly to library users. Digital copies can be easily duplicated and shared more widely. Digital copies can be stored for repeat use by either or both of the libraries. In addition, the process of making and delivering digital copies necessarily involves the making of incidental digital copies that are cached on various machines and might be accessible to people who have the requisite technological capabilities. While the research exceptions clearly only allow single copies, many librarians believe that these incidental and technologically necessary copies are within fair use.⁵⁹

Despite the uncertain reach of the law, some libraries use digital technologies for delivery of research copies. Other libraries do not make that same broad interpretation of the law and continue to deliver only paper copies of the journal articles. In order to reduce some of the risks associated with digital copies and to feel more certain about operating within the law, libraries sometimes implement safeguards that are not in the statute. Stanford University Libraries, for example, indicates that it, like some other libraries, pursues a standard practice of deleting digital copies that are created in the process of satisfying a user’s request for materials. Other libraries take additional steps, such as giving detailed warning statements to users, and delivering digital copies only with password access by the user. As a result,

⁵⁹ The United States law does not include an exception for incidental copies, as does the law of many other countries. As a result, fair use is the only possible statutory exception applicable to these copies.

libraries are deploying digital technologies in a manner that they believe to be consistent with the law, while adding safeguards to prevent misuses of the digital copies.⁶⁰

The Stanford example reveals how libraries can act independently to interpret the statute and to employ various measures to reduce risks of misuse of copyrighted materials. As a result, the library has felt confident moving forward with filling some of the uncertainty in the law and employing technologies that can enhance library services.

B. Exceptions for Supplying to Other Libraries

The terms and conditions of the “supply” statutes are often similar to the ILL statutes. The most critical difference, however, is that the ILL statutes are explicitly for the purpose of making copies that will be delivered to library users for private study. The document delivery statutes more generally state that the copy is for supplying to another library, usually without specifying the purpose. The Australia example, examined above, shows that the two concepts may be combined in one statutory section. The law of New Zealand has separate statutes for each concept. Throughout the world, only several countries have exceptions for ILL, and only seventeen have statutes on document supply.

The Australian statute also demonstrates the potential complexity of the relevant law. In some countries the library is allowed to make copies only after searching markets and satisfying detailed standards about the availability and the use of the work. Nevertheless, most statutes on document supply are comparatively concise and impose fairly modest provisions:

- Algeria: Libraries may make copies of any types of works at the request of another library, if it is impossible to obtain a copy under reasonable conditions.
- Antigua and Barbuda: Copies of articles are allowed where it is not reasonable practicable to purchase a copy.
- Belize: Copies of other works are allowed if the library could not reasonably ascertain the rightsholder. Similar provision: Antigua and Barbuda, Brunei Darussalam, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, and the United Kingdom. Some countries that adopt this condition do not apply it to the making copies of articles from periodicals.
- Fiji: Library may supply copies of books, but only if the receiving library has not in the preceding six months been able to obtain the work at a commercial price. On demand from the copyright owner, the library must pay equitable remuneration, and if the parties cannot agree on the payment, the question may be referred to the Copyright Tribunal. Similar provisions: New Zealand.
- Ireland: Copies are not allowed if the library could reasonably obtain the consent of the rightsholder.
- Republic of Korea: Copies are allowed of works that are out of print.

[Footnote continued from previous page]

⁶⁰ See statement by the Stanford University Librarian, <http://www.loc.gov/section108/docs/KellerCalter-StanfordUnivLibes.pdf>. These steps, taken voluntarily by Stanford University, are remarkably similar to the requirements added in 2008 to the law of New Zealand as a precondition to making some digital copies of works.

- Singapore: The copy may not be added to the library collection in substitute for a purchase of the work or a subscription to the periodical.
- United States: The “supply” statute is limited to the ability to make copies of unpublished works “for deposit for research use” in another library.

In contrast to most other supply exceptions, the law of the Bahamas broadly permits libraries to make and receive copies of works with no significant restriction.

PART X: ADDITIONAL PROVISIONS

A. Copying Machines on the Premises

Only a few countries have statutory provisions on the issue of liability for infringements committed by library users who make use of photocopiers or other equipment supplied by or on the premises of the library. Even though the library and its staff are not making the copies, and typically have no control over or knowledge of, the exact activities of the user, the library could be accused of infringement liability under the laws of some countries. For example, a library may face allegations of “contributory infringement” by virtue of supplying the means for infringement.

The issue of contributory infringement has become increasingly important in American copyright law. The U.S. Supreme Court has ruled on the issue multiple times, most recently in a case defining when an online service is liable for facilitating infringing music uploading and downloading.⁶¹ The liability of libraries for supplying equipment is at least plausible. Section 108(f)(1) of the U.S. Copyright Act addresses the issue, albeit in the negative: “Nothing in this section . . . shall be construed to impose liability for copyright infringement upon a library” by the use of unsupervised equipment, if the library posts a warning notice on the machines.

The language has been widely accepted as exoneration for libraries as a result of providing equipment. Taken literally, however, the language only states that nothing in Section 108 shall be construed as imposing liability. The language seems to leave room for a copyright owner to bring a claim against a library based on other sections of the Copyright Act. This statutory language has been part of American copyright law since 1978, and no reported litigation has arisen under it. The statutes of Liberia have borrowed from this American language, as have the library exception regulations of South Africa. The American statute also applies to “reproducing equipment” and not merely to photocopy machines. As a result, the library should be able to gain protection from infringements involving microfilm readers, computers, digital cameras, scanners, and any other device that is capable of reproducing a copyrighted work.

Few other countries have statutes addressing liability for the use of copy machines or other equipment at the library. The Liechtenstein statute is actually a general right of the public to make copies of works for private purposes under specified conditions, and the statute provides that a person entitled to make the private copy may utilize the “copying apparatus” at a library. The library, in turn, is required to pay some form of remuneration to the author (Section 23(2)). Swiss law has a similar provision (Article 19(1)(c)). Singapore

⁶¹ Metro-Goldwyn-Mayer Studios v. Grokster, 545 U.S. 913 (2005).

law offers protection for the library, and the “officer-in-charge” of the library, from infringements committed by users of machines installed at the library, if the library posts a prescribed notice. The protection, however, is technical: the library will not be deemed to have authorized the infringing copy “by reason only that the copy was made on that machine.” Australia and Canada also have statutes on the same general matter.

B. Limitation on Remedies

Probably every statute encompassed within this study holds some element of risk for the library. At the least, almost any word in the statute can be made the object of dispute and uncertainty. The clauses and requirements of the statute often leave serious questions about whether a library qualifies for the exception, or whether the statute covers the materials copies or the activities pursued by the library. Many libraries also seldom have access to legal advice for every need. They are left to their own managerial decisions about the meaning or scope of the statute. Recognizing the frequent uneasiness of a library’s legal predicament, the laws of a few countries shelter libraries by limiting the legal exposure they might face in the event of copyright infringement:

- Bahamas: Libraries are barred from incurring statutory damages, if the employee or agent of the library made a reproduction of a copyrighted work, and believed that the activity was a fair dealing.
- Canada: In the case of reprographic reproduction, a library is liable only for the amount of a royalty that would have been payable to a collective society; this provision applies only if the copyright owner has not authorized such a society to act on its behalf.
- United States: Libraries and employees and agents acting within the scope of employment are not liable for statutory damages if they believed that the copying was within fair use. Liberia has adopted essentially identical language.
- United States and Morocco: Limited liability of a library for violation of the anticircumvention provision, if the library can demonstrate that it did not believe that it was committing a violation.

PART XI: CIRCUMVENTION OF TECHNOLOGICAL PROTECTION MEASURES

With the issuance of the WIPO Copyright Treaty (WCT) of 1996, the international copyright system laid the foundation for the enactment of protections against circumvention of technological protection measures (TPM). As of this writing, WIPO reports that sixty-five countries are contracting parties to the WCT. That accession does not necessarily mean that the country has completed enactment of the anticircumvention legislation, but it is an indication of the extent of acceptance of the concept. The research for this study has identified seventy-nine countries with legislation on anticircumvention.

The exact nature of that legislation is beyond the scope of this report.⁶² In summary, the anticircumvention statutes are similar in that they create a violation of copyright law based on the bypassing of TPMs. Otherwise, the statutes differ in many respects. Some statutes apply only to TPMs that control access to copyrighted works. Others apply to TPMs that prevent infringing uses of the works. Some statutes cover both. The exact violations also differ greatly. Three types of violations are mentioned in the statutes: the act of circumvention itself; the creating or trafficking of anticircumvention devices; and the offering of services that circumvent TPMs. Whether a law makes a violation of one or all of these activities will vary from one country to the next.

Case Study:

Anticircumvention as a Barrier to Library Services in South Africa

The copyright law of South Africa includes a prohibition against circumvention of technological protection measures (TPMs), but no exceptions for the benefit of libraries. As a result, librarians are finding that many materials are locked behind technological restrictions, leaving libraries and their users with no ability to lawfully access the secured content.

A school librarian reported that the library has a collection of textbooks, such as accounting books, that were published with a CD-ROM of additional information. The CDs often require passwords to open, but the password might be lost and the software may no longer be serviced by the publisher. The problem is exacerbated when the books are acquired by the library second-hand; the original owner may not be known or have the password information.

A university librarian reported a similar predicament. The library purchased multiple copies of a textbook and accompanying CD-ROM for use by students. Only after acquiring the books did the librarian see the terms of access: Each disk had a password, but the password expired after 180 days. When the librarians inquired with the publisher, they learned that the limited term of the password was to restrict resale of the book and CD to other students. The publisher would not respond to library requests for long-term access to the materials.

In each of these cases, authority under the law to circumvent the TPM could make the CD and the accompanying book a useful part of the library collection. With the restrictions, however, the materials are of little or no usefulness. The library is left with poor choices, such as constantly buying new copies or simply not buying the restricted materials at all.

While many countries have some form of circumvention prohibition, twenty-six countries have enacted exceptions, including exceptions that are explicitly applicable to libraries. The United States was among the earliest adopters of anticircumvention legislation (enacted in 1998), and it has perhaps the most extensive and elaborate exceptions. The U.S. has exceptions that permit circumvention for purposes such as law enforcement investigation,

⁶² The detailed variations in the statutes are interesting and important. For example, in the 2008 revision of the copyright law of New Zealand, coding that controls market segmentation and prevents otherwise lawful playback of a work is not protected at TPM. In other words, “region codes” on DVDs that prevent playing a disk on machines from different parts of the world are not within the protection of the law.

protection of personal information, creating software compatibility, and more. American law also authorizes the Librarian of Congress to create limited regulatory exceptions. Almost all of these exceptions are highly detailed, and narrow in application.

The library exceptions to anticircumvention vary widely in their application and the details of their scope. The U.S. exception is unique in every respect. It permits a library to circumvent the TPM only for the purposes of evaluating the protected work for purposes of determining whether the library would like to acquire it. In effect, the exception allows the library to sample a database or otherwise access a copyrighted work before making what might be an expensive or dubious purchase. Even within the confines of that limited application, the American statute is replete with limits and restrictions. In the end, the library not only has to determine that it has met all requirements, but then needs to engage in the unseemly activity of bypassing the password control or other TPM.

Case Study:

Failure of the Anticircumvention Exception in the United States

The United States was among the first countries to adopt prohibitions against the circumvention of technological protection measures (TPMs) in response to the WIPO Copyright Treaty of 1996. The U.S. version includes a broad prohibition, followed by a series of exceptions. Under severely constrained circumstances, some users may circumvent TPMs for purposes related to law enforcement, or protection of personal identity. Section 1201(d) of the U.S. Copyright Act permits libraries to circumvent TPMs for the purpose of evaluating a work that is secured by TPMs, if the library is considering a purchase of the works.

Libraries often raise many concerns about TPMs, arguing that they impose restrictions on access to and uses of many information resources. The exception for libraries, in Section 1201(d), was intended to make TPMs more acceptable in the library community, but this provision has not received wide acceptance among librarians. Librarians at Carnegie Mellon were not optimistic about relying on an exception that could permit circumvention for library or educational purposes: “Even if copyright law were amended to permit circumvention of TPM for the purposes of education, research, scholarship, and the activities allowed under Sections 107 and 108, all libraries and archives do not have the technical expertise in house or the financial resources to hire someone to do the circumvention or to apply TPM to the copies made. Because the law prohibits trafficking in circumvention technology, no product will be available for libraries and archives to purchase that would enable them to do this work.”⁶³

The concerns about TPMs have grown as more resources are locked behind the technological protections. Objections are also intensifying, because the passage of time means that new technologies are entering the market, and old technologies are becoming obsolete. Like the case study from South Africa, libraries are finding that works secured by TPMs are now several years old. Often the software is obsolete, the passwords are missing, and the original publisher may not support the dated programming.

⁶³ See <http://www.loc.gov/section108/docs/Covey-CarnegieMellonUnivLibes.pdf>.

Much more common is the model of a library exception that is prevalent among European Union countries. Much unlike the U.S. exception, the E.U. model is comparatively succinct. In broadest terms, it seeks to assure that the TPM places on a copyrighted work does not interfere with the ability of the library to exercise any of the rights of use it may have under the various library exceptions for research copying, preservation, and other activities. The E.U. statutes commonly place the burden on the copyright owner, publisher, or other party that places the TPM restrictions on the work. That party, under the statute, is obliged to allow libraries to have access to the work for purposes of carrying out the permitted library copying.

The TPM exceptions from European Union countries usually apply much more widely than just to libraries. The language is often written in an effort to assure that users may carry out the opportunities granted under a host of other statutory copyright exceptions. Regardless their relative breadth and general support for carrying out copyright exceptions, the law of anticircumvention continues to be problematic. As the case studies demonstrate, TPMs pose a wide range of barriers to library services. To the extent that the law permits circumvention, the library is placed in the difficulty position of needing to determine if it is within the law, then essentially hacking through the TPM. Under the E.U. model, the library may be compelled to ask the copyright owner to provide access, which could be a burdensome or unseemly process, surely prone to stir numerous questions about the library's activities and intentions.

PART XII: CONCLUSIONS

The principal objective of this study is to present the current state of library exceptions—their frequency, their subject scope, and their evolving nature. In the process, this study has revealed some important trends and some insights in to the nature and dynamic of copyright lawmaking. The first statutory library exception dates to 1956 under the law of the United Kingdom, and today most countries have some form of copyright exception for libraries.

One of the most important findings in this study is the most basic: Of the 184 members of WIPO, this study has revealed that 128 of them have some form of library-related statutory exception. The study also found that twenty-one countries have no library exception.⁶⁴ The numbers of different types of library exceptions is revealing:

- Twenty-seven countries have a broad provision allowing libraries to make copies of works for unspecified library services.
- Seventy-four countries have provisions allowing libraries to make copies of works for library users. These are the most common of the statutory library exceptions. Fourteen of those countries permit libraries to make copies for library users, without limiting the purpose of the copy, while all of the remaining countries specify that the copy must be for study or research by the library user.
- Seventy-two countries have a statute allowing copies for preservation.
- Sixty-seven countries allow libraries to make copies of works for replacement purposes, and fifty-three of those exceptions clearly allow the library to make the copy for deposit in another library.
- Seventeen countries have exceptions on the subject of document supply, while six countries permit copies for sending in interlibrary loan to another library for purpose of delivering the copy to an individual user.
- Twenty-six countries have an exception, applicable to libraries, to the prohibition against circumvention of technological protection measures.

These few statistics betray the complexity of the statutes. Although some patterns in the content and structure of the statutes are discernible, the statutes are remarkable for their diversity. For example, the statutes permitting copies of works for research purposes are sometimes limited to certain types of works, often applying the law only to published works, or perhaps only to journal articles. Some countries have extended the provision to all types of works, and many other statutes limit or proscribe application of the law to unpublished materials. Further, such a statute may apply only upon adequate proof that the use is for research, or it may be conditioned upon the library having entered into some arrangement for compensation to copyright owners. These variations in the exceptions, plus additional differences, are construed and incorporated differently into each country's laws. One might still find some patterns and the trends among the statutes, but the laws around the world overall reveal tremendous variation in the scope and applicability of an exception that purports to be on the one subject of research copying.

⁶⁴ Of the 184 WIPO member countries, this study is based on statutes found from 149 countries; 128 of them have a library exception, and the remaining twenty-one do not.

Many countries are moving in independent directions and responding to developments in librarianship, publishing, and technology. Countries are enacting new exceptions as well as reconsidering the details of existing statutes to meet changing needs and circumstances. For example, one can see the influence of the British Imperial Statute in several countries, but Singapore and New Zealand have in recent years broken from strictly following the U.K. language. Singapore law includes elaborate conditions for making research copies; the law of New Zealand was amended in 2008 to address concerns about digital technologies. The diverse library exceptions of the world may be indicative of other factors: The awareness of the lawmakers of an issue, or simply that the lawmakers were able to reach a decision about the need for the provision and its exact terms.⁶⁵

This report does not pursue the actual motivations behind the development of the library exceptions, but some reasons why a country might have adopted a particular position may be inferred. The historical and political forces are often powerful. The important role of the European Union in directly shaping the law of twenty-seven countries is unmistakable. The influence of a model law, supported by WIPO in 1976, evidently spurred the enactment of relatively simple library exceptions in many developing countries.⁶⁶ Copyright exceptions serve multiple purposes and arise from a complex mix of forces. One recent study of the exceptions in the United Kingdom noted that they are the outcome of forces that are political, institutional, constitutional, and accidental. The authors further note the mix of personal attitudes within the judiciary.⁶⁷ The fact that a country has addressed a particular issue may simply be because that exception was part of a model statute, regional agreement, directive, or other instrument that the country was motivated to follow. It may also indicate that key government officials simply cared about the issues.

This report leaves room for many future studies pursuing the reasons why specific countries have enacted particular exceptions. Similarly, this report offers little if any insight into the actual effect of the law. One can presume that the statutory language has the effect of shaping the exact services that a library will offer. If the statute, for example, permits digital copying only under specific conditions, then presumably a library will comply and accordingly set parameters for its activities. That presumption probably underlies all law, but it may not be valid. Indeed, the difficulty of collecting case studies hints that libraries in fact might not be making widespread use of the statutes, or certainly might not be struggling with the limits and uncertainty of the exact statutory language.

On the other hand, the relatively few case studies that are focus on the complications of the statutory language might suggest something much simpler. Perhaps the statutes in many countries are sufficiently clear to guide libraries and leave them with few questions or complications. The case studies, however, suggest that the law is seldom so clear. Perhaps more likely, the statutes do not represent the actual needs of the libraries. Indeed, many librarians contributed examples of their national laws failing to address the real concerns inside libraries. Although library exceptions tend to address the subjects of research and

⁶⁵ For an excellent study of the forces shaping early copyright law in India, see Lionel Bently, "Copyright, Translations, and Relations between Britain and India in the Nineteenth and Early Twentieth Centuries," *Chicago-Kent Law Review* 82 (2007): 1181-1240.

⁶⁶ See Part IV.F. of this report.

⁶⁷ Robert Burrell and Allison Coleman, *Copyright Exceptions: The Digital Impact* (Cambridge: Cambridge University Press, 2005): 8.

preservation, a case study from Zambia reveals poignantly that libraries there continue to struggle with legal compliance surrounding one of the most familiar library services: allowing user to check out materials from the collection.

Case Study:
Lending of Videotapes in Zambia

This study focuses on statutes that specifically apply to libraries, but many other aspects of copyright law are important to libraries. The diverse responses from libraries are a reminder that some of the most fundamental aspects of the law continue to pose important challenges for libraries.

A library in Zambia has a collection of videotapes, some of which are produced in other countries. A representative of one of the production companies has reportedly visited the Zambian library seeking to bar the library from lending the videotapes. Evidently, the production company is making the argument that Zambian law does not permit the circulation or distribution of the videotape to users outside the premises of the library. By this argument, users are limited to viewing the materials only at the library. The agent has been threatening the librarians with legal action.

In many other countries, the lending of audiovisual works by libraries is clearly permitted under copyright law. For example, the European Council Directive 92/100/EEC on rental rights provides for a general right of rental or lending of works, including audiovisual works. The directive also permits public lending of works with remuneration to rightsholders, but goes further and allows statutory exceptions from the remuneration obligation. Accordingly, the copyright law of the United Kingdom provides that the copyright in a work “is not infringed by the lending of copies of the work by a prescribed library or archive (other than a public library) which is not conducted for profit” (Section 40A(2)). The copyright law of the United States broadly removes nearly all restrictions on non-commercial lending of all types of copyrighted works (Section 109(a)).

Zambia is hardly alone in having a law that at least raises the possibility that the library may not lend videotapes. The copyright law of Japan permits libraries and other nonprofit organizations to lend to the public copies of works that have been made publicly available by the copyright owner. That general provision, however, does not apply to cinematographic works. Nevertheless, cinematographic works may be loaned to the public by many nonprofit organizations, subject to designation by the government and payment of compensation to the owner (Sections 38(4) & (5)).

Some libraries are struggling with fundamentals, while others are pursuing large and complex issues. As one library confronts the legalities of circulating audiovisual materials, yet another library is pursuing complex questions of large-scale digital preservation. The broad and general nature of rights granted to copyright owners means that many library services implicate the possibility of copyright infringement. For libraries to advance even their most fundamental mission, the law must provide exceptions permitting the distribution of works through lending. For libraries to successfully preserve their collections and facilitate access to important intellectual and cultural works, library exceptions need to provide further

for limited reproduction in the name of preservation or replacement, or reproduction and distribution for a user's study and research.

Rapid changes in technology and communication are testing the acceptability and feasibility of library exceptions. For example, if the law currently permits copying for preservation of a collection, can the library shift from technologies of microfilm to digital imagery? The answer varies radically around the world. In some countries, the law clearly allows digital technologies, and in other countries the law is only open to that possible interpretation. In yet additional countries, digital copies are explicitly barred, while under some laws digital technology is permitted only with additional restrictions. The nuances of the statutes are testing the ability and willingness of librarians to work with the law in furtherance of their services.

The restrictions in the statutes are also a reflection of the competing interests that regularly shape the details of a library exception. When lawmakers decide to enact an exception, copyright owners may object. The legislative result is usually a compromise. The exception is enacted for the benefit of libraries and their users, but the exception is tempered with conditions and restrictions for the benefit of copyright owner and publishers. This dynamic in the law may lead to enactment of many statutory exceptions, but in keeping with the general trends of copyright law, the exceptions tend to be narrow, and the users of the exceptions have a duty of scrutinizing each word and reaching a legal conclusion about the applicability of the law. This study demonstrates the detail and diversity of the laws, and librarians are left with the responsibility to make decisions consistent with statutory language that is becoming more rigorous, meticulous, and challenging with the evolution of law and technology.

[Appendix follows]

APPENDIX

APPENDIX TO THE STUDY ON COPYRIGHT LIMITATIONS AND EXCEPTIONS
FOR LIBRARIES AND ARCHIVES: LIBRARY EXCEPTIONS OF THE WORLD

About this Appendix

Note about Omitted Countries

Every effort was made to obtain the current copyright legislation from the member states of the World Intellectual Property Organization. In many cases, however, the copyright legislation, or recent amendments to the copyright legislation, was unavailable or not accessible in the English language. The laws of the following countries are not included in this Appendix for the noted reasons. We would welcome any additional information that would allow inclusion of the laws of all countries in any future study.

- Bahrain (the Copyright Act of 2006 was not available)
- Bangladesh (the Copyright Act of 2000 and amendments of 2005 were not available)
- Barbados (the copyright amendments to the 1998 Copyright Act were not available)
- Central African Republic (the copyright law was not available)
- Comoros (the copyright law was not available)
- Cuba (the copyright law was not accessible in English)
- Democratic People's Republic of Korea (the copyright law was not available)
- Dominican Republic (the Copyright Act of 2000 was not accessible in English)
- Equatorial Guinea (the copyright law was not available)
- Eritrea (the copyright law was not available)
- Gabon (the copyright law was not available)
- Gambia (the copyright law was not available)
- Guatemala (the Copyright Act of 2000 was not accessible in English)
- Guinea-Bissau (the copyright law was not available)
- Guyana (the copyright law was not available)
- Holy See (the copyright law was not accessible in English)
- Honduras (Copyright Act of 1999 was not accessible in English)
- Iran (the copyright law was not available)
- Mauritania (the copyright law was not available)
- Monaco (the copyright law was not accessible in English)
- Montenegro (the copyright law was not available)
- Myanmar (the copyright law was not available)
- Nicaragua (the Copyright Act of 1999 was not accessible in English)
- Romania (the copyright amendments to the Copyright Act of 1996 were not available)
- Saint Kitts and Nevis (the copyright law was not available)
- Sao Tome and Principe (the copyright law was not available)
- Somalia (the copyright law was not available)
- Suriname (the copyright law was not available)
- Switzerland (the amendments to the 1994 Copyright Act were not accessible in English)

- Turkey (the copyright amendments to the Copyright Act of 1995 were not available)
- Uganda (the Copyright Act of 2006 was not available)
- Uruguay (the Copyright Act of 2003 was not accessible in English)

Research indicated that the following countries do not currently have copyright legislation:

- Afghanistan
- Lao People's Democratic Republic
- Maldives

Note about Accuracy of Information

The information contained within the charts is believed to be current and correct; however, some of the legislation used to create the charts has undoubtedly been amended or superseded. Also, the available English translations were often not official translations. The following sources of information were most frequently used to obtain the copyright laws and verify how current those laws were:

- WIPO's Collection of Laws – <http://wipo.int/clea/en/index.jsp>
- UNESCO's Collection of National Copyright Laws – http://portal.unesco.org/culture/en/ev.php-URL_ID=14076&URL_DO=DO_TOPIC&URL_SECTION=201.html
- The Organization of American State's Foreign Trade Information System Country Resources – http://www.sice.oas.org/countries_e.asp
- The Coalition for Intellectual Property Rights Legal Reference – <http://www.cipr.org/>
- Le Droit des Affaires en Afrique Francophone – <http://www.droit-afrique.com/>
- Abu-Gazaleh Intellectual Property's Copyright Legislation – <http://www.agip.com/default.aspx?&lang=en>
- Derecho de Autor Regional – <http://www.cerlalc.org/derechoenlinea/dar/leyes.htm>
- Digital Media Project : EUCD Collection of Materials – http://cyber.law.harvard.edu/media/eucd_materials
- International Federal of Reproduction Rights Organizations Copyright Legislation – <http://www.ifrro.org/show.aspx?pageid=copyright/filter&culture=en>
- International Intellectual Property Alliance Country Reports – <http://www.iipa.com/countryreports.html>

Albania

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the prior approval of the author.	Art. 26
Remuneration to author?	No. The use is permitted without remuneration.	

Library Use		
Who can copy?	Libraries.	Art. 26(f)
	Conditions: None.	
What can be copied?	Works located in public libraries.	
	Conditions: None.	
Purpose of the copy?	For individual usage within the library environment.	
	For the services of the library.	
	Conditions: None.	
Medium of the copy?	Photocopying.	
Other provisions?	The photocopying is permitted as long as usage does not prejudice the copyright or the right holders' rights in the work.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁶⁸

Miscellaneous		
Cultural Advertisement	Reproduction and rented use is permissible for cultural advertisement under certain conditions	Art. 28
Source	The Copyright and Other Rights Related to it of the Republic of Albania, No. 9380 (2005), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15168&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/14/07	

⁶⁸ Albania is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Albania on August 6, 2005. Provisions prohibiting technological protection measures may exist in Albanian law, but they are not contained within the 2005 Copyright Act.

Algeria

Research or Study				
Who can copy?	Libraries and document keeping centers.		Art. 45	
	Conditions:	None.		
What can be copied?	Works can be reproduced in article form.			
	Works can be reproduced into another summarized work.			
	Excerpts from written works, with or without ornamentation.			
	Conditions:	The work must be published in a collection of works, newspaper volumes, or periodicals.		
		Computer programs are excluded.		
The reproduction process must be an isolated and non-recurring act.				
Purpose of the copy?	For educational, academic research, or personal purposes, by request of a natural person.			
	Conditions:	None.		
Medium of the copy?	Not specified.			

Supplying Copies to Other Libraries			
Who can copy?	Libraries and document keeping centers.		Art. 46
	Conditions:	The institutions must not aim at making direct or indirect commercial profits.	
What can be copied?	Works.		
	Conditions:	It must be impossible to obtain a copy under reasonable conditions.	
		The reproduction process must be isolated and non-recurring.	
Purpose of the copy?	To fulfill requests from other libraries and document keeping centers.		
	Conditions:	None.	
Medium of the copy?	Not specified		

Preservation and Replacement			
Who can copy?	Libraries and document keeping centers.		Art. 46
	Conditions:	The institutions must not aim at making direct or indirect commercial profits.	

What can be copied?	Works.	
	Conditions:	It must be impossible to obtain a copy under reasonable conditions.
		The reproduction process must be isolated and non-recurring.
Purpose of the copy?	To maintain the work or to compensate for a damaged, lost, or void work.	
	Conditions:	None.
Medium of the copy?	Not specified.	

Anti-Circumvention of Technological Protection Measures	
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Circumvention provisions?	None.
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Miscellaneous	
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Source	Copyrights and Neighboring Rights Order (Act) of Algeria, No. 03-05 (19 Jumada I, 1424, corresponding to July 19, 2003), available at http://www.agip.com/country_service.aspx?country_key=130&service_key=C&SubService_Order=3&lang=en
Last edited:	11/30/07

Andorra

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of the copyright.	Art. 10(1)

Research or Study			
Who can copy?	Libraries and archives.		Art. 10(1)(a)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Published articles or other short works, including accompanying illustrations.		
	Short extracts of writings, including accompanying illustrations.		
	Conditions:	Only a single copy can be made. The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
Purpose of the copy?	For study, scholarship, or private research, by request of a physical person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the permitted purposes.	
Medium of the copy?	Reprographic reproduction.		
Other provisions?	Neighboring rights are also limited by the provisions of this section.		Art. 32(d)

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 10(1)(b)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made. The reproduction is permitted where it is impossible to obtain a copy under reasonable circumstances.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
Purpose of the copy?	To preserve and, if necessary (in the event that it is lost, destroyed, or rendered unusable), replace a copy of a work.		
	To replace in the permanent collection of another similar library or archive, a copy which has been lost, destroyed, or rendered unusable.		
	Conditions:	None.	

Medium of the copy?	Reprographic reproduction.	
Other provisions?	Neighboring rights are also limited by the provisions of this section.	Art. 32(d)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 44(1)(a)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing, importing, distributing, and offering to the public a circumvention device is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures intended to prevent or inhibit the unauthorized exercise of any rights under the law.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	Private reproduction in a single copy of a published work is permitted, where the reproduction is made by a physical person exclusively for his own private and personal use; certain works are excluded.	Art. 7
Source	Law on Copyright and Neighboring Rights of Andorra, No. 38 (1999), available at http://www.omp.ad/angles/patents/Lleidrets.pdf	
Last edited:	11/30/07	

Angola

Library Use			
Author's consent required?	No. The use is permitted without the authorization of the author.	Art. 29(b)	
Remuneration to author?	No. The use is permitted without payment of remuneration.		
Provide name of author?	Yes. The use is permitted, on condition that the name of the author is stated.		
Provide source of borrowing?	Yes. The use is permitted, on condition that the title of the work is stated.		
Who can copy?	Public libraries, documentation centers (other than commercial establishments), scientific institutions, or teaching establishments.		
	Conditions:		Reproduction is permitted, on condition that the number of copies made does not exceed the requirements to be met by the copies.
What can be copied?	Lawfully disclosed works.		
	Conditions:		None.
Purpose of the copy?	Not specified.		
	Conditions:	The use is permitted, on condition that the work is respected.	
Medium of the copy?	Reproduction by photographic or analogous processes.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction, translation, adaptation, arrangement, or any other transformation for exclusively individual and private purposes is permitted.	Art. 29(d)
Source	Law on Author's Rights of Angola, No. 4/90 (1990)	
Last edited:	12/03/07	

Antigua and Barbuda

Supplying Copies to Other Libraries			
Who can copy?	Librarians of prescribed libraries and archives.		§ 63
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Whole or parts of published editions of literary, dramatic, or musical works, including accompanying illustrations and the typographical arrangement.		
	Conditions:	A literary, dramatic, or musical work may not be copied if, at the time the copy is made, the librarian making it knows or could, by reasonable inquiry, ascertain the name and address of a person entitled to authorize the making of the copy.	
	An article or other work may only be copied in cases where it is not reasonably practicable to purchase a copy of the item in question for the purpose.		
Purpose of the copy?	To provide a copy to another prescribed library or archive.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copy” below.		

Research or Study (Published Works)			
Who can copy?	Librarians of prescribed libraries and archives.		§ 62
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Reasonable proportions of published literary, dramatic, or musical works that are not articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Conditions:	No person shall be furnished with more than one copy of the same article or with copies of more than one article contained in the same issue of a periodical.	
	No person shall be furnished with more than one copy of the same material of a work other than an article.		

Purpose of the copy?	For research or private study.		
	Conditions:	Persons requesting copies must satisfy the librarian or archivist that they require copies solely for research or private study.	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	Persons to whom copies are supplied are required to pay a sum not less than the cost attributable to the production, including a contribution to the general expenses of the library or archive.		

Research or Study (Unpublished Works)			
Who can copy?	Librarians of prescribed libraries and archives.		§ 65
	Conditions:	None.	
What can be copied?	Whole or parts of unpublished literary, dramatic, or musical works from documents in the library or archive, including accompanying illustrations.		
	Conditions:	No person may be furnished with any more than one copy of the same material.	
		A copy may not be made if the copyright owner has prohibited copying of the work and at the time of copying the librarian ought to have been aware of that fact.	
		A copy may not be made if the work was published before the document was deposited in the library or archive.	
Purpose of the copy?	For research or private study.		
	Conditions:	Persons requesting copies must satisfy the librarian or archivist that they require copies for the permitted purposes.	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	Persons to whom copies are supplied are required to pay a sum not less than the cost attributable to the production, including a contribution to the general expenses of the library or archive.		

Preservation and Replacement			
Who can copy?	Librarians of prescribed libraries and archives.		§ 64
	Conditions:	None.	

What can be copied?	Literary, dramatic, or musical works, held in the permanent collection of the library or archive, including accompanying illustrations and the typographical arrangement.	
	Conditions:	A copy may only be made where it is not reasonably practicable to purchase the work in question for the purpose.
Purpose of the copy?	To preserve or replace the item by placing the copy in the collection in addition to or in place of the item.	
	To replace a work that has been lost, destroyed, or damaged in the permanent collection of another prescribed library or archive.	
	Conditions:	None.
Medium of the copy?	Any. See definition of “copy” below.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 46(6)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technical measures that prevent or restrict reproduction of a work or impair the quality of copies made.		
Exemptions that could be used by libraries?	No explicit exemptions exist for circumvention. (Note: Fair Dealing is potentially applicable, see § 54.)		

Miscellaneous		
Declarations	<p>Regulations may provide that a librarian or archivist, who pursuant to sections 62 and 65 is required to be satisfied as to a matter before making or supplying a copy of a work, is entitled to rely on a declaration as to that matter, signed by the person requesting the copy, unless he is aware that the declaration is false in any material particular; and in such cases as may be prescribed, shall not make or supply a copy to any person in the absence of a declaration by that person.</p> <p>Where a person requesting a copy makes a declaration that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by him,</p>	§ 61(2) – (3)

	that person shall be liable for infringement of copyright as if he had reproduced the copy himself, and the copy supplied shall be treated as an infringing copy.	
Defined Terms	<p>“Copy” in relation to –</p> <p>(a) a work that is a literary, dramatic, musical, or artistic work, means a reproduction of the work in any material form and, in respect of an artistic work, includes a reproduction in three-dimensions if the artistic work is a two-dimensional work and a reproduction in two-dimensions if the artistic work is a three-dimensional work;</p> <p>(b) a work that is a film, television broadcast, or cable program, includes a photograph of the whole or any substantial part of any image forming part of the film, broadcast or cable program;</p> <p>(c) a work that is a typographical arrangement of a published edition, means a facsimile copy of the arrangement; and</p> <p>(d) any description of work, includes a copy of the work that is transient or incidental to some other use of the work, and references to the copying of a work of any description shall be construed to include a reference to storing the work in any medium by electronic means.</p>	§ 2
Source	The Copyright Act of Antigua and Barbuda (2002), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15379&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	11/02/07	

Argentina

Library Provisions (none)		
Library Provisions?	The Intellectual Property Law of Argentina contains no explicit library provisions.	
Other Provisions that Could be Used?	None.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁶⁹

Miscellaneous	
Source	Intellectual Property Law of Argentina, No. 11.723 (1933), as amended through No. 25.036 (1998), available at http://www.wipo.int/clea/docs_new/pdf/en/ar/ar012en.pdf
Last edited:	12/13/07

⁶⁹ Argentina is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Argentina on March 6, 2002; Argentina's Law 25.140 (1999) ratified the treaty. *See* http://www.jus.gov.ar/registros/derecho_autor/convenios.shtml. This law approves the treaty but does not contain substantive provisions. The full text of the law can be found (in Spanish) at [http://www.casanas.com.ar/normsAdj/Ley_25140_\(con_tratados\).pdf](http://www.casanas.com.ar/normsAdj/Ley_25140_(con_tratados).pdf).

Armenia

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the consent of the author.	Art. 24 (3)
Remuneration to author?	No. The use is permitted without paying remuneration.	
Provide name of author?	Yes. The use is permitted with the obligatory mention of the author's name.	
Provide source of borrowing?	Yes. The use is permitted with the obligatory mention of the source of the work.	

Preservation and Replacement		
Who can copy?	Libraries, archives, and educational or cultural institutions.	Art. 24 (3)(a)
	Conditions: None.	
What can be copied?	Lawfully published works.	
	Conditions: The library can only make one copy for restoring or substituting a work in its own collection.	
	The copying for another library is permitted only if, in ordinary conditions, the obtaining of such a copy in another way is impossible.	
Purpose of the copy?	For restoring or substituting the lost or damaged copies.	
	For placing the copy at the disposal of another library, in case of loss of the work.	
	Conditions: The copying must be without profit-making.	
Medium of the copy?	Reprographic reproduction. See definition below.	
Other provisions?	The use of performances, phonograms, films, or broadcasting programs is permitted under the same conditions as listed above, and provided that the use does not conflict with the normal exploitation of the work and without prejudice to the interests of the rightholders.	Art. 53

Research or Study		
Who can copy?	Libraries and archives.	Art. 24 (3)(b)
	Conditions: None.	
What can be copied?	Independent articles and succinct works lawfully published in collections, newspapers, and other periodical publications.	
	Short extracts from lawfully published written works.	

	Conditions:	Only one copy can be made. Computer programs are excluded.	
Purpose of the copy?	On demand of a natural person, for study and research purposes.		
	Conditions:	The copying must be without profit-making.	
Medium of the copy?	Reprographic reproduction. See definition below.		
Other provisions?	Educational institutions can make copies under the same conditions for classroom studies.		
	The use of performances, phonograms, films, or broadcasting programs is permitted under the same conditions as listed above, and provided that the use does not conflict with the normal exploitation of the work and without prejudice to the interests of the rightholders.		Art. 53

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 67 (1)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Making, importing, distributing, selling, renting out, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used to prevent or restrict acts in respect of works that are not authorized by the rightholder; it includes access controls and protection processes.		Art. 67 (2)-(3)
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Defined Terms	<p>“Reprographic reproduction” means facsimile reproduction in one or more copies, in any dimension (enlarged or reduced) and in any form, of the original or the reproduction of a written or other graphic work by means of photocopying or by other technical means, except those connected with the application of printing type-forms.</p> <p>Reprographic reproduction does not include the storage or reproduction of the mentioned copy in electronic (including digital), optical, or other machine-readable form.</p>	Art. 24 (1)-(2)
Source	Law on Copyrights and Neighboring Rights of Armenia (2006), available at http://www.armpatent.org/english/database/copyrights.html	
Last edited:	12/13/07	

Australia

General Provisions (applicable to each form of copying listed below)		
Library or archives	References to a body administering a library or archives shall be a reference to the body (whether incorporated or not), or the person (including the Crown) having ultimate responsibility for the administration of the library or archives.	§ 10 (3)(b)
Libraries for profit	A library shall not be taken to be established or conducted for profit by reason only that the library is owned by a person carrying on business for profit.	§ 18

Preservation, Replacement, and Library Administration			
Who can copy?	Officers in charge of libraries and archives, or persons acting on behalf of the officers.		§ 51A
	Conditions:	Includes volunteers assisting with the care or control of the collection. (§ 51A(6))	
What can be copied?	Works in manuscript form held in the collection of the library or archive.		
	Original artistic works held in the collection of the library or archive.		
	Published works held in the collection of the library or archive.		
	Works held in the collection of the library or archive.		
	Conditions:	This provision permits both reproduction and communication. In the case of a published work, an officer of the library or archives must, after a reasonable investigation, make a declaration stating that the officer is satisfied that a copy (not a second-hand copy) of the work, or of the edition of the work in the collection, cannot be obtained within a reasonable time at an ordinary commercial price, and if a copy of another edition can be so obtained, the declaration must state why the reproduction should be made from the work in the collection. ⁷⁰	

⁷⁰ Under Section 203F, it is an offense to make a false or misleading declaration for the purposes of this section. Section 203A, 203D, 203E, and 203G create offenses relating to the keeping of declarations made for the purposes of Section 51A.

		Different types of works may be copied only for the purposes specified below.
Purpose of the copy?	For preservation or replacement or research in another library or for administrative purposes.	
	Conditions:	In the case of a manuscript or original artistic work, copying may be for the purpose of preserving the work against loss or damage or for research carried out at the library or archives or at another library or archives.
		In the case of a published work, it may be copied for purposes of replacement if the work has been damaged or deteriorated, or if it has been lost or stolen.
		In the case of an original artistic work, if following the preservation copying the original has been lost or has deteriorated, or if the original has become unstable and cannot be displayed without significant risk of deterioration, the preservation copy may be communicated by making it available online through a computer terminal on the premises and on which a user cannot make an electronic copy or a hardcopy or communicate the reproduction. (§§ 51A(3A) & (3B))
		In the case of any work, it may be copied for administrative purposes. (§ 51A(2)) These copies may also be communicated to officers of the library or archives online through a computer terminal on the premises. (§ 51A(3)) Administrative purposes means purposes directly related to the care or control of the collection. (§ 51A(6))
Medium of the copy?	Any.	
Other provisions?	Notation: At or about the time the reproduction is made under § 51A, there must be made on the reproduction a notation stating that the reproduction was made on behalf of the institution and specifying the date on which the reproduction was made. (§ 203H(1))	

	<p>Publication: In the case of an unpublished work reproduced and supplied to another library or archives for research, the supply or communication by the library or archives does not constitute publication of the work. (§ 51A(5))</p>	
	<p>Application to sound recordings and film: Section 110B is nearly identical to § 51A, except it applies to the copying of a sound recording or a cinematographic film. Section 110B includes a few distinctive differences, notably mentioning that the reproduction is not an infringement of the work or of other subject-matter included in the work. For the requirement of notices on these copies, see § 203H(2).</p>	

Preservation by Cultural Institutions			
Who can copy?	Authorized officers of libraries and archives.		§ 51B
	Conditions:	The library or archives must, under state or national laws, have the function of maintaining the collection, or the library or archives is prescribed under regulations.	
What can be copied?	Manuscripts.		
	Original artistic works.		
	Published works.		
	Conditions:	The officer must be satisfied that the work is of historical or cultural significance to Australia.	
		In the case of a manuscript, the officer may make up to three reproductions.	
		In the case of an original artistic work, the officer may make up to three comprehensive photographic reproductions from the original.	
In the case of an original artistic work, the officer must be satisfied that a photographic reproduction (not a second-hand reproduction) cannot be obtained within a reasonable time at an ordinary commercial price.			
In the case of a published work, an officer may make up to three reproductions of the work from the copy in the collections.			

		<p>In the case of a published work, an officer of the library or archives must be satisfied, after a reasonable investigation, that a copy (not a second-hand copy) of the work, or of the edition of the work in the collection, cannot be obtained within a reasonable time at an ordinary commercial price, and if a copy of another edition can be so obtained, the officer is satisfied that it is appropriate to make the reproduction from the work in the collection.</p>	
Purpose of the copy?	For preservation against loss or deterioration.		
	Conditions:	None.	
Other provisions?	<p>Reasonable time and ordinary price: For purposes of determining whether a copy can be obtained within a reasonable time at an ordinary commercial price, the officer must take into account whether an electronic copy of the work or edition can be so obtained. (§ 51B(5))</p>		
	<p>Limitation: § 51B does not limit rights under other library sections, and those sections do not limit § 51B. (§ 51B(6))</p>		
	<p>Application to sound recordings and film: § 110BA is nearly identical to § 51B, except it applies to the copying of a sound recording or a cinematographic film. Section 110BA includes some distinctive provisions, notably providing separate treatment for copying published versions of the work and for copying an unpublished version or a “first record” or first copy of a film.</p>		
	<p>Application to published editions: § 112AA is nearly identical to § 51B, except it applies to the copying of a published edition of any work in the collection. § 112AA includes some distinctive provisions, notably its specific application to the making of a facsimile reproduction and the protection against infringement of any works in the published edition.</p>		

Research or Study (Published Works)				
Who can copy?	Authorized officers of libraries and archives.		§ 49(1)	
	Conditions:	<p>For purposes of § 49, a library means a library, all or part of whose collection is accessible to members of the public directly or through interlibrary loan.</p> <p>For purposes of § 49, an archives means an archives, all or part of whose collection is accessible to members of the public.</p>		
What can be copied?	Whole or parts of articles contained in periodical publications held in the collection of the institution.		§ 49(1); § 49 (2A)	
	Whole or parts of published works other than articles contained in periodical publications held in the collection of the institution.			
	Conditions:	It is not an infringement to communicate an article or work in accordance with § 49(2), (2C), and (5A). (§ 49(7B))		
		Only a single copy can be made (“a reproduction”).		
		Two or more articles from the same periodical publication may not be copied unless the articles are requested for the same research or course of study. (§ 49(4))		
		A whole work (other than an article in a periodical) or more than a reasonable portion of a work cannot be copied, unless the work is from the collections of the library or archives, and the authorized officer has after reasonable investigation made a declaration stating that the officer is satisfied that a reproduction (not being a second-hand reproduction) of the work cannot be obtained within a reasonable time at an ordinary commercial price. (§ 49(5)) (Note: Reasonable portion is determined in accordance with § 10(1)).		
In determining whether a copy is available within a reasonable time and at an ordinary commercial price, the authorized officer must take into account: (a) the time that the user				

		requires the copy; (b) the time within which a reproduction at an ordinary commercial price could be delivered to the person; and (c) whether an electronic reproduction can be obtained within a reasonable time and at an ordinary commercial price. (§ 49(5AB))	
		A note accompanying the statutes states that the reproduction can be made from another reproduction held in the library because it was made pursuant to § 51A(1) to replace a work.	
Purpose of the copy?	For research or study and supply to user, requested by the user in writing.		§ 49(1); § 49(2)
	Conditions:	The copy may be supplied only to the person requesting the reproduction. (§§ 49(6) & (7)) This requirement may be excluded by regulation. (§ 49(8)) (Note: Special rules apply when making electronic reproductions, § 49(7A).)	
		The user must furnish to the officer in charge of the library or archives a signed declaration stating that the user requires the reproduction for research or study and for no other purpose, and that the user has not previously been supplied with a copy of the same work by the library or archives. ⁷¹ Declarations pursuant to § 49 are further detailed at § 10(3)(ma).	
		The declaration must not contain any statement that the authorized officer of the library or archives knows to be untrue in any material respect. (§ 49(2))	
Purpose of the copy?	For research or study and supply to a user at a remote location, upon request by a person to an authorized officer of the institution. (See also § 49(2C)(a))		§ 49 (2A); § 49 (2C)

⁷¹ Under Section 203F, it is an offense to make a false or misleading declaration for the purposes of this section. Section 203A, 203D, 203E, and 203G create offenses relating to the keeping of declarations made for the purposes of Section 49.

	<p>Conditions:</p>	<p>The user makes a declaration to an authorized officer of a library or archives that the user requires the reproduction for research or study and for no other purpose. (See also § 49(2C)(a))</p> <p>The user must make a declaration that the user has not previously been supplied with a copy of the same work by the library or archives.</p> <p>Because of the remoteness of the user's location, the user cannot conveniently furnish a declaration (consistent with the requirements of § 49(1)) by the time that the user needs the reproduction.</p> <p>The request or declaration made by the user pursuant to § 49(2A) are not required to be in writing. (§ 49(2B))</p> <p>The authorized officer makes a declaration setting out the particulars of the request and declaration from the user, and stating that the user's declaration does not contain any statement that, to the knowledge of the officer, is untrue in any material respect regarding the purpose of the copy and whether the user has previously received a copy of the work, and that the officer is satisfied that the user's declaration is true with respect to the remoteness of the user's location. (§ 49(2C)(b))</p>	
<p>Other provisions?</p>	<p>Communication of Electronic Works: If an article contained in a periodical publication or other published work is acquired in electronic form as part of the library or archives collection, the officer in charge of the library or archives may make it available online within the premises of the library or archives in such a manner that users cannot, by using any equipment supplied by the library or archives make an electronic reproduction of the work or communicate it.</p>	<p>§ 49 (5A)</p>	

	Cost: The copying authorized by this section is not permitted if the library or archives charges for making and supplying the reproduction, and the amount charged exceeds the cost of making and supplying the reproduction.	§ 49(3)
	Notation: At or about the time the reproduction is made under § 49, there must be made on the reproduction a notation stating that the reproduction was made on behalf of the institution and specifying the date on which the reproduction was made. (§ 203H(1))	

Research or Study or View to Publication (Unpublished Works)		
Who can copy?	Persons.	§ 51(1)
Who can copy?	Officers in charge of libraries and archives, or persons acting on their behalf.	
	Conditions: None.	
What can be copied?	Unpublished literary, dramatic, musical, or artistic works.	
	Conditions:	The work must be still under copyright, and copying must occur more than fifty years after the end of the calendar year in which the author died.
		Either a copy of the work must be kept in the collection of the library or archives, or in the case of a literary, dramatic, or musical work, the manuscript of the work must be kept in the collection of the library or archives.
		The copy of the work or the manuscript in the collections must be open to public inspection, subject to any regulations governing that collection.
Purpose of the copy?	Research or study, or with a view to publication.	
	Conditions:	If the reproduction is made by an officer of the library or archives, then the reproduction may be supplied only to a person who satisfies the officer that the he or she requires the reproduction for the permitted purpose and will not use it for any other purpose.
Other provisions?	This statute also permits communication of the reproduction.	

	<p>Incorporation of a work: If a new publication of a literary, dramatic, or musical work incorporates a work to which § 51(1) applies, that publication is not an infringement or unauthorized publication of the earlier work. This right is conditioned on giving a prescribed notice and other requirements, but it extends to subsequent publication of the work and other uses.</p>	§ 52
	<p>Application to sound recordings and film: § 110A is nearly identical to § 51, except it applies to the copying of a sound recording or a cinematographic film being copied more than fifty years after the work was made.</p>	

Research or Study (Unpublished Theses)		§ 51(2)
Who can copy?	<p>Officers in charge of libraries and archives, or persons acting on their behalf.</p>	
	<p>Conditions: None.</p>	
What can be copied?	<p>Unpublished theses or other similar literary works kept in the library of a university or other similar institution or an archive.</p>	
	<p>Conditions: None.</p>	
Purpose of the copy?	<p>For research or study.</p>	
	<p>Conditions: The reproduction may be supplied to a person who satisfies an authorized officer of the library or archives that the person requires the reproduction for the permitted purposes.</p>	
Medium of the copy?	Not specified.	
Other provisions?	Although not stated explicitly in the statute, § 51(1) apparently could also apply to an unpublished thesis.	

Supplying Copies to Other Libraries		
Who can copy?	<p>Officers in charge of libraries and archives, or persons acting on their behalf.</p>	§ 50(2); § 50 (10)
	<p>Conditions:</p>	
	<p>For purposes of § 50, a library means a library, all or part of whose collection is accessible to members of the public directly or through interlibrary loan.</p>	
	<p>For purposes of § 50, an archives means an archives, all or part of whose collection is accessible to members of the public.</p>	

What can be copied?	Whole or parts of articles contained in periodical publications held in the collection of the institution.		§ 50(1); § 50(7)
	Whole or parts of published works, other than articles contained in periodical publications, held in the collection of the institution.		
	Conditions:	Only a single copy can be made (“a reproduction”).	
		A reproduction of the same item may not be supplied to a library on more than one occasion for inclusion in the library’s collection, unless as soon as practicable after making the request, the receiving library makes a declaration stating the particulars of the request and stating that the previous reproduction has been lost, destroyed, or damaged. ⁷² (§ 50(7))	
		Two or more articles may not be copied from the same periodical publication that have been requested for the same purpose, unless the articles are requested under § 49 for the same research or course of study. (§ 50(8))	
		A whole work (other than an article in a periodical) or more than a reasonable portion of a work may not be copied, if the reproduction is made from a hardcopy form of the work, unless an authorized officer of the library making the request has as soon as practicable after the request makes a declaration stating the particulars of the request and stating that after reasonable investigation the officer is satisfied that a copy (not being a second-hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price. (§ 50(7A)) (Note: Reasonable portion is determined in accordance with § 10(1)).	

⁷² Under Section 203F, it is an offense to make a false or misleading declaration for the purposes of this section. Section 203A, 203D, 203E, and 203G create offenses relating to the keeping of declarations made for the purposes of Section 50.

		<p>A whole work (including an article in a periodical) or a part of a work may not be copied, whether or not the part is a reasonable portion of the work, if the reproduction is made from an electronic form of the work, unless an authorized officer of the library making the request, as soon as practicable after the request, makes a declaration stating the particulars of the request and stating one of the following:</p> <p>(a) If the reproduction is of the whole or more than a reasonable portion of a work other than an article, after reasonable investigation the officer is satisfied that the work cannot be obtained in electronic form within a reasonable time at an ordinary commercial price.</p> <p>(b) If the reproduction is of a reasonable portion of a work other than an article, after reasonable investigation the officer is satisfied that the portion cannot be obtained in electronic form, either separately or together with a reasonable amount of other material, within a reasonable time at an ordinary commercial price.</p> <p>(c) If the reproduction is of the whole or part of an article, after reasonable investigation the officer is satisfied that the article cannot be obtained on its own electronic form within a reasonable time at an ordinary commercial price. (§ 50(7B))</p>	
		<p>In determining whether a copy is available within a reasonable time and at an ordinary commercial price, the authorized officer must take into account: (a) the time that the user requires the copy; (b) the time within which a reproduction at an ordinary commercial price could be delivered to the person; and (c) whether an electronic reproduction can be obtained within a reasonable time and at an ordinary commercial price. (§ 50(7BB))</p>	

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		The work may be communicated, in addition to copied and supplied. (§ 50(4)(b)) This provision may be excluded by regulation. (§ 50(5))	
		Legal action may not be brought against the library for making or supplying the reproduction. (§§ 50(3)(b); 50(4)(a))	
		A note accompanying the statutes states that the reproduction can be made from another reproduction held in the library because it was made pursuant to § 51A(1) to replace a work.	
Purpose of the copy?	To supply the reproduction to a person who made a request under § 49.	§ 50(1); § 50(2)	

	To include the reproduction in the collection of the requesting library.		
	To serve the needs of a library serving members of Parliament. ⁷³		
	Conditions:	Upon request by or on behalf of the officer in charge of a library. When the reproduction is made and supplied in accordance with the request, it is deemed to be for the purpose as requested. (§ 50(3)(a))	
Medium of the copy?	Any.		§ 50 (7C)
	Conditions:	If in electronic form, the reproduction held by the supplying library is destroyed as soon as practicable after the reproduction is supplied to the requesting library.	
Other provisions?	Cost: The copying authorized by this section is not permitted if the library or archives charges for making and supplying the reproduction, and the amount charged exceeds the cost of making and supplying the reproduction.		§ 50(6)
	Notation: At or about the time the reproduction is made under § 50, there must be made on the reproduction a notation stating that the reproduction was made on behalf of the institution and specifying the date on which the reproduction was made. (§ 203H(1))		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	§ 116 AN(1)
	Dealing in Devices?	Manufacturing, importing, distributing, offering, providing, or communicating a circumvention device is prohibited.	§ 116 AO(1)
	Providing Services?	Providing or offering a circumvention service is prohibited.	§ 116 AP(1)

⁷³ The provisions relevant to Parliament are applicable only to specific libraries servicing governmental constituents. Because such provisions are outside the general scope of this study, the details are not summarized here.

Access Control or Owner's Rights Control?	Both. The provisions relate to a device, product, technology, or component (including a computer program) that is used by or on behalf of the rightholder in connection with the exercise of the copyright and that in the normal course of operation controls access to the work.	§ 10(1)
Exemptions that could be used by libraries?	The act of circumvention is not prohibited if the circumvention is done by a library, archives, or educational institution; the act is done for the sole purpose of making an acquisition decision in relation to the work; and the work is not otherwise available to the institution when the act is done.	§ 116 AN (8)
	The act of circumvention is not prohibited if a person's act of circumvention is to enable the person to do an act that will not infringe the copyright and the doing of the act is prescribed by regulations.	§ 116 AN(9)

Miscellaneous		
Fair Dealing	In addition to the library exceptions, the fair dealing exception can apply to some uses of copyrighted works for specific purposes, including research and study.	§ 40; § 103C
Library Administration	A body administering a library or archives may use a copyrighted work for purposes of maintaining or operating the library or archives, if the use is limited to a special case, does not conflict with a normal exploitation of the work, and the use does not unreasonably prejudice the legitimate interests of the owner.	§ 200AB
Unsupervised Machines	When a person makes an infringing copy of a work, or part of a work, on a machine installed at a library or archives, with approval of and administering body or the library or archives, or installed outside the premises for the convenience of user of the library or archives, then neither the body administering the library or archives, nor the officer in charge of the library or archives shall be taken to have authorized the making of the copy by reason only that the copy was made on that machine. The library or archive must post a notice on or in close proximity to the machine, and the notice must be of the prescribed dimensions and in accordance with the § form. § 104B is nearly identical to Section 39A, but it specifically applies to infringing copies of an audiovisual item or a published edition of a work.	§ 39A; § 104B

Australian Archives	Provision permits the Australian Archives to make copies of works in the collection for the needs of the Archives or for a regional office of the Archives. This provision is outside the scope of this study, so the details are not summarized here.	§ 51AA
Defined Terms	The statute offers additional detailed definitions not included within this chart for the following terms: educational purpose, periodical publication, and article.	§ 10(1); § 10(4)
	“Archives” means Archival material in the custody of the Australian Archives (or three other specifically named governmental archives) or a collection of documents or other material by virtue of § 10(4). That subsection provides that the definition of “archives” includes a collection of documents or other material of historical significance or public interest that is in the custody of a body, whether incorporated or unincorporated, is being maintained by the body for the purpose of conserving and preserving those documents or other material, and the body does not maintain and operate the collection for the purpose of deriving a profit. (The version of the Australian statutes examined for this project provides by way of example that museums and galleries would be included in this definition.)	
	“Copy” in relation to a cinematographic film means any article or thing in which the visual images or sounds comprising the film are embodied.	
	“Work” means a literary, dramatic, musical, or artistic work.	
Source	Copyright Law of Australia, No. 63 (1968), as amended through No. 28 (2007), available at http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/0/CF0F41E18CD27484CA257323002077E3/\$file/Copyright1968.pdf	
Last edited:	07/17/08	

Austria

Library Use			
Who can copy?	Publicly accessible establishments.		§ 42(7)
	Conditions:	None.	
What can be copied?	Published works.		
	Conditions:	Only a single copy may be produced	
		Digital copies may only be produced if the original is in the possession of the collection.	
Single copies of works which have not been published or are out of print can also be made.			
Purpose of the copy?	Not specified.		
	Conditions:	Digital copies may be produced only for non-commercial ends.	
Medium of the copy?	Reprographic copies and digital copies are permitted.		
Other provisions?	This provision permits a copy to be exhibited, lent, or used under the same provisions as the original.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 90c
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited where the act is a violation of the copyright law. (Note: An act of circumvention that does not violate the copyright is, therefore, not prohibited.)	
	Dealing in Devices?	Manufacturing, importing, distributing, selling or renting for commercial purposes, and advertising for sale or rental circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used through a copy control, an access control, or a protection mechanism.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Private Copying	Personal copying is permitted under specified conditions.	§ 42 (1)-(4)

Source	Copyright Law of Austria, as amended (2003), available at http://www.bundeskanzler.at/2004/4/7/Urheberrechtsgesetz.pdf (in German); Guido Westkamp, <i>The Implementation of Directive 2001/29/EC in the Member States</i> (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infoosoc-study-annex_en.pdf ; Andreas Dietl, Erich Moechel, & René Pfeiffer, <i>Austria</i> , available at http://www.fipr.org/copyright/guide/austria.htm ⁷⁴
Last edited:	12/18/07

⁷⁴ Because an English translation was unavailable for this study, Austria's chart was constructed from information provided in the two cited studies.

Azerbaijan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the author's consent.	Art. 18(1)
Remuneration to author?	No. The use is permitted without payment of remuneration.	
Provide name of author?	Yes. The name of the author whose work is used must be mentioned.	
Provide source of borrowing?	Yes. The source of borrowing must be mentioned.	

Preservation and Replacement			
Who can copy?	Libraries and archive services.		Art. 18(1)(a)
	Conditions:	None.	
What can be copied?	Lawfully published works.		
	Conditions:	Only one copy may be made.	
		Copying is permitted if publication of such copy is impossible by same way. ⁷⁵	
Copying is not permitted if there is an authorized collective license (Art. 18(2)).			
Purpose of the copy?	To restore or replace lost or damaged copies.		
	To place copies at the disposal of other libraries that for any reason have lost works from their own collections.		
	Conditions:	The copy must be made without gainful intent.	
Medium of the copy?	Reprographic reproduction. See definition below.		
Other provisions?	The objects of related rights can be used in cases provided for in Title II of this Law (which includes the library copying provisions) for the limitation of the economic rights of the authors of literary, scientific and artistic works.		Art. 36

Research or Study			
Who can copy?	Libraries and archive services.		Art. 18(1)(b)
	Conditions:	None.	
What can be copied?	Isolated articles and succinct works lawfully published in periodical publications.		
	Short extracts from lawfully published written works.		

⁷⁵ The meaning of this translated phrase is unclear. The phrase could be construed as permitting the copying only if a published copy is unavailable; it could also be interpreted as permitting the copying only if it does not result in publication by the library.

	Conditions:	Computer programs are excluded. Only a single copy can be made. Copying is not permitted if there is an authorized collective license (Art. 18(2)).	
Purpose of the copy?	For study or research purposes by natural persons.		
	Conditions:	The copy must be made without gainful intent.	
Medium of the copy?	Reprographic reproduction. See definition below.		
Other provisions?	The objects of related rights can be used in cases provided for in Title II of this Law (which includes the library copying provisions) for the limitation of the economic rights of the authors of literary, scientific and artistic works.		Art. 36

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁷⁶

Miscellaneous		
Defined Terms	“Reprographic reproduction” means the facsimile reproduction in any size (increased or decreased) of the original or a copy of the work (written and other graphic work) by photocopying or with the aid of other technical means other than publishing.	Art. 4
	“Publication (release)” means putting copies of a work or phonogram into circulation with the consent of the author of the work or phonogram producer and in sufficient quantity to meet the reasonable needs of the public. An access to work, phonogram via electronic information systems is also considered a publication (release).	

⁷⁶ Azerbaijan is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Azerbaijan on April 11, 2006. Some amendments to the 1996 Azerbaijan Copyright Law have been enacted, but English translations were not available for this study; whether or not the amendments contain technological protection measures is unknown. See <http://www.copag.gov.az/zakon.shtml> (in Russian).

Source	The Law on Copyright and Related Rights of the Republic of Azerbaijan, No. 203 (1996), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=16065&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/21/07

Bahamas

Supplying Copies to Other Libraries		
Who can copy?	Librarians of prescribed libraries, including persons acting on behalf of the librarians.	§ 69
	Archivists of prescribed archives, including persons acting on behalf of the archivists.	
	Conditions: None.	
What can be copied?	Published works.	
	Conditions: A single copy or phonorecord may be reproduced or distributed.	
Purpose of the copy?	To provide a copy to another prescribed library or archive.	
	Conditions: None.	
Medium of the copy?	Not specified.	

Research or Study (Published Works)		
Who can copy?	Librarians of prescribed libraries, including persons acting on behalf of the librarians.	§ 68
	Archivists of prescribed archives, including persons acting on behalf of the archivists.	
	Conditions: The collections of the institution must be open to the public or to persons doing research in a specialized field.	
What can be copied?	Published works.	
	Conditions: A single copy or phonorecord may be reproduced and distributed.	
	A notice of copyright must be included with the copy.	
Purpose of the copy?	For research or private study.	
	Conditions: Persons requesting copies must satisfy the librarian or archivist that they require copies for the permitted purposes and will not use them for any other purpose.	
Medium of the copy?	Not specified.	
Other Provisions?	Persons to whom copies are supplied are required to pay a sum not less than the cost attributable to the production, including a contribution to the general expenses of the library or archive.	

Research or Study (Unpublished Works)		
Who can copy?	Librarians of prescribed libraries, including persons acting on behalf of the librarians.	§ 71
	Archivists of prescribed archives, including persons acting on behalf of the archivists.	
	Conditions: None.	

What can be copied?	Unpublished works.	
	Conditions:	A single copy or phonorecord may be provided or a part of such work.
		No person may be furnished with any more than one copy or phonorecord of the same material.
		A copy may not be made if the copyright owner has prohibited reproduction of the work and at the time of copying the librarian or archivist ought to have been aware of that fact.
		A copy may not be made if the work was published before the document was in the library or archive and at the time of copying the librarian or archivist ought to have been aware of that fact.
Purpose of the copy?	For teaching, research, or private study.	
	Conditions:	Persons requesting copies must satisfy the librarian or archivist that they require copies for the permitted purposes and will not use them for any other purpose.
Medium of the copy?	Not specified.	
Other Provisions?	Persons to whom copies are supplied are required to pay a sum not less than the cost attributable to the production, including a contribution to the general expenses of the library or archive.	

Preservation and Replacement			
Who can copy?	Librarians of prescribed libraries, including persons acting on behalf of the librarians.		§ 70
	Archivists of prescribed archives, including persons acting on behalf of the archivists.		
	Conditions:	None.	
What can be copied?	Published works in the permanent collection of the library or archive.		
	Conditions:	A single copy or phonorecord may be reproduced.	
		A copy or phonorecord may only be produced where it is not reasonably practicable to purchase the work in question for the purpose.	

Purpose of the copy?	To preserve or replace the item in the permanent collection to or in place of the work.	
	To replace in the permanent collection of another prescribed library or archive a work that was lost, destroyed, or damaged.	
	Conditions:	None.
Medium of the copy?	Not specified.	

Limitation of Remedies		
Who qualifies?	Non-profit educational establishments, public libraries, and the Department of Archives.	§ 41 (3)(d)
For what activity?	Infringement through reproduction of a work in copies or phonorecords.	
How are the remedies limited?	The court shall remit statutory damages.	
Under what conditions?	If the infringer believed that his use of the copyright work was a fair dealing.	
	If the infringement was committed by the institution or by an employee or agent of the institution acting within the scope of employment.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Declarations	<p>Regulations made by the Minister may provide that a librarian or archivist who, pursuant to sections 68-71, is required to be satisfied as to a matter before making or supplying a copy or phonorecord of a work is entitled to rely on a declaration as to that matter signed by the person requesting the copy or phonorecord, unless he is aware that the declaration is false in any material particular; and in such cases as may be prescribed, shall not make or supply a copy or phonorecord to any person in the absence of a declaration by that person.</p> <p>Where a person requesting a copy or phonorecord makes a declaration that is false in a material particular and is supplied with a copy or phonorecord which would have been an infringing copy or phonorecord if made by him, that person shall be liable for infringement of copyright as if he had reproduced the copy or phonorecord himself, and the copy or phonorecord supplied shall be treated as an infringing copy or phonorecord.</p>	§ 67

Source	Copyright Act of The Bahamas, Cap. 323 (1998), available at http://laws.bahamas.gov.bs/statutes/statute_CHAPTER_323.html
Last edited:	12/21/07

Belarus

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the consent of the author or other owner of copyright.	Art. 20
Remuneration to author?	No. The use is permitted without payment of reward.	
Provide name of author?	Yes. The use is permitted with the mandatory indication of the author of the work.	
Provide source of borrowing?	Yes. The use is permitted with the mandatory indication of the source of borrowing.	

Replacement		
Who can copy?	Libraries and archives.	Art. 20
	Conditions: None.	
What can be copied?	Legally published works.	
	Conditions: Only a single copy can be made.	
Purpose of the copy?	For replacement of copies that are lost, destroyed, or unfit for use.	
	Conditions: Commercialization of the copy is not permitted.	
Medium of the copy?	Facsimile or photocopying; electronic form is not permitted. See definition of "copying" below.	

Research or Study		
Who can copy?	Libraries and archives.	Art. 20
	Conditions: None.	
What can be copied?	Separate articles and small-size works legally published in collections, newspapers, and other periodicals.	
	Fragments from legally published written works.	
Purpose of the copy?	For educational and research purposes, on request of individuals.	
	Conditions: Commercialization of the copy is not permitted.	
Medium of the copy?	Facsimile or photocopying; electronic form is not permitted. See definition of "copying" below.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	Art. 39

Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing, importing with the purpose of propagation, and propagating (selling or leasing) circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provision relates to technical measures intended for preventing the violation, or an obstacle to the violation, of any copyright or contiguous rights.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	Reproduction of legally published works in single copies by an individual for personal purposes is permitted, subject to several conditions.	Art. 18
Defined Terms	"Copying" means facsimile reproduction in any size and form of one or more copies of the originals, or copies of written and other graphic works by means of photocopying or with the help of any other technical means, except for publication; copying is not storage or reproduction of the above copies in electronic, optical or other machine-readable form.	Art. 4
Source	Law on Copyright and Contiguous Rights of Belarus, No. 370-XIII (1996), as amended through No. 183-Z (2003), available at http://www.cipr.org/legal_reference/countries/belarus/index.htm	
Last edited:	11/30/07	

Belgium

Cultural Preservation			
Who can copy?	Museums, archives, and libraries.		Art. 22
	Conditions:	The institutions must not pursue direct or indirect economic or commercial advantage.	
What can be copied?	Lawfully published works.		
	Conditions:	The number of copies is limited to the purpose.	
		The copy must become part of the institution's collection.	
Purpose of the copy?	For preservation of the cultural and scientific patrimony.		
	Conditions:	The copy cannot be used for a commercial or economic purpose.	
Medium of the copy?	Not specified.		
Other provisions?	The rightholder retains the right to remuneration for such copying.		
	The copying must not conflict with the normal exploitation of the work or prejudice the legitimate interests of the author.		
	A similar provision exists for neighboring rights.		Art. 46

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 79bis
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technological measures used to prevent or restrict acts which are not authorized by the right holder; they include access controls and protection processes.		

Exemptions that could be used by libraries?	Rightholders must take adequate measures to provide beneficiaries of certain exceptions (including the exception for cultural preservation copying) with the means to benefit from the exception.	
	Conditions:	The beneficiary must have legitimate access to the protected work.
		This provision does not apply to works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.
Other provisions?	The measures taken by the rightholders to allow use by beneficiaries are voluntary. However, if the rightholder fails to provide the beneficiaries with the means to benefit from the exception, the beneficiary may litigate in accordance with Art. 87bis.	

Miscellaneous		
Copyright Exceptions	The exceptions to copyright are mandatory and cannot be contracted out.	Art. 23bis; Art. 46bis
Source	Law on Copyright and Related Rights of Belgium (1994), available at http://www.wipo.int/clea/en/fiche.jsp?uid=be003 ; Guido Westkamp, The Implementation of Directive 2001/29/EC in the Member States (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/info soc-study-annex_en.pdf ⁷⁷	
Last edited:	12/18/07	

⁷⁷ Because Belgium's 2005 copyright amendments were not available in English for this study, Belgium's chart was constructed with information contained in the cited source.

Belize

Preservation and Replacement			
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.		§ 69
	Conditions:	None.	
What can be copied?	Literary, dramatic, or musical works in the permanent collections of the institutions, including accompanying illustrations and, in the case of a published work, the typographical arrangement.		
	Conditions:	The work may be copied only where it is not reasonably practicable to purchase a copy of the item for the allowed purpose.	
Purpose of the copy?	To preserve or replace the item by placing the copy in the permanent collection in addition to or in place of the item.		
	To replace in the permanent collection of another prescribed library or archive an item which as been lost, destroyed, or damaged.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copy” below.		

Research or Study (Published Works)			
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.		§ 67
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement. (See definition of “article” below.)		
	Reasonable proportions of published editions of literary, dramatic, or musical works that are not articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Conditions:	With respect to an article, no more than one article from the same issue of the periodical may be copied.	
With respect to a work other than an article, no more than one copy of the material may be copied.			
Purpose of the copy?	For research or private study.		
	Conditions:	The person must satisfy the librarian that the copies are for the allowed purpose and no other purpose.	

		The person must satisfy librarian that the copy is to meet a need that is not related to any similar requirement of another person. The requirements for the materials are “related” if persons receive instruction to which the materials are relevant at the same time and place. The requirements for the materials are “similar” if they are for substantially the same purpose and at substantially the same time.	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	Persons to whom copies are supplied are required to pay a fee not less than the cost of producing the copy, including a contribution to the general expenses of the library or archive.		

Research or Study (Unpublished Works)			
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.		§ 70
	Conditions:	None.	
What can be copied?	Whole or parts of literary, dramatic, or musical works from documents in the collections of the institutions, including accompanying illustrations.		
	Conditions:	The work must be unpublished at the time of copying, and the librarian ought to have been aware of the fact.	
		The work may not be copied if the copyright owner has prohibited copying of the work, and librarian ought to have been aware of the fact.	
Purpose of the copy?	For research or private study.		
	Conditions:	The person must satisfy the librarian that the copies are for the allowed purpose and no other purpose.	
		The person may not receive more than one copy of the work.	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	Persons to whom copies are supplied are required to pay a fee not less than the cost of producing the copy, including a contribution to the general expenses of the library or archive.		

Supplying Copies to Other Libraries			
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.		§ 68
	Conditions:	None.	
What may be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement. (See definition of “article” below.)		
	Whole or parts of published editions of literary, dramatic, musical, or artistic works, including accompanying illustrations and the typographical arrangement.		
	Conditions:	With respect to whole or parts of published editions of literary, dramatic, musical, or artistic works, the right to copy does not apply if the librarian knows, or could by reasonable inquiry ascertain, the name and address of a person entitled to authorize the making of the copy.	
Purpose of the copy?	To supply to another prescribed library or archive.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copy” below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Declarations	Where a librarian is required to be satisfied as to certain conditions, the librarian is entitled to rely on a signed declaration by the person making the request, unless the librarian is aware that it is false. If the declaration is false, and if the copy would have been an infringement if made by that person, the person making the declaration is liable for infringement of copyright.	Sec 66(2) & 66(3)

Relationship to fair dealing	Copying for research or private study can be within fair dealing. Authorizing a third party to make copies for a researcher may also be within fair dealing. However, according to Section 56(2)(a), that copying by a third party is not fair dealing if the copying is done by a librarian, and the copying fails to comply with either Section 67 or 68 due to some deficiency of the declaration as required under Section 66. ⁷⁸	Sec 56(2)(a)
Defined Terms	An “article” in the context of an article in a periodical includes any item of any description.	Art 3(1)
	<p>The term “copy” in relation to:</p> <p>(a) a work that is a literary, dramatic, or artistic work, means a reproduction of a work in any material form, and in respect of an artistic work includes a reproduction in three dimensions, if the artistic work is a two-dimensional work and a reproduction in two dimensions if the artistic work is a three-dimensional work; and in respect of a literary, dramatic, or musical work, includes a reproduction in the form of a record or film.</p> <p>(b) a work that is a film, television broadcast or cable program, includes a photograph of the whole or any substantial part of any image forming part of the film, broadcast or cable program;</p> <p>(c) a work that is a typographical arrangement of a published edition means a facsimile copy of the arrangement.</p> <p>(d) any category of work includes any copy of the work, however made and in whatever medium, that is transient or is incidental to some other use of the work.</p>	
	References to “copying” of a work of any description shall be construed to include a reference to storing the work in any medium by electronic means.	
Source	Copyright Act of Belize, Cap. 252, as amended (2000), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15391&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/10/07	

⁷⁸ Apparently, at least with respect to situations covered by Section 67 and 68, the library may be limited to those provisions and cannot rely on fair dealing for additional rights, although the language of Section 56 could be interpreted to limit the library only when faced with a deficient declaration. That latter interpretation makes some sense; it would preclude a library service provided for a user who submits a declaration that has errors or simply reveals disqualifying information.

Benin

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other copyright holder.	Art. 19

Copying for Library Users			
Who can copy?	Libraries and archive services.		Art. 19
	Conditions:	The activities of the institution must not be aimed at making a commercial profit.	
What can be copied?	Articles, short works, or short extracts of works, published in collections of works or in newspapers or periodicals, including the illustrations.		
	Conditions:	Only a single copy can be made.	
Purpose of the copy?	To fulfill the request of an individual.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Preservation and Replacement			
Who can copy?	Libraries and archive services.		Art. 19
	Conditions:	The activities of the institution must not be aimed at making a commercial profit.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
Purpose of the copy?	To preserve and, if necessary, to replace a work that is lost, destroyed, or rendered unusable.		
	To replace in the permanent collection of another library or archive service a work that is lost, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 124
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that are used to prevent or restrict reproduction of a work or deteriorate the quality of such copies made.		

Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	
Miscellaneous		
Neighboring Rights	Works protected by neighboring rights may qualify for all uses that constitute exceptions concerning works protected by copyright under the law.	Art. 69
Personal Copying	Copying for personal and private use of literary and artistic works, performances, and sound recordings is permitted, subject to remuneration.	Art. 74
Photocopying at Public Institutions	When private copying under Section 74 of the law is carried out by photocopying, and if apparatuses intended for the making of such copies are in place for public use in schools, educational establishments, research institutes, public libraries, or commercial copying establishments, the author has the right to the payment of a remuneration which will be collected by the collective management organization from the owner of the apparatus.	Art. 79
Defined Term	“Reprographic reproduction” means the making of copies in facsimile form or copies of the work by other means of creating images, for example by photocopying. The making of copies in facsimile form which are reduced or increased in size is also regarded as a reprographic reproduction.	Art. 1
Source	Law of Copyright and Neighboring Rights of Benin, No. 2005-30 (2006), available at http://www.droit-afrique.com/images/textes/Benin/Benin%20-%20Protection%20droits%20d'auteur.pdf ⁷⁹	
Last edited:	12/18/07	

⁷⁹ Benin is a member of the Bangui Agreement, which was revised in 1999. Benin’s library and technological protection measures provisions are, in effect, identical to the provisions in the Bangui Agreement. *See* The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Bhutan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other copyright owner.	§ 13

Research or Study			
Who can copy?	Libraries and archives.		§ 13(a)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Published articles or other short works, including illustrations.		
	Short extracts of writings, including illustrations.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolate case occurring, if repeated, on separate and unrelated occasions.	
The reproduction is only permitted if there is no collective license available under which copies can be made (offered by a collective administration organization in a way that the library or archive is aware or should be aware of the availability of the license).			
Purpose of the copy?	For study, scholarship, or private research, by request of a physical person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the permitted purpose.	
Medium of the copy?	Reprographic reproduction. "Reprographic" is not a defined term. See definition of "reproduction" below.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 13(b)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
The reproduction is only permitted where it is impossible to obtain such a copy under reasonable conditions.			

Purpose of the copy?	To preserve and, if necessary (in the event that it is lost, destroyed, or rendered unusable), replace a copy of a work in the library or archive.	
	To replace in the permanent collection of another similar library or archive, a copy which has been lost, destroyed, or rendered unusable.	
	Conditions:	None.
Medium of the copy?	Reprographic reproduction. “Reprographic” is not a defined term. See definition of “reproduction” below.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	
Prohibited Acts?	The Act of Circumvention?	No.
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.
	Providing Services?	No.
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technical measures used to prevent or restrict reproduction or to impair the quality of copies made.	
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	

Miscellaneous		
Personal Copying	Private reproduction of a published work in a single copy for personal purposes is permitted; certain types of works are excluded.	§ 10
Defined Term	“Reproduction” is the making of one or more copies of a work or a sound recording in any material form, including any permanent or temporary storage of the work or sound recording in electronic form.	§ 4 (xviii)
Source	Copyright Act of the Kingdom of Bhutan (2001), available at http://www.bhutan.gov.bt/content/Acts/Copyright%20Act%2020011_130.pdf	
Last edited:	12/03/07	

Bolivia

Preservation and Replacement		
Author's consent required?	No. The use is permitted without the authorization of the author.	Art. 22
Remuneration to author?	No. The use is permitted without payment of remuneration.	
Who can copy?	Anyone, on behalf of libraries and archives.	Art. 22(c)
	Conditions: The library or archives may not be conducted for direct or indirect profit-making purposes.	
What can be copied?	Works that form part of the permanent stocks of the institution.	
	Conditions: Only a single copy may be made.	
Purpose of the copy?	To preserve the original and replace it in the event of loss, destruction, or irreparable damage.	
	To replace, in the permanent stocks of another library or archives, an original that has been lost, destroyed, or irreparably damaged.	
	Conditions: None.	
Medium of the copy?	Not specified.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁸⁰

Miscellaneous		
Domestic Legislation	The limitations and exceptions to which copyright is made subject by the domestic legislation of the Member Countries [of the Cartagena Agreement] shall be confined to those cases that do not adversely affect the normal exploitation of the works or unjustifiably prejudice the legitimate interests of the owner or owners of the rights.	Art. 21
Source	Common Provisions on Copyright and Neighboring Rights, Cartagena Agreement, Decisions 351 (1993), available at http://www.sice.oas.org/trade/JUNAC/decisiones/DEC351e.asp	
Last edited:	11/30/07	

⁸⁰ Bolivia is a signatory to the WIPO Copyright Treaty, but the treaty is not currently in force in Bolivia.

Bosnia and Herzegovina

Research or Study		
Author's consent required?	No. It is permissible to reproduce and make available works without the authorization of the author.	Art. 50(1)
Remuneration to author?	Yes. The author shall have the right to remuneration and all other rights vested in him/her under this law.	Art. 50(4)
Provide name of author?	Yes. The author's surname and forename must be clearly indicated.	Art. 50(3)
Provide name of work?	Yes. The original work must be clearly indicated.	
Provide source of borrowing?	Yes. The origin of borrowing must be clearly indicated.	
Who can copy?	Not specified. (Note: This provision does not specifically mention libraries, but it could be applicable to libraries.) Conditions: None.	Art. 50(1)
What can be copied?	Individual pieces of literary, scientific, or artistic works or such works of smaller extent in reader's books and textbooks.	
	Individual works in the field of photography, fine arts, architecture, applied arts, industrial design, and cartography, if it is the matter of already published works of a larger group of authors.	
	Conditions: None.	
Purpose of the copy?	For the purpose of educational and scientific work.	
	Conditions: None.	
Medium of the copy?	Not specified.	
Other provisions?	This provision shall apply in an appropriate manner to public communication as well.	Art. 50(2)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	Art. 121 (1)(c)	
Prohibited Acts?	The Act of Circumvention?		No.
	Dealing in Devices?		Importing, bringing across the state border, distributing, renting, allowing others the use of, or the exploiting of a circumvention device.
	Providing Services?		No.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provision relates to technical measures that facilitate the unauthorized use of the author's work or the performer's performance.		

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Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	
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Miscellaneous		
Personal Copying	Reproduction of published works for purposes of improving one's personal knowledge is permissible under certain circumstances.	Art. 51 (1)(d)
Source	Law on Copyright and Related Rights in Bosnia and Herzegovina, No. 7/02 (2002), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=17185&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	11/30/07	

Botswana

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of the copyright.	§ 16

Research or Study			
Who can copy?	Libraries and archives.		§ 16(a)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Published articles, other short works, or short extracts of a work.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
The reproduction is permitted only where there is no collective license available, offered by a collective administration organization of which the library or archive is or should be aware, under which such copies can be made.			
Purpose of the copy?	For study, scholarship, or private research, by request of a person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the permitted purposes.	
Medium of the copy?	Reprographic reproduction.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 16(b)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
The reproduction is permitted provided that it is impossible to obtain a copy under reasonable conditions.			
Purpose of the copy?	To preserve, and if necessary, to replace a work.		
	To replace a copy which has been lost, destroyed, or rendered unusable in the permanent collection of another similar library or archive.		
	Conditions:	None.	

Medium of the copy?	Reprographic reproduction.	
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Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 33 (1)(a)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to prevent or restrict reproduction of a work or to impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	Private reproduction of a published work in a single copy is permitted where the reproduction is made by any person exclusively for his own personal purposes; certain works are excluded.	§ 13
Source	Copyright and Neighboring Rights Act of Botswana, No. 8 (2000), as amended by No. 6 (2006)	
Last edited:	11/30/07	

Brazil

Library Provisions (none)		
Library Provisions?	Brazil's Copyright Law does not contain any explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: Reproduction is permitted with respect to one copy of short extracts from a work for the private use of the copier, if the copying is done by him without gainful intent.	Art. 46(II)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 107
Prohibited Acts?	The Act of Circumvention?	Altering, removing, modifying, or disabling a circumvention device is prohibited.	
	Dealing in Devices?	Distributing, importing for distribution, broadcasting, communicating, or making available works in which the technical devices have been removed is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that have been incorporated in protected works to prevent or restrict reproduction.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	Law on Copyright and Neighboring Rights of Brazil, No. 9610 (1998), available at http://www.wipo.int/clea/docs_new/pdf/en/br/br002en.pdf
Last edited:	12/03/07

Brunei Darussalam

Research or Study (Articles)			
Who can copy?	Librarians of prescribed libraries.		§ 42
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Conditions:	No person shall be furnished with more than one copy of the same article or with copies of more than one article contained in the same issue of a periodical.	
Purpose of the copy?	For research or private study by persons.		
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the allowed purposes and will not use them for any other purpose.	
	Regulations for this section shall require that the copies shall be supplied only to a person satisfying the librarian that his requirement is not related to any similar requirement of another person. Requirements are deemed "similar" if the requirements are for copies of substantially the same material, at substantially the same time, and for substantially the same purpose. Requirements are deemed "related" if those persons receive instruction to which the material is relevant at the same time and place. (§ 44)		
Medium of the copy?	Any. See definition of "copy" below.		
Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.		

Research or Study (Literary, Dramatic, or Musical Works)			
Who can copy?	Librarians of prescribed libraries.		§ 43
	Conditions:	None.	
What can be copied?	Parts of literary, dramatic, or musical works (other than articles in periodicals), including accompanying illustrations and the typographical arrangement.		

	Conditions:	No person shall be furnished with more than one copy of the same material or more than a reasonable proportion of any work.	
Purpose of the copy?	For research or private study by persons.		
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the allowed purposes and will not use them for any other purpose. Regulations for this section shall require that the copies shall be supplied only to a person satisfying the librarian that his requirement is not related to any similar requirement of another person. Requirements are deemed “similar” if the requirements are for copies of substantially the same material, at substantially the same time, and for substantially the same purpose. Requirements are deemed “related” if those persons receive instruction to which the material is relevant at the same time and place. (§ 44)	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.		

Supplying Copies to Other Libraries			
Who can copy?	Librarians of prescribed libraries.		§ 45
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Whole or parts of literary, dramatic, or musical works from published editions, including accompanying illustrations and the typographical arrangement.		
	Conditions:	With respect to works other than articles, the copy cannot be made if, at the time the copy was made, the librarian knew or could by reasonable inquiry have ascertained the name and address of a person entitled to authorize the making of the copy.	

Purpose of the copy?	To supply a copy to another prescribed library.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copy” below.		

Preservation and Replacement			
Who can copy?	Librarians or archivists of prescribed libraries or archives.		§ 46
	Conditions:	None.	
What can be copied?	Literary, dramatic, or musical works in the permanent collection of the library or archive, including accompanying illustrations and the typographical arrangement.		
	Conditions:	Prescribed conditions shall include provisions restricting the making of copies to cases where it is not reasonably practicable to purchase a copy of the item to fulfill the purpose.	
Purpose of the copy?	To preserve or replace the item by placing the copy in its permanent collection in addition to or in place of the item.		
	To replace in the permanent collection of another prescribed library or archive an item which has been lost, destroyed, or damaged.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copy” below.		

Research or Study (Unpublished Works)			
Who can copy?	Librarians or archivists of prescribed libraries or archives.		§ 47
	Conditions:	None.	
What can be copied?	Whole or parts of literary, dramatic, or musical works from document in the library or archive, including accompanying illustrations.		
	Conditions:	A copy cannot be made where the copyright owner has prohibited copying of the work, and at the time of the making of the copy, the librarian ought to have been aware of that fact.	
		The work must not have been published before the document was deposited in the library or archive.	
		No person may be furnished with any more than one copy of the same material.	

		A copy cannot be made if or to the extent that there is a licensing scheme under which licenses are available authorizing the making of such copies, and the person making the copies knew or ought to have been aware of that fact.	
Purpose of the copy?	For research or study by persons.		
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the allowed purposes and will not use them for any other purpose.	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.		

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	§ 203
Prohibited Acts?	The Act of Circumvention?	
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.
	Providing Services?	No.
Access Control or Owner’s Rights Control?	Not specified. The section applies when copyright work is issued to the public in an electronic form which is copy-protected.	
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	

Miscellaneous		
Declarations	Where a person requesting a copy makes a declaration which is false in a material particular and is supplied with a copy which would have been an infringing copy if made by him, then he is liable for infringement of copyright as if he had made the copy himself, and the copy shall be treated as an infringing copy.	§ 41
Works of Cultural Importance	If an article of cultural or historical importance or interest cannot lawfully be exported unless a copy of it is made and deposited in an appropriate library or archive, it is not an infringement of copyright to make that copy.	§ 48

Personal Use	Fair dealing with a literary, dramatic, musical, or artistic work for the purpose of research or private study is not a copyright infringement, if specified conditions are met.	§ 33
Defined Terms	In sections 42-47, references to a prescribed library or archive are to a library or archive of a prescribed description.	§ 41
	References to a librarian or archivist include a person acting on his behalf. “Copying” in relation to – (1) a literary, dramatic, musical, or artistic work means reproducing the work in any material form, including the storing of the work in any medium by electronic means; (2) an artistic work includes the making of a copy in three dimensions of a two-dimensional work and the making of a copy in two dimensions of a three-dimensional work; (3) a film, television broadcast, or cable program includes the making of a photograph of the whole or any substantial part of any image forming part of the film, broadcast, or cable program; (4) a typographical arrangement of a published edition means the making of a facsimile copy of the arrangement; (5) any description of the work includes the making of copies which are transient or incidental to some other use of the work.	§ 19
Source	Emergency Copyright Order of Brunei Darussalam (1999), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15877&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/11/07	

Bulgaria

Library Use			
Author's consent required?	No. The use is permitted without the consent of the copyright holder.		Art. 24
Remuneration to author?	No. The use is permitted without payment of compensation.		
Who can copy?	Public libraries, schools, or other educational establishments, museums, or archives with educational or conservation purposes.		Art. 24(9)
	Conditions:	None.	
What can be copied?	Published works.		
	Conditions:	Reproduction in necessary quantities is permitted.	
Purpose of the copy?	Any purpose.		
	Conditions:	The use may not serve commercial purposes.	
Medium of the copy?	Not specified.		
Other provisions?	The reproduction is permitted provided that it does not conflict with the normal exploitation of the work and does not prejudice the legitimate interests of the copyright holder.		Art. 23
	Natural persons may have access to works in collections of these institutions, provided this is done for scientific purposes and is not of a commercial nature. This provision also applies to phonogram producers (Art. 90) and film producers (Art. 90c).		Art. 24(11)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 97
Prohibited Acts?	Circumvention?	No.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, offering for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used to prevent or restrict acts in respect of works protected by the law; it includes access and protection controls.		§ 2(14)

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Exemptions that could be used by libraries?	No. The use of works under Art. 24(1), which includes the library exemption, may not be carried out in a manner accompanied by removal, damage, destruction, or disruption of technical means of protection without the consent of the copyright holder.	Art. 25a
Miscellaneous		
Remuneration	Remuneration collected on levied apparatuses which are thereafter purchased by public libraries, schools, or other educational establishments, museums, and archives must be returned to the institutions within six months.	Art. 26(5)
Source	Law on Copyright and Neighboring Rights of Bulgaria, No. 56 (1993), as amended through No. 77 (2002), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15398&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/12/07	

Burkina Faso

Library Provisions (none)		
Library Provisions?	Burkina Faso's law does not contain explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: When a work is lawfully disclosed, the author cannot prohibit reproduction if it is reserved solely for the private use of the person who carried out the reproduction and is not intended for collective use. Works of architecture and art, whole or substantial parts of databases, and computer programs are generally excluded.	Art. 21
	Reproduction of objects of neighboring rights is also permitted without the authorization of the rightholder if reserved solely for the private use of the person who carried out the reproduction.	Art. 80

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 108
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to for protection of the copy or regulation of the copy.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	Law on the Protection of Literary and Artistic Property of Burkina Faso, No. 32 (1999), available at http://www.culture.gov.bf/Site_Ministere/textes/reglementation/loi_bbda13.htm ⁸¹
Last edited:	12/05/07

⁸¹ Burkina Faso is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Burundi

Library Provisions (none)		
Library Provisions?	Burundi's law contains no explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: When the work has been disclosed, the author may neither prohibit nor profit by copies or reproductions made strictly for the private use of the copier and not intended for collective use.	Art. 28(2)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Compulsory License	A translation and publication license may be granted by the Minister in charge of cultural affairs to a Burundi publisher, solely for the purpose of teaching, scholarship, or research. Detailed conditions apply.	Art. 30-35
Source	Law Regulating the Rights of Authors an Intellectual Property in Burundi, No. 1/9 (1978)	
Last edited:	12/03/07	

Cambodia

Preservation			
Who can copy?	Libraries.		Art. 25(b)
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	As part of an arrangement to preserve in the library the copy of the work for the purpose of conservation or research.		
	Conditions:	None.	
Medium of copy?	Not specified. Reproduction is defined to include any permanent or temporary storage of the work in electronic form. (Art. 2(m))		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 62(1)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Producing a circumvention device or importing it for sale or lease is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provision relates to a device intend to restrict the quantity of the reproduction of a work or to impair the quality of the copies.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	Law on Copyright and Related Rights of the Kingdom of Cambodia, Royal Decree NS/RKM/0303/008 (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15399&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	11/02/07

Cameroon

Library Provisions (none)		
Library Provisions?	Cameroon's Copyright Law does not contain any explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: Where the work was published with the authorization of the author, he may not forbid reproductions and transformations in one copy for strictly personal and private use of the person who makes them, but the reprographic reproduction of an entire book or musical piece in graphic form or the reproduction of databases or banks and software is not permitted. This right is subject to remuneration (§§ 69, 72).	§ 29(1)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 81 (1)(d)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	No.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used by owners of copyrights or neighboring rights to protect their works against unauthorized acts.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	Law on Copyright and Neighboring Rights of Cameroon, No. 11 (2000), available at http://www.wipo.int/clea/docs_new/pdf/en/cm/cm001en.pdf ⁸²
Last edited:	11/02/07

⁸² Cameroon is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Canada

Preservation, Replacement, and Library Administration			
Who can copy?	Libraries, archives, and museums, and persons acting with the authority of the institution.		§ 30.1
	Conditions:	Libraries, archives, and museums that form part of educational institutions are included. (§ 30.4)	
What can be copied?	Works and other subject matter, whether published or unpublished, in the permanent collections of the institutions.		
	Conditions:	<p>One of the following conditions must be satisfied:</p> <p>(a) The original work must be rare, or it must be unpublished; and the original work must be deteriorating, damaged, or lost, or at risk of deterioration or becoming damaged or lost.</p> <p>(b) The original cannot be viewed, handled, or listened to because of its condition or because of the atmospheric conditions in which it must be kept; and the copy is for purposes of on-site consultation.</p> <p>(c) The original is in an obsolete format or the technology required to use the original is unavailable; and the copy is made in an alternative format.</p> <p>(d) The copy is for the purposes of internal record-keeping and cataloging.</p> <p>(e) The copy is for insurance purposes or police investigations.</p> <p>(f) The copy is necessary for restoration.</p>	
	Alternative (a), (b), and (c) do not apply where an appropriate copy is commercially available in a medium and of a quality that is appropriate for the allowed purposes.		
	If a person must make an intermediate copy in order to make an allowed copy, that person must destroy the intermediate copy as soon as it is no longer needed.		

Purpose of the copy?	For maintenance or management of the permanent collection of the organization.	
	For maintenance or management of the permanent collection of another library, archive, or museum.	
	Conditions:	None.
Other provisions?	The Governor in Council may make regulations with respect to procedures for making copies under this section.	

Research or Study (Articles)		
Who can copy?	Libraries, archives, and museums, and persons acting with the authority of the institution.	
	Conditions:	Libraries, archives, and museums that form part of educational institutions are included. (§ 30.4)
What can be copied?	Articles published in scholarly, scientific, or technical periodicals.	
	Articles published in newspapers and periodicals, other than a scholarly, scientific, or technical periodical, if the newspapers and periodicals were published more than one year before the copy is made.	
	Conditions:	Works of fiction or poetry and dramatic or musical works are excluded.
		The user must satisfy the institution that the user will not use the copy for a purpose other than research or private study.
	The person may be provided with a single copy only.	
Purpose of the copy?	Research or private study, by request of a person.	
	Conditions:	A copy may be made of printed matter for a user of another library, but the copy given to that user must not be in digital form. If an intermediate copy is made in order to make this allowed copy, the intermediate copy must be destroyed after the copy is given to the user.
Medium of the copy?	Reprographic reproduction. ⁸³	

⁸³ This term is not defined in the act, but the term typically suggests paper or similar copies, as other countries have detailed in the definitions. Yet, § 30.2(5) specifies a situation when a copy cannot be in digital format, implying that under other circumstances, digital reproduction is permissible.

Other provisions?	The Governor in Council may make regulations with respect to procedures for making copies under this section.	
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Research or Study (Unpublished Works)		
Who can copy?	Archives.	§ 31.21
	Conditions: Archives that form part of educational institutions are included. (§ 30.4)	
What can be copied?	Unpublished works deposited in the archive.	
	Conditions: The archive may only make one copy for the requesting person.	
	The archive must have given notice to the person who deposited the work that the work may be copied in accordance with this section.	
Purpose of the copy?	Research or private study of a person.	
	Conditions: The archive must be satisfied that the user will use the copy only for the permitted purposes.	
Medium of the copy?	Not specified.	
Other provisions?	The Governor in council may prescribe the manner and form by which many of the conditions in this section are to be met.	

Limitation of Remedies		
Who qualifies?	An educational institution, library, archive, or museum.	§ 38.1 (6) & § 38.2
For what activity?	Reprographic reproduction of a work where an owner of copyright has not authorized a collective society to authorize its reproduction.	
How are the remedies limited?	The owner may recover a maximum amount equal to the amount of royalties that would have been payable to the society if the reproduction had been authorized.	
	No statutory damages may be awarded.	

Other provisions?	Statutory damages are greatly reduced when the defendant satisfies the court that the defendant was not aware and had no reasonable grounds to believe that the defendant had infringed copyright. (Note: This provision could apply to a library that believed it was acting within an exception.)	§ 38.1 (2)
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Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None. ⁸⁴	

Miscellaneous		
Relationship to fair dealing	It is not an infringement for a library, archive, or museum or a person acting under its authority (including a library, archive, or museum that forms part of an educational institution) to do anything on behalf of any person that the person may do personally under Section 29 (related to fair dealing for the purpose of research or private study) or Section 29.1 (related to fair dealing for criticism or review). The Governor in Council may make regulations prescribing the information to be recorded about these actions and the manner and form in which the information is to be kept.	§ 30.2 (1) & (6)(c)
Reproduction machines in the library	An educational institution, library, archive, or museum (including a library, archive, or museum that forms part of an educational institution) does not infringe copyright when reprographic reproductions of works in printed form are made on a machine installed with approval on the premises for use by persons using the library or other organization, and affixed to the machine is a warning notice in the prescribed manner and location. This exemption applies only if the organization has an agreement with a collective licensing agency or other arrangement in accordance with details in the statute and regulations.	§ 30.3
Orphan Works	If a copyright owner is not located after a reasonable search, a user may apply to the Copyright Board for a license to use the work.	§ 77

⁸⁴ Canada is a signatory to the WIPO Copyright Treaty, but it has not yet entered into force. The Canadian government has considered copyright bills that would add technological protection measures, but none has passed. *See* Copyright Reform Bill Critics Eye Victory, CBC News (Dec. 10, 2007), available at <http://www.cbc.ca/technology/story/2007/12/10/tech-copyright.html>.

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Source	Copyright Act of Canada, c. C-42 (1985), updated through June 20, 2007, available at http://laws.justice.gc.ca/en/showtdm/cs/C-42
Last edited:	12/10/07

Cape Verde

Library Use		
Author's consent required?	No. The use is permitted without the author's consent.	Art. 48(b)
Remuneration?	No. No right of remuneration applies to the exceptions in Article 48.	
Source cited?	Yes. The use is allowed respecting the right of having the author's name mentioned and respecting authenticity and integrity.	
Who can copy?	Libraries, archives, and non-commercial documentation centers, scientific institutions, and educational institutions.	
	Conditions: None.	
What can be copied?	Published or publicly disclosed works.	
	Conditions: The number of copies does not exceed the purpose.	
Purpose of the copy?	Exclusively for didactic, research, and professional formation purposes.	
	Conditions: None.	
Medium of the copy?	By photographic or other similar means.	
Other provisions?	None.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Compulsory License	Provides for compulsory license to make a translation of a published work for didactic or scientific research purposes.	Art. 49

Source	Copyright Law of Cape Verde, No. 101/III.90 (1990), published in the Official Bulletin of the Republic of Cape Verde, No. 52, 29 December 1990. Translation of selected provisions provided by Carolina Rossini.
Last edited:	05/22/08

Chad

Copying for Library Users			
Who can copy?	Libraries and archives.		Art. 36(1)
	Conditions:	The activities of the institution must not aim directly or indirectly at commercial profit.	
What can be copied?	Articles, short works, or short extracts of writings published in collections of works or in newspapers or periodicals, including the illustrations.		
	Conditions:	Computer programs are excluded. Only a single copy can be made.	
Purpose of the copy?	To satisfy the request of a physical person.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction.		
Other provisions?	This provision also applies to works protected by neighboring rights.		Art. 95

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 36(2)
	Conditions:	The activities of the institution must not aim directly or indirectly at commercial profit.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
Purpose of the copy?	To preserve and, if necessary, to replace a work.		
	To replace a work that is lost, destroyed, or rendered unusable in the permanent collection of another library or archive.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction.		
Other provisions?	This provision also applies to works protected by neighboring rights.		Art. 95

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 118
Prohibited Acts?	The Act of Circumvention?	Circumvention is prohibited without authorization from the Minister in charge of culture.	
	Dealing in Devices?	Manufacturing, assembling, selling, exchanging, hiring, or making available to the public a circumvention device is prohibited without authorization from the Minister in charge of culture.	

	Providing Services?	Providing circumvention services is prohibited without authorization from the Minister in charge of culture.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that prevent copying or limit the possibilities of copying or recopying.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	When the work has been lawfully divulged, the author cannot prohibit reproduction strictly reserved for the private use of the person making the copy, where the copy is not intended for collective use. Copies are not permitted of works of art intended to be used for ends identical to those for which the original work was created. The reproduction is subject to remuneration (see Art. 113).	Art. 34
Source	Law on the Protection of Copyright, Neighboring Rights, and Folklore of Chad, No. 005/PR/2003 (2003), available at http://www.cefod.org/Droit_au_Tchad/Revuejuridique/Revue7/Droit-auteur_rjt7.htm ⁸⁵	
Last edited:	12/06/07	

⁸⁵ Chad is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Chile

Library Provisions (none)		
Library Provisions?	Chile's Copyright Law does not contain explicit library provisions.	
Other Provisions that Could be Used?	In works of a cultural, scientific, or didactic nature, it is acceptable to reproduce fragments of copyrighted works without remunerating the author and without authorization, provided that the source, title and author are indicated. This exception is limited to cases that do not impede the normal exploitation of the work and that do not cause unwarranted damage to the legitimate interests of the copyright owner.	Art. 38; Art. 45bis

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁸⁶

Miscellaneous	
Source	Copyright Law of Chile (1970), as amended (updated through January 2004)
Last edited:	12/20/07

⁸⁶ Chile is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Chile on March 6, 2002. Chile's law contains protections for rights management information but does not contain provisions on circumvention of technological protection measures within the Copyright Act of 2003.

China

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without permission from the copyright owner.	Art. 22 ⁸⁷
Remuneration to author?	No. The use is permitted without payment of remuneration to the copyright owner, unless otherwise noted below.	
Provide name of author?	Yes. The use is permitted, provided that the name of the author is mentioned. ⁸⁸	
Provide title of work?	Yes. The use is permitted, provided that the title of the work is mentioned.	

Display and Preservation		
Who can copy?	Libraries, archives, memorial halls, museums, and art galleries.	Art. 22(8)
	Conditions: None.	
What can be copied?	Works.	
	Conditions: None.	
Purpose of the copy?	For display or preservation of a copy of the work.	
	Conditions: The other rights enjoyed by the copyright owner must not be prejudiced.	
Medium of the copy?	See definition of "reproduction" below.	
Other provisions?	The Network Regulations refer to works digitally duplicated for the purpose of display or preservation, which are defined as works that have been damaged or nearly been damaged, or lost or stolen, or the storage format of which is outdated, which are not available in the market or can only be purchased at an obviously higher price than their designated price.	Art. 7 Network Reg.

Public Use (Making Available)		
Who can communicate?	Libraries, archives, memorial halls, museums, and art galleries.	Art. 7 Network Reg.;
	Conditions: None.	
What can be communicated?	Published digital works from the library's collection or digital copies of works ("digital copies of works" are works digitally duplicated for the purpose of display or preservation, presumably consistent with Art. 22(8)).	Art. 10 Network Reg.

⁸⁷ The citations are to the Copyright Act unless otherwise indicated.

⁸⁸ The Network Regulations provide that the name of the author and the title of the work must be "clearly indicated." Art. 10(2) Network Reg.

	Conditions:	Technological measures must be taken to prevent access to the works by people other than the permitted users.	
		Technological measures must be taken to prevent material damage to the interests of the copyright owners by the users' duplication activities.	
Purpose of the communication?	For public reading on the premises.		
	Conditions:	The institutions may not directly or indirectly gain economic interest, except where otherwise agreed by the parties concerned.	
		The other rights enjoyed by the copyright owner must not be prejudiced.	
Medium?	Via the institution's network reading system within its premises.		
Other provisions?	Remuneration is required.		
	This provision is also applicable to the providing of performance recordings or sound or video recordings, subject to the same conditions.		Art. 11 Network Reg.

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes. ⁸⁹		Art. 47(6); Art. 4 Network Reg.
Prohibited Acts?	The Act of Circumvention?	The Copyright Act prohibits the circumventing or sabotaging of technical measures. The Network Regulations prohibit the evading or damaging of technological measures.	
	Dealing in Devices?	The Network Regulations prohibit manufacturing, importing, or providing to the public circumvention devices.	

⁸⁹ The Copyright Act provides a general statement that circumventing technical measures is prohibited. The Act does not define technical measures beyond the statement that they are measures adopted by the owner to protect the copyright. The Network Regulations provide more detailed restrictions and definitions. However, the Network Regulations apply only to the protection of the right of communication via information networks. Xue Hong and Guo Shoukang note that "[s]ince these regulations are intended to implement the right of communication via information networks, the question arises: Do they apply to technical measures outside the online environment?" See Xue Hong & Guo Shoukang, "China," *International Copyright Law and Practice*, § 8 (2007).

	Providing Services?	The Network Regulations prohibit providing circumvention services.	
Access Control or Owner's Rights Control?	Possibly both. The provisions in the Copyright Act relate only to technical measures that protect the copyright in the work. The provisions in the Network Regulations relate to technical measures that prevent or restrict browsing and appreciation of works, or the provision thereof to the public via information networks.		Art. 47(6); Art. 26 Network Reg.
Exemptions that could be used by libraries?	The Copyright Act states that the prohibition on circumvention is applicable except where otherwise provided for in laws or administrative regulations. ⁹⁰ The Network Regulations provide exemptions to circumvention that are not explicitly relevant to libraries, other than the provision of literary works by libraries for the blind. These exemptions are implicitly the only instances in which circumvention is permitted. ⁹¹		Art. 47(6); Art. 12 Network Reg.

Miscellaneous			
Defined Terms	The exclusive right of reproduction is described as right to produce one or more copies of a work by printing, photocopying, lithographing, making a sound recording or video recording, duplicating a recording, or duplicating a photographic work, or by other means.		Art. 10(5)
Sources	Copyright Law of the People's Republic of China (1990), as amended (2001), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15409&URL_DO=DO_TOPIC&URL_SECTION=201.html ; Regulations on the Protection of the Right of Communication Via Information Network (2006), available at http://samsung.files.wordpress.com/2007/09/regulations-on-communication-rights.pdf		
Last edited:	12/11/07		

⁹⁰ Apparently, this provision is not construed to include the limitations provided for in the Copyright Act; therefore, libraries would not be permitted to circumvent technical measures for display or preservation purposes under Article 22. See Huija Xie, *Protecting Fair Use from Digital Rights Management in China*, available at <http://delivery.acm.org/10.1145/1320000/1314284/p33-xie.pdf?key1=1314284&key2=3319636911&coll=ACM&dl=ACM&CFID=15151515&CFTOKEN=6184618>.

⁹¹ See Xue Hong & Guo Shoukang, *supra*.

Colombia

Preservation and Replacement			
Author's consent required?	No. The use is permitted without the authorization of the author.		Art. 22
Remuneration to author?	No. The use is permitted without payment of remuneration.		
Who can copy?	Anyone on behalf of libraries or for archives.		Art. 22(c)
	Conditions:	As long as the library or archives is not conducted for direct or indirect profit-making purposes.	
What can be copied?	Works forming part of the permanent stocks of the library or archives.		
	Conditions:	Only a single copy may be made.	
Purpose of the copy?	To preserve the original and replace it in the event of loss, destruction, or irreparable damage.		
	To replace, in the permanent stocks of another library or archives, an original that has been lost, destroyed, or irreparably damaged.		
	Conditions:	None.	
Medium of the copy?	Not specified.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 272 Penal Code
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Making, importing, selling, renting, or in any way distributing to the public a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to prevent or restrict unauthorized use.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Domestic Legislation	The limitations and exceptions to which copyright is made subject by the domestic legislation of the Member Countries [of the Cartagena Agreement] shall be confined to those cases that do not adversely affect the normal exploitation of the works or unjustifiably prejudice the legitimate interests of the owner or owners of the rights.

Source	Common Provisions on Copyright and Neighboring Rights, Cartagena Agreement, Decisions 351 (1993), available at http://www.sice.oas.org/trade/JUNAC/decisiones/DEC351e.asp ; Penal Code (2006), available at http://www.derautor.gov.co/HTM/legal/legislacion/leyes_arch/1032.pdf (in Spanish)
Last edited:	12/13/07

Congo

Library Use		
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, and educational establishments.	
	Conditions:	None.
What can be copied?	Literary, artistic, and scientific works which have been lawfully made available to the public.	
	Conditions:	The reproduction and number of copies is limited to the purpose.
Purpose of the copy?	For the needs of the institution's activities.	
	Conditions:	None.
Medium of the copy?	Reproduction by photographic or similar process.	
Other provisions?	The reproduction cannot conflict with the normal exploitation of the work or unreasonably prejudice the legitimate interests of the author.	
	The works can be reproduced in the original language or in translation.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁹²

Miscellaneous	
Source	Law on Copyright and Neighboring Rights of Congo, No. 24/82 (1982)
Last edited:	12/20/07

⁹² Congo is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Costa Rica

Library Provisions (none)		
Library Provisions?	Costa Rica's Copyright Law does not contain explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: The reproduction of an educational or scientific work, done personally and exclusively by the person concerned for his own use and without any direct or indirect gainful intent, shall also be free. Such reproduction shall be done in a single handwritten or typewritten copy. This provision shall not apply to computer programs.	Art. 74

Anti-Circumvention of Technological Protection Measures	
Circumvention Provisions?	None. ⁹³

Miscellaneous	
Source	Law on Copyright and Related Rights of Costa Rica, No. 6683 (1982), as amended by No. 8039 (2000), available at http://www.wipo.int/clea/en/fiche.jsp?uid=cr001
Last edited:	12/11/07

⁹³ Costa Rica is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Costa Rica on March 6, 2002. Although Costa Rican law may have technological protection measures, they are not contained within the copyright law, as of the 2000 amendments.

Cote d'Ivoire

Library Provisions (none)		
Library Provisions?	The Copyright law of Cote D'Ivoire does not contain explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: When the work has been lawfully made accessible to the public, the author may not prohibit reproductions, translations, and adaptations intended for strictly personal and private use, and not for collective use, with the exception of works of art.	Art. 31

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁹⁴

Miscellaneous		
Archives	Without prejudice to the right of the author to be paid equitable remuneration, reproduction that has exceptional documentary character, and also copies of recordings that have cultural value, may be preserved in official archives.	Art. 37
Source	Law on the Protection of Intellectual Works and the Rights of Authors, Performers, and Phonogram and Videogram Producers of Cote D'Ivoire, No. 96-564 (1996)	
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⁹⁴ Cote d'Ivoire is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Croatia

Library Use			
Who can copy?	Public archives, public libraries, education and scientific institutions, preschool educational institutions, and social (charitable) institutions.		Art. 84
	Conditions:	The institution must be pursuing non-commercial purposes.	
What can be copied?	Works.		
	Conditions:	The reproduction must be made from the institution's own copy of the work.	
Purpose of the copy?	Not specified.		
	Conditions:	None.	
Medium of the copy?	Any medium.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 175
Prohibited Acts?	The Act of Circumvention?	The circumvention of technological measures is prohibited.	Art. 175 (1)
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	Art. 175 (2)
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technology that is designed to prevent or restrict acts which are not authorized by the rightholder under the Copyright Act; this includes works controlled through application of an access control or protection process.		Art. 174 (4)
Exemptions that could be used by libraries?	Where the use of a work without the author's authorization is permitted for personal or library use (and other specified uses), and where the use of the work or access to the work is prevented by technological measures, the rightholder shall be obliged, by providing special measures or concluding contracts, to enable the users or their societies access to such works and the use thereof in accordance with the limitations prescribed by law.		Art. 98 (1)

	Conditions:	The provisions do not apply to works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.	Art. 98 (4)
		The provisions do not apply to computer programs.	
Other provisions?	If the rightholder fails to allow the beneficiary access to or use of a work that the beneficiary should be able to access or use under the Law, the works shall be used by the application of measures provided by the Minister of the State Intellectual Property Office.		Art. 98 (2)

Miscellaneous		
Private Use	A natural person may reproduce a work for private use. Certain works are excluded.	Art. 82
Defined Term	The exclusive right of reproduction means making one or more copies of copyright works, in whole or in part, directly or indirectly, temporarily or permanently, by any means and in any form, including photocopying and other photographic procedures, sound or visual recording, building works of architecture, storing the work in electronic form, and fixing the work transmitted by computer onto a natural medium.	Art. 19
Source	Copyright and Related Rights Act of the Republic of Croatia, O.G. 167 (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15286&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/03/07	

Cyprus

Library Use			
Who can copy?	Public libraries, non-commercial collection and documentation centers, educational establishments, museums, and scientific institutions as may be prescribed.		Art. 7(2)(j)
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:		
Purpose of the copy?	For use in the public interest.		
	Conditions:	No revenue may be derived from the use and no admission fee may be charged for communication to the public.	
Medium of the copy?	Not specified.		
Other provisions?	This is not limited to reproduction but permits “any use.”		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 14B(1)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rent, or possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner’s Rights Control?	Both. The provisions relate to technical measures used to prevent or restrict acts that are not authorized by the right holder; it includes access control and protection processes.		Art. 2
Exemptions that could be used by libraries?	The rights holders have an obligation to provide to the beneficiaries of specified exceptions (which include the library provision) the means in order to benefit from the exception. (Note: There is no means of enforcing this provision.)		Art. 14B(3)
	Conditions:	The beneficiary must have lawful access to the work.	

Miscellaneous	
Source	Copyright and Related Rights Law of Cyprus, No. 128 (2004); Guido Westkamp, <i>The Implementation of Directive 2001/29/EC in the Member States (2007)</i> , available at http://ec.europa.eu/internal_market/copyright/docs/studies/infoosoc-study-annex_en.pdf ⁹⁵
Last edited:	12/20/07

⁹⁵ Because Cyprus's Copyright Law of 2004 was not available in English for this study, Cyprus's chart was constructed from information contained in the cited source above and from Cyprus's prior Copyright Law (1993), *available at* http://www.wipo.int/clea/docs_new/pdf/en/cy/cy001en.pdf.

Czech Republic

Preservation and Replacement			
Who can copy?	Libraries, archives, and other non-commercial school, educational, and cultural establishments.		Art. 37
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	Archival and conservation purposes.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “reproduction” below.		
Other provisions?	The establishment can lend the originals or copies of published works (other than computer programs and copies of audio or audiovisual fixations).		Art. 38

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 43
Prohibited Acts?	The Act of Circumvention?	Using a circumvention device for economic gain is prohibited.	
	Dealing in Devices?	Developing, producing, offering for sale, rental, or lending, importing, or disseminating circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner’s Rights Control?	Both. The provisions relate to technical means used for the protection of rights; it includes access control or protection processes.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Defined Term	“Reproduction” is defined as the making of permanent or temporary, direct or indirect reproduction of the work, by any means and in any form, for the purpose of making the work available by means of such reproduction.	Art. 13
Source	Copyright, Rights Related to Copyright, and on the Amendment of Certain Laws of The Czech Republic, No. 81 (2005), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15324&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	11/30/07	

Democratic Republic of the Congo

Library Provisions (none)		
Library Provisions?	There are no explicit library provisions in the law.	
Other Provisions that Could be Used?	None.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Law on Copyright and Neighboring Rights of Democratic Republic of the Congo, No. 86-033 (1986), available at http://www.droit-afrique.com/images/textes/RDC/RDC%20-%20Droits%20auteur%20et%20droits%20voisins.pdf
Last edited:	12/06/07

Denmark

Preservation and Replacement			
Who can copy?	Public archives, public libraries, and other libraries that are financed in whole or in part by the public authorities.		§ 16(1); §16(2)
	State-run museums and museums that have been approved in accordance with the Museums Act.		
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	Computer programs in digital form are excluded, but computer games are included.	
Purpose of the copy?	For back-up and preservation.		
	Conditions:	The reproduction may not be for commercial purposes.	
Medium of the copy?	Not specified.		
Other provisions?	These provisions apply correspondingly to performing artists' performances and recordings of such performances, sound recordings, recordings of moving pictures, radio and television broadcasts, photographic pictures, catalogs, tables, and databases.		§ 65(4); § 66(2); § 67(2); § 69(3); § 70(3); § 71(5)
	In special cases, copies made in accordance with this section may be loaned to users. Recordings of sound recordings and moving pictures and copies made in digital form are excluded.		§ 16(6)

Completion			
Who can copy?	Public archives, public libraries, and other libraries that are financed in whole or in part by the public authorities.		§ 16(1); § 16(3)
	State-run museums and museums that have been approved in accordance with the Museums Act.		
	Conditions:	None.	
What can be copied?	Missing parts of a collection.		
	Conditions:	Computer programs in digital form are excluded, but computer games are included.	
		Copying is not permitted where the work can be acquired through general trade or from the publisher.	
Purpose of the copy?	For completion of a copy in an institution's collection.		
	Conditions:	The reproduction may not be for commercial purposes.	
Medium of the copy?	Not specified.		

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Other provisions?	These provisions apply correspondingly to performing artists' performances and recordings of such performances, sound recordings, recordings of moving pictures, radio and television broadcasts, photographic pictures, catalogs, tables, and databases.	§ 65(4); § 66(2); § 67(2); § 69(3); § 70(3); § 71(5)
	Copies made in accordance with this section may be loaned to users. Recordings of sound recordings and moving pictures and copies made in digital form are excluded.	§ 16(6)

Unavailable Works		
Who can copy?	Public archives, public libraries, and other libraries that are financed in whole or in part by the public authorities.	§ 16(1); § 16(4)
	State-run museums and museums that have been approved in accordance with the Museums Act.	
	Conditions: None.	
What can be copied?	Published works that should be available in the library's collections but are unavailable.	
	Conditions: Computer programs in digital form are excluded, but computer games are included.	
	Copying is not permitted where the work can be acquired through general trade or from the publisher.	
Purpose of the copy?	To place copies in the library's collections.	
	Conditions: The reproduction may not be for commercial purposes.	
Medium of the copy?	Not specified.	
Other provisions?	These provisions apply correspondingly to performing artists' performances and recordings of such performances, sound recordings, recordings of moving pictures, radio and television broadcasts, photographic pictures, catalogs, tables, and databases.	§ 65(4); § 66(2); § 67(2); § 69(3); § 70(3); § 71(5)
	Copies made in accordance with this section may be loaned to users. Recordings of sound recordings and moving pictures and copies made in digital form are excluded.	§ 16(6)

Public Use (Making Available)		
Who can communicate?	Public archives, public libraries, and other libraries that are financed in whole or in part by the public authorities.	§ 16a
	State-run museums and museums that have been approved in accordance with the Museums Act.	
	Conditions: None.	

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What can be communicated?	Published works.		
	Conditions:	None.	
Purpose of the communication?	For personal viewing or study by individuals.		
	Conditions:	None.	
Medium?	By means of technical equipment on the premises of the institution.		
Other provisions?	Deposited Copies: Copies that are made or deposited pursuant to the Act on Legal Deposit may only be made available at specific institutions named in the Statute. Those institutions permitted to make available deposited works may communicate and hand over legal deposited works that have been broadcast on radio and television, films and works published on electronic communication networks, for research purposes, if the work cannot be acquired through general trade. The copies may not be used in any other way.		
	These provisions apply correspondingly to performing artists' performances and recordings of such performances, sound recordings, recordings of moving pictures, radio and television broadcasts, photographic pictures, catalogs, tables, and databases.		

Providing Works in Digital Form			
Who can copy?	Public libraries and other libraries financed in whole or in part by the public authorities.		Art. 16b
	Conditions:	None.	
What can be copied?	Articles from newspapers, magazines, and composite works, including accompanying illustrations and music reproduced in connection with the text.		
	Brief excerpts of books and other published literary works, including accompanying illustrations and music reproduced in connection with the text.		
	Conditions:	Provided the requirements regarding the extended collective license have been met (see § 50).	
		The provision does not permit broadcast by radio or television or the making available of works in such a way that members of the public may access them from a place and at a time individually chosen by them.	
Purpose of the copy?	For request from users.		
	Conditions:	None.	

Medium of the copy?	Reproduction in digital form.	
Other provisions?	Extended collective license may be invoked by users who have made an agreement on the exploitation of works in question with an organization comprising a substantial number of authors of a certain type of works which are used in Denmark. Remuneration may be required. In the absence of any result of negotiations on the making of agreements, each party may demand mediation.	
	These provisions apply correspondingly to photographic pictures, catalogs, tables, and databases.	
		§ 50-§52
		§ 70(3); § 71(5)

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	
Prohibited Acts?	The Act of Circumvention?	The circumvention of technological measures is prohibited.
	Dealing in Devices?	Producing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.
	Providing Services?	Providing circumvention services is prohibited.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to devices that in the normal course of their operation are designed to protect works, performances, and productions protected under this Act.	
		Art. 75c

Exemptions that could be used by libraries?	The Copyright License Tribunal may, upon request, order a rightholder who has used technological measures to make such means available to a user which are necessary for the latter to benefit from the library provisions (and other provisions, as specified).	
	Condition:	The above provision only applies to the extent that the rightholder has not, by voluntary measures, including agreements with other parties concerned, ensured that the user may benefit from the provisions notwithstanding the technological measures.
		§ 75d (1)
		§ 75d (2)

		The above provision does not apply to works and performances or productions made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.	§ 75d (3)
Other provisions?	Where a work is used in accordance with the limitation provisions, copies may not be made on the basis of a circumvention of a technological measure. Copies of deposited works under § 16(5) are excluded from this provision.		§ 11(3)

Miscellaneous			
Making Available	In public libraries, works which have been made public may be made available to individuals for personal viewing or study on the spot by means of technical equipment.		§ 21(3)
Copying of Deposited Works	The copyright does not prevent the making of copies in accordance with the provisions of the Act on Legal Deposit of Published Material.		§ 16(5)
Personal Copying; Limitation on Using Library Machines	Anyone is entitled to make or have made, for private purposes, single copies of works which have been made public if this is not done for commercial purposes; certain works are excluded. However, this entitlement does not permit the user to make copies of musical works and cinematographic works by using technical equipment made available to the public in libraries. Literary works are also excluded, if the technical equipment has been provided for commercial purposes.		§ 12 (1)-(5)
Source	Consolidated Act on Copyright of Denmark, No. 763 (2006), available at http://www.kum.dk/graphics/kum/downloads/Lovgivning/Lovgivning_Engelsk_site/Consolidated%20Act%20on%20Copyright%202006.pdf		
Last edited:	12/12/07		

Djibouti

Library Use		
Author's consent required?	No. The use is permitted without the author's consent.	Art. 54(E)
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, and educational establishments.	
	Conditions: None.	
What can be copied?	Literary, artistic, or scientific works that have been lawfully made available to the public.	
	Conditions: The number of copies is limited to the purpose.	
Purpose of the copy?	For the needs of the institution's activities.	
	Conditions: None.	
Medium of the copy?	By a photographic or analogous process.	
Other provisions?	The reproduction is permitted on condition that it is not prejudicial to the normal exploitation of the work or unjustifiably detrimental to the author's interests.	Art. 65(f)
	In general, all other uses constituting exceptions concerning works protected by copyright under the terms of the present Law also apply to the performing artists and producers of sound records and broadcast organizations.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction, translation, adaptation, arrangement, or other transformation of a lawfully published work exclusively for the personal and private purposes of the user is permitted, subject to remuneration. Reproduction for personal and private uses of works protected by Neighboring Rights is also permitted, subject to remuneration.	Art. 54(A); Art. 65; Art. 66
Source	Law on the Protection of Copyright of Djibouti, No. 154/AN/06 (2006), available at http://www.droit-afrique.com/images/textes/Djibouti/Djibouti%20-%20Droits%20auteur.pdf	
Last edited:	12/06/07	

Dominica

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of copyright.	§ 68

Research or Study			
Who can copy?	Libraries and archives.		§ 68(a)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Published articles, other short works, or short extracts of works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
		The reproduction is only permitted where there is no collective license, offered by a collective administration organization of which the library or archive is or should be aware, under which such copies can be made.	
Purpose of the copy?	For study, scholarship, and private research, by request of a person.		
	Conditions:	The institution must be satisfied that the copy will be used solely for the permitted purposes.	
Medium of the copy?	Reprographic reproduction.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 68(b)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
		Reproduction is permitted, provided that it is impossible to obtain such a copy under reasonable conditions.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
Purpose of the copy?	To preserve and, if necessary, replace a copy.		
	To replace a copy which has been lost, destroyed, or rendered unusable in the permanent collection of another similar library or archives.		

	Conditions:	None.	
Medium of the copy?	Reprographic reproduction.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 52
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to devices that prevent or restrict reproduction of a work or impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous			
Personal Copying	The private reproduction of a published work in a single copy is permitted where the reproduction is made by a person exclusively for his own personal purposes; certain works are excluded.		§ 63
Defined Term	"Reprographic process" means a process involving the use of an appliance for making single or multiple copies or for making facsimile copies; it includes, in relation to a work held in electronic form, any copying by electronic means, but does not include the making of a film or sound recording.		§ 2
Source	Copyright Act of Dominica (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=17118&URL_DO=DO_TOPIC&URL_SECTION=201.html		
Last edited:	12/03/07		

Ecuador

Preservation and Replacement		
Author's consent required?	No. The use is permitted without the authorization by the owner of the rights.	Art. 83
Remuneration to author?	No. The use is permitted without being subject to remuneration.	
Who can copy?	Libraries and archives (implicitly).	Art. 83(g)
	Conditions:	
What can be copied?	Works forming part of the permanent collection of a library or archive.	
	Conditions:	
Purpose of the copy?	For replacing the work where necessary.	
	Conditions:	
Medium of the copy?	Any. See definition of "reproduction" below.	
Other provisions?	The reproduction is permitted only where the normal exploitation of the work is not adversely affected and the owner of the rights is not prejudiced thereby.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	Art. 25	
Prohibited Acts?	The Act of Circumvention?		Evading or disabling technical measures is prohibited.
	Dealing in Devices?		Importing, manufacturing, selling, renting, servicing, distributing, or dealing in circumvention devices is prohibited.
	Providing Services?		No.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that prevent the violation of an author's rights.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Defined Term	"Reproduction" means the fixing of the work in any medium or by any process, whether known or yet to be known, including temporary or permanent digital storage, and the production of copies of all or part thereof.	Art. 7

SCCR/17/2
Appendix, page 175

Source	Law on Intellectual Property of Ecuador, No. 83 (1998), available at http://www.wipo.int/clea/docs_new/pdf/en/ec/ec001en.pdf
Last edited:	12/03/07

Egypt

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The author may not prevent the following provisions, after publication of the work.	Art. 171
Moral rights?	The following provisions are without prejudice to the moral rights of the author.	

Research or Study		
Who can copy?	Intermediaries of documentation and archiving centers.	Art. 171(8)
	Bookshops not aimed at making any direct or indirect profit.	
	Conditions: None.	
What can be copied?	Published articles, short works, and extracts of works.	
	Conditions: Only a single copy can be made, or more than one copy only if created on different occasions.	
Purpose of the copy?	For study or research purposes, to satisfy the needs of a natural person.	
	Conditions: None.	
Medium of the copy?	Any. See definition of "reproduction" below.	

Preservation and Replacement		
Who can copy?	Intermediaries of documentation and archiving centers.	Art. 171(8)
	Bookshops not aimed at making any direct or indirect profit.	
	Conditions: None.	
What can be copied?	Works.	
	Conditions: Reproduction is permitted if it is impossible to obtain a substitute copy under reasonable conditions.	
Purpose of the copy?	For preservation of an original copy.	
	For replacement, when necessary, of a lost or destroyed copy, or a copy that has become invalid.	
	Conditions: None.	
Medium of the copy?	Any. See definition of "reproduction" below.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	Art. 181(5); 181(6)

Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, assembling, or importing for the purpose of sale or rental any circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Not specified. The provisions apply to technical protection devices used by the author or owner of related rights.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Public Lending	Circulation of works through sale, rent, loan, or licensing is governed by Art. 187.	Art. 187
Defined Terms	"Reproduction" means making one or more exact copies of a work or a sound recording, in any manner or form, including permanent or temporary storage of the work or sound recording in an electronic form.	Art. 138
Source	Law on the Protection of Intellectual Property Rights of Egypt, No. 83 (2002), available at http://www.wipo.int/clea/docs_new/pdf/en/eg/eg001en.pdf	
Last edited:	12/03/07	

El Salvador

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the consent of the author.	Art. 45
Remuneration to author?	No. The use is permitted without payment of remuneration.	

Preservation and Replacement			
Who can copy?	Libraries or archives.		Art. 45(d)
	Conditions:	The institutions must not pursue profit-making purposes.	
What can be copied?	Lawfully disclosed works that form part of the permanent stocks of the institution.		
	Conditions:	Only a single copy can be made.	
		The reproduction is permitted only where it is not possible to acquire another original in a reasonable time or on reasonable terms.	
Purpose of the copy?	To preserve the copy and replace it in case of need.		
	To replace in the permanent stocks of another library or archive a work that has been mislaid, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Digital copying does not appear to be permitted. See definition of "reproduction" below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ⁹⁶

Miscellaneous		
Personal Copying	Reproduction is permitted of one copy of a lawfully disclosed work for the personal and exclusive benefit of the user, who shall have made it himself with his own facilities, provided that the normal exploitation of the work is not affected and the legitimate interests of the author are not unjustifiably prejudiced thereby.	Art. 45(a)

⁹⁶ El Salvador is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in El Salvador on March 6, 2002. El Salvador's law may contain provisions relating to technological protection measures, but they are not contained the Copyright Law, as amended through 2005.

	Photomechanical reproduction is permitted of a lawfully disclosed work for exclusive personal use, such as by photocopying and microfilming, provided it is confined to small parts of a protected work or to works that are out of print. Any use of the parts reproduced for other than personal purposes, made by any means or process and in competition with the author's exclusive right to exploit his work, shall be treated as unlawful reproduction.	Art. 45(b)
Defined Term	The exclusive right of reproduction is defined as the right to reproduce a work by fixing it in a material form according to any process that allows it to be communicated to the public in an indirect and durable manner, or to make copies of all or part of a work; this may be achieved by mechanical reproduction methods such as printing, lithography, photocopying, cinematography, phonographic recording, magnetic recording, photography, and any other form of fixation; the reproduction of improvisations, speeches, readings, and in general all public recitations by means of stenography, typewriting, and other comparable processes is also included.	Art. 7(a)
Source	Law on the Promotion and Protection of Intellectual Property of El Salvador, No. 604 (1993), as amended by No. 912 (2005)	
Last edited:	12/18/07	

Estonia

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without authorization of the author.	§ 20
Remuneration to author?	No. The use is permitted without payment of remuneration.	

Preservation and Replacement			
Who can copy?	Public archives, museums, and libraries.		§ 20(1) subsecs. (1)-(4)
	Conditions:	None.	
What can be copied?	Works in the collection of the institution.		
	Conditions:	Reproduction is only permitted when acquisition of another copy of the work is impossible; however, digitization for preservation is still permitted.	
Purpose of the copy?	To replace a work which has been lost, destroyed, or rendered unusable.		
	To make a copy to ensure the preservation of the work.		
	To replace a work which belonged to the permanent collection of another library, archives, or museum, if the work is lost, destroyed, or rendered unusable.		
	To digitize a collection for the purposes of preservation.		
	Conditions:	The activity must not be carried out for commercial purposes.	
Medium of the copy?	Any. See definition of "reproduction" below.		

Copying for Users			
Who can copy?	Public archives, museums, and libraries.		§ 20(1) subsec. (5);
	Conditions:	None.	
What can be copied?	Works in the collection of the institution.		§ 18
	Conditions:	Works of architecture and landscape architecture, works of visual art of limited edition, electronic databases, computer programs, and notes in reprographic form are excluded. (Note: Some computer programs can be reproduced for personal purposes under specified conditions, see §§ 24-25.)	

Purpose of the copy?	To make a copy for a natural person for personal use.		
	Conditions:	The activity must not be carried out for commercial purposes.	
Medium of the copy?	Any. See definition of “reproduction” below.		

Research or Study (Making Available)			
Who can communicate?	Public archives, museums, and libraries.		§ 20(4)
	Conditions:	None.	
What can be communicated?	Works in the collections of the institution.		
	Conditions:	None.	
Purpose of the communication?	For study or scientific purposes, on request of natural persons.		
	Conditions:	The activity must not be carried out for commercial purposes.	
Medium?	Through special equipment located on the premises of the institution.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 80 ³
Prohibited Acts?	The Act of Circumvention?	No.	Art. 225 Criminal Code
	Dealing in Devices?	Manufacturing, acquiring, possessing, using, delivering, selling or transferring a technical device or equipment designed for removal of protective measures is prohibited. ⁹⁷	
	Providing Services?	No.	
Access Control or Owner’s Rights Control?	Both. Permitted technical measures are designed to prevent or restrict acts related to a work. With the help of technological measures, the rightholders control the use of protected works through the application of an access control or protection process.		§ 80 ³ (2), (3)

⁹⁷ This provision is not contained in the Copyright Act but was enacted through Art. 225 of the Criminal Code. The provision is notable in that it prohibits a person from using a device to remove technical measures from a work but does not prohibit a person from committing the act of circumvention. See Guido Westkamp, *The Implementation of Directive 2001/29/EC in the Member States* (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infosoc-study-annex_en.pdf.

Exemptions that could be used by libraries?	In the cases of free use of the works for personal use, library purposes, and other designated uses, the rightholder must adjust technical measures to allow the entitled persons to freely use the work to the extent necessary for the free use, where the entitled persons have legal access to the protected work.		§ 80 ³ (4)
	Conditions:	The section does not apply to computer programs.	§ 80 ³ (6)
		The section does not apply to such works which have been made available to the public on the basis of an agreement in such a way that persons can use them from a place and time individually chosen by them.	§ 80 ³ (5)
Other Provisions?	If the person entitled to free use and the rightholder fail to reach an agreement on application of the technical measures within a reasonable period of time, the person may address the copyright committee through procedures set forth in the statute.		§ 80 ³ (4)

Miscellaneous		
Public Lending	Libraries must pay remuneration for public lending; the calculation and payment procedures are set forth in § 13 ³ .	§ 13 ³
Library Copying for Disabled Persons	Public archives, museums, and libraries can reproduce a work on the order of a court or state agency for the purpose of reproduction, distribution, and communication of a work in the interests of disabled persons.	§ 20(1) 6); 19 6)
Library Exhibition	A public archive, museum, or library has the right to use a work included in the collection thereof without the authorization of the author and without payment of remuneration for the purposes of an exhibition or the promotion of the collection to the extent justified by the purpose.	§ 20(3)
Limitation on Related Rights	Certain uses are permitted without the authorization of the performer, producer, or broadcaster. The section applies to cases where rights of authors of works are limited pursuant to Chapter IV of the Act, which contains the library exemptions.	§ 75(1) 6)
Defined Term	“Reproduction” means the making one or several temporary or permanent copies of the work or a part thereof directly or indirectly in any form or by any means.	§ 13(1)

Source	Copyright Act of Estonia, RT ² 1992, 49, 615 (1992), as amended through RT I 2006, 28, 210 (2006), available at http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X40022K7&keel=en&pg=1&ptyyp=RT&tyyp=X&query=copyright+act
Last edited:	12/11/07

Ethiopia

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The owner of copyright cannot forbid the use.	Art. 12(1)

Research or Study			
Who can copy?	Libraries and archives. ⁹⁸		Art. 12(2)
	Conditions:	The activity of the institution may not be directly or indirectly for gain.	
What can be copied?	Published articles, short works, or short extracts of works.		
	Conditions:	The act of reproduction must be an isolate case occurring, if repeated, on separate and unrelated occasions. The reproduction is permitted where there is no available administrative organization which the educational institution ⁹⁹ is aware of, which can afford a collective license of reproduction.	
Purpose of the copy?	For study, scholarship, or private research, by request of a physical person.		
	Conditions:	The institution must be satisfied that the copy will be used solely for the permitted purpose.	
Medium of the copy?	Any. See definition of "reproduction" below.		

Preservation and Replacement			
Who can copy?	Libraries, archives, memorial halls, museums, or similar institutions.		Art. 12(3)
	Conditions:	The activity of the institution may not be directly or indirectly for gain.	
What can be copied?	Works.		
	Conditions:	Reproduction is permitted where it is impossible to obtain a copy under reasonable conditions. The act of reproduction must be an isolate case occurring, if repeated, on separate and unrelated occasions.	

⁹⁸ Art. 7(2) specifically refers to "a library or archive," but the opening provision of the statute (Art. 7(1)) encompasses a library, archive, memorial hall, museum, or similar institution. Whether such other organizations are permitted to make copies under Art. 7(2) is unclear.

⁹⁹ It is unclear why this provision refers to "the educational institution" if the exemption is applicable only to "a library or archive."

Purpose of the copy?	To preserve and, if necessary, to replace a copy in the institution.	
	To preserve and, if necessary, to replace a copy which has been lost, destroyed, or rendered unusable in the permanent collection of another similar library or archive.	
	Conditions:	None.
Medium of the copy?	Any. See definition of “reproduction” below.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	The owner of copyright cannot forbid private reproduction of a published work in a single copy by a physical person exclusively for his own personal purposes; certain works are excluded.	Art. 9(1)
Sound Recordings	The rights of performers and producers in sound recordings do not apply to cases where a work can be used under Part II (which includes the library provisions) without the authorization of the author or other owner of copyright.	Art. 32(d)
Defined Terms	“Reproduction” means the making of one or more copies of a work or sound recording in any manner or form, including any permanent or temporary storage of work or sound recording in electronic form.	Art. 2(25)
Source	Copyright and Neighboring Rights Protection Proclamation of Ethiopia, No. 410/2004 (2004)	
Last edited:	11/30/07	

Fiji

Research or Study (Literary, Dramatic, or Musical Works)		
Who can copy?	Librarians of prescribed libraries, or persons acting on their behalf. See definition of “prescribed library” below.	
	Conditions:	None.
What can be copied?	Published literary, dramatic, or musical works, contained in books by one author.	
	Published literary, dramatic, or musical works, contained in books by more than one author, including any artistic work included in that work and the typographical arrangement. ¹⁰⁰	
	Conditions:	One copy of a short excerpt of a single author’s work is permitted if the work has one author; or one copy of a short excerpt of each author’s work is permitted if the work has more than one author.
		The section does not include the copying of articles or computer programs.
		No person may be supplied on the same occasion with more than one copy of the same material.
		A copy may only be made if there is no collective license available of which the librarian is or should be aware.
Purpose of the copy?	For research or private study.	
	Conditions:	The librarian must be satisfied that the person to whom the copy is supplied will use the copy for the allowed purpose.
		The librarian must be satisfied that the requirement is not related to any similar requirement of another person.
Medium of the copy?	Any. See definition of “copying” below.	

¹⁰⁰ The explicit structure of the statute indicates that “any artistic work included in that work” and the reference to “typographical arrangement” apply only to copies from books by more than one author; however, logically, the provisions might apply to all copying under § 49.

Other provisions?	If a person to whom a copy is supplied is required to pay for it, the payment required must be no higher than the cost of production of the copy together with a reasonable contribution to the general expenses of the library.	
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Copying for Library Users (Articles)		
Who can copy?	Librarians of prescribed libraries, or persons acting on their behalf. See definition of “prescribed library” below.	§ 50
	Conditions: None.	
What can be copied?	Literary, dramatic, or musical works contained in articles in periodicals, including any artistic work included in that work and the typographical arrangement.	
	Published editions that are articles in periodicals, including the typographical arrangement.	
	Conditions: No person may be supplied on the same occasion with more than one copy of the same material.	
	No person may be supplied on the same occasion with copies of more than one article contained in the same issue of a periodical unless the copies supplied all relate to the same subject matter.	
	A copy may only be made if there is no collective license available of which the librarian is or should be aware.	
Purpose of the copy?	For supply to a person. (Note: The provision does not specify a particular purpose that the person must have.)	
	Conditions: None.	
Medium of the copy?	Any. See definition of “copying” below.	
Other provisions?	If a person to whom a copy is supplied is required to pay for it, the payment required must be no higher than the cost of production of the copy together with a reasonable contribution to the general expenses of the library.	

Supplying Copies to Other Libraries (Published Works)		
Who can copy?	Librarians of prescribed libraries, or persons acting on their behalf. See definition of “prescribed library” below.	§ 51(1)
	Conditions: None	

What can be copied?	Published literary, dramatic, or musical works, including any artistic work contained in that work and the typographical arrangement. ¹⁰¹	
	A literary, dramatic, or musical work contained in an article in a periodical, including any artistic work contained in that work and the typographical arrangement.	
	Conditions:	In the case of a literary, dramatic or musical work contained in a book by one author, not more than one copy of the work can be supplied.
		In the case of a work contained in a periodical, the whole article can be supplied.
		In the case of any other published literary, dramatic or musical work, not more than one copy of the work or edition may be supplied.
The section excludes computer programs.		
Purpose of the copy?	For supply to another prescribed library.	
	Conditions:	None.
Medium of the copy?	Any. See definition of “copying” below.	

Supplying Copies to Other Libraries (Published Books)		
Who can copy?	Librarians of prescribed libraries, or persons acting on their behalf. See definition of “prescribed library” below.	§ 51(2)
	Conditions: None.	
What can be copied?	A literary, dramatic, or musical work from a published edition of a book, including any artistic work contained in the work and the typographical arrangement.	
	Conditions:	The section excludes computer programs.
		The receiving librarian must have been unable to obtain the work at a commercial price within the six months preceding the supply.
		The receiving librarian must make and keep a record sufficient to identify the work copied.

¹⁰¹ It seems that there may be considerable overlap of § 51(1) and § 51(2). Section 51(1)(c) appears to apply to a wide range of works and does not limit quantity. Section 51(2) apparently allows copies of entire books if the additional conditions of § 51(3) are fulfilled. However, some books permitted under § 51(2) might also be copied under § 51(1)(c) without meeting the added conditions.

		The receiving librarian must permit the inspection of the record by the copyright owner during normal office hours.	
		On demand, the receiving librarian must pay equitable remuneration to the copyright owner for the work copied. “Equitable remuneration” means a sum agreed upon by the librarian and the copyright owner. If an agreement cannot be reached, either party may apply for a determination to be made by the Copyright Tribunal (Art. 163).	
Purpose of the copy?	For supply to another librarian of a prescribed library.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copying” below.		

Preservation and Replacement			
Who can copy?	Librarians of prescribed libraries, or persons acting on their behalf. See definition of “prescribed library” below.		§ 52
	Archivists of archives, or persons acting on their behalf. See definition of “archive” below.		
	Conditions:	None.	
What can be copied?	Literary, dramatic, or musical works, including any artistic work contained within the work and the typographical arrangement.		
	Conditions:	The work may be copied only where it is not reasonably practicable to purchase a copy of the work to fulfill the allowed purpose.	
Purpose of the copy?	To preserve or replace an item by placing the copy in the permanent collection of the library or archive in addition to or in place of the item.		
	To replace in the permanent collection of another prescribed library or archive an item that has been lost, destroyed, or damaged.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “copying” below.		

Copying for Library Users (Unpublished Works)			
Who can copy?	Librarians of prescribed libraries, or persons acting on their behalf. See definition of “prescribed library” below.		§ 53
	Archivists of archives, or persons acting on their behalf. See definition of “archive” below.		
	Conditions:	None.	

What can be copied?	Unpublished works in the library or archive.		
	Conditions:	The work may not be copied if the copyright owner has prohibited copying of the work and at the time the copy is made the librarian or archivist making it is or ought to be aware of that fact.	
		A copy may only be made if there is no collective license available of which the librarian is or should be aware.	
		No person may be supplied on the same occasion with more than one copy of the same work.	
Purpose of the copy?	For supply to a person. (Note: The provision does not specify a particular purpose that the person must have.)		
Medium of the copy?	Any. See definition of “copying” below.		
Other provisions?	If a person to whom a copy is supplied is required to pay for it, the payment required must be no higher than the cost of production of the copy together with a reasonable contribution to the general expenses of the library.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 223
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Making, importing, selling, letting for hire, offering or exposing for sale or hire, or advertising for sale or hire a circumvention device is prohibited.	

	Providing Services?	Publishing information intended to enable or assist persons to circumvent protection devices is prohibited.	
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technical measures used to prevent or restrict copying of a work or to impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Rental by libraries	Copyright is not infringed by the library renting a work if certain conditions are fulfilled	§ 73
Archival Broadcasts	A recording of a broadcast or cable program as prescribed by regulations, or a copy of such a recording, maybe made for the purpose of being placed in an archive maintained by a body prescribed by regulations	§ 82
Defined Terms	“Archive” means the National Archives of the Fiji Islands; any library, museum, or other body approved by the Minister of Information to be a repository of archival material; any collection of documents of historical significance or public interest that is in the custody of and maintained by a person or body, whether incorporated or unincorporated, that does not keep and maintain the collection for the purpose of deriving a profit.	§ 2; § 48
	“Prescribed library” means the Parliamentary Library; a library maintained by an educational establishment, government department, or local authority; any other library or class of library prescribed by regulations made under section 229, not being a library conducted for profit.	
	“Copying” means reproducing or recording the work in any material form and includes in relation to a literary, dramatic, musical, or artistic work - storing the work in any medium by any means; in relation to an artistic work - converting the work into a 3-dimensional form, or if it is in 3 dimensions, converting it into a 2-dimensional form; in relation to an audio visual work, television broadcast, or cable program - the making of a photograph of the whole or any substantial part of any image forming part of the audio visual work, broadcast, or cable program.	
Source	Copyright Act of Fiji (2000), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=27720&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/18/07	

Finland

Preservation, Replacement, and Library Administration		
Who can copy?	Archives, public libraries, and museums stated in a governmental decree.	Art. 16 (1)-(3)
	Conditions: None.	
What can be copied?	Works from the collections of the institution.	
	Conditions: None.	
Purpose of the copy?	To preserve the material and assure its durability.	
	For technical reconstruction and restoration of the material.	
	For administration and organization of the institution's collections and for other internal use needed in order to maintain the collections.	
	Conditions: The reproduction cannot be for direct or indirect commercial ends.	
Medium of the copy?	Not specified.	

Completion		
Who can copy?	Archives, public libraries, and museums stated in a governmental decree.	Art. 16 (4)
	Conditions: None.	
What can be copied?	Works.	
	Conditions: The copying is only permitted where the work is unavailable through commercial distribution or communication.	
Purpose of the copy?	To complete a copy of an incomplete work.	
	To complete a missing part of a work published in several parts.	
	Conditions: The reproduction cannot be for direct or indirect commercial ends.	
Medium of the copy?	Not specified.	

Copying for Library Users		
Who can copy?	Archives, public libraries, and museums stated in a governmental decree.	Art. 16a
	Conditions: None.	
What can be copied?	Published works that are prone to damage.	
	Single articles from collections, newspapers, or magazines in the institution's collection.	
	Short excerpts of published works.	
	Conditions: For published works that are prone to damage, the copying is permitted unless the work is available through commercial distribution or communication.	

		With respect to single articles and short excerpts of published works, the copying must be considered reasonable.	
Purpose of the copy?	To protect a published work that is prone to damage (implicitly).		
	For the private use of borrowers.		
	Conditions:	The reproduction cannot be for direct or indirect commercial ends. In the case of works prone to damage, the copy can be given to the borrower instead of the original volume or folder of which the work is part.	
Medium of the copy?	Through photocopying or similar means.		
Other provisions?	This provision permits lending to users the copies created in accordance with these provisions.		

Research or Study (Making Available)			
Who can copy?	Archives, public libraries, and museums stated in a governmental decree.		Art. 16a
	Conditions:	None.	
What can be copied?	Published works from the institution's collections.		
	Conditions:	Communication is permitted provided that relevant sales or license terms or other contractual terms are not contradicted.	
		Digital copying or further communication of the work must be made impossible.	
Purpose of the copy?	For research or private study of members of the public.		
	Conditions:	The reproduction cannot be for direct or indirect commercial ends.	
Medium of the copy?	Via dedicated terminals in the premises of the institution.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 50(a)-50(b)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited where it protects against an exclusive right of the author. (Note: A person has the right, however, to view or listen to copies legally acquired even if circumvention is required to do so.)	

	Dealing in Devices?	Producing and making available circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Owner's rights control. The provisions relate to technical measures used to protect the author's rights.		
Exemptions that could be used by libraries?	Where a work or access to a work has been lawfully acquired, the person has the right to use the work to the extent necessary in accordance with the specified copyright limitations. Articles 16 (reproduction in libraries) and 16a (making available a work in libraries) are specified limitations. The author and anyone who has been authorized by the author to make a work available to the public have the obligation to allow the uses.		Art. 50(c)
	Conditions:	The obligation to provide the means to use a work does not apply to works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.	
Other provisions?	The obligation upon authors is to be fulfilled through voluntary means. Where this is not possible, an arbitration procedure exists.		

Miscellaneous	
Source	Copyright Act of Finland, No. 404 (1961), as amended through No. 748 (1998); amendments through 2005 are available at http://www.finlex.fi/sv/laki/ajantasa/1961/19610404 (in Finnish); Guido Westkamp, The Implementation of Directive 2001/29/EC in the Member States (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infosoc-study-annex_en.pdf ¹⁰²
Last edited:	12/18/07

¹⁰² Because Finland's 2005 copyright amendments were unavailable in English for this study, Finland's chart was constructed from information contained in the cited source.

France

Preservation		
Who can copy?	Publicly accessible libraries, museums, or archives.	L.122-5 8°
	Conditions: The institutions must not seek direct or indirect economic or commercial advantage.	
What can be copied?	Works.	
	Conditions: None.	
Purpose of the copy?	For conservation.	
	Conditions: None.	
Medium of the copy?	Not specified.	
Other provisions?	The provision also relates to related rights.	

Copying for Library Users		
Who can copy?	Publicly accessible libraries, museums, or archives.	L.122-5 8°
	Conditions: The institutions must not seek direct or indirect economic or commercial advantage.	
What can be copied?	Works.	
	Conditions: None.	
Purpose of the copy?	For onsite consultation.	
	Conditions: None.	
Medium of the copy?	Not specified.	
Other provisions?	The provision also relates to related rights.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		L. 331-5
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited. ¹⁰³	
	Dealing in Devices?	Manufacturing, importing, possessing for sale, lending, or rental, or offering to the public a circumvention device is prohibited.	
	Providing Services?	Offering a circumvention service is prohibited. Inducing the use of a circumvention device is also prohibited.	

¹⁰³ The provision is written in such a way that it “seems to make the circumvention illegal only when it is carried out without a circumventing device. Therefore, the cases where the circumvention will be unlawful might be very limited.” Guido Westkamp, *The Implementation of Directive 2001/29/EC in the Member States* (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infosoc-study-annex_en.pdf.

Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures that prevent or restrict uses that are not authorized by the right holder; it includes access controls and protection processes.		
Exemptions that could be used by libraries?	The rights owners must ensure that the effective benefit of the copyright exceptions, including the provision benefitting libraries, is made possible even if the work is protected by technological measures.		L. 331-6
	Conditions:	The beneficiary of this exemption must have lawful access to the work.	
		This provision is not applicable where works or subject-matter are made available to the public on agreed contractual terms where the public may access them from a place and at a time individually chosen by them.	
Other provisions?	None of these provisions apply to software.		L. 331-5
	The beneficiary can call upon the Authority of Regulation of Technological Measures to reconcile disagreements between the parties about access to a work.		L. 331-6

Miscellaneous		
Personal Copying	Reproduction for strictly private purposes by the natural person making the reproduction is permitted. The copying may not be done for collective uses.	L. 122-5 2 ^o

Source	Copyright Law of France, as amended through No. 961 (2006), available at http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MCCX0300082L ; Guido Westkamp, The Implementation of Directive 2001/29/EC in the Member States (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infosoc-study-annex_en.pdf ¹⁰⁴	
Last edited:	12/19/07	

¹⁰⁴ Because France's Copyright Amendment of 2006 was not available in English for this study, France's chart was constructed using information contained in the source cited above.

Georgia

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without consent of the author or other holder of copyright.	Art. 22
Remuneration to author?	No. The use is permitted without paying royalty to the author or other holder of copyright.	
Provide name of author?	Yes. The use requires the mandatory indication of the author's name.	
Provide source of borrowing?	Yes. The use requires the mandatory indication of the borrowed source.	

Preservation or Replacement			
Who can copy?	Libraries and archives.		Art. 22(a)
	Conditions:	None.	
What can be copied?	Lawfully published works.		
	Conditions:	The copying must take place in separate cases.	
		Only a single copy may be made.	
		The copying is only permitted if obtaining a copy of the work in ordinary conditions through other means is impossible.	
The volume of copying is limited by the purpose.			
Purpose of the copy?	For substitution of destroyed, lost, or indecent copies of works.		
	For substitution of lost, destroyed, or indecent copies from the collections of other libraries, to supply the work to the other library.		
	Conditions:	The copying must not be for direct or indirect gaining of profit.	
Medium of the copy?	Reprographic reproduction. See definition below.		
Other provisions?	Provided that the use does not prevent the normal use of the work and unreasonably damage the legal interests of the author or other holder of copyright.		Art. 18(9)

Research or Study			
Who can copy?	Libraries and archives.		Art. 22(b)
	Conditions:	None.	
What can be copied?	Lawfully published works and other small volume works.		
	Excerpts from written works.		

	Conditions:	Computer programs are excluded.	
		The copying must take place in separate cases.	
		Only a single copy may be made.	
		The volume of copying is limited by the purpose.	
Purpose of the copy?	For educational, scientific, or personal purposes, at the request of natural persons.		
	Conditions:	The copying must not be for direct or indirect gaining of profit.	
Medium of the copy?	Reprographic reproduction. See definition below.		
Other provisions?	Provided that the use does not prevent the normal use of the work and unreasonably damage the legal interests of the author or other holder of copyright.		Art. 18(9)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹⁰⁵

Miscellaneous		
Defined Term	“Reprographic reproduction (copying)” means facsimile duplication in enlarged or reduced size of an original or a copy of a written or graphic work by photocopying or other technical means. A reprographic reproduction shall not be deemed recording in an electronic form (including digital), optical, or other machine-readable form.	Art. 4(o)
Source	Copyright and Neighboring Rights Law of Georgia (1999), available at http://www.wipo.int/clea/docs_new/pdf/en/ge/ge001en.pdf	
Last edited:	12/11/07	

¹⁰⁵ Georgia is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Georgia on March 6, 2002. Although Georgian law may contain provisions on technological protection measures, they are not contained within the 1999 Copyright Law.

Germany

Research or Study (Making Available)			
Who can communicate?	Publicly accessible libraries, museums, and archives.		§ 52b
	Conditions:	The institutions must have no direct or indirect economic or gainful purpose.	
What can be communicated?	Published works from the institution's collection.		
	Conditions:	The works may not be made accessible if contract terms prohibit it.	
		The number of copies made simultaneously accessible cannot exceed the number of copies in the institution's collection.	
Purpose of the communication?	For research and private study.		
	Conditions:	None.	
Medium?	Via dedicated terminals on the premises of the institution.		
Other provisions?	Reasonable compensation must be paid; a valid claim for payment is made through a rights management organization.		

Library Copying for Users			
Who can copy?	Public libraries.		§ 53a
	Conditions:	None.	
What can be copied?	Single published articles from newspapers or periodicals.		
	Small portions of other published works.		
	Conditions:	The works can be sent by postal or fax delivery.	
		Copies in electronic form are limited to the extent justified by the non-commercial purpose.	
	Copies in electronic form are only permitted if access to the works by members of the public from places and at times of their choice is not clearly possible under equitable contractual terms.		
Purpose of the copy?	To supply to a requesting individual.		
	Conditions:	Copies sent by postal or fax delivery require that the individual's purpose must be consistent with § 53 (which sets forth detailed exceptions for personal copying).	

		Copies in electronic form may only be used for illustration for teaching or for scientific research.	
Medium of the copy?	Any.		
	Conditions:	Copies of works may be sent by postal or fax delivery. Copying in electronic form is only permitted as a facsimile image of the work.	
Other provisions?	This provision permits reproduction and transmission.		
	Reasonable compensation must be paid; a valid claim for payment is made through a rights management organization.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 95a (1)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, and possessing for commercial purposes circumvention devices is prohibited.	§ 95a (3)
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technological measures that prevent or restrict acts that are not authorized by the rightholder; it includes access controls and protection processes.		§ 95a (2)
Exemptions that could be used by libraries?	The law sets forth some exemptions to the circumvention provisions, which require that the rightholder is obligated to make available the means which enable the uses within the applicable exceptions. However, the exemptions do not include the uses contained in this chart under § 52b or § 53a.		§ 95b
Other provisions?	The provisions on circumvention do not apply to computer programs.		§ 69a

Miscellaneous		
Private Copying	Reproduction is permitted for private copies made by natural persons solely for domestic purposes in the private sphere.	§ 53(1)
	Reproduction is permitted in singular copies for personal uses.	§ 53(2)

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Reproduction of Works of Art	Public libraries, museums, and educational institutions may, in connection with a public exhibition or for documenting a collection, may reproduce and distribute works of art and photographs in catalogs, for non-commercial purposes.	§ 58
Source	Copyright Law of Germany (1965), as amended (1998; 2003; 2007)	
Last edited:	12/19/07	

Ghana

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of the copyright.	§ 21

Research or Study			
Who can copy?	Libraries and archives.		§ 21
	Conditions:	The activities of the institution must not be for gain.	
What can be copied?	Published articles, other short works, or short extracts of works.		
	Conditions:	Only a single copy may be made by reprographic reproduction.	
		The copying must be an isolated case which occurs on separate and unrelated occasions.	
		The copy may be made only if there is no collective license available.	
Purpose of the copy?	For study, scholarship, or private research at the request of an individual.		
	Conditions:	The library must ascertain that an individual is requesting the material solely for the permitted purposes.	
Medium of the copy?	Reprographic reproduction (term is not defined).		
Other provisions?	The provisions of this section are subject to the interest of the publisher, author, or the relevant collective administration society.		
	Where a library or archive requires more than a single copy of a work by reprographic reproduction, the permission for this shall be obtained from the author, other owner of copyright, or from an appropriate collective administration society authorized by the publisher.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 21
	Conditions:	The activities of the library and archive must not be for gain.	
What can be copied?	Published articles, other short works, or short extracts of works.		
	Conditions:	None.	
Purpose of the copy?	To preserve or replace a copy which has been lost, destroyed, or rendered unusable in the permanent collection of a similar library or archive.		
	Conditions:	Reproduction is permitted if it is impossible to obtain the copy under reasonable circumstances.	

Medium of the copy?	Reprographic reproduction (term is not defined).	
Other provisions?	The provisions of this section are subject to the interest of the publisher, author, or the relevant collective administration society.	
	Where a library or archive requires more than a single copy of a work by reprographic reproduction, the permission for this shall be obtained from the author, other owner of copyright, or from an appropriate collective administration society authorized by the publisher.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 42(1) (h)-(j)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, exporting, selling, renting, possessing for commercial purposes, offering to the public, advertising, communicating or otherwise providing devices or components for circumvention is prohibited.	
	Providing Services?	Offering to the public, advertising, communicating or otherwise providing services for circumvention is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to the inducing, enabling, facilitating, or concealing of an infringement of any protected copyright or related right.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	Copyright Act of Ghana, No. 690 (2005), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=30228&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/03/07

Greece

Library Use			
Author's consent required?	No. The use is permitted without the consent of the author.		Art. 22
Remuneration to author?	No. The use is permitted without payment.		
Who can copy?	Libraries and archives.		
	Conditions:	The library or archive must be non profit-making.	
What can be copied?	Works in the permanent collection of the library or archive.		
	Conditions:	Only one copy may be made. The reproduction is only permitted if an additional copy cannot be obtained in the market promptly and on reasonable terms.	
Purpose of the copy?	For retaining the additional copy by the library or archive.		
	For transfer of the copy to another non profit-making library or archive.		
	Conditions:	None.	
Medium of the copy?	Not specified.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	Art. 66A(2)
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, and possessing for commercial purposes circumvention devices is prohibited.	Art. 66A(3)
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technological measures that are designed to prevent or restrict acts which are not authorized by the rightholder; the technological measures can include access control or a protection process.		Art. 66A(1)
Exemptions that could be used by libraries?	With respect to the exemptions for libraries and other specified uses, the rightholders have the obligation to give to the beneficiaries the measures to ensure the benefit of the exception to the extent necessary, where the beneficiaries have legal access to the protected work or subject-matter concerned.		Art. 66A(5)

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	Condition:	Where works or subject-matter are made available to the public on agreed contractual terms where the public may access them from a place and at a time individually chosen by them, the exemption and mediation provisions do not apply.	
Other provisions?	If rightsholders do not take voluntary measures for the third parties such as libraries to benefit from the exception, the third party may request assistance from a mediator.		Art. 66A(5)

Miscellaneous		
Personal Copying	It is permissible for a person to make a reproduction of a lawfully published work for his own private use, under specified conditions.	Art. 18
Source	Copyright, Related Rights, and Cultural Matters of Greece, No. 2121 (1993), as amended through No. 3207 (2003), available at http://www.wipo.int/clea/docs_new/pdf/en/gr/gr219en.pdf	
Last edited:	12/03/07	

Grenada

Research, Study, or with a View to Publication (Unpublished Works)			
Who can copy?	Anyone.		§ 34(i)
	Conditions:	None.	
What can be copied?	Literary or musical works, photographs, and engravings.		
	Conditions:	The manuscript or a copy of the work must be kept in a library or other institution where it is open to public inspection.	
		Copying is permitted where copyright subsists in the work but it has not been published, at a time more than 50 years from the end of the year in which an author died, and more than 75 years after the time at or during which the work was made.	
Purpose of the copy?	For research or private study or with a view to publication.		
	Conditions:	None.	
Medium of the copy?	Not specified.		
Other provisions?	Certain rules apply in cases where a work is published that incorporates an unpublished work under (j).		§ 34 (j)-(k)

Preservation and Replacement			
Who can copy?	Anyone.		§ 34(i)
	Conditions:	None.	
What can be copied?	Literary or musical works, photographs, and engravings.		
	Conditions:	The manuscript or a copy of the work must be kept in a library or other institution where it is open to public inspection.	
		Copying is permitted where copyright subsists in the work but it has not been published, at a time more than 50 years from the end of the year in which an author died, and more than 75 years after the time at or during which the work was made.	
Purpose of the copy?	To preserve the manuscript or copy from damage or destruction by replacing it with the reproduction.		
	Conditions:	None.	
Medium of the copy?	Not specified.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Fair dealing with a protected work for purposes of research or private study is permitted.	§ 34
Source	Copyright Act of Grenada, Cap. 67 (1988)	
Last edited:	12/18/07	

Guinea

Library Provisions (none)		
Library Provisions?	There are no explicit library provisions in Guinea's Copyright Law.	
Other Provisions that Could be Used?	Personal Copying: Where a work has been lawfully made available to the public, the author may not prohibit reproductions, translations, and adaptations intended for strictly personal and private use.	Art. 10(ii)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹⁰⁶

Miscellaneous		
Licenses	Subject to the Appendix of the Berne Convention, licenses may be granted by the Minister for Higher Education and Scientific Research to any natural person or legal entity residing on the territory of Guinea for the translation, reproduction, and publication of foreign works, under circumstances specified in the statute.	Art. 15

Source	Law Adopting Provisions on Copyright and Neighboring Rights of Guinea, No. 043/APN/CP (1980) ¹⁰⁷
Last edited:	11/30/07

¹⁰⁶ Guinea is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Guinea on May 25, 2002. It is likely that Guinea has enacted new copyright legislation since the Copyright Act of 1980; however, no new legislation was accessible for this study.

¹⁰⁷ Guinea is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Haiti

Library Provisions (none)		
Library Provisions?	None.	
Other Provisions that Could be Used?	None. (Note: The only permitted method of reproduction is with the written consent of the author, his heirs, or his successors in title.)	Art. 27

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Decree Relating to Copyright in Literary, Scientific and Artistic Works of Haiti (1968)
Last edited:	11/30/07

Hungary

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. Uses falling within the scope of the free use shall not be subject to any authorization of the author.	Art. 33
Remuneration to author?	No. Uses falling within the scope of the free use shall not be subject to the payment of any consideration, but only so far as the use does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author. ¹⁰⁸	
Purpose?	The free use must be in compliance with the requirements of fairness and not be designed for a purpose incompatible with the intention of free use.	
Interpretation?	The provisions relating to free use shall not be interpreted in an extensive manner.	

Library Internal Use			
Who can copy?	Publicly accessible libraries, educational establishments, museums, and archives, including audio and audiovisual archives.		Art. 35(4)
	Conditions:	Educational establishments are defined in Art. 33(4).	
What can be copied?	Works.		
	Conditions:	Only a minor part of a work made public or of an article published in a newspaper or periodical may be copied.	
		The work must be disclosed to the public. Art. 33(1) (Note: The term "disclosed" is not defined.)	
		The reproduction is limited to "a copy."	
Purpose of the copy?	For scientific research, by archiving from the institution's own copy for a scientific purpose or to supply to another public library.		
	Conditions:	The use must be for internal institutional purposes, outside the scope of entrepreneurial activity.	

¹⁰⁸ However, the free use by libraries is subject to remuneration set forth in Articles 20-22, which provide for the collecting of fees from the person who imports a reprographic device and by its first domestic distributor under joint liability. In addition, the person operating the reprographic device for a consideration is also obliged to pay remuneration.

		The use is permitted to the extent and in the way justified by such a purpose if it is not intended for earning or increasing income even in an indirect way.	
Medium of the copy?	Any. See definition of “reproduction” below.		
Other provisions?	A separate law can be created to allow copying under certain conditions in exceptional cases.		

Research or Study (Making Available)			
Who can communicate?	Publicly accessible libraries, educational establishments, museums, and archives, including audio and audiovisual archives.		Art. 38(5)
	Conditions:	None.	
What can be communicated?	Works forming part of the institution’s collection.		
	Conditions:	The work must be disclosed to the public. Art. 33(1) (Note: The term “disclosed” is not defined.)	
		Making available is permitted in the absence of a contractual provision to the contrary.	
Purpose of the communication?	For research or private study.		
	Conditions:	The use may not be for direct or indirect earning or increasing income.	
Medium?	The work may be freely displayed to individual members of the public on the screens of dedicated terminals on the premises of such establishments.		
Other provisions?	Conditions may be provided in separate legislation.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 95
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner’s Rights Control?	Both. The provisions relate to technical measures that provide protection for copyright; they include access control and protection processes.		

Exemptions that could be used by libraries?	Yes. In the case of library copying (and other specified uses), a beneficiary of such a free use may demand that the rightholder, in spite of the protection granted against circumvention, make the free use possible for him.		Art. 95/A (1)
	Conditions:	The beneficiary of the free use has access to the work lawfully in order to benefit from the exemption.	
Other provisions?	If the beneficiary and rightholder cannot come to an agreement on making circumvention possible for the permitted free uses, then either party may initiate a procedure with the Copyright Mediation Board.		Art. 95/A (2)

Miscellaneous		
Personal Copying	A copy of certain works may be made by a natural person for private purposes if it is not intended for earning or increasing income even in an indirect way. This section exempts certain whole works and other types of works as specified.	Art. 35 (1-3)
Defined Term	Reproduction means the direct or indirect fixation of the work in any manner on a tangible carrier, whether definitively or temporarily, and the making of one or several copies of the fixation.	Art. 18
Source	Copyright Act of Hungary, No. LXXVI (1999), as amended through No. CIX (2006), available at http://www.artisjus.hu/opencms/export/artisjus/english/Copyright_Act-Hungary-01jan2007.pdf	
Last edited:	12/12/07	

Iceland

Library Internal Use			
Who can copy?	Specified public libraries, archives, and scientific or technical research institutes.		Art. 12
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	For the institution's own use.		
	Conditions:	The copies may not be loaned or turned over to persons outside the institution.	
Medium of the copy?	Photocopies.		
Other provisions?	This statutory provision is an authorization for the Ministry of Education, Science and Culture to make a regulation creating an exception consistent with the statute. The regulation must set conditions for the authorization of copies, in particular regarding custody and preservation of the copies.		

Anti-Circumvention and Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	The Copyright Act of Iceland, No. 73 (1972), as amended through No. 60 (2000), available at http://eng.menntamalaraduneyti.is/Acts/nr/2428
Last edited:	12/03/07

India

Library Use			
Who can copy?	Persons by or under the direction of the persons in charge of public libraries.		§ 52(1) (o); § 52(2)
	Conditions:	None.	
What can be copied?	Books (including pamphlets, sheets of music, maps, charts, or plans).		
	Conditions:	Not more than three copies can be made.	
		Copying is only permitted if such book is not available for sale in India.	
Purpose of the copy?	For use of the library.		
	Conditions:	None.	
Medium of the copy?	Not specified. (“Copy” is not a defined term.)		
Other provisions?	This provision also applies to the doing of any act in relation to the translation of a literary, dramatic, or musical work or the adaptation of a literary, dramatic, musical, or artistic work as they apply in relation to the work itself.		

Research, Study, or with a View to Publication			
Who can copy?	Not specified.		§ 52(1) (p); § 52(2)
	Conditions:	None.	
What can be copied?	Unpublished literary, dramatic, or musical works.		
	Conditions:	The work must be kept in a library, museum or other institution to which the public has access.	
		Where the identity of the author of any such work is known (or in the case of a work of joint authorship, if any of the authors is known) to the institution, the reproduction is only permissible if made at a time more than 60 years from the date of death of the author (or in the case of a work of joint authorship, from the death of the author whose identity is known, or if the identity of more than one author is known, then from the date of death of the author who died last).	
Purpose of the copy?	Research, private study, or with a view to publication.		
	Conditions:	None.	
Medium of the copy?	Not specified. (“Reproduction” is not a defined term.)		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Cinematograph films containing reproductions of unpublished works	It is not an infringement, in relation to a literary, dramatic, or musical work recorded or reproduced in any cinematograph film, to exhibit such film after the expiration of the term of copyright therein. If the work included therein was an unpublished work reproduced under (p), then the exhibition of the cinematograph film must be accompanied by an acknowledgement identifying the work by its title or other description and identifying the author, unless the work is anonymous or the author of the work has previously required that no acknowledgment of his name should be made. ¹⁰⁹	§ 52(1)(y)
Source	Copyright Act of India, No. 14 (1957), as amended through Act No. 49 (1999), available at http://www.wipo.int/clea/en/fiche.jsp?uid=in007	
Last edited:	12/18/07	

¹⁰⁹ This provision is summarized here because it includes a reference to § 52(1)(p), which addresses library copying. This provision, however, is apparently relevant only to the copying permitted under § 52(1)(p) that is made “with a view to publication.”

Indonesia

Library Use			
Provide source of borrowing?	Yes. The use is permitted provided that the sources are fully cited.		Art. 15(e)
Who can copy?	Public libraries, scientific or educational institutions, and documentation centers of a non-commercial nature.		
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	Computer programs are excluded. The reproduction must be "limited."	
Purpose of the copy?	For conducting the activities of the institution.		
	Conditions:	None.	
Medium of the copy?	Reproduction by any means. See definition below.		
Other provisions?	This provision also applies to related rights. (Art. 51)		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 27
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	No.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to safeguard the right of the author.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Use	The use of a work for the purpose of education, research, scientific thesis, report writing, criticizing or reviewing an issue is not prohibited, provided that it does not prejudice the normal interest of the author and provided that the sources are fully cited.	Art. 15(a)
Defined Term	"Reproduction" is defined as increasing the number of a work, either as a whole or its substantial parts using either the same or different material, including the changing of the form or mode of a work permanently or temporarily.	Art. 1(6)
Source	Law Regarding Copyright of Indonesia, No. 19 (2002), available at http://www.dgip.go.id/ebscript/publicportal.cgi?.ucid=2662&ctid=77&type=0	
Last edited:	12/14/07	

Iraq

Library Provisions (none)		
Library Provisions?	Iraq's Copyright Law does not contain any explicit exemptions for libraries.	
Other Provisions that Could be Used?	Exceptions to exclusive rights of the author shall be confined to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.	Art. 15bis

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Copyright Law of Iraq, No. 3 (1971), as amended by Coalition Provisional Authority Order, No. 83 (2003); available at http://www.agip.com/country_service.aspx?country_key=140&service_key=C&SubService_Order=2&lang=en and http://www.cpa-iraq.org/regulations/20040501_CPAORD_83_Amendment_to_the_Copyright_Law.pdf
Last edited:	12/03/07

Ireland

Research or Study (Articles)		
Who can copy?	Librarians of prescribed libraries.	§ 61
	Archivists of prescribed archives.	
	Conditions: None.	
What can be copied?	Articles or the contents page of periodicals, including illustrations and the typographical arrangement.	
	Conditions: A person shall not be furnished with more than one copy of the same article unless the person satisfies the librarian that the previous copy has been lost, stolen, discarded, or destroyed, or a reasonable period of time has elapsed.	
	A person shall not be furnished with more articles from a volume of a periodical than the number of issues that comprise that volume or 10 percent of the volume, whichever is greater.	
Purpose of the copy?	For research or private study.	
	Conditions: The person must satisfy the librarian or archivist that he or she requires the copy for purposes of research or private study, and the he or she may not use it for any other purpose.	
Medium of the copy?	Not specified.	
Other provisions?	A copy of a work shall not be supplied to more than 3 persons whose requirements are related to any similar requirements of any other person. The requirements shall be deemed to be similar where the requirements for copies of substantially the same material at approximately the same time and for substantially the same purpose; and where those persons receive instructions to which the material is relevant at the same time and place.	§ 63
Research or Study (Works Lawfully Made Available to the Public)		
Who can copy?	Librarians of prescribed libraries.	§ 62; § 229
	Archivists of prescribed archives.	
	Conditions: None.	

What can be copied?	Parts of works that have been lawfully made available to the public, including illustrations and typographical arrangement.		
	Parts of recordings of performances that have been lawfully made available to the public.		
	Conditions:	A person shall not be furnished with a copy of more than a reasonable proportion of any work or recording.	
		A person shall not be furnished with more than one copy of the same material or recording unless the person satisfies the librarian that the previous copy has been lost, stolen, discarded, or destroyed, or a reasonable period of time has elapsed.	
Purpose of the copy?	For research or private study.		
	Conditions:	The person must satisfy the librarian or archivist that he or she requires the copy for purposes of research or private study, and the he or she may not use it for any other purpose.	
Medium of the copy?	Not specified.		
Other provisions?	A copy of a work shall not be supplied to more than 3 persons whose requirements are related to any similar requirements of any other person. The requirements shall be deemed to be similar where the requirements for copies of substantially the same material at approximately the same time and for substantially the same purpose; and where those persons receive instructions to which the material is relevant at the same time and place.		§ 63; § 230

Research or Study (Works Not Lawfully Made Available to the Public)			
Who can copy?	Librarians of prescribed libraries.		§ 67; § 234
	Archivists of prescribed archives.		
	Conditions:	None.	
What can be copied?	Whole or parts of works in the permanent collection of the library or archive which have not been lawfully made available to the public, including illustrations and typographical arrangement.		
	Whole or parts of recordings of performances in the permanent collection of the library or archive that have not been lawfully made available to the public.		

	Conditions:	A copy may not be made where the copyright owner has prohibited copying of the work and, at the time the copy is made, the librarian or archivist knew or ought to have been aware of that fact.	
		A person shall not be furnished with more than one copy or the work or part of the work.	
Purpose of the copy?	For research or private study.		
	Conditions:	The person must satisfy the librarian or archivist that he or she requires the copy for purposes of research or private study, and the he or she may not use it for any other purpose.	
Medium of the copy?	Not specified.		

Supplying Copies to Other Libraries			
Who can copy?	Librarians of prescribed libraries.		§ 64; § 231
	Archivists of prescribed archives.		
	Conditions:	None.	
What can be copied?	Periodicals or articles, including illustrations and typographical arrangement.		
	Whole or parts of works, including illustrations and typographical arrangement.		
	Whole or parts of recordings of performances.		
	Conditions:	If the work or recording has been lawfully made available to the public.	
		A copy may not be made where, at the time the copy is made, the librarian or archivist making it could, by reasonable inquiry, obtain the consent of a person entitled to authorize the marking of the copy.	
Purpose of the copy?	To supply a copy to another prescribed library or prescribed archive.		
	Conditions:	None.	
Medium of the copy?	Not specified.		

Preservation and Replacement			
Who can copy?	Librarians of prescribed libraries.		§ 65; § 232
	Archivists of prescribed archives.		
	Conditions:	None.	

What can be copied?	Works in the permanent collection of the library or archive, including illustrations and typographical arrangement.	
	Recordings of performances in the permanent collection of the library or archive.	
	Conditions:	A copy may not be made where it is not reasonably practicable to purchase a copy of the work concerned.
Purpose of the copy?	To preserve or replace that work by placing the copy in the permanent collection of that library or archive in addition to or in place of that work.	
	To replace in the permanent collection of another prescribed library or prescribed archive a work which has been lost, destroyed, or damaged.	
	Conditions:	None.
Medium of the copy?	Not specified.	

Library Administrative Purposes		
Who can copy?	Librarians of prescribed libraries.	§ 66; § 233
	Archivists of prescribed archives.	
	Conditions: None.	
What can be copied?	Any work in the permanent collection of the library or archive, including illustrations and typographical arrangement.	
	Conditions:	None.
Purpose of the copy?	For obtaining insurance cover for the work.	
	For security.	
	For compiling or preparing a catalog of works or an archival record of performance.	
	For exhibition in the library or archive.	
	For informing the public of an exhibition (does not include sound recordings, § 233).	
	Conditions:	The copying must be to an extent reasonably justified by the non-commercial purpose to be achieved.
Medium of the copy?	Not specified.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 140 (4);
Prohibited Acts?	The Act of Circumvention?	No.	§ 258 (3);
	Dealing in Devices?	Making, selling, renting, or lending; offering or exposing for sale, rental, or loan; importing into the State; or having possession, custody, or control of a circumvention device is prohibited.	§ 370
	Providing Services?	Providing information, or offering or providing a circumvention service is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to protect from a violation of an author's rights.		§ 2
Exemptions that could be used by libraries?	The chapter on technological protection measures shall not be construed as preventing any person from undertaking the acts permitted, or from undertaking any act of circumvention required to effect such permitted acts, by § 49-106 (which includes all of the sections pertaining to libraries); § 220-254 (which includes all of the sections pertaining to libraries with respect to recordings of performances); and § 328-337 (with respect to databases).		§ 374

Miscellaneous		
Exporting works of cultural importance	A copy can be made of works of cultural or historical importance prior to export under certain conditions.	§ 68; § 235
Public Lending	The librarian or archivist is exempt from payment of remuneration for public lending.	§ 69
Additional Regulations	The Minister may make regulations with further conditions for libraries and archives under sections 60-67.	§ 59
Declarations	The Minister may also make regulations requiring a user to sign a declaration with regard to the purpose for the copy. The librarian may rely upon the declaration unless the librarian is aware that it is false.	

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Defined Term	“work” means a literary, dramatic, musical or artistic work, sound recording, film, broadcast, cable program, typographical arrangement of a published edition or an original database and includes a computer program.	§ 2
Source	Copyright and Related Rights Act of Ireland, No. 28 (2000), amended by Copyright and Related Rights (Amendment), No. 18 (2004), available at http://www.irishstatutebook.ie/	
Last edited:	12/18/07	

Israel

Replacement Copying			
Who can copy?	Libraries and archives of a type as prescribed by the Minister.		§ 30(a)
	Conditions:	None.	
What can be copied?	Works in the collection of the library or archives.		
	Conditions:	Reproduction is permitted when it is not possible to purchase an additional copy of the work within a reasonable time and on reasonable terms.	
Purpose of the copy?	To replace a work which has been lost, destroyed, or has become unusable.		
	To replace a work that had been in the permanent collection of another library or archives, if the work has been lost, destroyed, or has become unusable.		
	To make a reserve copy, provided that the reserve copy is not used as an additional copy.		
	Conditions:	None.	
Medium of the copy?	Not specified, other than the provision permitting a “reserve copy” states that it may be “in any format.”		
Other Provisions?	The Minister may prescribe conditions to the application of Section 30, and those conditions may apply generally or to only certain types of libraries or archives. (Section 31)		

Preservation Copying			
Who can copy?	Libraries and archives of a type as prescribed by the Minister.		§ 30(c)
	Conditions:	None.	
What can be copied?	Works of a type as prescribed by the Minister.		
	Conditions:	None.	
Purpose of the copy?	Preservation.		
	Conditions:	The Minister may prescribe conditions for the execution of copying as well as conditions for the grant of public access to the copies.	
Medium of the copy?	Not specified.		
Other provisions?	The Minister may prescribe conditions to the application of Section 30, and those conditions may apply generally or to only certain types of libraries or archives. (Section 31)		

Copying for Library Users			
Who can copy?	Libraries and archives of a type as prescribed by the Minister.		§ 30(b)
	Conditions:	None.	
What can be copied?	Works in the collection of the library or archives.		
	Conditions:	None.	
Purpose of the copy?	For a person requesting the copy.		
	Conditions:	Provided that the reproduction would be lawful if made by the person requesting the copy.	
Medium of the copy?	Not specified.		
Other provisions?	The Minister may prescribe an application form for use by libraries and archives for implementing this subsection.		
	The Minister may prescribe conditions to the application of Section 30, and those conditions may apply generally or to only certain types of libraries or archives. (Section 31)		

Anti-Circumvention of Technological Protection Measures	
Circumvention Provisions?	None. ¹¹⁰

Miscellaneous	
Source	Israel Copyright Act of 2007 (unofficial translation by the Israeli Ministry of Justice, effective 25 May 2008). Copy available at: http://www.tau.ac.il/law/members/birnhack/IsraeliCopyrightAct2007.pdf .
Last edited:	04/12/08

¹¹⁰ Israel is a signatory to the WIPO Copyright Treaty, but the treaty has not yet entered into force in Israel.

Italy

Research or Study (Making Available)		
Who can communicate?	Publicly accessible libraries, educational establishments, museums, or archives.	Art. 71-ter
	Conditions: None.	
What can be communicated?	Works or subject matter contained in the collection of the institution.	
	Conditions: The work must not be subject to purchase or license terms.	
Purpose of the communication?	For research or private study for individual members of the public.	
	Conditions: None.	
Medium?	Via dedicated terminals on the premises of the institution.	

Library Use		
Who can copy?	Publicly accessible libraries or school libraries, public museums, and public archives.	Art. 68(2)
	Conditions: None.	
What can be copied?	Works held in the collection of the institution.	
	Conditions: None.	
Purpose of the copy?	For the services of the institution.	
	Conditions: The reproduction must be without either direct or indirect economic or commercial advantage.	
Medium of the copy?	Photocopying only.	

Copying for Library Users		
Who can copy?	Not specified; implicitly the copying could be done by library staff or library users.	Art. 68(5)
	Conditions: None.	
What can be copied?	Works available in public libraries.	
	Conditions: Sheet music is excluded.	
	Conditions: The copy must be made inside the library. The reproduction must be limited to 15% of each volume or issue of a magazine, excluding advertising pages.	
Purpose of the copy?	For personal use. (By reference to Art. 68(3).)	
Medium of the copy?	Photocopying, xerocopying, or like means. (By reference to Art. 68(3).)	

Other provisions?	The library must make annual payment to the copyright owner's collective society, pursuant to Art 181-ter.	
	The limitations do not apply to works that are not present in publishing catalogs and that are rare, because they are difficult to find through commercial channels (by reference to Art. 68(3))	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 174ter
Prohibited Acts?	The Act of Circumvention?	Using means intended to circumvent technical measures is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, transferring under whatever title, advertising for sale or rental, holding for commercial purposes is prohibited.	Art. 171ter (f-bis)
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures that prevent or restrict acts not authorized by the rightholder; this includes access control and protection processes.		Art. 102 quater
Exemptions that could be used by libraries?	The rightholders are obliged to adopt proper solutions, also by means of specific agreements with the associations representing beneficiaries in order to allow the exercise of the exceptions provided for with respect to library copying (Art. 68(2)) and others as specified in the law, on beneficiaries' specific request.		Art. 71 quin-ques
	Conditions:	The beneficiaries must have lawful possession of the copies of the work or have lawfully accessed them in order to use them in accordance and within the limitations pursuant to the law.	

Miscellaneous		
Personal Copying	Private copying for personal use is permitted under specified conditions.	Art. 71 sexies - octies
Preservation of broadcasts	Copies of broadcasts may be preserved in official archives, but not used for further economic or commercial purposes without permission.	Art. 55

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Phonograms	Allows record copies to make copies for sale from the State Record Library, but subject to payment of royalties.	Art 64
Source	Law for the Protection of Copyright and Neighboring Rights of Italy, No. 633 (1941), as amended through No. 68 (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=27690&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/11/07	

Jamaica

Research or Study (Published Works)			
Who can copy?	Librarians of prescribed libraries and archives.		§ 62
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Parts of literary, dramatic, or musical works, from published editions, that are not articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Conditions:	With respect to articles, no person shall be furnished with more than one copy of the same article and no more than one article contained in the same issue of a periodical.	
With respect to works other than articles, no person shall be furnished with more than one copy of the same material, and not more than a reasonable proportion of any work.			
Purpose of the copy?	For research or private study by persons.		
	Conditions:	Copies may be supplied only to persons satisfying the librarian that he or she requires the copy for research or private study and no other purpose.	
Medium of the copy?	Any. See definition of "copy" below.		
Other provisions?	Persons to whom copies are supplied are required to pay for the copies a sum not less than the cost, including a contribution to the general expenses of the library, attributable to production of the copies.		

Research or Study (Unpublished Works)			
Who can copy?	Librarians of prescribed libraries and archives.		§ 65
	Conditions:	None.	
What can be copied?	Whole or parts of literary, dramatic, or musical works, from documents in the library or archive, including accompanying illustrations and the typographical arrangement.		
	Conditions:	The document must not have been published before it was deposited in the library or archive.	
		The copying is not permitted where the copyright owner has prohibited copying of the work, and at the time of making the copy, the librarian ought to have been aware of that fact.	

		No person may be furnished with more than one copy of the same material.	
Purpose of the copy?	For research or private study.		
	Conditions:	Copies may be supplied only to persons satisfying the librarian that he or she requires the copy for research or private study and no other purpose.	
Medium of the copy?	Any. See definition of "copy" below.		
Other provisions?	Persons to whom copies are supplied are required to pay for the copies a sum not less than the cost, including a contribution to the general expenses of the library, attributable to production of the copies.		

Supplying Copies to Other Libraries			
Who can copy?	Librarians of prescribed libraries and archives.		§ 63
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and, in the case of published works, the typographical arrangement.		
	Whole or parts of literary, dramatic, or musical works, published or unpublished, including accompanying illustrations and, in the case of a published work, the typographical arrangement.		
	Conditions:	With respect to works other than articles, copying is not permitted if, at the time of making the copy, the librarian knows or could by reasonable inquiry ascertain the name and address of a person entitled to authorize the making of the copy.	
Medium of the copy?	Any. See definition of "copy" below.		
Purpose of the copy?	To make and supply copies to another prescribed library or archive.		
	Conditions:	None.	

Preservation and Replacement			
Who can copy?	Librarians of prescribed libraries and archives.		§ 64
	Conditions:	None.	

What can be copied?	Literary, dramatic, or musical works, in the permanent collection of the library or archive, whether published or unpublished, including accompanying illustrations and, in the case of a published work, the typographical arrangement.	
	Conditions:	Copying is allowed only where it is not reasonably practicable to purchase a copy of the work for the specified purpose.
Purpose of the copy?	To preserve or replace the work by placing the copy in the permanent collection of the library or archive in addition to or in place of the original item.	
	To replace a work in the permanent collection of another prescribed library or archive, if the work has been lost, destroyed, or damaged.	
	Conditions:	None.
Medium of the copy?	Any. See definition of “copy” below.	

Anti-Circumvention of Technological Protection Measures

Circumvention provisions?	None. ¹¹¹
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Miscellaneous

Declarations	Where librarian or archivist is required to be satisfied as to certain matters, regulations may prescribe that he or she is entitled to rely on a declaration as to such matters, signed by the person requesting copies, unless the librarian or archivist is aware that the declaration is false in any material particular.	§ 61 (2)(a)
	Regulations may require that the librarian or archivist may not supply a copy to any person in the absence of a declaration from that person.	§ 61 (2)(b)
	A person requesting a copy, who makes a declaration that is false in any material respect, and is supplied with a copy that would have been an infringing copy if made by that person, he or she shall be liable for infringement as if he had made the copy, and the copy supplied shall be treated as an infringing copy.	§ 61(3)

¹¹¹ Jamaica is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Jamaica on June 12, 2002. Jamaica has been drafting amendments to the Copyright Law to address technological protection measures, but apparently has not yet enacted them. See http://www.buildingipvalue.com/06SA_Car/150_153.htm.

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Defined terms	“Copy” is broadly defined as a reproduction in any material form. Further, reproduction of a typographical arrangement of a published edition means a facsimile copy of the arrangement. The statute specifies that references to the copying of any work shall be construed to include a reference to storing the work in any medium by electronic means.	§ 2
	References to the librarian or archivist in Sections 62 to 65 include references to a person acting on his or her behalf.	§ 61(1)
Source	Copyright Act of Jamaica, No. 4 (1993), as amended (1995; 1999), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15394&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/11/07	

Japan

Research or Study			
Who can copy?	Libraries (implicitly). See definition of “library” below.		Art. 31(i)
	Conditions:	The copy must be made within the scope of non-profit-making activities of the library.	
What can be copied?	Part of works already made public.		
	Individual works reproduced in periodicals already published for a considerable period of time.		
	Conditions:	Only a single copy may be furnished.	
The work must be included in the library materials. (“Library materials” is defined as books, documents, and other materials held in the collection of libraries.)			
Purpose of the copy?	For investigation and research by request of a library user.		
	Conditions:	None.	
Medium of the copy?	See definition of “reproduction” below.		

Preservation			
Who can copy?	Libraries (implicitly). See definition of “library” below.		Art. 31(ii)
	Conditions:	The copy must be made within the scope of non-profit-making activities of the library.	
What can be copied?	Works.		
	Conditions:	The work must be included in the library materials. (“Library materials” is defined as books, documents, and other materials held in the collection of libraries.)	
Purpose of the copy?	Where reproduction is necessary for preserving library materials.		
	Conditions:	None.	
Medium of the copy?	See definition of “reproduction” below.		

Supplying Copies to Other Libraries			
Who can copy?	The library (implicitly). See definition of “library” below.		Art. 31(iii)
	Conditions:	The copy must be made within the scope of non-profit-making activities of the library.	

What can be copied?	Works.		
	Conditions:	The work must be included in the library materials (defined as: books, documents, and other materials held in the collection of libraries).	
Purpose of the copy?	For furnishing a copy to other libraries.		
	Conditions:	The work must be rarely available through normal trade channels because the materials are out of print or for other similar reasons.	
Medium of the copy?	See definition of “reproduction” below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		
Prohibited Acts?	Circumvention?	Reproduction for private use that is otherwise permitted by law is prohibited where it is made possible by the circumvention of technological protection measures.	Art. 30(1)(ii)
	Dealing in Devices?	Transferring to the public, lending to the public, manufacturing, importing or possessing for transfer of ownership, or offering for the use by the public a circumvention device is prohibited.	Art. 120bis
	Providing Services?	Circumventing technological protection measures in response to a request from the public by a person operating as a business is prohibited.	
Access Control or Owner’s Rights Control?	Not specified. These provisions apply to circumvention that enables the user to do acts prevented by technological protection measures.		Art. 30(1)(ii)
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Braille Libraries	Reproduction in Braille or the making of sound recordings is permissible for Braille libraries.	Art. 37

Defined Terms	“Library” means libraries and other establishments designated by Cabinet Order, having the purpose, among others, to offer library materials for the use by the public.	Art. 31
	“Reproduction” means the reproduction in a tangible form by means of printing, photography, reprography, sound or visual recording or otherwise; in the case of dramas and other similar dramatic works, it includes sound and visual recording of the acting, broadcasts or wire diffusions of these works; and in the case of architectural works, it includes the construction of an architectural work according to its plan.	Art. 2(xv)
Source	Copyright Law of Japan, as amended through No. 92 (2004), available at http://www.cric.or.jp/cric_e/clj/clj.html	
Last edited:	12/03/07	

Jordan

Library Use		
Author's consent required?	No. The use is permitted without the consent of the author.	Art. 20
Who can copy?	Public libraries, non-commercial documentation centers, educational academies, and scientific and cultural institutions.	
	Conditions: None.	
What can be copied?	Works.	
	Conditions: The photocopying and the number of copies are limited by the purpose.	
Purpose of the copy?	For the needs of the institutions.	
	Conditions: None.	
Medium of the copy?	By photographic or other means.	
Other provisions?	The copying must not harm the rights of the author or conflict with the normal exploitation of the work.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes. ¹¹²	Art. 55	
Prohibited Acts?	The Act of Circumvention?		Unknown.
	Dealing in Devices?		Manufacturing, importing, selling, offering for sale, renting, distributing or advertising in connection with the sale or rental of circumvention devices.
	Providing Services?		Unknown.
Access Control or Owner's Rights Control?	Unknown.		
Exemptions that could be used by libraries?	Unknown.		

¹¹² Jordan's Copyright Law, as amended through 2001, was the only version of the law available for this study. Jordan has enacted subsequent amendments that added provisions on technological protection measures; some of the content of these provisions has been discussed in secondary sources. *See, e.g.* International Intellectual Property Alliance, "2007 Special 301 Report: Jordan," available at <http://www.iipa.com/rbc/2007/2007SPEC301JORDAN.pdf>.

Miscellaneous		
Personal Copying	Using a work for private personal use is permitted through the making of one reproduction by photocopying, recording, photographing, translation or musical distribution provided that the foregoing does not conflict with standard exploitation of the work and does not cause unwarranted harm to the legitimate interests of the owner of the right.	Art. 17(b)
Source	Copyright Law of Jordan, No. 22 (1992), as amended through No. 52 (2001), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15433&URL_DO=DO_TOPIC&URL_SECTION=201.html ; International Intellectual Property Alliance, “2007 Special 301 Report: Jordan,” available at http://www.iipa.com/rbc/2007/2007SPEC301JORDAN.pdf .	
Last edited:	12/21/07	

Kazakhstan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the consent of the author or other rightsholder.	Art. 20
Remuneration to author?	No. The use is permitted without payment of remuneration.	
Provide name of author?	Yes. The use is permitted provided that the name of the author whose work is used is mentioned.	
Provide source of borrowing?	Yes. The use is permitted provided that the source of borrowing is mentioned.	

Preservation and Replacement		
Who can copy?	Libraries and archives.	Art. 20(1)
	Conditions: None.	
What can be copied?	Lawfully published works.	
	Conditions: Only one copy can be made.	
Purpose of the copy?	To restore or replace lost or damaged copies.	
	To place copies at the disposal of other libraries that for any reason have lost works from their own collections.	
	Conditions: The copying must be without gainful intent.	
Medium of the copy?	Reprographic reproduction.	

Research or Study		
Who can copy?	Libraries and archives.	Art. 20(2)
	Conditions: None.	
What can be copied?	Isolated articles or succinct works lawfully published in collections, newspapers, or other periodical publications.	
	Short extracts from lawfully published written works, including illustrations.	
	Conditions: Only one copy can be made.	
Purpose of the copy?	For study or research purposes of natural persons.	
	Conditions: The copying must be without gainful intent.	
Medium of the copy?	Reprographic reproduction.	

Other provisions?	Copying is permitted under the same conditions for copies made by educational establishments intended for classroom use.	
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Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹¹³

Miscellaneous	
Source	Law on Copyright and Neighboring Rights of Kazakhstan (1996), as amended (2004); available at http://www.cipr.org/legal_reference/countries/kazakhstan/index.htm
Last edited:	12/18/07

¹¹³ Kazakhstan is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Kazakhstan on November 12, 2004. Kazakhstan's law may contain provisions relating to technological protection measures, but they are not contained the Copyright Law, as amended through 2004. Kazakhstan amended its copyright law again in 2005, but that amendment was not available in English for this study; whether or not the 2005 amendments contain provisions on technological measures is unknown.

Kenya

Library Use			
Who can copy?	Prescribed public libraries, non-commercial documentation centers, and scientific institutions.		§ 26 (1)(h)
	Conditions:	None.	
What can be copied?	Literary, musical, artistic, or audio-visual works.		
	Conditions:	None.	
Purpose of the copy?	Not specified.		
	Conditions:	The reproduction must be in the public interest.	
		No revenue may be derived from the reproduction.	
Medium of the copy?	Any. See definition of “reproduction” below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 35(3)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing or distributing circumvention devices is prohibited.	
	Providing Services?	No.	
Access Control or Owner’s Rights Control?	Owner’s Control Rights. The provisions relate to devices, products, or components incorporated into a work that effectively prevent or inhibit the infringement of any copyright or related right.		§ 2
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	The author’s exclusive rights are not violated by the doing of any of acts by way of fair dealing for the purposes of scientific research, private use, criticism or review, or the reporting of current events subject to acknowledgement of the source. Computer programs are excluded (§ 26(3)).	§ 26 (1)(a)
Defined Term	“Reproduction” means the making of one or more copies of a work in any material form and includes any permanent or temporary storage of such work in electronic or any other form.	§ 2
Source	The Copyright Act of Kenya, No. 12 (2001), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15861&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/04/07	

Kuwait

Library Provisions (none)		
Library Provisions?	Kuwait's Copyright Law does not contain any explicit exemptions for libraries.	
Other Provisions that Could be Used?	Personal Copying: The author may not prevent a person from making a single copy of a published work for his personal use.	Art. 8

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 42(4)
Prohibited Acts?	Circumvention?	Removing or facilitating the removal of protective measures is prohibited.	
	Dealing in Devices?	No.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to a means of protection that organizes or restricts the classified work from being shown, demonstrated, performed, or recorded.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	Law on Intellectual Property of Kuwait, No. 5 (1999), Arab Law Quarterly, Vol. 16, No. 1 (2001), pp. 62-77
Last edited:	12/03/07

Kyrgyzstan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the author's consent.	Art. 20
Remuneration to author?	No. The use is permitted without payment of remuneration.	
Provide name of author?	Yes. The use is permitted with the obligatory indication of the author's name whose works are used.	
Provide source of borrowing?	Yes. The use is permitted with the obligatory indication of the source of borrowing.	

Replacement		
Who can copy?	Libraries and archive services.	Art. 20
	Conditions: None.	
What can be copied?	Lawfully published works.	
	Conditions: Only a single copy may be made.	
Purpose of the copy?	To restore or replace lost or damaged copies.	
	To provide the work to other libraries that, for some reason, have lost works from their collections.	
	Conditions: The reproduction must be without gainful intent.	
Medium of the copy?	Reprographic reproduction.	

Research or Study		
Who can copy?	Libraries and archive services.	Art. 20
	Conditions: None.	
What can be copied?	Isolated articles and succinct works lawfully published in collections, newspapers, or other periodical publications.	
	Short extracts from legitimately published written works (with or without illustrations).	
	Conditions: Only a single copy may be made.	
Purpose of the copy?	For education and research purposes, by request of individuals.	
	Conditions: The reproduction must be without gainful intent.	
Medium of the copy?	Reprographic reproduction.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None. ¹¹⁴	

¹¹⁴ Kyrgyzstan is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of

Miscellaneous		
Personal Copying	The reproduction of a lawfully disclosed work for exclusively personal purposes is permitted without the consent of the author or remuneration, with the exception of a few types of works specified in Art. 18. Reproduction of audiovisual works or sound recordings for exclusively personal purposes is permissible, subject to remuneration.	Art. 18; Art. 26
Defined Terms	“Reproduction of a work” means making of one or more copies of the work or part of work in any form, including the form of a sound or visual recording, or the making of one or more three-dimensional copies of a two-dimensional work or one or more two-dimensional copies of a three-dimensional work; the storage of a work in a computer memory shall also constitute reproduction.	Art. 4
Source	Law on Copyright and Neighboring Rights of the Kyrgyz Republic, No. 6 (1998), as amended through No. 47 (2001), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15414&URL_DO=DO_TOPIC&URL_SECTION=201.html	
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[Footnote continued from previous page]

effective technological measures. The treaty entered into force in Kyrgyzstan on March 6, 2002. Although Kyrgyzstan’s law may contain provisions relating to technological protection measures, they are not contained in the Copyright Law, as amended through 2001.

Latvia

Preservation and Replacement			
Author's consent required?	No. The use is permitted without the consent of the author.	§ 19	
Remuneration to author?	No. The use is permitted without remuneration.		
Who can copy?	All libraries and archives.	§ 23	
	Conditions:		None.
What can be copied?	Works.		
	Conditions:		Computer programs are excluded.
			Only a single copy can be made.
			The reproduction is permitted if it is not possible to obtain such a copy in some other acceptable manner.
If reproduction is repeated, it must occur in separate and mutually unrelated cases.			
Purpose of the copy?	To preserve a particularly valuable work.		
	To replace a work which has been lost, damaged, or become unusable for that library or another library's or archive's permanent collection.		
	Conditions:	The purposes must be non-commercial.	
Medium of the copy?	Any. See definition of "reproduction" below.		
Other provisions?	The restrictions on the economic rights of an author shall be applied in such a way that they are not contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author.	§ 18(2)	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	§ 68(1)
Prohibited Acts?	The Act of Circumvention?	Destruction or circumvention of technological measures is prohibited.
	Dealing in Devices?	Manufacturing, importing, distributing, selling, leasing, advertising, or using for commercial purposes circumvention devices is prohibited.
	Providing Services?	Providing circumvention services is prohibited.
Access Control or Owner's Rights Control?	Both. The provisions relate to devices used to restrict or prevent a circumvention activity with the work; this includes access control or a protection process.	§ 2(19); § 68(1)

Exemptions that could be used by libraries?	If a beneficiary of an exemption (including the library exemption) has the right to use the work but cannot implement the rights due to the technological measures used by the author, the user has the right to request that the author give access to such work, taking into account the restrictions of the rights of an author.		§ 18(4)
	Conditions:	The author may refuse to provide such a possibility if the use of the work is contrary to the provisions for normal use of the work of an author and unjustifiably limits the lawful interests of the author.	
Other provisions?	If the user of the work and the author cannot reach an agreement as to the exemptions of § 18(4), they may apply to a mediator.		§ 18(5)

Miscellaneous		
Defined Term	“Reproduction” means the making of one or more copies, by any means and in any form and scale, fully or partially, of an object of copyright or neighboring rights, also short-term or long-term storage in electronic form of an object of copyright or neighboring rights or a part thereof, as well as the making of three-dimensional copies of a two-dimensional object or two-dimensional copies of a three-dimensional object.	§ 1(17)
Source	Copyright Law of Latvia (2000), as amended (2004), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=18620&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/04/07	

Lebanon

General Provisions (applicable to each form of copying listed below)		
Author's consent?	No. Copying is permitted without the authorization of the author.	Art. 25-28
Remuneration to author?	No. Copying is permitted without obligation to pay the author compensation.	

Reproducing Computer Programs			
Who can copy?	Educational institutions, universities, and public libraries.		Art. 25
	Conditions:	The institutions must be non-profit-making.	
What can be copied?	Computer programs.		
	Conditions:	A limited number of computer programs may be reproduced.	
		The institutions must possess at least one original copy of the work.	
The Ministry of Education, Ministry of Culture and Higher Education, and the Ministry of Technical and Vocational Education must subsequently issue decrees determining the copying mechanism, the categories of computer programs that may be copied, and the number of copies allowed.			
Purpose of the copy?	For lending the computer programs to students and university people.		
	Conditions:	The lending must be free of charge.	
Other provisions?	Students may make one copy of a computer program for personal use.		

Research or Study			
Provide name of author?	Yes. Where the name of the author and publisher appear on the original work, they shall be mentioned in each and every use of the copy of the article or work.	Art. 26	
Who can copy?	Anyone. (Note: This provision does not explicitly apply to libraries but apparently can be used to benefit library users.)		
	Conditions:		None.
What can be copied?	Articles published in newspapers and magazines.		
	Short excerpts of a work.		
Purpose of the copy?	For educational purposes.		
	Conditions:	The use is restricted to the necessary limits of such purpose.	

Medium of the copy?	Any. See definition of “reproduction” below.	
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Preservation and Replacement		
Who can copy?	Public libraries.	Art. 27
	Conditions: The libraries must be non-profit-making.	
What can be copied?	Works.	
	Conditions: The library must possess at least one copy of the original work.	
Purpose of the copy?	For use in case of loss or damage of the original work.	
	Conditions: None.	
Medium of the copy?	Not specified.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Copying for personal and private use is permitted, if certain conditions have been satisfied.	Art. 23-24
Copying for Official Archives	Audiovisual works of special artistic value may be reproduced to keep in the Ministry of Culture and Higher Education’s archives, under certain circumstances.	Art. 28
Defined Terms	“Reproduction” means making one or more copies of any work by any means or in any form, including a permanent or temporary recording on phonogram records, tapes, disks, electronic memory, and this also includes issuing a copy in two dimensions of a three-dimensional work, or a copy in three dimensions of a two-dimensional work.	Art. 1
Source	Law on the Protection of Literary and Artistic Property of Lebanon, No. 75 (1999), available at http://www.economy.gov.lb/MOET/English/Panel/IPR/Copyright/	
Last edited:	12/11/07	

Lesotho

Library Use		
Author's consent required?	No. The use is permitted without the author's consent.	§ 9
Remuneration to author?	No. The use is permitted without obligation to pay remuneration for the use of the work.	
Who can copy?	Public libraries, national archives and museums, non-commercial documentation centers, scientific institutions, and educational establishments.	§ 9(f)
	Conditions: None.	
What can be copied?	Literary, artistic, or scientific works that have lawfully been made available to the public.	
	Conditions: Provided that such reproduction, the number of copies made and the use thereof is limited to the purpose.	
Purpose of the copy?	For the needs of the entity reproducing the work.	
	Conditions: None.	
Medium of the copy?	Reproduction by photography, sound or video-recording or electronic storage.	
Other provisions?	Provided that the reproduction neither conflicts with the normal exploitation of the work nor unreasonably prejudices the legitimate interests of the author.	
	The use is permitted either in the original language or in translation.	§ 9

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction of a work for personal and private use is permitted, whether or not that work has been lawfully published.	§ 9(a)(i)
Source	Copyright Order of Lesotho, No. 13 (1989)	
Last edited:	12/11/07	

Liberia

Preservation, Security, and Supply to Other Libraries (Unpublished Works)			
Who can copy?	Libraries and archives, including employees acting within the cope of their employment.		§ 2.9(a); § 2.9(b) § 2.9(g)
	Conditions:	The collections of the library or archive must be open to the public or available not only to researchers affiliated with the library or archive or with the institution of which it is a part, but also to persons doing research in a specialized field.	
What can be copied?	Unpublished works that are currently in the collection of the library or archives.		
	Conditions:	Only a single copy can be made.	
		The reproduction and distribution must include a notice of copyright.	
		The reproduction and distribution must be isolated and unrelated in a single copy of the same material on separate occasions. The use is not permitted where the library or archives, or its employees, is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by the individual members of a group.	
Purpose of the copy?	For preservation and security.		
	For deposit for research use in another library or archives.		
	Conditions:	The reproduction or distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of the copy?	Facsimile form. (The term “facsimile” is not defined.)		
Other provisions?	Reproduction and distribution are permitted by this section.		

Replacement			
Who can copy?	Libraries and archives, including employees acting within the scope of their employment.		§ 2.9(a); § 2.9(c); § 2.9(g)
	Conditions:	The collections of the library or archive must be open to the public or available not only to researchers affiliated with the library or archive or with the institution of which it is a part, but also to persons doing research in a specialized field.	
What can be copied?	Published works or sound recordings.		
	Conditions:	Only a single copy can be made.	
		The reproduction and distribution must include a notice of copyright.	
		The reproduction and distribution must be isolated and unrelated in a single copy of the same material on separate occasions. The use is not permitted where the library or archives, or its employees, is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by the individual members of a group.	
Purpose of the copy?	For replacement of a copy that is damaged, deteriorating, lost, or stolen.		
	Conditions:	The reproduction or distribution must be made without any purpose of direct or indirect commercial advantage.	
		The reproduction is permitted if the library or archives has, after reasonable effort, determined that an unused replacement cannot be obtained at a fair price.	
Medium of the copy?	Facsimile form. (The term “facsimile” is not defined.)		

Research or Study (Articles and Parts of Works)			
Who can copy?	Libraries or archives, including employees acting within the scope of their employment.		§2.9(a); §2.9(d); §2.9(h)
	Conditions:	The collections of the library or archive must be open to the public or available not only to researchers affiliated with the library or archive or with the institution of which it is a part, but also to persons doing research in a specialized field.	
What can be copied?	Single articles or other contributions to issues of periodicals contained in the collections of the library or archive.		
	Small parts of sound recordings or other copyrighted works contained in the collections of the library or archive.		
	Conditions:	Musical works; pictorial, graphic, or sculptural works; and motions pictures or audio-visual works dealing with news ¹¹⁵ are excluded. However, copying pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works in connection with the copying of the permitted works is allowed.	
	Only a single copy can be made.		
	The reproduction and distribution must include a notice of copyright.		
	The copy or sound recording must become the property of the user.		
	The reproduction and distribution must be isolated and unrelated in a single copy of the same material on separate occasions. The use is not permitted where the library or archives, or its employees, is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies of the same material, whether made on one		

¹¹⁵ The language of the Liberian Copyright Act is nearly identical to the United States Copyright Act. However, this provision in the United States' Act excludes "musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news. . . ." 17 U.S.C. § 108(i). The absence of these words in the Liberian Act may indicate a transcription error.

		occasion or over a period of time, and whether intended for aggregate use by the individual members of a group. The use is also not permitted where the library or archives or its employees engages in the systematic reproduction or distribution of single or multiple copies of material under this subsection (d). This clause does not prohibit interlibrary arrangements (see next table).	
Purpose of the copy?	For private study, scholarship, or research, as requested by a user or another library or archives.		
	Conditions:	The reproduction or distribution must be made without any purpose of direct or indirect commercial advantage.	
		The library or archive may not reproduce or distribute a copy where it has notice that the copy will be used for a purpose other than the permitted purposes.	
Medium of the copy?	Not specified.		
Other provisions?	Reproduction and distribution are permitted by this section.		
	The library or archive must place a notice at the location where orders are accepted and on the order form warning users of copyright. The requirements for the notice are prescribed by regulation.		

Supplying Copies to Other Libraries (Interlibrary Loan)			
Who can copy?	A library or archives, including employees acting within the cope of their employment.		§2.9(a); §2.9(d); §2.9(h)
	Conditions:	The collections of the library or archive must be open to the public or available not only to researchers affiliated with the library or archive or with the institution of which it is a part, but also to persons doing research in a specialized field.	
What can be copied?	Implicitly, any work that can be copied consistent with the provisions of the Copyright Act can be copied.		

	Conditions:	Libraries and archives may participate in interlibrary arrangements that do not have as their purpose or effect that the receipt of such copies is in such aggregate quantities as to substitute for a subscription to our purchase of such work.	
Purpose of the copy?	For receipt of materials through interlibrary arrangements.		
	Conditions:	The reproduction or distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of the copy?	Not specified.		

Research or Study (Entire Works)			
Who can copy?	Libraries and archives, including employees acting within the scope of their employment.		§ 2.9(a); § 2.9(e); § 2.9(h)
	Conditions:	The collections of the library or archive must be open to the public or available not only to researchers affiliated with the library or archive or with the institution of which it is a part, but also to persons doing research in a specialized field.	
What can be copied?	Entire works, or substantial parts of works, contained the collections of the library or archive.		
	Conditions:	Musical works; pictorial, graphic, or sculptural works; and motions pictures or audio-visual works dealing with news are excluded. However, copying pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works in connection with the copying of the permitted works is allowed.	
		Only a single copy can be made.	
		The reproduction and distribution must include a notice of copyright.	
		The reproduction and distribution is only permitted where the library has first determined, on the basis of a reasonable investigation that a work or sound recording cannot be obtained at a fair price.	

		The copy or sound recording must become the property of the user.	
		The reproduction and distribution must be isolated and unrelated in a single copy of the same material on separate occasions. The use is not permitted where the library or archives, or its employees, is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by the individual members of a group.	
Purpose of the copy?	For private study, scholarship, or research, as requested by a user or another library or archives.		
	Conditions:	The reproduction or distribution must be made without any purpose of direct or indirect commercial advantage.	
		The library or archive may not reproduce or distribute a copy where it has notice that the copy will be used for a purpose other than the permitted purposes.	
Medium of the copy?	Not specified.		
Other provisions?	Reproduction and distribution are permitted by this section.		
	The library or archive must place a notice at the location where orders are accepted and on the order form warning users of copyright. The requirements for the notice are prescribed by regulation.		

Limitation of Remedies		
Who qualifies?	Libraries and archives, and employees or agents of non-profit educational institutions, libraries, or archives, acting in the scope of employment.	§ 2.42 (IV)(2)
For what activity?	Reproduction of works.	
How are the remedies limited?	Statutory damages are remitted.	
Under what conditions?	Where the infringer believed and had reasonable grounds for believing that the use was a fair use.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None.	
Miscellaneous		
Fair Use	Fair use of a work is not infringement.	§ 2.7
Affect on Fair Use and Contractual Obligations	Nothing in the library provisions affects the right of Fair Use or any contractual obligations assumed at the time the library or archives obtained a copy of a work in its collections.	§ 2.9(f)(4)
Library Copying Machines	Nothing in the library provisions shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment if a notice is displayed that the making of a copy may be subject to the copyright law.	§ 2.7(f)(1)
Liability for exceeding the scope of the exemptions	Nothing in the library provisions shall excuse a person who uses library reproducing machines or makes a request under (d) from liability for copyright infringement for any such act or for later use of the copy if it exceeds fair use.	§ 2.7(f)(2)
Audiovisual News	A library or archives can reproduce and distribute by lending of a limited number of copies and excerpts of an audiovisual news program.	§ 2.9(f)(3)
Source	Copyright Law of Liberia (1997)	
Last edited:	12/21/07	

Libyan Arab Jamahiriya

Library Provisions (none)		
Library Provisions?	Libya's copyright law does not contain any explicit library exemptions.	
Other Provisions that Could be Used?	Personal Copying: The author may not prevent a person making one copy of a published work for his own use.	Art. 12

Anti-Circumvention of Technological Protection Measures	
Circumvention Provisions?	None.

Miscellaneous	
Source	Copyright Law of Libyan Arab Jamahiriya, No. 9 (1968), as amended by No. 7 (1984), available at http://www.agip.com/country_service.aspx?country_key=100&service_key=C&SubService_Order=3&lang=en
Last edited:	12/04/07

Liechtenstein

Library Copying for Users				
Who can copy?	Libraries.	Art. 22		
	<table border="1"> <tr> <td>Conditions:</td> <td>Library shall be required to pay remuneration to the author (Article 23(2)).</td> </tr> <tr> <td></td> <td>Library is allowed to make the copy on behalf of individuals who are allowed to make private copies under other provisions. Library may also make copying apparatus available to users for such copying.</td> </tr> </table>		Conditions:	Library shall be required to pay remuneration to the author (Article 23(2)).
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What can be copied?	Works.			
	<table border="1"> <tr> <td>Conditions:</td> <td>Works of fine art, graphic representations of musical works, computer programs, and the recording of the delivery, performance, or presentation of a work on phonograms, videograms, or data carriers are excluded.</td> </tr> <tr> <td></td> <td>The complete or extensive reproduction of copies obtainable commercially is not permitted.</td> </tr> </table>		Conditions:	Works of fine art, graphic representations of musical works, computer programs, and the recording of the delivery, performance, or presentation of a work on phonograms, videograms, or data carriers are excluded.
Conditions:	Works of fine art, graphic representations of musical works, computer programs, and the recording of the delivery, performance, or presentation of a work on phonograms, videograms, or data carriers are excluded.			
	The complete or extensive reproduction of copies obtainable commercially is not permitted.			
Purpose of the copy?	For private use. "Private use" includes any use of a work in the personal sphere or within a circle of persons closely connected to each other, such as relations or friends; any use of a work by a teacher for teaching in class; and the reproduction of copies of a work in enterprises, public administrations, institutes, commissions and similar bodies for internal information or documentation.			
	Conditions:	None.		
Medium of the copy?	Not specified.			
Other provisions?	Copying for personal purposes may be made under this provision by third parties and may be made on copying apparatus made available by libraries to their users.	Art. 22(c)(2)		
	Any use of a work by a teacher for teaching in class, and the reproduction of copies of a work in enterprises, public administrations, institutes, commissions and similar bodies for internal information or documentation are subject to remuneration.	Art. 23		

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None. ¹¹⁶	
Miscellaneous		
Lending Right	The government may, by regulation, exempt libraries from remuneration for public lending.	Art. 15
Copying Machines	Persons entitled to make copies of a work for use for private purposes may also have them manufactured by other persons; libraries that make copying apparatus available to their users shall also be deemed other persons within the meaning of this paragraph.	Art. 22(2)
Source	Law Regarding the Copyright and Neighboring Rights of Liechtenstein, No. 160 (1999), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15347&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/17/07	

¹¹⁶ Liechtenstein is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Liechtenstein on April 30, 2007. Liechtenstein's law may contain provisions relating to technological protection measures, but they are not contained the Copyright Law, as amended through 1999.

Lithuania

Preservation and Replacement		
Consent of author?	No. The use is permitted without the authorization of the author or other owner of copyright in a work.	Art. 23 (1)(2)
Remuneration to author?	No. The use is permitted without remuneration to the author and publisher.	
Who can copy?	Libraries, educational establishments, museums, and archives.	
	Conditions: The institutions may not provide copies for direct or indirect commercial advantage.	
What can be copied?	Works in the collections of the institutions.	
	Conditions: Works made available to the public over computer networks are excluded.	
	The reproduction must be a separate single act, unless done on unrelated occasions.	
Purpose of the copy?	For preservation or replacement of a lost, destroyed, or rendered unusable copy from the collections of the institutions.	
	For replacement of a lost, destroyed, or rendered unusable copy from the permanent collection of another similar library or archive.	
	Conditions: A copy may be made only if it is impossible to obtain such a copy by other acceptable means.	
Medium of the copy?	A work can be reproduced on paper by reprography (effected by the use of any kind of photographic technique or by some other process having similar effects).	
Other provisions?	Code section of similar language permits copies of sound recordings and audio-visual works for the same purposes.	Art. 58(4)

Reproduction of Works		
Consent of author?	No. Copying is permitted without the authorization of the author or other owner of copyright in a work.	Art. 23 (1)(1)
Remuneration to author?	Yes. Fair compensation to authors and publishers must be paid by persons providing fee-paying services of reprographic reproduction through collective licensing agencies. (Art. 23(3))	

Who can copy?	Anyone. (Note: this provision does not explicitly mention libraries but could be applicable to libraries.)	
	Conditions:	The copying cannot be done for direct or indirect commercial advantage.
What can be copied?	Published articles or other short works, including illustrations.	
	Short extracts of writings, including illustrations.	
	Conditions:	The whole text of a book or a major part thereof may not be reproduced on paper.
		Sheet music may not be reproduced by reprography.
	The reproduction must be a separate single act, unless done on unrelated occasions.	
Purpose of the copy?	Any purpose.	
	Conditions:	None.
Medium of the copy?	A work can be reproduced on paper by reprography (effected by the use of any kind of photographic technique or by some other process having similar effects).	

Research or Study (Making Available)			
Consent of author?	No. The use is permitted without the authorization of the author or any other owner of copyright in the work.	Art. 22(3)	
Remuneration to author?	No. The use is permitted without payment of remuneration.		
Provide name of author?	Yes. The use is permitted, but mention of the name of the author is required when possible.		
Provide source of borrowing?	Yes. The use is permitted, but mention of the source is required when possible.		
Who can communicate?	Libraries, educational establishments, museums, or archives.		
	Conditions:		None.

What can be communicated?	Works kept in the collections of the institutions.		
	Conditions:	None.	
Purpose of the communication?	Research or private study.		
	Conditions:	None.	
Medium?	By dedicated terminals on the premises of the institutions.		

Research or Study (Making Available; Works Protected by Related Rights)			
Consent of the author?	No. The use is permitted without the authorization of the author or any other owner of copyright in the work.		Art. 58
Remuneration to author?	No. The use is permitted without payment of remuneration.		
Who can communicate?	Publicly accessible libraries, educational establishments, museums, or archives.		
	Conditions:	None.	
What can be communicated?	A performance, a phonogram, a fixation of an audiovisual work and a broadcast of a broadcasting organization or fixations thereof.		
	Conditions:	The communication may not occur if the owners of the related rights prohibit the use.	
Purpose of the communication?	For the purpose of research or private study.		
	Conditions:	None.	
Medium?	By dedicated terminals on the premises of the institutions.		
Other provisions?	The limitation must not conflict with a normal exploitation of the objects of the said rights and must not unreasonably prejudice the legitimate interests of performers, producers of phonograms, producers of the first fixation of an audiovisual work, or broadcasting organizations.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	Art. 74(3)
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	Art. 74(4)
	Providing Services?	Providing circumvention services is prohibited.	

Access Control or Owner's Rights Control?	Both. The provisions relate to the use of a protected object of copyright that is controlled through application of an access control or protection process, or a copy control mechanism.	Art. 74(2)		
Exemptions that could be used by libraries?	Users of rights who benefit from certain limitations must be provided with conditions or adequate means (i.e. decoding devices and other) enabling to use legitimately accessible objects of copyright, to the extent necessary for the users of the rights to benefit from the limitations provided for their interests. This provision encompasses the following limitations for libraries: reprographic reproduction (Art. 23(1)), preservation and replacement in libraries (Art. 23(1)), related rights limitations for libraries (Art. 58).	Art. 75		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Conditions:</td> <td>This exemption does not apply to works made available to the public by way of interactive on-demand transmissions, so that members of the public may access them from a place and at a time individually chosen by them.</td> </tr> </table>		Conditions:	This exemption does not apply to works made available to the public by way of interactive on-demand transmissions, so that members of the public may access them from a place and at a time individually chosen by them.
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The prohibition on circumvention does not apply to the making of a back-up copy and reproduction for adaptation of computer programs (Art. 30) and decompilation of computer programs (Art. 31).	Art. 74			
Other provisions?	The owners of copyright, related rights, and sui generis rights who desire to apply voluntary measures ensuring the right to benefit from the limitations of copyright, related rights, and sui generis rights must furnish information about the measure to the institution authorized by the Government.	Art. 75(3)		
	When the owners of copyright, related rights, and sui generis rights do not take measures which would enable the users to benefit from the limitations of this Article, the users who have the right to benefit from such limitations may apply to the Council of Copyright and Related Rights of Lithuania for mediation in such dispute.	Art. 75(4)		
Miscellaneous				
Personal Copying	Reproduction of works for personal use is permitted under certain circumstances.	Art. 20		

Public lending	When the lending of books and other publications is carried out through libraries, their authors shall have the right to receive equitable remuneration for the transferred exclusive right to lend a work.	Art. 16(3)
Three-Step Test	The limitations on economic rights must not conflict with a normal exploitation of a work and must not prejudice the legitimate interests of author or other owner of copyright.	Art. 19
Defined Terms	“Reproduction” means direct or indirect, temporary or permanent making by any means and in any form, including an electronic form, of a copy (copies) of a work, an object of related rights or sui generis rights (in whole or in part).	Art. 2
	“Communication to the public” means the transmission to the public of a work, by wire or wireless means, including the making available to the public of the work in such a way that members of the public may access it from a place and at a time individually chosen by them. Communication to the public of an object of related rights means any transmission to the public of an object of related rights, including the making of the sounds or expression of the sounds recorded in a phonogram audible to the public, except broadcasting.	
Source	The law on Copyright and Related Rights of Lithuania, No. IX-1355 (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15314&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/12/07	

Luxembourg

Preservation Copying			
Who can copy?	Libraries accessible to the public, an educational institution, a museum or archive.		Art. 10(1)
	Conditions:	Organization is not operated for direct or indirect commercial advantage.	
What can be copied?	Works that are lawfully accessible and that are lawfully made available to the public.		
	Conditions:	None.	
Purpose of the copy?	Solely for the purpose of preserving heritage and carrying out work reasonably necessary to safeguard the work.		
	Conditions:	None.	
Medium of the copy?	Not specified.		
Other provisions?	The reproduction may not affect the normal exploitation of the work and not harm the legitimate interests of authors.		
	This exception includes the right to make a public communication of audiovisual works in order to publicize the cultural heritage, provided such communication is analog and takes place inside the institution.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 71ter
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	§ 71quater
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, and possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technological measures that prevent or restrict acts that are not authorized by the rightholder; it includes access controls and protection processes.		§ 71ter

Exemptions that could be used by libraries?	The law sets forth exceptions to the circumvention provisions, which require that the rightsholder is obligated to make available the means which enable the uses within the applicable exceptions, including Article 10(10) for libraries. Beneficiaries of the exception are entitled to commence injunction proceedings in a court to compel access.	§ 71 quinquies
Other provisions?	The provisions on circumvention do not apply to computer programs.	§ 71ter

Miscellaneous		
Source	Luxembourg Law on Copyright, Related Rights and Databases (2004), available at http://www.wipo.int/clea/en/fiche.jsp?uid=lu043 ; Guido Westkamp, <i>The Implementation of Directive 2001/29/EC in the Member States</i> (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infosoc-study-annex_en.pdf ¹¹⁷	
Last edited:	05/22/08	

¹¹⁷ Because Luxembourg's Copyright Act was not available in English for this study, this chart was constructed from information contained in the cited source.

The Former Yugoslav Republic of Macedonia

Library Internal Use			
Who can copy?	Public institutions (archives, libraries, cinemas, educational, cultural, scientific and other similar institutions).		Art. 34
	Conditions:	None.	
What can be copied?	Works, subject to the exclusions noted below.		
	Conditions:	Works of cinematography and other audiovisual works, databases, computer programs, and architectural objects are excluded.	
		Literary works such as books are excluded, except in cases when the edition has been exhausted at two years before.	
		Graphic editions of a musical work are excluded, except handwritten transcriptions.	
		Not more than three copies may be made.	
		The reproductions must be made from the institution's own copy or original.	
Purpose of the copy?	For internal use by the institution.		
	Conditions:	None.	
Medium of the copy?	See definition of "reproduction" below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 158
Prohibited Acts?	The Act of Circumvention?	Using a circumvention device is prohibited.	
	Dealing in Devices?	Manufacturing, importing, possessing for commercial purposes, distributing, or renting a circumvention device is prohibited.	
	Providing Services?	No.	

Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to any device whose sole or main purpose is unauthorized removal or damage of technology that is used as legal protection against unauthorized use.	
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	

Miscellaneous		
Personal Copying	Reproduction of a copyright work, if made in not more than three copies, is permitted for private use by a natural person provided that the copies are not available for the public.	Art. 34
Defined Term	"Reproduction" means preparing a copyright work fixed on a tangible medium of expression, independently of the type of the sample surface, number of samples and procedure.	Art. 2
Source	Law on Copyrights and Related Rights of Macedonia, No. 47 (1996), as amended by No. 3 (1998), available at http://www.ijnet.org/Director.aspx?P=MediaLaws&ID=25244&LID=1	
Last edited:	12/03/07	

Madagascar

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other copyright holder.	Art. 49

Research or Study			
Who can copy?	Libraries and archives.		Art. 49(1)
	Conditions:	The institutions must not aim directly or indirectly at gaining commercial profit.	
What can be copied?	Articles or short works or short extracts of writings, including illustrations, published in a collection of works or an issue of a newspaper or periodical.		
	Conditions:	The copying must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
		Computer programs are excluded.	
Purpose of the copy?	For study, university research, or private research.		
	Conditions:	The institution must be assured that the work will be used only for the permitted purposes.	
Medium of the copy?	Reprographic reproduction.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 49(2)
	Conditions:	The institutions must not aim directly or indirectly at gaining commercial profit.	
What can be copied?	Works.		
	Conditions:	The copying must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
		Reproduction is permitted where it is impossible to get the work under reasonable conditions.	
Purpose of the copy?	To preserve a work and, if necessary (where it would be destroyed or rendered unusable) to replace it.		
	To replace a work that has been lost, destroyed, or rendered unusable in the permanent collection of another library or archive.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Public Lending	It is permitted, without the authorization of the author and the payment of remuneration, for a library or archive whose activities do not aim directly or indirectly at gaining commercial profit to lend to the public copies of written works, other than computer programs.
Source	Law on the Protection of Literary and Artistic Property of Madagascar, No. 94-036 (1994), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15490&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/21/07

Malawi

Library Use		
Author's consent required?	No. The use is permitted without the author's consent.	§ 10
Remuneration to author?	No. The use is permitted without the obligation to pay remuneration.	
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, and educational establishments.	§ 10(f)
	Conditions: None.	
What can be copied?	Literary, dramatic, musical, and artistic works which have been lawfully made available to the public.	
	Conditions: None.	
Purpose of the copy?	For the needs of the regular activities of the institution.	
	Conditions: The reproduction, number of copies made, and use thereof must be limited to the purpose.	
Medium of the copy?	Reproduction, photography, audiovisual work, sound recording, or electronic storage. See definition of "reproduction" below.	
Other provisions?	The reproduction may not conflict with the normal uses of the work nor unreasonably prejudice the legitimate interests of the author.	
	This provision permits reproduction of the work in its original language or in translation.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Use	Reproduction for personal use is permitted.	Art. 10 (a)(i)
Defined Term	"Reproduction" means the making of one or more copies of a literary, dramatic, musical or artistic work or expressions of folklore or fixation in any material form including any audio-visual work or sound recording, and in the case of an artistic work, includes converting a work into a three-dimensional form or, if existing in a three-dimensional form, converting it into a two-dimensional form.	Art. 2

Source	Copyright Act of Malawi, No. 2 (1989), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=27032&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/04/07

Malaysia

Library Use		
Who can copy?	By or under the direction or control of the Government, by the National Archives or any State Archives, by the National Library, or any State Library, or by such public libraries and educational, scientific, or professional institutions as the Minister may by order prescribe.	
	Conditions:	None.
What can be copied?	Works.	
	Conditions:	No profit may be derived from the use of the work.
		No admission fee may be charged for the performance, showing, or playing, if any, to the public of the work thus used.
Purpose of the copy?	Any use.	
	Conditions:	The use must be in the public interest.
		The use must be compatible with fair practice.
		The use must be compatible with the provisions of any regulations.
Medium of the copy?	Not specified.	
Other provisions?	This provision is not limited to reproduction but permits "any use."	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.
	Dealing in Devices?	No.
	Providing Services?	Causing a person to circumvent technological measures is prohibited.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that restrict acts which are not authorized by the author or permitted by law.	
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	

Miscellaneous	
Source	Copyright Act of Malaysia, No. 332 (1987), as amended through No. A1082 (2000), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=16203&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/03/07

Mali

Library Use		
Remuneration to author?	Yes. The copying is made subject to the payment of equitable remuneration.	Art. 40
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, educational establishments, and literacy centers.	
	Conditions: None.	
What can be copied?	Works.	
	Conditions: The copying is limited to the amount necessary for the purpose.	
Purpose of the copy?	For the institutions' activities.	
	Conditions: None.	
Medium of the copy?	By a scientific process. ¹¹⁸	
Other provisions?	This provision is a statutory authorization for the Minister of Arts and Culture to permit reproduction under the conditions set forth in the statute.	
	The reproduction must not prejudice the normal exploitation of work or cause an unjustified injury to the legitimate interests of the author.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹¹⁹

¹¹⁸ The meaning of this translated phrase is uncertain.

¹¹⁹ Mali is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Mali on April 24, 2002. A 2007 Copyright Bill was drafted in Mali which addresses the requirements for technological protection measures. See *Droit d'Auteur au Mali, Des innovations qui redonnent espoir*, available at http://www.malikounda.com/nouvelle_voir.php?idNouvelle=11748 (in French).

Miscellaneous	
Source	Law Concerning Literary and Artistic Property of Mali, No. 8426/AN-RM (1984), as amended (1994), available at http://portal.unesco.org/culture/en/files/30418/11425158083/ml_copyright_1984_fr.pdf/ml_copyright_1984_fr.pdf ¹²⁰
Last edited:	12/14/07

¹²⁰ Mali is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Malta

Library Use			
Who can copy?	Archives and publicly accessible libraries, educational establishments, and museums.		Art. 9(1)(d)
	Conditions:	None.	
What can be copied?	Audiovisual works, databases, and literary works.		
	Conditions:	Computer programs and musical or artistic works are excluded.	
		The acts of reproduction may not be for direct or indirect economic or commercial advantage. ¹²¹	
Purpose of the copy?	Not specified.		
	Conditions:	The exceptions and limitations shall only be applied in such particular cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interest of the rightholder. (Art. 9(3))	
Medium of the copy?	Any. "Reproduction" means the making of one or more copies in any material form of a literary, musical or artistic work, audiovisual work or sound recording and includes storing such work in any medium by electronic means. (Art. 2)		
Other provisions?	The provisions of Article 9 shall also apply to the neighboring rights conferred by this Act.		Art. 21

Research or Study (Making Available)			
Who can communicate?	Archives and publicly accessible libraries, educational establishments, and museums.		Art. 9(1)(v)
	Conditions:	None.	
What can be communicated?	An audiovisual work, a database, or a literary work contained in the institution's collections.		
	Conditions:	Computer programs and musical or artistic works are excluded.	
		The communication is permitted where the works are not subject to purchase or licensing terms.	

¹²¹ This library provision is unclear as to whether the phrase "not for direct or indirect economic or commercial advantage" is used in reference to the act of reproduction or to the qualifying institutions.

Purpose of the communication?	For research or study by individual members of the public.		
	Conditions:	The exceptions and limitations shall only be applied in such particular cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interest of the rightholder. (Art. 9(3))	
Medium?	By dedicated terminals on the premises of the institutions.		
Other provisions?	The provisions of Article 9 shall also apply to the neighboring rights conferred by this Act.		Art. 21

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 42
Prohibited Acts?	The Act of Circumvention?	Circumventing technological measures is prohibited.	Art. 42(1)(c)
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	Art. 42(1)(d)
	Providing Services?	Providing, promoting, advertising, or marketing circumvention services is prohibited.	Art. 42(1)(e)
Access Control or Owner's Rights Control?	Both. The provisions relate to technological measures that prevent or restrict acts which are not authorized by the rightholder, including access control or protection processes that achieve the protection objective.		Art. 2
Exemptions that could be used by libraries?	Yes. Where the application of technological measures to a work prevents a beneficiary of a copyright exception (including the library provision) from benefitting from that exception, the rightholder shall make available to the beneficiary the means of benefitting from that exception.		Art. 42(2)
	Conditions:	Provided that the beneficiary has legal access to the protected work.	
		Provided that there is no voluntary measure taken by the rightholder or agreement between the rightholder and the other concerned party to enable the beneficiary to benefit from the copyright exception.	

		The exception does not apply to works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.	
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Miscellaneous		
Personal Copying	Reproduction is permitted where made by a natural person for private use for ends that are neither directly or indirectly commercial; fair compensation is required. Certain works are excluded.	Art. 9(1)(c)
Defined Term	“Reproduction” means the making of one or more copies in any material form of a literary, musical or artistic work, audiovisual work or sound recording and includes storing such work in any medium by electronic means.	Art. 2
Source	Copyright Act of Malta, Cap. 415, No. XIII (2000), as amended through No. IX (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15434&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	11/30/07	

Mauritius

General Provisions (applicable to each form of copying listed below)		
Author's consent?	No. Reproduction is permitted without the authorization of the author or other owner of the copyright in the work.	§ 16

Research or Study			
Who can copy?	Libraries and archives.		§ 16(a)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Published articles or other short works, including illustrations.		
	Short extracts of writings, including illustrations.		
	Conditions:	Only a single copy may be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
The copy can only be made if there is no license available offered by a collection administration organization in a way that the library or archive is aware or should be aware of the availability of the license, under which such copies can be made.			
Purpose of the copy?	For study, scholarship, or private research, by request of a physical person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the permitted purpose.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 16(b)
	Conditions:	The activities of the library or archive must not serve direct or indirect gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy may be made.	
		The copy can only be made if it is impossible to obtain the work under reasonable conditions.	
The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.			

Purpose of the copy?	To preserve and if necessary, in the event that it is lost, destroyed, or rendered unusable, replace a copy of the work.	
	To replace in the permanent collection of another similar library or archive a copy of the work which has been lost, destroyed, or rendered unusable.	
	Conditions:	None.
Medium of the copy?	Reprographic reproduction. See definition below.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	
Prohibited Acts?	The Act of Circumvention?	No.
	Dealing in Devices?	Manufacturing or importing for sale or rental circumvention devices is prohibited.
	Providing Services?	No.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to prevent or restrict reproduction of a work or to impair the quality of any copy made thereof.	
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	

Miscellaneous		
Public Lending	A library or archive whose activities do not directly or indirectly serve commercial gain may lend certain specified works to the public without the author's authorization but subject to equitable remuneration.	§ 21
Personal Copying	Private reproduction of published works in single copy for personal purposes is permitted, under specified conditions.	§ 13
Defined Term	"Reprographic reproduction" means the making of facsimile copies of the original or a copy of a work by means other than printing, such as photocopying, whether or not they are reduced or enlarged in scale.	§ 2
Source	The Copyright Act of Mauritius, No. 12 (1997), available at http://www.wipo.int/clea/docs_new/pdf/en/mu/mu005en.pdf	
Last edited:	12/11/07	

Mexico

Preservation			
Author's consent required?	No. The use is permitted without authorization of the holder of the patrimonial right.		Art. 148(V)
Remuneration to author?	No. The use is permitted without remuneration.		
Provide source of borrowing?	Yes. The use is permitted but the source must always be cited.		
Who can copy?	Archives and libraries.		
	Conditions:	None.	
What can be copied?	Literary and artistic works already published or broadcast.		
	Conditions:	Where the work is out of print, not cataloged, or in danger of becoming unavailable.	
		Only a single copy can be made.	
		The work cannot be altered.	
Purpose of the copy?	For security and preservation.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of "reproduction" below.		
Other provisions?	Provided that the normal exploitation of the work will not be affected.		
	The utilization of the performances, phonographs, videotapes or broadcasts of interpretive or performing artists, producers of phonographs, videotapes, or broadcasting organizations shall not constitute violations to their rights when the use complies with Art. 148.		Art. 151(V)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 112
Prohibited Acts?	The Act of Circumvention?	Using circumvention devices is prohibited.	
	Dealing in Devices?	Importing, manufacturing, and distributing circumvention devices is prohibited.	
	Providing Services?	Using circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Not specified.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	Reproduction of parts of works for scientific, literary or artistic criticism and investigation is permitted.	Art. 148(III)
	A one-time reproduction of a single literary or artistic work for the private personal use of whomever makes it, for non-profit purposes is permitted.	Art. 148(IV)
Defined Term	Reproduction is the making of one or more copies of a work, a phonograph or a videotape, in any tangible form, including any permanent or temporary storage on electronic media, including a two dimensional reproduction of a three dimensional work, or vice versa.	Art. 16
Source	Federal Copyright Law of Mexico (1996), as amended (2001)	
Last edited:	12/11/07	

Moldova

General Provisions (applicable to each form of copying listed below)		
Author's consent?	No. The use is permitted without consent of the author or other holder of the copyright.	Art. 21(1)
Remuneration to author?	No. The use is permitted without payment of remuneration.	
Provide name of author?	Yes. The use is permitted subject to mention of name of the author.	
Provide source of borrowing?	Yes. The use is permitted subject to mention of the source of the borrowing.	

Replacement			
Who can copy?	Libraries or archive services.		Art. 21(1)(a)
	Conditions:	None.	
What can be copied?	Lawfully published works.		
	Conditions:	A single copy can be made, to the extent justified by the purpose. (Note: The clause about extent seems to refer to the amount of the work that may be copied.)	
		Reproduction is permitted only if it is impossible to obtain copies of the work through usual channels.	
Purpose of the copy?	To replace copies that have been lost, destroyed, or have become unusable.		
	To make a copy available to other libraries or similar archive services in order to replace in their collections works that have been lost, destroyed or have become unusable.		
	Conditions:	The copy must be made without gainful intent.	
Medium of copy?	Reprographic reproduction. See definition below.		

Research or Study			
Who can copy?	Libraries or archive services.		Art. 21(1)(b)
	Conditions:	None.	

What can be copied?	Isolated articles and other succinct works.	
	Short extracts of lawfully published written works.	
	Conditions:	Computer programs are excluded.
		A single copy can be made, to the extent justified by the purpose. (Note: The clause about extent seems to refer to the amount of the work that may be copied.)
A work may be copied where no reprographic reproduction license is offered by a collective rights organization in a manner that the library or archive service is aware or should be aware of it.		
Purpose of the copy?	For study, research, or personal use of natural persons.	
	Conditions:	None.
Medium of copy?	Reprographic reproduction. See definition below.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 37/1
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	(1)(a)
	Dealing in Devices?	Manufacturing, importing, distributing (selling, renting, etc.), advertising any equipment or components thereof, holding for commercial purposes, and providing equipment or components for circumvention devices is prohibited.	Art. 37/1 (1)(b)
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Both. The provisions prohibit the specified actions, regardless of whether an infringement results.		Art. 37/1(1)
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Defined terms	“Reprographic reproduction” means the facsimile reproduction of the original of a written or other graphic work, whether in the same format, enlarged or reduced, by means of photocopying or with the aide of other technical means, except for those of publishing; reprographic reproduction does not include recording in an electronic (including digital) or optical form or in any other machine-readable form.	Art. 3
Source	Law on Copyrights and Neighboring Rights of the Republic of Moldova, No. 293-XIII (1994), as amended by No. 1268-XV, (2002), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=27696&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/04/07	

Mongolia

Library Use		
Author's consent required?	No. It is permissible to make a reproduction without the author's consent.	Art. 16
Remuneration to author?	No. It is permissible to make a reproduction without payment of remuneration.	
Provide name of author?	Yes. Mention shall be made of the name of the author.	
Provide source of borrowing?	Yes. Mention shall be made of the source.	
Who can copy?	Not specified.	Art. 16(1)
	Conditions: None.	
What can be copied?	Parts of works that are held in collections of archives, museums, or libraries	
	Conditions: The work must have been made available to the public.	
Purpose of the copy?	For any use that has a non-profit purpose.	
	Conditions: None.	
Medium of the copy?	Not specified. "Reproduction" is not a defined term.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹²²

Miscellaneous		
Personal Copying	Reproduction for use in research and for literary criticism is permitted.	Art. 16(5)
Source	Law on Copyright of Mongolia (1993), as amended (1999), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15416&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/04/07	

¹²² Mongolia is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Mongolia on October 25, 2002. Mongolian law may contain provisions relating to technological protection measures, but they are not contained in the Copyright Law, as amended through 1999.

Morocco

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other copyright holder.	Art. 16

Copying for Library Users			
Who can copy?	Libraries and archives.		Art. 16(a)
	Conditions:	The activities must not aim directly or indirectly at gaining commercial profit.	
What can be copied?	Articles or short works or short extracts of writings, including illustrations, published in collections of works or in newspapers or periodicals.		
	Conditions:	Only a single copy can be made.	
		Computer programs are excluded.	
Purpose of the copy?	To fulfill the request of an individual.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 16(b)
	Conditions:	The activities must not aim directly or indirectly at gaining commercial profit.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
Purpose of the copy?	For preservation, or if necessary (if it would be lost, destroyed, or rendered unusable) for replacement.		
	For replacement in the permanent collection of another library or archive works that have been lost, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 65(a)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing, importing, exporting, assembling, modifying, selling, renting, or leasing circumvention devices is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used to prevent or restrict reproduction of a work or to deteriorate the quality of copies made; they also include access control.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention. (Note: There are limitations of remedies for libraries, see below.)		

Limitation of Remedies		
Who qualifies?	Libraries, archives, educational institutions, or public broadcasting organizations.	Art. 65.1
For what activity?	Violation of 65(a), relating to circumvention of technological protection measures.	
How are the remedies limited?	The institutions are not subjected to the criminal penalties.	
	The institutions are not subjected to the civil penalties, if they provide proof that they did not know and did not have reason to think that their acts constituted a prohibited activity.	

Miscellaneous	
Source	Law on Copyright and Neighboring Rights of Morocco, No. 1-00-20 (2000), as amended by No. 1-05-192 (2006), available at http://www.bmda.org.ma/TextesOfficiels/loi_da_et_dv_fr_34.05.pdf
Last edited:	12/19/07

Mozambique

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without authorization by the author or any other owner of copyright.	Art. 12(1)

Library Use			
Who can copy?	Libraries and archive services.		Art. 12(1)
	Conditions:	The activities of the institution must not be directly or indirectly profit-making.	
What can be copied?	Works.		
	Conditions:	Isolated reproduction is permitted.	
Purpose of the copy?	Not specified.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Research or Study			
Who can copy?	Libraries and archive services.		Art. 12(1); 12(2)
	Conditions:	The activities of the institution must not be directly or indirectly profit-making.	
What can be copied?	Articles or short works, or short extracts of written works, including illustrations, published in collections of works or in editions of newspapers or magazines.		
	Conditions:	Computer programs are excluded.	
		The act of reproduction must be an isolated case or, if repeated, it must occur on separate, unrelated occasions.	
		The reproduction is only permitted where no collective license may be obtained that would allow the use of such copies.	
Purpose of the copy?	For university, private study, or research, by request of a natural person.		
	Conditions:	The institution must ensure that the copy will be used solely for the permitted purposes.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Preservation and Replacement			
Who can copy?	Libraries and archive services.		Art. 12(1); 12(3)
	Conditions:	The activities of the institution must not be directly or indirectly profit-making.	
What can be copied?	Works in the permanent collection of the library or archive service.		
	Conditions:	The copying is permitted where it is impossible to find a copy of the work on reasonable terms. The act of reproduction must be an isolated act or, if repeated, it must occur on separate, unrelated occasions.	
Purpose of the copy?	To preserve or, if necessary, to replace a work on account of the work's having been lost, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction of a lawfully published work exclusively for the user's private purposes is permitted; certain types of works are excluded.	Art. 9
Remuneration	Payment of remuneration is not required for private use, use intended exclusively for education and scientific research, and any other uses that by virtue of this Law constitute exceptions in relation to works protected by copyright.	Art. 47
Defined Terms	"Reprographic reproduction of a work" means the production of facsimile copies of originals or of copies of the work by means other than painting. The production of reduced or enlarged facsimile copies is also considered "reprographic reproduction."	Annex (32)

Source	Copyright Law of Mozambique, No. 4/2001 (2001), available at http://www.wipo.int/clea/docs_new/pdf/en/mz/mz002en.pdf
Last edited:	12/03/07

Namibia

Library Provisions (none)		
Library Provisions?	Namibia's Copyright Act contains no explicit library provisions.	
Other Provisions that Could be Used?	Personal copying: Copyright shall not be infringed by any fair dealing with a literary or musical work for the purposes of research or private study by, or the personal or private use of, the person using the work.	§ 12 (1)(a)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹²³

Miscellaneous		
Regulation	In addition to reproductions permitted in terms of this Act, reproduction of a work shall also be permitted as prescribed by regulation, but in such a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legitimate interests of the owner of the copyright.	§ 13
Source	Copyright Act of Namibia, No. 98 (1978), as amended through No. 38 (1997) ¹²⁴ , available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15492&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/04/07	

¹²³ Namibia is a signatory of the WIPO Copyright Treaty, but the treaty has not yet entered into force in Namibia.

¹²⁴ Reports indicate that Namibia enacted a new Copyright Act in 2002; however, the text was not accessible for this study. *See* <http://www.iipa.com/pdf/IIPAAGOAFilingtoUSTRfinal10222007.pdf> (referring to a 2002 Copyright Act).

Nepal

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without authorization of the author or the copyright owner of the work.	§ 19

Preservation and Replacement		
Who can copy?	Public libraries and archives.	§ 19
	Conditions: None.	
What can be copied?	Works made available in the library or archive.	
	Conditions: Only one copy can be made.	
Purpose of the copy?	To reproduce a work is lost, destroyed, old, or incapable of being obtained.	
	Conditions: None.	
Medium of the copy?	Not specified.	

Research or Study		
Who can copy?	Public libraries and archives.	§ 19
	Conditions: None.	
What can be copied?	Works made available in the library or archive.	
	Conditions: Only one copy can be made.	
Purpose of the copy?	Research or study, at the request of a person.	
	Conditions: The use must not derive economic profit directly or indirectly.	
Medium of the copy?	Not specified.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	§ 25(e)	
Prohibited Acts?	The Act of Circumvention?		No.
	Dealing in Devices?		Importing, producing, or renting circumvention devices is prohibited.
	Providing Services?		No.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures designed to discourage unauthorized reproduction.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	No authorization is required for reproduction of portions of published works for personal uses.	§ 16
Source	The Copyright Act of Nepal, No. 8 (2002), available at http://www.nepalcopyright.gov.np/main.php?f=legislations	
Last edited:	12/11/07	

Netherlands

Preservation, Replacement, and Obsolete Technology		
Who can copy?	Libraries, museums, or archives accessible to the public.	Art. 16n ¹²⁵
	Conditions: The institution's purpose must not include the attainment of a direct or indirect economic or commercial benefit.	
What can be copied?	Literary, scientific, or artistic works held in the collection of the institution.	
	Conditions: None.	
Purpose of the copy?	For restoration of the specimen of the work.	
	For retention of a reproduction of the work for the institution, if the specimen is threatening to fall into disrepair.	
	To keep the work in a condition in which it can be consulted if there is no technology available to render it accessible.	
	Conditions: None.	
Medium of the copy?	Not specified.	
Other provisions?	The author retains certain moral rights specified in Art. 25.	Art. 10(f) (Related Rights Act)
	Reproduction of a recording of a performance, phonogram, first print of a film, or recording of a program may reproduction a work for preservation in the event of a demonstrable threat of it falling into disrepair or to keep the work in a condition in which it can be consulted if there is no technology available to render it accessible. The restrictions of Art. 16n apply.	

Research or Study (Making Available)		
Who can communicate?	Libraries accessible to the public, museums, and archives.	Art. 15h
	Conditions: The institutions must not attempt to achieve a direct or indirect economic or commercial benefit.	
What can be communicated?	Literary, scientific, or artistic works forming part of the collections of the institution.	
	Conditions: The access is permitted unless otherwise agreed.	
Purpose of the communication?	For research or private study for individual members of the public.	
	Conditions: None.	

¹²⁵ The citations refer to the Copyright Act unless otherwise specified.

Medium?	By a closed network through dedicated terminals in the buildings of the institutions.	
Other provisions?	A recording of a performance, phonogram, first print of a film, or recording of a program that forms part of the collection of the institution can also be made accessible under similar conditions.	Art. 10(c) (Related Rights Act)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 29a
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	Art. 29a (2)
	Dealing in Devices?	Making, importing, distributing, selling, hiring out, advertising, or possessing circumvention devices is prohibited.	Art. 29a (3)
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used to prevent or limit actions that have not been permitted by the rightholder; it also includes the access control and protective procedures (e.g. encryption).		Art. 29a (1)
Exemptions that could be used by libraries?	Government orders may establish rules obliging the author to provide the user of a literary, scientific, or artistic work for personal or library copying (and other specified uses) with the means necessary to profit from the limitations.		Art. 29a (4)
	Conditions:	The user must have lawful access to the work.	
		The exemption does not apply to works made available to users under contractual conditions at a time and a place selected by the individual users.	
Other provisions?	Certain acts with respect to circumvention of protection of databases are prohibited. The government may also create regulations requiring the producer of the database to provide users with access under specified circumstances.		Art. 5a (Data-bases Act)

Miscellaneous		
Personal Copying	Reproduction of literary, scientific, and artistic work is permitted if it is restrict to a few specimens intended for personal exercise, study, or use by the person who has carried out the reproduction, without any indirect or direct commercial motivation. Certain works are excluded or limited to copying of portions. The reproduction is subject to remuneration. Similar provisions apply to reproduction of material protected by related rights, see Related Rights Act, Art. 10(e).	Art. 16b; Art. 16c
Public Lending	Educational establishments, research institutes and the libraries attached to them are exempt from remuneration for public lending. (Similar exemptions are found in the public lending law of the Related Rights Act, see Art. 6, Art. 7a, Art. 8.)	Art. 15c
Source	Copyright Act of the Netherlands (1912), as amended (2006); Related Rights Act of the Netherlands (1993); Databases Act of the Netherlands (1999), available at http://www.ivir.nl/legislation/intellectual-property/netherlands.html	
Last edited:	11/27/07	

New Zealand

Research or Study (Literary, Dramatic, or Musical Works)		
Who can copy?	Librarians of prescribed libraries, including persons working on behalf of the librarians.	§ 51
	Conditions: None.	
What can be copied?	Reasonable proportions of published editions of literary, dramatic, or musical works, including artistic work that appears within the proportions copied and the typographical arrangement.	
	Conditions: Computer programs are excluded. Articles in periodicals are excluded.	
	No person may be supplied on the same occasion with more than one copy of the same material.	
Purpose of the copy?	For research or private study.	
	Conditions: Where any person is supplied with, or otherwise comes into possession of, a copy made in accordance with this section, that person may use the copy only for the purposes of research or private study.	
Medium of the copy?	Any. See definition of “copying” below.	
	Conditions: Digital copies are allowed subject to two conditions: (1) Librarian provides user with a written statement of the terms of use of the copy; and (2) Librarian must destroy additional copies made in the process. (Section 56B)	
Other provisions?	If a person is required to pay for the copy, the payment required must be no higher than a sum consisting of the total of the cost of production of the copy and a reasonable contribution to the general expenses of the library.	

Research or Study (Articles)		
Who can copy?	Librarians of prescribed libraries, including persons working on behalf of the librarians.	§ 52
	Conditions: None.	
What can be copied?	Literary, dramatic, or musical works, and any artistic work included in those works, that are contained in articles in periodicals, including the typographical arrangement.	
	Published editions that are articles in periodicals and the typographical arrangement.	
	Conditions: No person may be supplied on the same occasion with more than one	

		copy of the same article. No person may be supplied on the same occasion with copies of more than one article contained in the same issue of a periodical, unless the copies supplied all relate to the same subject-matter.	
Purpose of the copy?	For research or private study.		
	Conditions:	Where any person is supplied with, or otherwise comes into possession of, a copy made in accordance with this section, that person may use the copy only for the purposes of research or private study.	
Medium of the copy?	Any. See definition of “copying” below.		
	Conditions:	Digital copies are allowed subject to two conditions: (1) Librarian provides user with a written statement of the terms of use of the copy; and (2) Librarian must destroy additional copies made in the process. (Section 56B)	
Other provisions?	If a person is required to pay for the copy, the payment required must be no higher than a sum consisting of the total of the cost of production of the copy and a reasonable contribution to the general expenses of the library.		

Research or Study (Unpublished works)			
Who can copy?	Librarians of prescribed libraries, including persons working on behalf of the librarians.		§ 56
	Archivists of archives, including persons working on behalf of the archivists.		
	Conditions:	None.	
What can be copied?	Unpublished works in libraries or archives.		
	Conditions:	A copy may not be made if the copyright owner has prohibited copying of the work and at the time the copy is made the librarian or archivist making it is, or ought to be, aware of that fact.	
		No person may be supplied on the same occasion with more than one copy of the same work.	

Purpose of the copy?	Research or private study.	
	Conditions:	Where any person is supplied with, or otherwise comes into possession of, a copy made in accordance with this section, that person may use the copy only for the purposes of research or private study.
Medium of the copy?	Any. See definition of “copying” below.	
	Conditions:	Digital copies are allowed subject to two conditions: (1) Librarian provides user with a written statement of the terms of use of the copy; and (2) Librarian must destroy additional copies made in the process. (Section 56B)
Other provisions?	If a person is required to pay for the copy, the payment required must be no higher than a sum consisting of the total of the cost of production of the copy and a reasonable contribution to the general expenses of the library.	
	This section does not apply to the sound archive maintained by Radio New Zealand Limited, the film archive maintained by Television New Zealand Limited, or the film archive maintained by the New Zealand Film Archive Incorporated.	

Supplying Copies to Other Libraries (For Users)		
Who can copy?	Librarians of prescribed libraries, including persons working on behalf of the librarians.	
	Conditions:	Upon request from another prescribed library who received a request from a person.
What can be copied?	Reasonable proportions of published literary, dramatic, or musical works including artistic work that appears within the proportions copied.	
	Whole literary, dramatic, or musical works that are contained in articles in periodicals, including artistic work that appears within the article.	
	Conditions:	Computer programs are excluded. If there is any other article in the same issue of the periodical relating to the same subject-matter as the first article copied, the whole of that other article and any artistic work included in that article.

§ 53

Purpose of the copy?	For supply to another prescribed library for research or private study.	
	Conditions:	Where any person is supplied with, or otherwise comes into possession of, a copy made in accordance with this section, that person may use the copy only for the purposes of research or private study.
Medium of the copy?	Any – see definition of “copying” below.	
	Conditions:	Digital copies are permitted only if the library supplying the copy destroys as soon as practicable any additional copies made in the process. (Section 56C)

Supplying Copies to Other Libraries (For Collections)		
Who can copy?	Librarians of prescribed libraries, including persons working on behalf of the librarians.	
	Conditions:	None.
What can be copied?	Literary, dramatic, or musical works, including any artistic work included in the work and the typographical arrangement from published editions that are books.	
	Conditions:	Computer programs are excluded.
		The receiving library must have been unable to obtain the work at an ordinary commercial price within the preceding six months.
	The receiving library must make and keep a record sufficient to identify the work copied.	
Purpose of the copy?	For supply to the librarian of another prescribed library.	
	Conditions:	None.
Medium of the copy?	Any. See definition of “copying” below.	
	Conditions:	Digital copies are permitted only if the library supplying the copy destroys as soon as practicable any additional copies made in the process. (Section 56C)
Other provisions?	The receiving library must permit the inspection of the record by the copyright owner during normal office hours.	

	The receiving library must pay, on demand, equitable remuneration to the copyright owner for the work copied. “Equitable remuneration” means a sum agreed by the librarian and the copyright owner or, in the absence of agreement, a sum determined by the Tribunal on an application under section 168.	
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Preservation and Replacement		
Who can copy?	Librarians of prescribed libraries, including persons working on behalf of the librarians.	§ 55
	Archivists of archives, including persons working on behalf of the archivists.	
	Conditions: None.	
What can be copied?	Items in the collection of the library or archive.	
	Conditions: None.	
Purpose of the copy?	To preserve or replace the item by placing the copy in the collection of the library or archive in addition to or in place of the item.	
	Conditions:	A copy may be made only where it is not reasonably practicable to purchase the item to fulfill the purpose.
		For this purpose, the copy may be digital if: (1) the original is at risk of loss, damage, or destruction; (2) the digital copy replaces the original; (3) the original is generally not made accessible; (4) it is not reasonably practicable to purchase a copy.
	To replace in the collection of another prescribed library or archive an item that has been lost, destroyed, or damaged.	
	Conditions:	A copy may be made only where it is not reasonably practicable to purchase the item to fulfill the purpose.
		For this purpose, the copy may be digital if: (1) the original has been lost, damaged, or destroyed; and (2) it is not reasonably practicable to purchase a copy.
Medium of the copy?	Any. See definition of “copying” below.	
	Conditions:	See references to digital copying in connection with purpose.

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 226
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Making, importing, selling, letting for hire, offering or exposing for sale or hire, advertising for sale or hire, or publishing information intended to enable the making of circumvention devices is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to devices that prevent or restrict the copying of a work or that impair the quality of copies made.		
Exemptions that could be used by libraries?	The TPM restrictions in general "do not prevent or restrict the exercise of a permitted act," suggesting that TPM cannot be used to prevent lawful uses of the work (Section 226D). The law further provides that circumvention is allowed for permitted uses (Section 226E). Librarians and archivists are among the "qualified persons" who may acquire circumvention devices. Individuals may also request that a library or archive act on its behalf to circumvent the TPM if the rightholder has not provided the means or responded to a request.		

Miscellaneous		
Rental	Rental of works by educational establishments and libraries does not constitute an infringement under certain conditions.	§ 79
Communication by Libraries	Libraries may communicate digital works to authenticated users, if (1) library has lawfully acquired the work; (2) users are informed of restrictions; (3) work is communicated in a manner that it cannot be altered or modified; (4) simultaneous access does not exceed the number of copies that the library possesses.	§ 56A
Defined Terms	"Prescribed library" means The National Library; The Parliamentary Library; Every law library provided and maintained pursuant to section 26(2) of the Law Practitioners Act 1982; A library maintained by an educational establishment, government department, or local authority; and A library of any other class of library prescribed by regulations made under this Act, not being a library conducted for profit.	§ 50(1)

	<p>“Archive” means Archives New Zealand; The National Library; The sound archive maintained by Radio New Zealand Limited; The film archive maintained by Television New Zealand Limited; The film archive maintained by the New Zealand Film Archive Incorporated; or Any collection of documents (within the meaning of section 2 of the Official Information Act 1982) of historical significance or public interest that is in the custody of and being maintained by a body, whether incorporated or unincorporated, that does not keep and maintain the collection for the purpose of deriving a profit; and includes, in relation only to its holding of public archives (within the meaning of section 4 of the Public Records Act 2005), an approved repository within the meaning of that section of that Act.</p>	
	<p>“Copying” means, in relation to any description of work, reproducing or recording the work in any material form (including any digital format), in any medium and by any means; and includes, in relation to a literary, dramatic, musical, or artistic work, storing the work in any medium by any means; and includes, in relation to an artistic work, the making of a copy in 3 dimensions of a two-dimensional work and the making of a copy in 2 dimensions of a three-dimensional work; and includes, in relation to a film, television broadcast, or cable program, the making of a photograph of the whole or any substantial part of any image forming part of the film, broadcast, or cable program.</p>	§ 2
Source	<p>New Zealand Copyright Act, No. 143 (1994), available at http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes. Amended by the Copyright (New Technologies) Amendment Act 2008, Public Act No. 27, 11 April 2008, available at http://www.legislation.govt.nz/¹²⁶.</p>	
Last edited:	05/22/08	

¹²⁶ The more complete web address for the act is:
<http://www.legislation.govt.nz/act/public/2008/0027/latest/whole.html#DLM1122536>

Niger

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other holder of copyright.	Art. 12

Research or Study			
Who can copy?	Libraries and archives.		Art. 12(i)
	Conditions:	The activities of the institution may not aim directly or indirectly at gaining commercial profit.	
What can be copied?	Articles or short works or short extracts of writings, including illustrations, published in collections, newspapers, or periodicals.		
	Conditions:	Only single copies can be made.	
		Computer programs are excluded.	
		The act of reproduction must be an isolate case occurring, if repeated, or separate and unrelated occasions.	
	Reproduction is not permitted where there is a collective license that can be obtained to allow the making of such copies, offered by a collective management organization such that the library is or should be aware of.		
Purpose of the copy?	For study or academic or private research, by request of individuals.		
	Conditions:	The library or archive must be assured that the copy will be used only for the permitted purposes.	
Medium of the copy?	Reprographic reproduction.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 12(ii)
	Conditions:	The activities of the institution may not aim directly or indirectly at gaining commercial profit.	
What can be copied?	Works.		
	Conditions:	Only single copies can be made.	
		Reproduction is permitted where it is impossible to get a replacement copy under reasonable conditions.	
	The act of reproduction must be an isolate case occurring, if repeated, or separate and unrelated occasions.		
Purpose of the copy?	To preserve and, if necessary (if it would be lost, destroyed, or rendered unusable) to replace a work.		

	To replace a copy that has been lost, destroyed, or rendered unusable in the permanent collection of another library or archive.	
	Conditions:	None.
Medium of the copy?	Reprographic reproduction.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹²⁷

Miscellaneous	
Source	Copyright Law of Niger, No. 93-027 (1993), available at http://portal.unesco.org/culture/en/files/30417/11425102573ne_copyright_1993_fr.pdf/ne_copyright_1993_fr.pdf
Last edited:	12/18/07

¹²⁷ Niger is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Nigeria

Library Use (Public Interest)			
Who can copy?	The government, public libraries, non-commercial documentation centers, and scientific or other institutions as may be prescribed.		Second Schedule (k)
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	Any use in the public interest.		
	Conditions:	No revenue may be derived from the use. If the work is communicated, then no admission fee may be charged.	
Medium of the copy?	Not specified.		
Other provisions?	This provision is not limited to reproduction but includes “any use” by the institution.		

Library Use (Unavailable Works)			
Who can copy?	By or under the direction of the persons in charge of public libraries.		Second Schedule (q)
	Conditions:	None.	
What can be copied?	Books, including pamphlets, sheet music, maps, charts, or plans.		
	Conditions:	Not more than three copies can be made.	
		The copying can only occur if the book is not available for sale in Nigeria.	
Purpose of the copy?	For use of the library.		
	Conditions:	None.	
Medium of the copy?	See definition of “copy” below.		

Research or Study (Unpublished Works)			
Who can copy?	Not specified. (Implicitly the library or the user could copy.)		Second Schedule (r)
	Conditions:	None.	
What can be copied?	Unpublished literary or musical works, kept in the library, museum, or other institution to which the public has access.		
	Conditions:	None.	
Purpose of the copy?	Research or private study.		
	Conditions:	None.	
Medium of the copy?	See definition of “copy” below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹²⁸

Miscellaneous		
Fair dealing	The fair dealing for purposes of research, private use, criticism or review, or the reporting of current events is not an infringement.	Second Schedule (a)
Compulsory License	Nigerian citizens or bodies incorporated in Nigeria can apply for a license to produce and publish a translation of or reproduce a published literary or dramatic work in printed or analogous form for purposes of teaching, scholarship, or research. Detailed conditions apply.	Fourth Schedule
National Archives	Reproduction of works stored in the National Archives or the public records of a state to supply to a person is not an infringement.	§ 14(2)
Defined Term	“Copy” means a reproduction in written form, in the form of a recording or cinematograph film, or in any other material form, so however that an object shall not be taken to be a copy of an architectural work unless the object is a building or model.	§ 39
Source	Copyright Act of Nigeria, Cap. 68 (1990), as amended through Decree No. 42 (1999), available at http://www.wipo.int/clea/en/fiche.jsp?uid=ng001	
Last edited:	12/04/07	

¹²⁸ Nigeria is a signatory to the WIPO Copyright Treaty, but it has not entered into force in Nigeria yet.

Norway

Preservation		
Who can copy?	Archives, libraries, museums, educational and research institutions.	§ 16
	Conditions: None.	
What can be copied?	Works.	
	Conditions: None.	
Purpose of the copy?	Conservation and safety purposes and other special purposes.	
	Conditions: Commercial uses are not permitted.	
Other provisions?	This statutory provision is an authorization for the King of Norway to create regulations consistent with this section.	

Research or Study (Making Available)		
Who can make available?	Archives, libraries, museums, and educational institutions.	§ 16
	Conditions: None.	
What can be made available?	Works from the collections of the institution.	
	Conditions: The work may be made available to individuals only by using terminals on the premises of the organization.	
Purpose of availability?	Research or private study of an individual.	
	Conditions: None.	
Other provisions?	This statutory provision is an authorization for the King of Norway to create regulations for making works available.	

Library Use		
Who can copy?	Archives, libraries, and museums.	§ 16a
	Conditions: None.	
What can be copied?	Published works from the collections of the institution.	
	Conditions: None.	
Purpose of the copy?	Not specified.	
	Conditions: None.	
Other provisions?	This section also permits making the works available to the public.	
	All copying under this section must comply with the conditions of the applicable extended collective license pursuant to Section 36. Section 36 permits organizations representing authors to enter into such licenses, and the licenses may set the terms on which a user is permitted to make copies of works.	

Anti-Circumvention of Technological Protection Measures		
Circumvention	Yes.	§ 53a

Provisions?		
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.
	Dealing in Devices?	Selling, renting, or in any other way making available; manufacturing, or importing for the making available to the public; advertising for sale or rental; and possessing for commercial purposes circumvention devices is prohibited.
	Providing Services?	Offering circumvention services is prohibited.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that control the copying or making available to the public of a protected work.	
Exemptions that could be used by libraries?	The prohibition against the act of circumvention shall not hinder copying pursuant to § 16, which allows library copying.	
	Rightholders shall ensure that beneficiaries who have legal access to a work, without hinder by an effective technological protection measure, can use the work and produce new copies, pursuant to § 16 on library copying and other specifically listed exemptions to copyright protection.	
	Conditions:	The provisions of § 53b do not apply to computer programs.
Other provisions?	The statute includes a procedure for beneficiaries to petition the rightholder for access, and the rightholder can be ordered by the Copyright Board to provide information enabling access. The Copyright Board may also rule that a beneficiary can circumvent the measure if the rightholder fails to comply.	
	The King of Norway may decide that some institutions in the sector of archives, libraries, and museums automatically shall receive the information necessary to ensure that circumvention of technological protection measures to enable the legal copying is possible.	

Miscellaneous	
Source	Copyright in Literary, Scientific and Artistic Works, Etc. of Norway, No. 2 (1961), as amended through No. 97 (2005), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15319&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last Edited:	12/04/07

Oman

Library Use		
Author's consent required?	No. The use is permitted without the consent of the author.	Art. 6
Provide name of author?	Yes. The use is permitted but the source must be clearly identified.	
Provide source of borrowing?	Yes. The use is permitted but the name of the author must be clearly identified.	
Who can copy?	Public libraries, non-commercial documentation centers, educational establishments, and scientific and cultural institutions.	Art. 6(c)
	Conditions: None.	
What can be copied?	Works.	Art. 22
	Conditions: The reproduction and number of copies must be limited to the needs of the establishment's activities and serve its purposes.	
Purpose of the copy?	For the needs of the establishment.	Art. 22
	Conditions: None.	
Medium of the copy?	Not specified.	Art. 22
Other provisions?	The reproduction must not cause prejudice to the legitimate interests of the author.	
		The rights of Art. 6 apply to the rights of performers, producers of sound recordings, and broadcast organizations, without prejudice to the nature of those rights.
Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None. ¹²⁹	
Miscellaneous		
Personal copying	Anyone may reproduce a work for personal and private purposes.	Art. 6(f)

¹²⁹ Oman is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Oman on September 20, 2005. Oman's law may contain provisions relating to technological protection measures, but they are not contained the Copyright Law, as amended through 2000.

Source	The Law on the Protection of Copyrights and Neighboring Rights of Oman, Royal Decree No. 37 (17 Safar 1421 H, corresponding to May 21, 2000), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15567&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/04/07

Pakistan

Research, Study, or with a View to Publication (Unpublished Works)		
Who can copy?	Libraries, museums, or other institutions. (Note: Actually, the statute allows copying of works kept in such organizations, and the copying may implicitly be made by anyone.)	
	Conditions:	The public must have access to the institution.
What can be copied?	Unpublished literary, dramatic, or musical works kept in the institution.	
	Conditions:	If the identity of the author is known to the organization, the reproduction must be more than fifty years after the date of the author's death. If joint authors, fifty years after the death of the last of the known authors to die. ¹³⁰
Purpose of the copy?	For research or private study or with a view to publication.	
	Conditions:	None.
Medium of the copy?	See definition of "reproduction" below.	

Research or Study (Published Works)		
Who can copy?	By or under the direction of the person in charge of a public library or a non-profit library. "Public Libraries" are defined to include the national library and others as designated. (§ 2(z))	
	Conditions:	None.
What can be copied?	Books, including pamphlets, sheets of music, maps, charts, or plans.	
	Conditions:	Can only copy if such work is not available for sale.
		May make not more than three copies.
Purpose of the copy?	For use by the public.	
	Conditions:	Public use must be free of charge.
Medium of copy?	See definition of "reproduction" below.	

¹³⁰ This condition is puzzling. Section 23 specifies that the copyright in unpublished works, for which the author's identity is known, lasts for life plus fifty years. Therefore, by this condition of Section 57, the library is allowed to make copies that are already in the public domain. Such a condition might be logical if the copyright protection for unpublished works lasted in perpetuity, as was true in some counties that inherited law from the British system. Perhaps this clause of Section 57 is a holdover from a previous copyright act that had perpetual protection for unpublished works.

Library Internal Use			
Who can copy?	By or under the direction of the people in charge of libraries attached to educational institutions.		§ 57 (1)(o)
	Conditions:	None.	
What can be copied?	Books, including pamphlets, sheets of music, maps, charts, or plans.		
	Conditions:	The reproduction is permitted only if such work is not available for sale.	
		The reproduction is limited to no more than three copies.	
Purpose of the copy?	For use by the library.		
	Conditions:	None.	
Medium of copy?	See definition of “reproduction” below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Remedies—Limitation against Libraries	Seizure of infringing copies from public libraries (and others) is barred.	§ 74(1)
Legal Deposit	Publishers must deliver a copy of any book or periodical published in the country to each of the public libraries.	§ 47; § 48
Defined Terms	“Reproduction” in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematographic work, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or if it is in three dimensions, by converting it into a two dimensional form.	§ 2(zd)
Source	The Copyright Ordinance of Pakistan, No. XXXIV (1962), as amended (2000), available at http://www.wipo.int/clea/docs_new/pdf/en/pk/pk005en.pdf	
Last edited:	12/07/07	

Panama

General Provisions		
Author's consent?	No. The use is permitted without authorization of the author.	Art. 48
Remuneration to author?	No. The use is permitted without remuneration.	

Preservation and Replacement			
Who can copy?	Non-profit-making libraries or archives.		Art. 48(4)
	Conditions:	None.	
What can be copied?	Lawfully disclosed works from the permanent stocks of the institution.		
	Conditions:	None.	
Purpose of the copy?	Reproduction for preservation and replacement		
	For replacement in the permanent stocks of another library or archive, of a copy that has been mislaid, destroyed or rendered unusable.		
	Conditions:	Where it is not possible to acquire such a copy in a reasonable time and on reasonable terms.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹³¹

Miscellaneous		
Defined Term	"Reproduction" means the fixing of the work on a medium that allows it to be communicated for the making of copies of all or part of the said work.	Art. 2
Source:	Law on Copyright and Neighboring Rights of Panama, No. 15 (1994), available at http://www.wipo.int/clea/en/fiche.jsp?uid=pa001	
Last edited:	12/14/07	

¹³¹ Panama is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Panama on March 6, 2002. Panama's law may have provisions relating to technological protection measures, but they are not contained within the Copyright Law of 1994.

Papua New Guinea

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of copyright.	§ 12

Research or Study			
Who can copy?	Public institutions.		§ 12(a)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Published articles, other short works, or short extracts of works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, where repeated, on separate and unrelated occasions.	
	The copy may only be made where there is no license or other authority available under which approval for such copies can be made.		
Purpose of the copy?	For study, scholarship, or private research, by request of a person.		
	Conditions:	The public institution must be satisfied that the copy shall be used solely for the allowed purposes.	
Medium of the copy?	Reprographic reproduction. "Reprographic" is not a defined term. See the definition of "reproduction" below.		

Preservation and Replacement			
Who can copy?	Public institutions.		§ 12(b)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Works.		
	Conditions:	The act of reproduction must be an isolated case occurring, where repeated, on separate and unrelated occasions.	
		The copy may only be made where it is impossible to obtain the work under reasonable conditions.	
Purpose of the copy?	To preserve or replace, where necessary, a work in that institution.		
	To replace, where necessary, a work that has been lost, destroyed, or rendered unusable in the		

	permanent collection of another public institution.	
	Conditions: None.	
Medium of the copy?	Reprographic reproduction. “Reprographic” is not a defined term. See the definition of “reproduction” below.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	
Prohibited Acts?	The Act of Circumvention?	No.
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.
	Providing Services?	No.
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technical measures that prevent or restrict reproduction of a work or that impair the quality of copies made.	
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	

Miscellaneous		
Defined Terms	“Reproduction” means the making of one or more copies of a work or sound recording for a limited period of time for profit making purposes.	§ 2
Source	Copyright and Neighboring Rights Act, No. 21 (2000), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15425&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/07/07	

Paraguay

General Provisions (applicable to each form of copying listed below)		
Author's consent?	No. The use is permitted without authorization by the author.	Art. 39
Remuneration to author?	No. The use is permitted without payment of remuneration.	

Preservation and Replacement			
Who can copy?	Non-profit-making public libraries or archives.		Art. 39 (2)
	Conditions:	None.	
What can be copied?	Disclosed works in the permanent collection of the library or archive.		
	Conditions:	Only a single copy can be made.	
		Reproduction is permitted, provided that it is not possible to acquire such a copy in a reasonable time and on acceptable terms.	
Purpose of the copy?	To preserve that copy and replace it in the event of its being lost, destroyed, or rendered unusable.		
	To replace the copy in the permanent collection of another library or archive that has been lost, destroyed, or rendered unusable.		
	Conditions:	Reproduction is permitted insofar as it does not interfere with the normal exploitation of the work or unreasonably prejudice the legitimate interests of the author.	
Medium of the copy?	See definition of "reproduction" below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 167 (10)
Prohibited Acts?	Circumvention?	No.	
	Dealing in Devices?	Manufacturing, importing, selling, renting, or bringing into circulation circumvention devices is prohibited.	
	Providing Services?	Rendering circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights. The prohibition relates to devices that the owners have set in place to protect their rights.		
Exemptions that could be used by libraries?	There are no explicit exemptions for libraries.		

Miscellaneous		
Public Lending	The lending to the public of the lawful copy of a work expressed in writing by a library or archive that does not pursue any direct or indirect profit-making purpose is permitted.	Art. 39(5)
Defined Term	“Reproduction” means the fixation of the work in a material or medium that enables it to be communicated, including electronic storage, either permanent or temporary, and the production of copies of all or part thereof.	Art. 2(37)
Source	Law on Copyright and Related Rights of Paraguay, No. 1328 (1998), available at http://www.wipo.int/clea/docs_new/pdf/en/py/py001en.pdf	
Last edited:	12/11/07	

Peru

Preservation and Replacement			
Author's consent required?	No. The use is permitted without the author's consent.		Art. 43(c)
Who can copy?	Public libraries and archives.		
	Conditions:	The institution must not pursue a direct or indirect profit-making purpose.	
What can be copied?	Lawfully disclosed works available in the permanent collection of the library or archive.		
	Conditions:	Individual reproduction is permitted. Reproduction is only permitted where it has proved impossible to acquire such a copy within a reasonable time and on reasonable terms.	
Purpose of the copy?	To preserve the work and replace it where it has been mislaid, destroyed, or rendered unusable.		
	To replace a work belonging to the permanent collection of another library or archive that has been mislaid, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of "reproduction" below.		
Other provisions?	In all cases specified in this Article, any use of works that competes with the author's exclusive right to exploit his work shall be equivalent to unlawful use.		Art. 43

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 187
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing, assembling, importing, altering, selling, renting, offering for sale or rental or bringing into circulation circumvention devices.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to devices that prevent or restrict the making of copies of works or that impair the quality of copies.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	Reprographic reproduction of short fragments or of works published in graphic form that have been lawfully disclosed but are out of print is permitted for exclusively personal use.	Art. 43(b)
	Making copies of works, performances, or productions published as sound or audiovisual recordings is permitted for exclusively personal use; certain works are excluded.	Art. 48
Public Lending	Lending to the public the lawful copy of a work in written form by a library or archive whose activities have no direct or indirect profit-making purpose is permitted.	Art. 43(f)
Defined Terms	“Disclosure” means making the work, performance, or production available to the public by sale, rental, or lending, by any means that is or may yet become known of transferring ownership or possession of the said original or copy.	Art. 2(9)
	“Reproduction” means fixation of the work or intellectual production in a material medium that allows it to be communicated, including electronic storage, and the making of copies of all or part thereof.	Art. 2(37)
Source	Copyright Law of Peru, No. 822 (1996), available at http://www.wipo.int/clea/docs_new/pdf/en/pe/pe003en.pdf	
Last edited:	12/03/07	

Philippines

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or copyright owner.	§ 188.1

Lending Fragile or Rare Works			
Who can copy?	Libraries and archives.		§ 188.1 (a); § 188.2
	Conditions:	The activities of the institution must not be for profit.	
What can be copied?	Works that by reason of their fragile character or rarity cannot be lent to a user in the original form.		
	Conditions:	A single copy may be made.	
		A volume of a work published in several volumes, a missing tome, or pages of magazines or similar works cannot be reproduced unless the volume, tome, or part is out of stock.	
Purpose of the copy?	For lending to users.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. "Reprographic" is not a defined term; see definition of "reproduction" below.		

Research or Study			
Who can copy?	Libraries and archives.		§ 188.1 (b); § 188.2
	Conditions:	The activities of the institution must not be for profit.	
What can be copied?	Isolated articles contained in composite works.		
	Brief portions of published works.		
	Conditions:	Reproduction is permitted where it is necessary and considered expedient to supply the works to users.	
A volume of a work published in several volumes, a missing tome, or pages of magazines or similar works cannot be reproduced unless the volume, tome, or part is out of stock.			
Purpose of the copy?	For research or study, as requested by users.		
	Conditions:	The purpose of the copying must be to deliver copies instead of lending the volumes or booklets.	
Medium of the copy?	Reprographic reproduction. "Reprographic" is not a defined term; see definition of "reproduction" below.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 188.1 (c); § 188.2
	Conditions:	The activities of the institution must not be for profit.	
What can be copied?	Works.		
	Conditions:	A copy may be provided only when copies are not available from the publisher.	
		A volume of a work published in several volumes, a missing tome, or pages of magazines or similar works cannot be reproduced unless the volume, tome, or part is out of stock.	
Purpose of the copy?	To preserve or replace a work that has been lost, destroyed, or rendered unusable.		
	To replace in the permanent collection of another similar library or archive a work that has been lost, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. “Reprographic” is not a defined term; see definition of “reproduction” below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹³²

Miscellaneous		
Legal Deposit	Where a library is entitled by law to receive copies of printed work, if special reasons so require, it may make a reproduction of a published work which is considered necessary for the collection of the library but is out of stock.	§ 188.2
	The deposit requirements for the Philippines are contained in § 191.	§ 191
Importation	Up to 3 copies of works may be imported for use in libraries if the work is not available in the Philippines and several other requirements are met.	§ 190.1

¹³² The Philippines is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in the Philippines on October 4, 2002. The law of the Philippines may contain provisions relating to technological protection measures, but they are not contained the Copyright Law of 1997.

Defined Terms	“Reproduction” is the making of one or more copies of a work or a sound recording in any manner or form.	§ 171.9
	“Published works” means works, which, with the consent of the authors, are made available to the public by wire or wireless means in such a way that members of the public may access these works from a place and time individually chosen by them: Provided, That availability of such copies has been such, as to satisfy the reasonable requirements of the public, having regard to the nature of the work.	§ 171.7
Source	The Law on Copyright of the Philippines (1997), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=22362&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/08/07	

Poland

General Provisions (applicable to each form of copying listed below)		
Remuneration to author?	Generally no. However, certain provisions provide for remuneration.	Art. 34
Provide name of author?	Yes. The use is permitted with the identification of the full name of the author of the work, taking into account the existing possibilities for retrieving such information.	
Provide source of borrowing?	Yes. The use is permitted with the identification of the source of the work, taking into account the existing possibilities for retrieving such information.	

Copying for Users		
Who can copy?	Libraries, archives, and schools.	Art. 28(1)
	Conditions: None.	
What can be copied?	Disseminated works.	
	Conditions: The copying must occur within the scope of the statutory objectives of the organization.	
Purpose of the copy?	To provide free access to copies of disseminated works.	
	Conditions: None.	
Other provisions?	The permitted use must not infringe the normal use of the work or violate the rightful interests of the author. (Art. 35)	

Preservation and Supplementation of the Institution's Collections		
Who can copy?	Libraries, archives, and schools.	Art. 28(2)
	Conditions:	
What can be copied?	Disseminated works.	
	Conditions: Single copies.	
Purpose of the copy?	To supplement, maintain, and/or protect the collections of the organization.	
	Conditions: None.	
Other provisions?	The permitted use must not infringe the normal use of the work or violate the rightful interests of the author. (Art. 35)	

Research or Study (Making Available)		
Who can communicate?	Libraries, archives, and schools.	Art. 28(3)
	Conditions: None.	
What can be communicated?	Works.	
	Conditions: None.	
Purpose of the communication?	Research or studying purposes of an individual.	
	Conditions: None.	
Medium?	Via terminals located in the seat of the institution.	

Other provisions?	The permitted use must not infringe the normal use of the work or violate the rightful interests of the author. (Art. 35)	
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Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	Art 118 ¹ (1)-(2)
Prohibited Acts?	The Act of Circumvention?	Using circumvention devices is prohibited.
	Dealing in Devices?	Producing, carrying on trade, advertising for sale or rental, or keeping circumvention devices is prohibited.
	Providing Services?	No.
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures that protect against communication, recording, or reproducing works or objects of related rights, and include access or security measures that fulfill the protective goal.	Art. 6 (10)- (11)
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.	
Other Provisions?	The rightholder of a computer program may demand that the user of a computer program should destroy the technical means that he owns (including computer programs), used only to facilitate illegal removal or circumvention of the technical protection measures.	Art. 77 ¹

Miscellaneous		
Research Copying	Research and educational institutions can make copies of portions of published works for teaching and research purposes. (Note: Although a library may be a research institution, this statute seems aimed at research organizations that are conducting the research, in contrast to a library that makes copies for the research needs of others.)	Art. 27
	Centers of research and technical information and documentation may make and disseminate single copies of some works, limited to not more than one publishing sheet of excerpts of published works. (Note: This statute may apply to libraries, but it allows the organization to make, and give to users, a copy of only a small portion of published works.)	Art. 30
Defined Term	A "disseminated work" shall mean a work which, with permission of its author, has been made available to the public by any means whatsoever.	Art. 6(3)

Source	Copyright and Related Rights Act of Poland, No. 24 (1994), as amended through Alteration of the Law on Copyright and Neighboring Rights, No. 91 (2004), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=30305&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/07/07

Portugal

Replacement			
Who can copy?	Publicly accessible libraries, educational establishments or museums, and archives.		Art. 75(2)
	Conditions:	The institutions may not seek direct or indirect economic or commercial advantage.	
What can be copied?	Works.		
	Conditions:	Specific acts of reproduction are permitted.	
Purpose of the copy?	Not specified.		
	Conditions:	None.	
Medium of the copy?	Not specified.		
Other provisions?	Fair compensation for authors and publishers is guaranteed under Art. 76.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 218
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	Art. 219
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used to prevent or restrict unauthorized acts; it includes access control and protection processes.		Art. 217
	Conditions:	The exemption does not apply to works made available to the public on agreed contractual terms, in such a way that members of the public may access them from a place and at a time individually chosen by them.	Art. 222
Exemptions that could be used by libraries?	Where, because of technological protection measures, a user is unable to carry out acts permitted by copyright exemptions, the rights holders should take voluntary measures to permit access.		Art. 221

Other provisions?	When rights holders do not take voluntary measures to ensure that beneficiaries can use works, the beneficiary can apply to the Commission for Mediation and Arbitration.	Art. 221
	The provisions on technological protection measures do not apply to computer programs.	Art. 217

Miscellaneous		
Source	Copyright Law of Portugal, as amended through No. 50 (2004), available at http://portal.unesco.org/culture/en/files/30273/11418343013pt_copyright_2004_pt.pdf/pt_copyright_2004_pt.pdf (in Portuguese); Guido Westkamp, <i>The Implementation of Directive 2001/29/EC in the Member States</i> (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/infosoc-study-annex_en.pdf ¹³³	
Last edited:	12/20/07	

¹³³ Because Portugal's Copyright Act was not available in English for this study, Portugal's chart was constructed from information contained in the cited source.

Qatar

Research or Study			
Who can copy?	Libraries and archives.		Art. 21 (2)(a)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Published articles, summaries, or extracts of works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction may be repeated only on separate and unrelated occasions.	
The reproduction may only occur if there is no collective license available for reproduction by a competent authority in the collection management of rights of which the library or archive is or should be aware.			
Purpose of the copy?	For study, scholarship, or research, for the needs of a natural person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the permitted purposes.	
Medium of the copy?	Reprographic reproduction. "Reprographic" is not a defined term. See definition of "reproduction" below.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 21 (2)(b)
	Conditions:	The activities of the institution must not serve direct or indirect gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case.	
The reproduction is only permitted where it is impossible to obtain such a copy under reasonable conditions.			
Purpose of the copy?	To preserve the original copy.		
	To replace, when necessary, a lost, destroyed, or copy rendered unusable in the permanent collection of another similar library or archive.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. "Reprographic" is not a defined term. See definition of "reproduction" below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 51
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Manufacturing or importing a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to devices designed to prevent or limit the reproduction of a work or meant to undermine the quality of the work.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Compulsory License	Qatari citizens can obtain from the Minister of Economy and Trade a license for translation into Arabic of a foreign work. Certain conditions apply.	Art. 27
Defined Term	"Reproduction" means the production of one or more copies of work by means of printing, painting, engraving, photography, in form or in any manner, including permanent or temporary storage in electronic form.	Art. 1
Source	Law on the Protection of Copyright and Neighboring Rights of Qatar, No. 7 (2002), available at http://www.wipo.int/clea/docs_new/pdf/en/qa/qa001en.pdf	
Last edited:	12/04/07	

Republic of Korea

General Provisions (applicable to each form of copying listed below)		
Provide name of author?	A person who exploits a work under Article 28 (and other specified articles) must indicate the author's real name or pseudonym if it appears on the work, clearly in the manner and to the extent deemed reasonable by the situation in which the work is exploited.	Art. 34
Provide source of borrowing?	A person who exploits a work under Article 28 (and other specified articles) must indicate its sources, clearly in the manner and to the extent deemed reasonable by the situation in which the work is exploited.	Art. 34
Moral rights?	No provisions in this section [the limitation on authors' economic rights] may be construed as affecting the protection of the author's moral rights.	Art. 35

Research or Study		
Who can copy?	Libraries. See definition below.	Art. 28(1)
	Conditions: None.	
What can be copied?	Parts of works made public that are included in the library's collection. (Note: "making a work public" means to make works available to the public by means of public performance, broadcasting, exhibition, or by other means, and to publish works. Art. 2(17))	
	Conditions: Only a single copy can be made.	
Purpose of the copy?	For research and study, at the request of a user.	
	Conditions: None.	
Medium of the copy?	See definition of "reproduction" below.	
Other provisions?	The provisions of Article 28 shall apply to the exploitation of performances, phonograms, or broadcasts which are the subject matter of neighboring rights.	Art. 71

Preservation		
Who can copy?	Libraries. See definition below.	Art. 28(2)
	Conditions: None.	
What can be copied?	Works included in the library's collection.	
	Conditions: None.	
Purpose of the copy?	For preserving the library's materials.	
	Conditions: Reproduction is permitted, where necessary for the stated purpose.	
Medium of the copy?	See definition of "reproduction" below.	

Other provisions?	The provisions of Article 28 shall apply to the exploitation of performances, phonograms, or broadcasts which are the subject matter of neighboring rights.	Art. 71
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Supplying Copies to Other Libraries		
Who can copy?	Libraries. See definition below.	Art. 28(3)
	Conditions: None.	
What can be copied?	Works in the library's collection that are out of print or unavailable due to other similar reasons.	
	Conditions: None.	
Purpose of the copy?	To provide, at the request of another library, a reproduction of the work for the other library's collection.	
	Conditions: None.	
Medium of the copy?	Any. See definition of "reproduction" below.	
Other provisions?	The Copyright Deliberation and Conciliation Committee shall deliberate on matters concerning the criteria for compensation under Art. 28(3).	Art. 82(1)
	The provisions of Article 28 shall apply to the exploitation of performances, phonograms, or broadcasts which are the subject matter of neighboring rights.	Art. 71

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	2003 Act ¹³⁴
Prohibited Acts?	The Act of Circumvention?	Circumventing a computer program is prohibited. Circumventing any other work is not expressly prohibited.
	Dealing in Devices?	Providing, producing, importing, transferring, lending, or transmitting circumvention technologies is prohibited.
	Providing Services?	Providing circumvention services is prohibited.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to prevent infringement.	
Exemptions that could be used by libraries?	There are no explicit circumvention exemptions relevant to libraries.	

¹³⁴ The exact citation of this prohibition is unknown because the 2003 Amendment was not accessible for this study. The anti-circumvention information is taken from Jay (Young-June) Yang, "Korea," *International Copyright Law and Practice*, § 8 (2007).

Miscellaneous		
Orphan Works	Where a person who wishes to use a certain work has been unable to obtain a license because he could not identify or contact the holder of the economic rights, in spite of having made reasonable efforts, the person who wants to use protected contents may obtain a license through an approval from the Minister of Culture upon the payment or deposit of compensation in the amount determined by that Minister.	Art. 50
Defined Terms	The library provision applies to libraries as prescribed by the Library and Book Reading Promotion Act and other facilities which provide books documents, records and other materials for the public, as prescribed by a Presidential Decree.	Art. 28
	“Reproduction” means the reproduction of works in a tangible form by means of printing, photographing, photocopying, sound or visual recording or other means; in the case of architectural works, it includes the construction of an architectural work according to its plan and model; and in the case of plays, musical scores or other similar works, it includes the sound and visual recording of a public performance, broadcast or performance of a work.	Art. 2(14)
Source	Copyright Act of the Republic of Korea, No. 3916 (1989), as amended by No. 5015 (1995), available at http://www.wipo.int/clea/en/fiche.jsp?uid=kr001 ; Jay (Young-June) Yang, “Korea,” International Copyright Law and Practice, § 8 (2007).	
Last edited:	12/04/07	

Russian Federation

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the author's or other rightholder's consent.	Art. 1275
Remuneration to author?	No. The use is permitted without compensation.	
Provide name of author?	Yes. The use requires indication of the author's name.	
Provide source of borrowing?	Yes. The use requires indication of the source of borrowing.	

Preservation and Replacement		
Who can copy?	Libraries and archives.	Art. 1275(1)(1)
	Conditions: None.	
What can be copied?	Lawfully published works.	
	Conditions: Only a single copy can be made.	
Purpose of the copy?	To restore or replace lost or spoiled copies.	
	To provide copies of such work to other libraries that have lost them from their collections for any reason.	
	Conditions: The copying must be without extraction of profits.	
Medium of the copy?	Reproduction. See definition of "reproduction" below.	

Research or Study (Articles and Short Works)		
Who can copy?	Libraries and archives.	Art. 1275(2)
	Conditions: None.	
What can be copied?	Individual articles and short works lawfully published in collections, newspapers, and other periodicals.	
	Short excerpts from lawfully published written works, including illustrations.	
	Conditions: Only a single copy can be made.	
Purpose of the copy?	For educational or scholarly purposes, as requested by citizens. Also as requested by educational institution for classroom work.	
	Conditions: The copying must be without extraction of profits.	
Medium of the copy?	Reproduction. See definition of "reproduction" below.	

Research or Study (Making Available)		
Who can communicate?	Libraries.	Art. 1274(2)
	Conditions: None.	
What can be communicated?	Works lawfully introduced into public circulation.	
	Conditions: None.	

Purpose of the communication?	Temporary use.	
	Conditions:	The use cannot be for compensation.
Medium?	Digital copies provided by the library may be provided only on the premises of the library, and if users cannot make digital copies of the works.	
Other provisions?	None.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 1299
Prohibited Acts?	The Act of Circumvention?	Prohibits actions directed at eliminating technological protections.	
	Dealing in Devices?	Prohibits preparing, providing, importing a circumvention device, if for purpose of obtaining profit, and if the result is that the technological protection is made impossible or ineffective.	
	Providing Services?	Prohibits the rendering of services under similar conditions as dealing in devices.	
Access Control or Owner's Rights Control?	Both. The statute refers to controlling access and preventing unauthorized uses.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Defined Terms	“By reproduction (reprographic copying) is meant the facsimile copying of a work with the use of any technical means made not for the purpose of publication. Reproduction does not include copying of a work or storage of copies thereof in electronic (including digital), optical or other machine readable form, with the exception of cases of the creation with the aid of technical means of temporary copies meant for the conduct of reproduction.”	Art. 1275(2)
Source	Civil Code of the Russian Federation, Fourth Part. Edited and Translated by Peter B. Maggs and Alexei N. Zhiltsov. Moscow: Wolters Kluwer, 2008.	
Last edited:	4/26/08	

Rwanda

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the author's consent.	Art. 18
Remuneration to author?	No. The use is permitted without payment of royalties.	

Library Use			
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, and educational establishments.		Art. 18(I)(d)
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	The number of copies made is limited to the purpose.	
Purpose of the copy?	For the needs of the institution's activities.		
	Conditions:	The reproduction may not conflict with the normal exploitation of the work or unreasonably prejudice the legitimate interests of the author.	
Medium of the copy?	By photographic or similar process.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction, translation, adaptation, arrangement, or other transformation of a work exclusively for the user's own personal and private use is permitted.	Art. 18(I)(a)
Licenses	It is permitted to translate or to reproduce and publish a work within the territory of Rwanda under a license granted by the Rwandese Copyright Administration Service. Detailed conditions are provided.	Art. 22-23; Art. 115-145
Limitations for Sound Recordings and Broadcasts	The rights of performers' works, the protection of phonograms, and the protection of broadcasts made by broadcasting organizations are subject to the limitations for private use and such other purposes as constitute exceptions under Article 18, which includes the library provision.	Art. 105
Source	Law Governing Copyright of Rwanda, No. 27 (1983)	
Last edited:	11/30/07	

Saint Lucia

Research or Study (Published Works)			
Who can copy?	Librarians of prescribed libraries and archives, or persons acting on their behalf.		§ 69
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Parts of literary, dramatic, or musical works, not being articles in periodicals, from published editions, including accompanying illustrations and the typographical arrangement.		
	Conditions:	With respect to an article, no person shall be furnished with more than one article contained in the same issue of a periodical.	
		With respect to a part of a literary, dramatic work, or musical work, no person shall be furnished with more than one copy of the same material or a copy of more than a reasonable proportion of the work.	
A copy cannot be made if or to the extent that there is a licensing scheme under which licenses are available authorizing the making of such copies, and the person making the copies knew or ought to have been aware of that fact.			
Purpose of the copy?	For research or study by persons.		
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the allowed purposes and will not use them for any other purpose.	
The copies shall be supplied only to a person satisfying the librarian that his requirement is not related to any similar requirement of another person. Requirements are deemed "similar" if the requirements are for copies of substantially the same material, at substantially the same time, and for substantially the same purpose. Requirements are deemed "related" if those persons receive instruction to which the material is relevant at the same time and place.			

Medium of the copy?	Any. See definition of “copy” below.	
Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.	

Supplying Copies to Other Libraries		
Who can copy?	Librarians of prescribed libraries and archives, or persons acting on their behalf.	§ 70
	Conditions: None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.	
	Whole or parts of literary, dramatic, or musical works from published editions, including accompanying illustrations and the typographical arrangement.	
	Conditions: For works other than articles, the copy cannot be made if the librarian making it knows or could, by reasonable inquiry, ascertain the name and address of a person entitled to authorize the making of the copy.	
Purpose of the copy?	To supply a copy to another prescribed library or archive.	
	Conditions: None.	
Medium of the copy?	Any. See definition of “copy” below.	

Preservation and Replacement		
Who can copy?	Librarians of prescribed libraries and archives, or persons acting on their behalf.	§ 71
	Conditions: None.	
What can be copied?	Literary, dramatic, or musical works in the permanent collection of the library or archive, including accompanying illustrations and the typographical arrangement.	
	Conditions: Prescribed conditions shall include provisions restricting the making of copies to cases where it is not reasonably practicable to purchase a copy of the item in question for the purpose.	
Purpose of the copy?	To preserve or replace the item by placing the copy in such permanent collection in addition to or in place of the item.	
	To replace in the permanent collection of another prescribed library or archive an item which has been lost, destroyed, or damaged.	
	Conditions: None.	
Medium of the copy?	Any. See definition of “copy” below.	

Research or Study (Unpublished Works)		
Who can copy?	Librarians of prescribed libraries and archives, or persons acting on their behalf.	
	Conditions:	None.
What can be copied?	Whole or parts of unpublished literary, dramatic, or musical works from documents in the library or archive, including accompanying illustrations.	
	Conditions:	A copy cannot be made where the copyright owner has prohibited copying of the work, and at the time of the making of the copy, the librarian ought to have been aware of that fact.
		No person may be furnished with any more than one copy of the same material.
		A copy cannot be made if or to the extent that there is a licensing scheme under which licenses are available authorizing the making of such copies, and the person making the copies knew or ought to have been aware of that fact.
Purpose of the copy?	For research or study by persons.	
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the allowed purposes and will not use them for any other purpose.
Medium of the copy?	Any. See definition of "copy" below.	
Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹³⁵

¹³⁵ Saint Lucia is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Saint Lucia on March 6, 2002. Saint Lucia's law may contain provisions relating to technological protection measures, but they are not contained the Copyright Law, as amended through 2000.

Miscellaneous		
Relationship to Fair Dealing	Copying for personal use other than by the research or student himself is not fair dealing if in the case of the librarian, or a person acting on behalf of a librarian, he does anything which regulations under section 68 would not permit to be done under sections 69 or 70.	§ 56
Declarations	<p>Regulations may provide that a librarian or archivist who is required to be satisfied as to a matter before making or supplying a copy of a work is entitled to rely on a declaration as to that matter signed by the person requesting the copy, unless he is aware that the declaration is false in any material particular; and in such cases as may be prescribed, shall not make or supply a copy to any person in the absence of a declaration by that person.</p> <p>Where a person requesting a copy makes a declaration that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by him, that person shall be liable for infringement of copyright as if he had reproduced the copy himself, and the copy supplied shall be treated as an infringing copy.</p>	§ 68(2)
Defined Terms	<p>“Copy” in relation to –</p> <p>(a) a work that is a literary, dramatic, musical, or artistic work, means a reproduction of a work in any material form, and, in respect of an artistic work, includes a reproduction in three dimensions, if the artistic work is a two-dimensional work and a reproduction in two dimensions, if the artistic work is a three-dimensional work; and in respect of a literary, dramatic, or musical work, includes a reproduction in the form of a record or film;</p> <p>(b) a work that is a film, television broadcast, or cable program, includes a photograph of the whole or any substantial part of any image forming part of the film, broadcast, or cable program;</p> <p>(c) a work that is a typographical arrangement of a published edition means a facsimile copy of the arrangement; and</p> <p>(d) any category of work includes any copy of the work, however made and in whatever medium, that is transient or incidental to some other use of the work; and copy includes storing a work of any description in any medium by electronic means.</p>	§ 3

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Source	Copyright Act of Saint Lucia, No. 10 (1995), as amended by No. 7 (2000), available at http://www.wipo.int/clea/en/fiche.jsp?uid=lc002 ; http://www.wipo.int/clea/en/fiche.jsp?uid=lc003
Last edited:	12/12/07

Saint Vincent and the Grenadines

Research or Study (Published Works)			
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.		§ 63
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Parts of literary, dramatic, or musical works from published editions, including accompanying illustrations and the typographical arrangement.		
	Conditions:	With respect to articles, no person shall be furnished with more than one article contained in the same issue of a periodical.	
		With respect to parts of literary, dramatic, or musical works, no person shall be furnished with more than one copy of the same material or a copy of more than a reasonable proportion of the work.	
A copy cannot be made if or to the extent that there is a licensing scheme under which licenses are available authorizing the making of such copies, and the person making the copies knew or ought to have been aware of that fact.			
Purpose of the copy?	For research or private study by persons.		
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the permitted purposes and will not use them for any other purpose.	
The copies shall be supplied only to a person satisfying the librarian that his requirement is not related to any similar requirement of another person. Requirements are deemed "similar" if the requirements are for copies of substantially the same material, at substantially the same time, and for substantially the same purpose. Requirements are deemed "related" if those persons receive instruction to which the material is relevant at the same time and place.			
Medium of the copy?	Any. See definition of "copy" below.		

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Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.	
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Supplying Copies to Other Libraries		
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.	§ 64
	Conditions: None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.	
	Parts of literary, dramatic, or musical works from published editions, including accompanying illustrations and the typographical arrangement.	
	Conditions: With respect to parts of literary, dramatic, or musical works, the copy cannot be made if the librarian making it knows or could, by reasonable inquiry, ascertain the name and address of a person entitled to authorize the making of the copy.	
Purpose of the copy?	To supply a copy to another prescribed library or archive.	
	Conditions: None.	
Medium of the copy?	Any. See definition of “copy” below.	

Preservation and Replacement		
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.	§ 65
	Conditions: None.	
What can be copied?	Literary, dramatic, or musical works in the permanent collection of the library or archive, including accompanying illustrations and the typographical arrangement.	
	Conditions: Prescribed conditions shall include provisions restricting the making of copies to cases where it is not reasonably practicable to purchase a copy of the item in question for the purpose.	
Purpose of the copy?	To preserve or replace the item by placing the copy in such permanent collection in addition to or in place of the item.	
	To replace in the permanent collection of another prescribed library or archive an item which has been lost, destroyed, or damaged.	
	Conditions: None.	
Medium of the copy?	Any. See definition of “copy” below.	

Research or Study (Unpublished Works)			
Who can copy?	Librarians of prescribed libraries and archives, including persons acting on their behalf.		§ 66
	Conditions:	None.	
What can be copied?	Whole or parts of unpublished literary, dramatic, or musical works from documents in the library or archive, including accompanying illustrations.		
	Conditions:	The copying is not permitted where the work has been published at the time when the copies are made.	
		A copy cannot be made where the copyright owner has prohibited copying of the work, and at the time of the making of the copy, the librarian ought to have been aware of that fact.	
		No person may be furnished with any more than one copy of the same material.	
	A copy cannot be made if or to the extent that there is a licensing scheme under which licenses are available authorizing the making of such copies, and the person making the copies knew or ought to have been aware of that fact.		
Purpose of the copy?	For research or private study by persons.		
	Conditions:	The copies shall be supplied only to persons satisfying the librarian that they require them for the allowed purposes and will not use them for any other purpose.	
Medium of the copy?	Any. See definition of “copy” below.		
Other provisions?	The person to whom copies are supplied must pay for them a sum not less than the cost attributable to their production, including a contribution of the general expenses of the library.		

Anti-Circumvention of Technological Protection Measures

Circumvention provisions?	None.
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Miscellaneous

Relationship to Fair Dealing	Copying by a person other than a researcher or student is not fair dealing if in the case of the librarian, or a person acting on behalf of a librarian, he does anything which regulations would not permit to be done under sections 62(a) or 63(1)(b).	§ 50(2)
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Declarations	<p>Regulations may provide that a librarian or archivist who is required to be satisfied as to a matter before making or supplying a copy of a work is entitled to rely on a declaration as to that matter signed by the person requesting the copy, unless he is aware that the declaration is false in any material particular; and in such cases as may be prescribed, shall not make or supply a copy to any person in the absence of a declaration by that person.</p> <p>Where a person requesting a copy makes a declaration that is false in a material particular and is supplied with a copy which would have been an infringing copy if made by him, that person shall be liable for infringement of copyright as if he had reproduced the copy himself, and the copy supplied shall be treated as an infringing copy.</p>	§ 62(2)-(3)
Defined Term	<p>“Copy” includes:</p> <p>(a) in relation to a work that is literary, dramatic, musical or artistic work, a reproduction of the work in any material form; or</p> <p>(b) in respect of an artistic work, a reproduction in three dimensions, if the artistic work is a two-dimensional work and a reproduction in two dimensions if the artistic work is a three-dimensional work; or</p> <p>(c) in respect of a literary, dramatic or musical work includes a reproduction in the form of a record or film;</p> <p>(d) in relation to a work that is a film, television broadcast, or cable program includes a photograph of the whole or any substantial part of any image forming part of the film, broadcast or cable program;</p> <p>(e) in relation to a work that is a typographical arrangement of a published edition, a facsimile copy of the arrangement; and</p> <p>(f) any category however made and in whatever medium, that is transient or is incidental to some other use of the work; and</p> <p>(g) references to the “copying of a work of any description” shall be construed to include a reference to storing the work in any medium by electronic means.</p>	§ 2
Source	Copyright Act of Saint Vincent and the Grenadines, No. 21 (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=20270&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	11/30/07	

Samoa

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of copyright.	§ 11

Research or Study			
Who can copy?	Libraries and archives.		§ 11(a)
	Conditions:	The activities of the institution may not serve direct or indirect financial gain.	
What can be copied?	Published articles or other short works.		
	Short extracts of works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolate case occurring, if repeated, on separate and unrelated occasions. A reproduction can only be made if there is no collective license available, offered by a collective administration organization of which the library or archive is or should be aware, under which such copies can be made.	
Purpose of the copy?	For study, scholarship, or private research, by request of a physical person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the permitted purposes.	
Medium of the copy?	Any. See definition of "reproduction" below.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§ 11(b)
	Conditions:	The activities of the institution may not serve direct or indirect financial gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
		A reproduction can only be made if it is impossible to obtain a copy under reasonable conditions.	
Purpose of the copy?	To preserve and, if necessary, replace a copy.		
	To replace a copy which has been lost, destroyed, or rendered unusable in the permanent collection of another similar library or archive.		

	Conditions:	None.	
Medium of the copy?	Any. See definition of “reproduction” below.		

Anti-Circumvention of Technological Protection Measures				
Circumvention provisions?	Yes.		§ 28(i)	
Prohibited Acts?	The Act of Circumvention?	No.		
	Dealing in Devices?	Manufacturing or importing for sale or rental a circumvention device is prohibited.		
	Providing Services?	No.		
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to devices intended to prevent or restrict reproduction of a work or to impair the quality of copies made.			
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.			

Miscellaneous			
Personal Copying	Private reproduction of a published work in a single copy made by a person for his own personal purposes is permitted; certain works are excluded.		§ 8
Defined Term	“Reproduction” means the making of one or more copies of a work or sound recording in any material form, including any permanent or temporary storage of the work or sound recording in electronic form.		§ 2
Source	Copyright Act of Samoa, No. 25 (1998), available at http://www.pacii.org/ws/legis/num_act/ca1998133/		
Last edited:	12/04/07		

San Marino

Library Provisions (none)		
Library Provisions?	San Marino's copyright law contains no explicit library provisions.	
Other Provisions that Could be Used?	Personal Copying: Reproduction of a disclosed work is permitted where it is strictly reserved for the private use of the person who makes them and is not intended for collective use. Copying is not permitted where the works are intended to be used for purposes identical to those for which the original work was created.	Art. 98(b)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Law on the Protection of Copyright of San Marino, No. 8 (1991)
Last edited:	11/30/07

Saudi Arabia

Library Use		
Author's consent required?	No. The use is permitted without obtaining the permission of the copyright owner.	Art. 15 (3)
Who can copy?	Public libraries and non-commercial documentation centers.	
	Conditions: The copying shall not be commercial or for-profit. ¹³⁶	
What can be copied?	Works.	
	Conditions: The work must be out of print, lost, or damaged.	
	Only one or two copies may be made.	
Purpose of the copy?	To meet the requirements of the institution's activities.	
	Conditions: None.	
Medium of the copy?	Any. See definition of "copying" below.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Defined Term	"Copying" means producing a copy of literary, artistic, or scientific works in any material means, including any sound or visual recording.	Art. 1
Source	Copyright Law of Saudi Arabia, Royal Decree. No. M/41 (2nd Rajab 1424 H, corresponding to August 30, 2003), available at http://www.agip.com/country_service.aspx?country_key=120&service_key=C&SubService_Order=3&lang=en	
Last edited:	12/07/07	

¹³⁶ It is unclear whether this condition requires that the library be not for profit or that the copying be not for profit; however, the construction of this Article and the other conditions included therein seem to indicate that the for profit limitation refers to the copying.

Senegal

Library Provisions (none)		
Library Provisions?	Senegal's Copyright Law does not contain any explicit exemptions for libraries.	
Other Provisions that Could be Used?	Personal Copying: Reproductions intended for personal and private use of works that have been lawfully made available to the public are permitted.	Art. 10

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹³⁷

Miscellaneous	
Source	Copyright Act of Senegal, No. 73-52 (1973), as amended by No. 86-05 (1986) ¹³⁸
Last edited:	12/07/07

¹³⁷ Senegal is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Senegal on May 18, 2002. In 2007, Senegal created draft copyright legislation that contained technological protection measures. See http://www.bsda.sn/Loi_VersionfinaleAvant_pr.pdf (in French).

¹³⁸ Senegal is a member of the Bangui Agreement, which was revised in 1999. This agreement contains library provisions and provisions on the circumvention of technological protection measures. The library provisions (Art. 14) permit:

- 1) reprographic reproduction to meet the needs of library or archive users of articles and short extracts of written works (excluding computer programs) published in a collection of works or in an issue of a newspaper or periodical.
- 2) reprographic reproduction for preservation and replacement or works that have been lost, destroyed, or rendered unusable in that library or archive or in another library or archive.

The provision on technological protection measures (Art. 65) prohibits making or importing for sale or rental a circumvention device. The act of circumvention is not explicitly prohibited. The provisions do not include any exemptions for circumvention.

See The Agreement Revising the Bangui Agreement of March 2, 1977, on the Creation of an African Intellectual Property Organization (Bangui (Central African Republic), February 24, 1999), available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Serbia

General Provisions (applicable to each form of copying listed below)		
Provide name of author?	Yes. The use is permitted provided that the name of the work's author is cited.	Art. 40(1)
Provide source of borrowing?	Yes. The use is permitted provided that the source of borrowing (publisher of the work, year and place of publication, periodical, newspaper, television or radio station in which the work or a part of it was originally published or directly taken from, and the like) is cited.	

Library Internal Use		
Author's consent required?	No. The use is permitted without the author's permission.	Art. 44
Remuneration to author?	No. The use is permitted without paying remuneration.	
Who can copy?	Public libraries, educational institutions, museums, and archives.	
	Conditions: None.	
What can be copied?	Works.	
	Conditions: None.	
Purpose of the copy?	For archival and non-commercial purposes.	
	Conditions: None.	
Medium of the copy?	Any. See definition of "reproduction" below.	
Other provisions?	The scope of limitation may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author.	Art. 40(2)

Research or Study		
Author's consent required?	No. The use is permitted without the author's permission.	Art. 53
Remuneration to author?	Yes. The use is permitted with the obligation to pay remuneration.	
Who can copy?	State bodies, educational institutions, and public libraries.	
	Conditions: None.	
What can be copied?	Works.	
	Conditions: Sheet music is excluded.	
Purpose of the copy?	For educational or scientific research purposes.	
	Conditions: None.	
Medium of the copy?	Photocopying, another kind of photographic technique, or a similar technique with similar results, on paper or any other similar medium.	
Other provisions?	The scope of limitation may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author.	Art. 40(2)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 180(1)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Producing, importing, marketing, selling, renting, advertising for sale or rental, or holding for commercial purposes circumvention devices is prohibited.	
	Providing Services?	Supplying or advertising circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technology that prevents or restricts acts which are not authorized by the holder of copyright or related rights.		Art. 180(2)
Exemptions that could be used by libraries?	None. With respect to personal copying, any natural person has the right to reproduce certain disclosed works for personal non-commercial purposes, but that provision operates without prejudice to the circumvention provisions of Art. 180.		Art. 45

Miscellaneous		
Public Lending	The author does not have a right to remuneration for the lending of library material in public libraries.	Art. 39(2)
Defined Term	The exclusive right of reproduction is described as the right to authorize or prohibit fixation or reproduction of his work in any tangible or intangible, permanent or temporary, direct or indirect manner.	Art. 20(1)
Source	The Law on Copyright and Related Rights of Serbia (2005), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15325&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/17/07	

Seychelles

Library Provisions (none)		
Library Provisions?	Seychelles Copyright Act does not contain explicit library provisions.	
Other Provisions that Could be Used?	Fair dealing for the purpose of private use and research is permitted.	Schedule 1

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Copyright Act of Seychelles, Cap. 51 (1991), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15844&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/04/07

Sierra Leone

Research or Study (Articles)			
Who can copy?	By or on behalf of librarians of libraries of a class prescribed by regulation.		§ 9(1); § 9(2); § 9(9)
	Conditions:	The libraries must not be established or conducted for profit.	
What can be copied?	Articles contained periodical publications, including illustrations.		
	Conditions:	No person may be furnished with two or more copies of the same article.	
		No copy may extend to more than one article contained in any one publication.	
Purpose of the copy?	For research or private study.		
	Conditions:	The copies must be supplied only to a person satisfying the librarian that he requires them for permitted purposes and will not use them for any other purpose.	
Medium of the copy?	Not specified.		
Other provisions?	Persons to whom copies are supplied are required to pay for them a sum not less than the cost attributable to their production, including a contribution to the general expenses of the library.		
	This provision permits the making and supplying of copies of the work.		

Research or Study (Literary, Dramatic, or Musical Works)			
Who can copy?	By or on behalf of librarians of libraries of a class prescribed by regulation.		§ 9(2); § 9(3); § 9(9)
	Conditions:	The libraries must not be established or conducted for profit.	
What can be copied?	Published literary, dramatic, or musical works, other than articles contained in periodicals, including illustrations.		
	Conditions:	The copying is not permitted if the librarian, at the time the copy is made, knows the name and address of a person entitled to authorize the making of the copy, or could be reasonable inquiry ascertain the name and address of such a person.	
		Only a reasonable proportion of the work may be copied.	
		No person may be furnished with two or more copies of the same work.	

Purpose of the copy?	For research or private study.	
	Conditions:	The copies must be supplied only to a person satisfying the librarian that he requires them for permitted purposes and will not use them for any other purpose.
Medium of the copy?	Not specified.	
Other provisions?	Persons to whom copies are supplied are required to pay for them a sum not less than the cost attributable to their production, including a contribution to the general expenses of the library.	
	This provision permits the making and supplying of copies of the work.	

Supplying Copies to Other Libraries			
Who can copy?	By or on behalf of librarians of libraries of a class prescribed by regulation.		§ 9(5); § 9(9)
	Conditions:	None.	
What can be copied?	Published literary, dramatic, or musical works, including articles in periodicals, and including illustrations.		
	Conditions:	The copying is not permitted if the librarian, at the time the copy is made, knows the name and address of a person entitled to authorize the making of the copy, or could be reasonable inquiry ascertain the name and address of such a person. This condition does not apply to articles contained in periodicals.	
Purpose of the copy?	For supply to the librarian of any prescribed library.		
	Conditions:	None.	
Medium of the copy?	Not specified.		
Other provisions?	Regulations may prescribe other conditions.		

Research, Study, or With a View to Publication (Unpublished Works)			
Who can copy?	Anyone.		§ 9(6); § 9(9)
	Conditions:	None.	
What can be copied?	An unpublished literary, dramatic, or musical work, including illustrations.		
	Conditions:	The manuscript or a copy of the work must be kept in a library, museum, or institution where it is open to public inspection.	
		The copying can occur at a time more than 50 years from the end of the year in which an author died, and more than 100 years after the	

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		time at or during which the work was made, where copyright subsists in the work but it has not been published.	
Purpose of the copy?	For research or private study or with a view to publication.		
	Conditions:	None.	
Medium of the copy?	Not specified.		
Other provisions?	Certain rules apply in cases where a work is published that incorporates an unpublished work under (6); broadcast of the original work is also permitted under certain conditions.		§ 9(7); § 9(8)

Anti-Circumvention of Technological Protection Measures	
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Circumvention provisions?	None.
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Miscellaneous		
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Fair Dealing	Fair dealing with a literary, dramatic, or musical work for purposes of research or private study is permitted.	§ 8
	Fair dealing with an artistic work is permitted for purposes of research or private study, under certain conditions.	§ 11
Source	The Copyright Act of Sierra Leone, No. 28 (1965)	
Last edited:	12/17/07	

Singapore

Research or Study			
Who can copy?	Authorized officers of libraries and archives.		§ 45
	Conditions:	The library may not be conducted for the profit, direct or indirect, of an individual or individuals.	
What can be copied?	Whole or parts of articles contained in periodical publications, including accompanying illustrations in the whole or in the parts that were used to illustrate or explain that part (§ 50). See definition of “article” below.		
	Whole or parts of published literary, dramatic or musical works, including accompanying illustrations (§50).		
	Conditions:	With respect to articles, a copy may not be made where the request is for a copy of, or parts of, two or more articles contained in the same periodical publication unless the articles relate to the same subject-matter. (§ 45(4)).	
		With respect to literary, dramatic, or musical works, a copy may not be made where the request is for a copy of the whole work (other than an article) or to a copy of a part of such work that contains more than a reasonable portion of the work unless the work is part of the library or archives collection and an authorized officer has after reasonable investigation, made a declaration stating that he is satisfied that a copy, not being a secondhand copy, of the work cannot be obtained within a reasonable time at an ordinary commercial price. (§ 45(5)). (Note: “Reasonable portion” is a defined term consisting of precise page number or percentage requirements depending on several circumstances. See § 7.)	

Purpose of the copy?	For research or study of an individual person.	
	Conditions:	The person must submit a declaration, as detailed below.
		The officer may not copy an item where the declaration contains a statement that to his knowledge is untrue in a material particular.
	The copy must be supplied to the person who made the request, otherwise it is treated as an infringing copy. (§ 45(6)-(7)). However, this does not apply to electronic copies of an article or other published work in relation to a request for communication to the person who made the request unless, before or when the electronic copy is communicated to the person, a notice is given to the person in accordance with regulations stating that the electronic copy has been made under this section and the article or work might be subject to copyright and other matters as prescribed by regulation, or as soon as practicable after the electronic copy is communicated to the person, the electronic copy held by the library or archive is destroyed. (§ 45(9))	
Medium of the copy?	Any. See special requirements for electronic copies, § 45(7A)-(9).	
Other provisions?	This provision permits the authorized officers to make, cause to be made, and supply copies to individuals.	
	Declaration: A person must furnish a request in writing to the officer-in-charge of the library or archive. The declaration must be signed by the person and state that he requires the copy for the purpose of research or study and will not use it for any other purpose and that the person has not previously been supplied with a copy of that article or other work, or the same part of the article or other work, by an authorized officer of the library or archives, or that the person has lost, destroyed, or damaged any such copy previously supplied to him.	

	Cost: Where a charge is made for making and supplying a copy to which a request relates, a copy may not be made if the amount of the charge exceeds the cost of making and supplying the copy and a reasonable contribution to the general expenses of the library.	§ 45(1)
	Making available: If an article or other published work is acquired, in electronic form, as part of the collection of a library or archives, the copyright in the article or published work is not infringed by the officer-in-charge of the library or archives making it available online within the premises of the library or archives in such a manner that users cannot, by using any equipment supplied by the library or archives make an electronic copy of the article or work or communicate the article or work.	§ 45 (7A)
	Notation: The person or body may not rely upon § 45 in infringement proceedings unless at or about the time the copy was made, there was made on the copy a notation stating that the copy was made on behalf of that institution and the date on which it was made.	§ 201

Supplying Copies to Other Libraries			
Who can copy?	Authorized officers of the library. References to the library include references to archives. (§ 46(8)).		§ 46
	Conditions:	The library may not be conducted for the profit, direct or indirect, of an individual or individuals.	
What can be copied?	Whole or parts of articles contained in periodical publications, including accompanying illustrations in the whole or in the part that were used to illustrate or explain that part (§ 50). See definition of “article” below.		
	Whole or parts of published literary, dramatic or musical works, including accompanying illustrations (§50).		
	Conditions:	None.	
Purpose of the copy?	For including the copy in the collection of the library.		
	For the purpose of supplying the copy to a user who has made a request under § 45.		
	Conditions:	With respect to including the copy in the collection of the library, the copy may not be in substitution for a subscription to such periodical publication or work or a purchase of such work.	

		The officer-in-charge of the library must make the request, or cause another person to request, the officer-in-charge of another library to supply the copy.	
Medium of the copy?	Not specified.		
Other provisions?	This provision permits the authorized officers to make, cause to be made, and supply copies to libraries or users.		
	<p>Declaration: As soon as practicable after the request was made, an authorized officer of the library must make a declaration that sets out particulars of the request (including the purpose for which the copy was requested), and stating, in a case where a copy of the whole or a part of the article or other work had previously been supplied by request for inclusion in the collection of the library that the previous copy so supplied had been lost, destroyed, or damaged, or in the case where the copy was a copy of the whole of a literary, dramatic, or musical work (other than an article contained in a periodical) or of a part of such a work that contains more than a reasonable portion of the work, that the copy was made and supplied as part of an inter-library arrangement which does not have effect or the purpose of enabling participating libraries to receive copies of the whole works or parts thereof, by way of systematic reproduction and supply of copies, in such aggregate quantities as substitutes for a subscription to or purchase of such works.</p>		§ 46(7)
	<p>Infringement action: Where an authorized officer of a library makes a copy of the whole or part of a work and supplies it to the officer in charge of another library in accordance with the requirements of the statute, the copy is deemed to have been made on behalf of the requesting library for the purpose of which the copy was requested, and an action shall not be brought against the administering body of the library who fulfills the request for infringement as a result of making and supplying that copy. § 46(3). Where a copy of the whole or part of an article or of any other published literary, dramatic, or musical work, is deemed under (3) to have been made on behalf of an authorized officer of a library, the copyright in the article or other work is not infringed by the making of the copy. This provision may be excluded by regulation. § 46(5)</p>		§ 46(3)-(4)

	Cost: Where a charge is made for making and supplying a copy to which a request relates, a copy may not be made if the amount of the charge exceeds the cost of making and supplying the copy and a reasonable contribution to the general expenses of the library.	§ 46(6)
	Notation: The person or body may not rely upon § 46 in infringement proceedings unless at or about the time the copy was made, there was made on the copy a notation stating that the copy was made on behalf of that institution and the date on which it was made.	§ 201

Research or Study or with a View to Publication (Unpublished Works)			
Who can copy?	Persons.		§ 47(1)
	By on or the behalf of officers-in-charge of the library or archives.		
	Conditions:	None.	
What can be copied?	Unpublished works (the originals or copies) that are kept in the collection of the library or archives.		
	Conditions:	The work must be open to public inspection, subject to any regulations governing the collection.	
		Copyright must subsist in the work.	
		More than 50 years must have passed after the expiration of the calendar year in which the author of a literary, dramatic, or musical work, or of an artistic work being a photograph or engraving, died, and more than 75 years must have passed after the time at which, or the expiration of the period during which, the work was made.	
Purpose of the copy?	For research, study, or with a view to publication of an individual.		
	Conditions:	If the copy is made by the officer-in-charge of the library or archives, the person must satisfy the officer-in-charge that he requires the copy or work for the purpose of research or study or with a view to publication and will not use it for any other purpose.	
Medium of the copy?	Not specified.		

Other provisions?	Making Available: The work may also be communicated under the same conditions as the copying is permitted.	
	Theses: Where the original version, or a copy, of a thesis or other similar literary work that has not been published is kept in a library of a university or other similar institution or in archives, the copyright in the thesis or other work is not infringed by the making of a copy, or the communication, of the thesis or other work by or on behalf of the officer-in-charge of the library or archives, if the copy, thesis or other work is supplied (whether by communication or otherwise) to a person who satisfies an authorized officer of the library or archives that he requires the copy, thesis or other work for the purpose of research or study.	§ 47(2)
	Publication of unpublished works kept in libraries: § 49 governs the publication of unpublished works to which § 47(1) applied prior to the publication.	§ 49

Research, Study, or with a View to Publication (Sound Recordings and Films)		
Who can copy?	Persons.	§ 112
	By or on the behalf of the officers-in-charge of the library or archives.	
	Conditions: None.	
What can be copied?	Records embodying unpublished sound recordings.	
	Copies of unpublished cinematograph films.	
	Conditions: The work must be kept in the collection of a library or archives and be open to public inspection, subject to any regulations governing the collection. More than 50 years must have passed after the time at which, or the expiration of the period during which, a sound recording or cinematograph film was made.	
Purpose of the copy?	For research or study or with a view to publication of an individual.	
	Conditions: If the copy is made by the officer-in-charge of the library or archives, the person must satisfy the officer-in-charge that he requires the recording or film for the purpose of research or study or with a view to publication and will not use it for any other purpose.	

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Medium of the copy?	Not specified.	
Other provisions?	Making Available: The work may also be communicated under the same conditions as the copying is permitted.	

Preservation, Replacement, and Other Purposes		
Who can copy?	By or on the behalf of the officer-in-charge of the library or archives.	§ 48
	Conditions: None.	
What can be copied?	Works that form or formed part of the collection of the library or archives, together with accompanying illustrations (§ 50).	
	Conditions:	With respect to preservation or research purposes, the work copied must be the original version of the work.
		With respect to replacement purposes, the work must have been held in the collection in a published form.
		With respect to a work held in published form in the collection of a library or archives, an authorized officer of the library or archives must, after reasonable investigation, make a declaration stating that he is satisfied that a copy (not being a secondhand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price.
		With respect to any other purpose, only a single copy may be made.
Purpose of the copy?	For preserving the work against loss or deterioration.	
	For research that is being, or is to be, carried out at the library or archives in which the work is held, or at another library or archives.	
	For replacing the work, if the work has been damaged, has deteriorated, or has been lost or stolen.	
	For any purpose other than the above-mentioned purposes.	
	Conditions:	None.
Medium of the copy?	Not specified.	

Other provisions?	Unpublished work: Where a copy of an unpublished work is made by or on behalf of the officer-in-charge of a library or archives for the purpose of research that is being, or is to be, carried out at another library or archives, the supply of the copy does not constitute publication of the work.	§ 48(4)
	Notation: The person or body may not rely upon § 48 in infringement proceedings unless at or about the time the copy was made, there was made on the copy a notation stating that the copy was made on behalf of that institution and the date on which it was made.	§ 201

Preservation and Replacement, or Other Purposes (Sound Recordings and Film)		
Who can copy?	By or on the behalf of the officer-in-charge of the library or archives.	
	Conditions:	None.
What can be copied?	A sound recording that forms or formed part of the collection of a library or archives.	
	A cinematograph film that forms or formed part of the collection of a library or archives.	
	Conditions:	With respect to preservation or research purposes, the sound recording or film must be held in the collection in the form of a first record or first film copy.
		With respect to replacement purposes, the sound recording or film must have been held in the collection in a published form.
With respect to a work held in published form in the collection of a library or archives, an authorized officer of the library or archives must, after reasonable investigation, make a declaration stating that he is satisfied that a copy (not being a secondhand copy) of the sound recording or film cannot be obtained within a reasonable time at an ordinary commercial price.		
Purpose of the copy?	For preserving the work against loss or deterioration.	
	For research that is being, or is to be, carried out at the library or archives in which the record or film is held, or at another library or archives.	

	For replacing the record or film, if the record or film has been damaged, has deteriorated, or has been lost or stolen.	
	Conditions: None.	
Medium of the copy?	Not specified.	
Other provisions?	Infringement of included matter: The making of a copy of a sound recording or film for replacement purposes where the record or film has been lost or stolen, the making of the copy also does not infringe any other subject-matter included in the sound recording or film.	
	Unpublished work: Where a copy of an unpublished sound recording or film is made by or on behalf of the officer-in-charge of a library or archives for the purpose of research that is being, or is to be, carried out at another library or archives, the supply of the copy does not constitute publication of the sound recording or film or any other subject-matter included therein.	§ 113 (4)
	Notation: The person or body may not rely upon § 113 in infringement proceedings unless at or about the time the copy was made, there was made on the copy a notation stating that the copy was made on behalf of that institution and the date on which it was made.	§ 201

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 261C
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing, importing, distributing, offering to the public, providing or otherwise trafficking in circumvention devices is prohibited.	
	Providing Services?	Offering to the public or providing a circumvention service is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used in connection with the exercise of the copyright; it includes access control measures.		

Exemptions that could be used by libraries?	The act of circumvention of an access control measure is not prohibited if the act is done to enable a non-profit library, any non-profit archives, and other specified to have access to a work or other subject-matter or recording of a performance which is not otherwise available to the library, archives or institution, for the sole purpose of determining whether to acquire a copy of the work or other subject-matter or recording.	§ 261D
	The Minister may by regulation exclude the prohibition on circumvention in relation to a specified work or other subject-matter or performances, if he is satisfied that any dealing with the work, being a dealing which does not amount to an infringement of copyright therein or an unauthorized use thereof, has been adversely impaired or affected as a result of the operation of this section.	

Miscellaneous		
Fair Dealing	Fair Dealing is permitted under certain circumstances set forth in § 35.	§ 35
Infringing Reprographic Copies on Library Machines	The library or archives is not considered to have authorized the making of infringing copies by reprographic reproduction made on the library or archive's machines where a notice of the prescribed dimensions and form of copying permitted is affixed to or in close proximity to the machine.	§ 34

Infringing Audio-Visual Copies on Library Machines	The library or archives is not considered to have authorized the making of infringing copies of audio-visual items made on the library or archive's machines (including computers) where a notice of the prescribed dimensions and form of copying permitted is affixed to or in close proximity to the machine.	§ 105A
Regulations	The Minister may make regulations regarding the keeping and retention of records and declarations in relation to copies of works made by libraries, archives, and institutions.	§ 202

Defined Terms	<p>“Archives” means archival material in the custody of the National Archives of Singapore established by the National Heritage Board Act, or a collection of documents or other material where the collection of documents or other material of historical significance or public interest that is in the custody of a body, whether corporate or unincorporated, is being maintained by the body for the purpose of conserving and preserving those documents or other material; and the body does not maintain and operate the collection for the purpose of deriving a profit.</p>	§ 7
	<p>A reference to the body administering a library or archives shall be read as a reference to the body (whether incorporated or not), or the person (including the Government), having ultimate responsibility for the administration of the library or archives.</p>	
	<p>A reference to a periodical publication shall be read as a reference to an issue of a periodical publication and a reference to articles contained in the same periodical publication shall be read as a reference to articles contained in the same issue of that periodical publication.</p>	
	<p>For the purposes of this Act, a library shall not be taken to be established or conducted for profit by reason only that the library is owned by a person carrying on business for profit.</p>	§ 13
	<p>A reference to an article contained in a periodical publication shall be read as a reference to anything (other than an artistic work) appearing in such a publication.</p>	§ 44
Source	Copyright Act of Singapore, Cap. 63, No. 2 (1987), as amended through No. 22 (2005), available at http://statutes.agc.gov.sg/	
Last edited:	12/11/07	

Slovakia

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author.	§ 31(1)
Remuneration to author?	No. The use is permitted without obligation to pay remuneration.	§ 31(2)

Research or Study		
Who can copy?	Libraries and archives. (Note: The terms "library" and "archive" are defined by reference to other Acts.)	§ 31 (1)(a)
	Conditions: None.	
What can be copied?	Works from the institution's collection.	
	Conditions: None.	
Purpose of the copy?	For education and scientific research, upon request of a natural person.	
	Conditions: The person must use the copy exclusively within the premises of the institution.	
Medium of the copy?	Not specified.	
Other provisions?	Disposal of a work pursuant to this provision may not conflict with the normal exploitation of the work and may not unreasonably prejudice the legitimate interests of the author.	§ 38
	This provision applies to the rights of a performing artist, producer of phonograms, producer of audiovisual fixations, and broadcaster.	§ 69

Preservation and Replacement		
Who can copy?	Libraries and archives. (Note: The terms "library" and "archive" are defined by reference to other Acts.)	§ 31 (1)(b)
	Conditions: None.	
What can be copied?	Works from the institution's collection.	
	Conditions: None.	
Purpose of the copy?	For replacement, archiving, or preservation of the original work in the case of loss, destruction, or damage.	
	Where the permanent collection is being constituted.	
	Conditions: None.	
Medium of the copy?	Not specified.	

Other provisions?	Disposal of a work pursuant to this provision may not conflict with the normal exploitation of the work and may not unreasonably prejudice the legitimate interests of the author.	§ 38
	This provision applies to the rights of a performing artist, producer of phonograms, producer of audiovisual fixations, and broadcaster.	§ 69

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 59(1)
Prohibited Acts?	The Act of Circumvention?	Using a circumvention device for economic gain is prohibited.	
	Dealing in Devices?	Developing, producing, offering for sale, rental or lending, importing, or distributing a circumvention device for economic gain is prohibited.	
	Providing Services?	Providing circumvention services for economic gain is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to a device that prevents, restricts, or excludes the illicit interference into copyright.		§ 59(2)
Exemptions that could be used by libraries?	None. The library copying provisions shall not prejudice the provisions of this act on the protection measures that prevent unauthorized making of a copy of a work as well as other unauthorized acts.		§ 31(3)

Miscellaneous		
Personal Copying	A natural person may make a copy of a disclosed work for private use with no direct or indirect commercial end.	§ 24(1)
Source	Copyright Act of Slovakia, No. 613/2003 (2003), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=30268&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/03/07	

Slovenia

Library Internal Use			
Who can copy?	Publicly accessible archives and libraries, museums, and educational or scientific establishments.		Art. 50(3)
	Conditions:	None.	
What can be copied?	Disclosed works. "Disclosure" means the work has been made available to the public with the consent of the rights holder. Disclosure is a broader concept than publication. (Art. 3)		
	Conditions:	Written works to the extent of the whole book; graphic editions of musical works; electronic databases; computer programs; and building or architectural structures are excluded. (Art 50(4)) However, copying is permitted of written works to the extent of the whole book, if the work is out of print for a minimum of two years; and graphic editions of musical works may be copied by means of handwritten transcription. (Art. 50(5))	
	The library may make no more than three copies of a work.		
Purpose of the copy?	For internal use by the library or other permitted organization.		
	Conditions:	Copying may not be for direct or indirect economic advantage.	
Medium of the copy?	Any. See definition of "reproduction" below.		
Other provisions?	Library copying of a work is subject to equitable remuneration paid to authors, but that payment is imposed not at the time of making the copy, but instead on the sale or importation of the photocopier or other equipment. (Art. 37)		
	Collective management of authors' rights shall be mandatory for reproduction of works for private or other internal use and its photocopying beyond the scope of Art. 50. (Art. 147)		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 166a
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	

	Dealing in Devices?	Manufacturing, importing, distributing, selling, renting, advertising for sale or rental, or possessing for commercial purposes circumvention devices is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures that protect author's works.		
Exemptions that could be used by libraries?	To the extent of the library exemptions in Art. 50, the rights holder who uses technological protection measures shall make available to the library the appropriate means by which the library can enforce the exemptions, consistent with the terms of the exceptions. The library may commence mediation processes to enforce the exception.		Art. 166c

Miscellaneous		
Database Use	Lawful users of a published database shall be free to use a substantial part of its contents for private or other internal use of the contents of a non-electronic database, provided that the conditions of Art. 50 are fulfilled.	Art. 141g
Defined Term	The author's exclusive right of reproduction is described as the right to fix the work in a material medium or in another copy directly or indirectly, temporarily or permanently, by any means and in any form, in whole or in part.	Art. 23
Source	Copyright and Related Rights Act of Slovenia, No. 21 (1995), as amended through No. 43 (2004), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=17095&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/18/07	

South Africa

Library Provisions (none)		
Library Provisions?	South Africa's Copyright Law does not contain any explicit exemptions for libraries.	
Private Copying?	Copying a literary or musical work for purposes of research or private study by an individual is permitted.	§ 12
Regulatory Exceptions?	Authorizes governmental regulations permitting reproduction of a work, but in a manner that the reproduction is not in conflict with a normal exploitation of the work and is not unreasonably prejudicial to the legitimate interests of the owner of the copyright. Based on this authorization, the Minister of Economic Affairs has created the library exceptions outlined below.	§ 13

Preservation, Security, and Deposit in Another Library (Unpublished Work)			
Who can copy?	Library or archives depot, including employees acting within the scope of employment.		Reg. 3 Reg. 2
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	
What can be copied?	Unpublished works, currently in the collection of the institution.		
	Conditions:	Not more than one copy of a reasonable portion of the work, having regard to the totality and meaning of the work.	
Purpose of the copy?	For preservation and security.		
	For deposit for research in another qualifying institution.		
	Conditions:	The reproduction and distribution must be made without any intention of deriving indirect commercial advantage.	
Medium of copy?	Duplicated in facsimile form.		
	Conditions:	None.	
Other provisions?	This provision permits reproduction and distribution.		
	The copy shall incorporate a copyright warning.		

	The cumulative effect of the reproduction does not conflict with the normal exploitation of the work to the unreasonable prejudice of the legal interest and residuary rights of the author.	
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Replacement (Published Work)			
Who can copy?	Library or archives depot, including employees acting within the scope of employment.		Reg. 3 Reg. 2
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	
What can be copied?	Published works.		
	Conditions:	Not more than one copy of a reasonable portion of the work, having regard to the totality and meaning of the work.	
		Reproduction is permitted where the institution has determined, after a reasonable effort, that an unused replacement cannot be obtained at a fair price.	
Purpose of the copy?	For replacement of a copy that is deteriorating or that is damaged, lost, or stolen.		
	Conditions:	The reproduction and distribution must be made without any intention of deriving indirect commercial advantage.	
Medium of copy?	Duplicated in facsimile form.		
	Conditions:	None.	
Other provisions?	The copy shall incorporate a copyright warning.		
	The cumulative effect of the reproduction does not conflict with the normal exploitation of the work to the unreasonable prejudice of the legal interest and residuary rights of the author.		

Research or Study (Articles and Short Works)		
Who can copy?	Library or archives depot, including employees acting within the scope of employment.	Reg. 3 Reg. 2

	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.
What can be copied?	One articles or other contributions to a copyrighted collection or periodical issue from the collection of the institution or another library or archive depot.	
	Reasonable portion of other works, from the collection of the institution or another library or archive depot.	
	Conditions:	Only a single copy can be made.
		Literary works only, with pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to the literary works.
		Not more than one copy of a reasonable portion of the work, having regard to the totality and meaning of the work.
Purpose of the copy?	For private study or personal or private use.	
	Conditions:	The library or archives must not have notice that the copy is for any purpose other than the permitted purposes.
		The copy must become the property of the user.
		The reproduction and distribution must be made without any intention of deriving direct or indirect commercial advantage.
Medium of copy?	Not specified.	
Other provisions?	The copy shall incorporate a copyright warning.	
	The library must display prominently, at the place where orders are accepted, and include on its order form, a warning of copyright in accordance with regulation 6.	
	The cumulative effect of the reproduction does not conflict with the normal exploitation of the work to the unreasonable prejudice of the legal interest and residuary rights of the author.	

Research or Study (Entire Works)		
Who can copy?	Library or archives depot, including employees acting within the scope of employment.	
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.
What can be copied?	Entire works and substantial parts of works from the collection of the institution or another institution.	
	Conditions:	Only a single copy can be made.
		The institution must first determine, on the basis of a reasonable investigation, that an unused copy of the work cannot be obtained at a fair price.
		Literary works only, with pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to the literary works.
Purpose of the copy?	For private study or personal or private use.	
	Conditions:	The library must not have notice that the copy is for any purpose other than the permitted purposes.
		The copy must become the property of the user.
		The reproduction and distribution must be made without any intention of deriving direct or indirect commercial advantage.
Medium of copy?	Not specified.	
Other provisions?	The copy shall incorporate a copyright warning.	
	The library must display prominently, at the place where orders are accepted, and include on its order form, a warning of copyright in accordance with regulation 6.	
	The cumulative effect of the reproduction does not conflict with the normal exploitation of the work to the unreasonable prejudice of the legal interest and residuary rights of the author.	

Supplying Copies to Other Libraries (Interlibrary Loan)		
Who can copy?	Library or archives depot, including employees acting within the scope of employment.	
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.
What can be copied?	This code section is explicitly about the ability of a library to receive copies; presumably the copies are lawfully made.	
	Conditions:	The regulations generally bar systematic reproduction or distribution of copies, but that restriction does not prevent a library or archive from participating in interlibrary arrangements.
		The library or archives may participate in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receives such copies for distribution in such aggregate quantities as to substitute for a subscription to or purchase of such work.
Purpose of the copy?	For receipt of materials through interlibrary arrangements.	
	Conditions:	The reproduction and distribution must be made without any intention of deriving direct or indirect commercial advantage.
Medium of the copy?	Not specified.	
Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None. ¹³⁹	

¹³⁹ South Africa is a signatory to the WIPO Copyright Treaty, but the treaty is not yet in force in South Africa.

Miscellaneous		
Unsupervised Machines	Library or archive depot or employee is not liable for infringements committed from the unsupervised use of reproducing equipment on the premises, provided that the equipment displays a notice that the making of a copy may be subject to copyright law.	Reg. 4(a)
Later Use of Copies	Nothing in the regulations absolves a user of a copy from infringement for actions that are not permitted by law.	Reg. 4(b)
Relationship to Contracts	Nothing in Section 108 affects any contractual obligations assumed by the library or archives when it acquired a work for its collections.	Reg. 4(c)
Source	Copyright Act of South Africa, No. 98 (1978), as amended through No. 9 (2002), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15486&URL_DO=DO_TOPIC&URL_SECTION=201.html . Copyright Regulations of South Africa (1978), available at http://www.wipo.int/clea/docs_new/pdf/en/za/za004en.pdf .	
Last edited:	4/26/08	

Spain

Research			
Who can copy?	Museums, libraries, record libraries, film libraries, newspaper libraries, or archives.		§ 37(1)
	Conditions:	The institutions must be in public ownership or form part of institutions of cultural or scientific character.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	For research.		
	Conditions:	The copying must be without gainful intent.	
Medium of the copy?	Any. See definition of “reproduction” below.		

Preservation			
Who can copy?	Museums, libraries, record libraries, film libraries, newspaper libraries, or archives.		§ 37(1)
	Conditions:	The institutions must be in public ownership or form part of institutions of cultural or scientific character.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	For preservation.		
	Conditions:	The copying must be without gainful intent.	
Medium of the copy?	Any. See definition of “reproduction” below.		

Research (Making Available)			
Who can communicate?	Museums, archives, libraries, newspaper libraries, recording libraries, or film libraries.		§ 37(3)
	Teaching institutions integrated in the Spanish educational system.		
	Conditions:	The institutions must be in public ownership or belong to institutions of general cultural, scientific, or educational interest without gainful intent. (Note: This requirement does not apply to teaching institutions integrated in the Spanish educational system.)	
What can be communicated?	Works held in the institution’s catalog.		
	Conditions:	The works may not be communicated or made available if they are subject to acquisition terms or license.	

Purpose of the communication?	For research of public persons.	
	Conditions:	None.
Medium?	Through a closed and internal network by means of terminals located within the premises of the institutions.	
Other provisions?	The author retains the right to receive a fair compensation.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 160(1)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Manufacturing importing, distributing, dealing, advertising, or possessing with commercial intent a circumvention device is prohibited.	
	Providing Services?	Offering circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures that prevent or restrict acts that take place without the authorization of the rightholder; it includes access control and protection measures.		Art. 160(3)
Exemptions that could be used by libraries?	Rightholders using technological safeguards must give the beneficiaries of limitations (including the personal copying and library provisions) the appropriate means to enjoy the works.		Art. 161
	Conditions:	The users must have legal access to the work.	
		The provision does not require rightholders to cease limiting the number of private copies that users can make.	
		The provision does not apply to on-demand contracts.	

Miscellaneous		
Public Lending	Libraries and other qualifying institutions may lend works, subject to remuneration.	Art. 37(2)
Personal Copying	Reproduction of disclosed works is permitted when done by physical persons for private use on the basis of works which have been lawfully accessed, provided that the copying is not used for collective or gainful purposes. Databases and computer programs are excluded. Remuneration is required.	Art. 31(2)
Definition	"Reproduction" means the incorporation of the work in a medium that enables it to be communicated and copies of all or part of it to be made.	Art. 18

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Appendix, page 379

Source	Law on Intellectual Property of Spain (1996), as amended through No. 23 (2006), No. 10 (2007); Alberto Bercovitz et al., "Spain," International Copyright Law and Practice § 8 (2007); Guido Westkamp, The Implementation of Directive 2001/29/EC in the Member States (2007), available at http://ec.europa.eu/internal_market/copyright/docs/studies/info_soc-study-annex_en.pdf
Last edited:	12/10/07

Sri Lanka

Library Use		
Author's consent required?	No. The use is permitted without the author's consent.	§ 13
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, and educational establishments.	§ 13(e)
	Conditions: None.	
What can be copied?	Literary, artistic, or scientific works that have been lawfully made available to the public.	
	Conditions: Provided that the reproduction and the number of copies made are limited to the purpose.	
Purpose of the copy?	For the needs of the institution.	
	Conditions: None.	
Medium of the copy?	Reproduction by sound recording, photographic, or similar process.	
Other provisions?	The use of a protected work is permissible either in the original languages or in translation.	
	Provided that the use does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction of a lawfully published work used exclusively for personal and private use is permitted.	§ 13 (a)(i)
Source	Code of Intellectual Property of Sri Lanka, No. 52 (1979), as amended through No. 40 (2000), available at http://www.wipo.int/clea/docs_new/pdf/en/lk/lk001en.pdf	
Last edited:	12/11/07	

Sudan

Preservation and Replacement		
Who can copy?	Public libraries and archive services.	§ 14(5)
	Conditions: None.	
What can be copied?	Published works.	
	Conditions: None.	
Purpose of the copy?	Internal purposes such as restoration of damaged copies or replacement of lost copies or of a manuscript.	
	Inter-library or inter-archive exchange for internal purposes such as restoration of damaged copies or replacement of lost copies or of a manuscript.	
	Conditions: None.	
Medium of the copy?	Not specified.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	The Copyright and Neighboring Rights Protection Act of Sudan (1996), available at http://www.wipo.int/clea/docs_new/pdf/en/sd/sd001en.pdf
Last edited:	12/03/07

Swaziland

Library Provisions (none)		
Library Provisions?	Swaziland's Copyright Act does not contain any explicit provisions for libraries.	
Other Provisions that Could be Used?	Any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary is permitted.	§ 4 (1)(a)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Copyright (International Conventions) Act (1911) applicable to Swaziland
Last edited:	12/03/07

Sweden

Preservation			
Who can copy?	Public libraries.		Art. 16
	Scientific and research libraries that are operated by public authorities.		
	Governmental and municipal archival authorities.		
	The National Archive for Recorded Sound and Moving Images.		
	Certain other archives and libraries designated by the Government.		
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	Computer programs are excluded.	
Purpose of the copy?	For preservation.		
	Conditions:	None.	
Medium of the copy?	Not specified; "copy" is not defined.		

Completion			
Who can copy?	Public libraries.		Art. 16; Reg. 1993: 1212, § 2
	Scientific and research libraries that are operated by public authorities.		
	Governmental and municipal archival authorities.		
	The National Archive for Recorded Sound and Moving Images.		
	Certain other archives and libraries designated by the Government.		
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	Computer programs are excluded.	
Purpose of the copy?	For completion of incomplete works in collections.		
	Conditions:	Reproduction is permitted where the incomplete work has been published in parts and the missing part cannot be acquired in the market.	
Medium of the copy?	Not specified.		
Other provisions?	A work may also be copied if the work cannot be acquired on the market and the reproduction takes place at an archive or in a library which is entitled to receive statutory deposit copies of the actual type of productions.		

Research			
Who can copy?	Public libraries.		Art. 16
	Scientific and research libraries that are operated by public authorities.		

	Governmental and municipal archival authorities.	
	The National Archive for Recorded Sound and Moving Images.	
	Certain other archives and libraries designated by the Government.	
	Conditions:	None.
What can be copied?	Works.	
	Conditions:	Computer programs are excluded.
Purpose of the copy?	For research.	
	Conditions:	None.
Medium of the copy?	Not specified.	

Copying for Users			
Who can copy?	Public libraries.		Art. 16; Art. 42d
	Scientific and research libraries that are operated by public authorities.		
	Governmental and municipal archival authorities.		
	The National Archive for Recorded Sound and Moving Images.		
	Certain other archives and libraries designated by the Government.		
	Conditions:	None.	
What can be copied?	Single articles or short extracts of works.		
	Material which for security reasons must not be given away in original form.		
	Conditions:	Where an extended collective license applies, the library or archive may communicate to borrowers single articles, short portions of works, and works that for security reasons should not be delivered in the original form.	
		Where an extended collective license applies, the library or archive may distribute to borrowers copies in forms other than paper copies.	
		The library may not communicate or distribute works under a collective license to borrowers if the author has filed a prohibition against it.	
Purpose of the copy?	To satisfy requests from borrowers.		
	Conditions:	None.	
Medium of the copy?	Copies distributed to library borrowers must be made in paper form. (Note: By implication, copies that serve the allowed purpose but that are not distributed to the user may be made in other forms.)		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		
Prohibited Acts?	The Act of Circumvention?	Circumvention is prohibited. However, the prohibition does not apply when someone, who in a lawful way has access to a copy of a work protected by copyright, circumvents a technological measure in order to be able to watch or listen to the work.	Art. 52d
	Dealing in Devices?	Manufacturing, importing, transferring, distributing by sale or rental, or possessing for commercial purposes a circumvention device is prohibited.	Art. 52e
	Providing Services?	Making available circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technological measures that are designed to prevent or restrict the reproduction or the making available to the public of a copyright-protected work without the consent of the author.		Art. 52b
Exemptions that could be used by libraries?	Anyone who, pursuant to the library provisions (and other specified provisions), is entitled to exploit a work protected by copyright shall be entitled to make use of a copy of a work that he lawfully has access to, notwithstanding the fact that the copy is protected by a technological measure.		Art. 52f
	Conditions:	This exemption does not apply to works that have been made available to the public in accordance with agreed contractual stipulations in a way that makes it possible for members of the public to get access to the work by means of a communication from a place and a time that they themselves have chosen.	
Other provisions?	Where a technological measure prevents a use in the exemption cited above, a Court may, at the request by a user entitled to that use, order, upon penalty of a fine, the author (or his successor in title) to make it possible for the user to exploit the work in the way prescribed in the provision		

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	referred to.	
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Miscellaneous		
Distribution of sound recordings	Collective licenses for libraries and archives to permit distribution of sound recordings are also available.	Art. 16
Reading devices	Copying by libraries and archives for use in reading devices is permitted.	Art. 16; Reg. 1993: 1212, § 2
Source	Act on Copyright in Literary and Artistic Works of Sweden, No. 729 (1960), as amended through No. 110 (2004/2005), available at http://www.sweden.gov.se/sb/d/2707/a/15195	
Last edited:	12/07/07	

Switzerland

Miscellaneous		
Copying Machines	Persons entitled to make copies of a work for use for private purposes may also have them manufactured by other persons; libraries that make copying apparatus available to their users shall also be deemed other persons within the meaning of this paragraph.	Art. 19(2)
Source	Federal Copyright Law of Switzerland, of October 9, 1992, as amended by the Law of December 16, 1994, available at http://www.wipo.int/lea/docs_new/pdf/en/ch/ch004en.pdf . ¹⁴⁰	
Last edited:	05/26/08	

¹⁴⁰ The Swiss copyright law has been amended since 1994, but as of this writing, the more recent amendments were not available in English for this study. This provision is included here because of its relevance to libraries, but the provision is not specifically a “library exception.” Because of the unavailability of the current Swiss law at this time, Switzerland is listed at the beginning of the appendix as one of the countries whose laws were not studied.

Syria

Library Use		
Author's consent required?	No. Reproduction is permitted without need of the author's or creator's approval.	Art. 37(5)
Who can copy?	Public libraries, non-commercial documentary centers, scientific organizations, or educational institutes.	
	Conditions: None.	
What can be copied?	Literary, artistic, or scientific works.	
	Conditions: The work must be legitimately available to the public.	
Purpose of the copy?	Not specified.	
	Conditions: The copies must be made in compliance with the activities of the institutions.	
Medium of the copy?	Photography or similar means.	
Other provisions?	This provision permits exploitation in the source language or its translation.	
	The reproduction must not adversely affect the financial exploitation of the work or prejudice the legitimate interests of the creator or author.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Copyright Law of the Syrian Arab Republic, No. 12 (2001), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15435&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/17/07

Tajikistan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the author's consent.	Art. 20
Remuneration to author?	No. The use is permitted without payment of remuneration.	
Provide name of author?	Yes. The use is permitted, provided that the name of the author is mentioned.	
Provide source of borrowing?	Yes. The use is permitted, provided that the source of borrowing is mentioned.	

Preservation and Replacement			
Who can copy?	Libraries and archive services.		Art. 20 (7)(a)
	Conditions:	None.	
What can be copied?	Lawfully published works.		
	Conditions:	With respect to providing copies to other libraries, the copying is only permitted if it is impossible to get the copy in another way.	
Purpose of the copy?	To restore or replace lost or damaged copies in the library or archive.		
	To place copies at the disposal of other libraries that, for any reason, have lost works from their own collections.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Research or Study			
Who can copy?	Libraries and archive services.		Art. 20 (7)(b)
	Conditions:	None.	
What can be copied?	Isolated articles or succinct works lawfully published in collections, newspapers, or other periodical publications.		
	Short extracts from lawfully published written works, including illustrations.		
	Conditions:	None.	
Purpose of the copy?	For study or research purposes of natural persons.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	The reproduction of a lawfully published work for exclusively personal purposes is permitted under specified conditions. Works of architecture, whole or substantial parts of databases, computer programs, whole books, and musical scores are excluded.	Art. 19
Defined Term	“Reprographic reproduction” means the facsimile reproduction in one or more copies, regardless of the dimensions and form thereof, of originals or copies of written or other graphic works by means of photocopying or with the aid of other technical means different from publishing. Reprographic reproduction shall not include the storage or reproduction of the said copies in electronic (including digitized) or optical form, or in any other machine-readable form.	Art. 3
Source	Law on Copyright and Related rights of Republic of Tajikistan, available at http://en.wikisource.org/wiki/Law_on_Copyright_and_Related_rights_of_Republic_of_Tajikistan ¹⁴¹	
Last edited:	12/04/07	

¹⁴¹ The accuracy of this source is unknown.

Thailand

Research or Study			
Who can copy?	Librarians.		§ 34
	Conditions:	None.	
What can be copied?	Parts of works.		
	Conditions:	“Reasonable reproduction” is permitted.	
Purpose of the copy?	For research or study by a person.		
	Conditions:	The purpose must not be for profit.	
Medium of the copy?	Any. See definition of “reproduction” below.		
Other provisions?	The use must not conflict with a normal exploitation of the copyright work by the owner of copyright or unreasonably prejudice the legitimate right of the owner of copyright. (§ 32)		
	The section also applies to performer’s rights (§ 53).		

Library Use			
Who can copy?	Librarians.		§ 34
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	None.	
Purpose of the copy?	For use in the library or another library.		
	Conditions:	The purpose must not be for profit.	
Medium of the copy?	Any. See definition of “reproduction” below.		
Other provisions?	The use must not conflict with a normal exploitation of the copyright work by the owner of copyright or unreasonably prejudice the legitimate right of the owner of copyright. (§ 32)		
	The section also applies to performer’s rights (§ 53).		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous		
Personal Copying	Reproduction for research, study, or personal benefit is permitted, as long as the use does not conflict with a normal exploitation of the copyright work by the owner of copyright or unreasonably prejudice the legitimate right of the owner of copyright.	§ 32
Defined Term	“Reproduction” includes any method of copying, imitation, duplication, block-making, sound recording, video recording or sound and video recording for the material part from the original,	§ 4

	Copy, or publication whether of the whole or in part and, as for computer program, means duplication or making copies of the program from any medium for the substantial part with any method without a character of creating a new work whether of the whole or in part.	
Source	Copyright Act of Thailand, B.E. 2537 (1994), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=30332&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/07/07	

Togo

Library Provisions (none)		
Library Provisions?	Togo's Copyright Law does not contain explicit exemptions for libraries.	
Other Provisions that Could be Used?	Personal Copying: Reproductions, translations, and adaptations of works lawfully made available to the public are permitted for a strictly personal and private use.	Art. 20(2)

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹⁴²

Miscellaneous		
Compulsory License	The translation (and publication of that translation in Togo) of a work in French and in the national languages, under the terms of an authorization granted by the proper authority, are lawful even in the absence of the authorization of the author. The reproduction of a work (and publication of a given edition of the work in Togo), under the terms of an authorization granted by the proper authority, are lawful even in the absence of the authorization of the author.	Art. 25-26
Source	Copyright Law of Togo (1991), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15497&URL_DO=DO_TOPIC&URL_SECTION=201.html	
Last edited:	12/21/07	

¹⁴² Togo is a member of the WIPO Copyright Treaty, which requires that Contracting Parties provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures. The treaty entered into force in Togo on May 21, 2003. It is likely that Togo has amended its intellectual property law since 1991, but the 1991 law was the most current version available for this study.

Tonga

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the authorization of the author or other owner of copyright.	§ 12

Research or Study			
Who can copy?	Libraries and archives.		§ 12(a)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Published articles, other short works, or short extract of works.		
	Conditions:	Only a single copy can be made.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
		The copy may only be made if there is no collective license available under which such copies can be made, offered by a collective administration organization of which the library or archive is or should be aware.	
Purpose of the copy?	For study, scholarship, or private research, by request of a natural person.		
	Conditions:	The library or archive must be satisfied that the copy will be used solely for the allowed purposes.	
Medium of the copy?	Reprographic reproduction. See definitions of "reprography" and "reproduction" below.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§12(b)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Works.		
	Conditions:	Only a single copy can be made.	
		A copy may be made only if it is impossible to obtain such a copy under reasonable conditions.	
		The reprographic reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
Purpose of the copy?	To preserve or replace a work in the library or archive.		

	To replace a copy which has been lost, destroyed or rendered unusable in the permanent collection of another similar library or archive.	
	Conditions: None.	
Medium of the copy?	Reprographic reproduction. See definitions of “reprography” and “reproduction” below.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	§ 30 (1)(a)	
Prohibited Acts?	The Act of Circumvention?		No.
	Dealing in Devices?		Manufacturing or importing for sale or rental a circumvention device is prohibited.
	Providing Services?		No.
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technological measures used to prevent or restrict reproduction of a work or to impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous			
Defined Terms	“Reproduction” means the making of one or more copies of a work or phonogram in any manner or form, including any permanent or temporary storage of the work or phonogram in electronic form.		§ 2
	“Reprography” means the making of a facsimile copy of the original or a copy of the work, including photocopying.		

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Source	Copyright Act of Tonga, No. 12 (2002), available at http://legislation.to/Tonga/DATA/PRIN/2002-012/CopyrightAct2002.pdf
Last edited:	12/07/07

Trinidad & Tobago

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the copyright owner's authorization.	§ 12

Research or Study			
Who can copy?	Libraries and archives.		§ 12(a)
	Conditions:	The activities of the institution must not serve direct or indirect commercial gain.	
What can be copied?	Published articles, short works, or short excerpts of works.		
	Conditions:	A single copy may be reproduced.	
		The act of reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.	
The copy may only be made if there is no collective license available under which such copies can be made (offered by a collective administration organization of which the library or archive is or should be aware).			
Purpose of the copy?	For study, scholarship or private research, by request of a natural person.		
	Conditions:	The person must satisfy the library or archive that the copy is solely for study, scholarship, or private research.	
Medium of the copy?	Reprographic reproduction.		

Preservation and Replacement			
Who can copy?	Libraries and archives.		§12(b)
	Conditions:	The activities of the library or archive must not serve direct or indirect commercial gain.	
What can be copied?	Works.		
	Conditions:	A single copy can be made.	
		A copy may be made only if it is impossible to obtain such a copy under reasonable conditions.	
The reproduction must be an isolated case occurring, if repeated, on separate and unrelated occasions.			

Purpose of the copy?	To preserve or replace a work.	
	To replace a copy which has been lost, destroyed or rendered unusable in the permanent collection of another similar library or archive.	
	Conditions:	None.
Medium of the copy?	Reprographic reproduction.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	§ 44	
Prohibited Acts?	The Act of Circumvention?		No.
	Dealing in Devices?		Manufacturing or importing for sale or rental a circumvention device is prohibited.
	Providing Services?		No.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures used to prevent or restrict reproduction of a work or to impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous	
Source	The Copyright Act of Trinidad and Tobago, No. 8 (1997) as amended by Act No. 18, (2000), available at http://www.sice.oas.org/int_prop/nat_leg/Trinidad/L8_i.asp
Last edited:	12/07/07

Tunisia

Library use		
Remuneration?	Yes. Remuneration for reproduction is, failing amicable agreement between the parties, determined by the Copyright Protection Agency.	Art. 13
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutes, teaching establishments, youth centers, and culture centers.	
	Conditions: None.	
What can be copied?	Literary, scientific, or artistic works.	
	Conditions: The quantity is restricted to the amount necessary for the purpose.	
Purpose of the copy?	For the needs of the institution's activities.	
	Conditions: None.	
Medium of the copy?	Not specified.	
Other provisions?	This provision is not an exemption for libraries; rather, it is a statutory authorization for the Ministry of Culture to permit reproduction under the conditions set forth in the statute.	

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Copyright Law of Tunisia, No. 95-36 (1994), available at http://www.wipo.int/clea/docs_new/pdf/en/tn/tn022en.pdf
Last edited:	12/04/07

Turkmenistan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without consent of the author or another owner of the copyright.	Art. 1086
Remuneration to author?	No. The use is permitted without payment of royalty.	
Provide name of author?	Yes. The use is permitted with the obligatory indication of the author's name.	
Provide source of borrowing?	Yes. The use is permitted with the obligatory indication of the source.	

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 1086(a)
	Conditions:	None.	
What can be copied?	Legitimately published works.		
	Conditions:	The reproduction must occur in individual cases.	
Purpose of the copy?	To restore or replace lost or spoiled copies.		
	To provide copies of such works to other libraries that no longer have such works in their collections, for whatever reason.		
	Conditions:	Reproduction is limited to situations insofar as it is not possible to maintain such copies by other means and within normal circumstances.	
		No direct or indirect extraction of profit is permitted.	
	The reproduction is permitted only to the extent as is necessary for the particular purpose.		
Medium of the copy?	Reprographic reproduction (Xerox copies).		

Research or Study			
Who can copy?	Libraries and archives.		Art. 1086(b)
	Conditions:	None.	
What can be copied?	Individual legally published articles, small-volume works, and short extracts.		
	Conditions:	Computer programs are excluded.	
		The reproduction must occur in individual cases.	
Purpose of the copy?	For research or study, upon the request of a private individual.		
	Conditions:	No direct or indirect extraction of profit is permitted.	
		The reproduction is permitted only to the extent as is necessary for the particular purpose.	

Medium of the copy?	Reprographic reproduction (Xerox copies).	
Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	None.	

Miscellaneous		
Personal Copying	A legitimately published work may be reproduced without the author's consent and without payment of royalties exclusively for personal requirements, except in the case of reproduction of audio-visual works or of sound recordings by physical persons for personal use, the author or another owner has a claim to an appropriate royalty.	Art. 1082-1083
Source	The Civil Code of Turkmenistan, ¹⁴³ Book IV, available at http://www.cis-legal-reform.org/civil-code/turkmenistan/civ-tur-eng.htm	
Last edited:	12/11/07	

¹⁴³ The translation of the code does not indicate whether this version is the original 1993 enactment or the 1999 amendment.

Ukraine

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the consent of the author or other copyright holder.	Art. 21 (10)
Provide name of author?	Yes. The use is permitted with a mandatory indication of the author's name.	
Provide source of borrowing?	Yes. The use is permitted with a mandatory indication of the source of borrowing.	

Research or Study				
Who can copy?	Libraries and archives.		Art. 22(1)	
	Conditions:	The activities of the institutions may not be aimed directly or indirectly at generating profit.		
What can be copied?	Separately published articles or other small works, including illustrations.			
	Excerpt from written works, including illustrations.			
	Conditions:	Only one copy can be made.		
		Computer software and databases are excluded.		
		Reproduction of the work must be a "one-off, not a regular, event."		
Reproduction can only occur if there are no restrictions on the part of collective management organizations concerning the terms and conditions for producing such copies.				
Purpose of the copy?	For education, training, or private research, upon request of an individual.			
	Conditions:	The library or archive must have sufficient reason to believe that such a copy will be used for the permitted purposes.		
Medium of the copy?	Reprographic reproduction. See definition below.			
Other provisions?	The proprietary rights restrictions of this Law shall be effected, provided that they do not prejudice the use of a work or unjustifiably limit the author's legitimate interests.		Art. 15(6)	
	It is permissible to reproduce performances, phonograms, videograms, or broadcast programs for training or scientific research purposes or for personal purposes according to the conditions set forth in Art. 21 and 22. The rightsholders retain the right to receive remuneration.		Art. 42	

Preservation and Replacement			
Who can copy?	Libraries and archives.		Art. 22(2)
	Conditions:	The activities of the institutions may not be aimed directly or indirectly at generating profit.	
What can be copied?	Works.		
	Conditions:	Only one copy can be made.	
		Reproduction is permitted when it is impossible to obtain a copy of the work by other means.	
Reproduction of the work must be a "one-off, not a regular, event."			
Purpose of the copy?	To preserve or replace a lost, damaged or unusable copy in the library or archive.		
	To renew a lost, damaged, or unusable copy from the collection of a similar library or archive.		
	Conditions:	None.	
Medium of the copy?	Reprographic reproduction. See definition below.		
Other provisions?	The proprietary rights restrictions of this Law shall be effected, provided that they do not prejudice the use of a work or unjustifiably limit the author's legitimate interests.		Art. 15(6)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 50(f)
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Producing, distributing, and importing for distribution circumvention devices is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures designed to create an obstacle to the infringement of copyright during reception and/or duplication of protected (encoded) recordings in phonograms (videograms) and broadcasting organization transmissions, or to control access to the use of objects of copyright.		Art. 1
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	It is permissible to reproduce exclusively for personal purposes certain previously lawfully disclosed works.	Art. 25

Defined Term	“Reprographic reproduction” means facsimile reproduction of any size (including enlarged or reduced) of the original of a written or other graphic work, or a copy thereof, by photocopying or other similar methods, except for recording in electronic (including digital), optical or other computer-readable form.	Art. 1
Source	Law on Copyright and Related Rights of the Ukraine (2001), available at http://www.cipr.org/legal_reference/countries/ukraine/Ukraine_Copyright_ENG.pdf	
Last edited:	12/04/07	

United Arab Emirates

General Provisions (applicable to each form of copying listed below)		
Provide acknowledgment?	Yes. The copying is permitted with acknowledgment. (Note: The statute is unclear with respect to what information must be included in the acknowledgment.)	Art. 22(4)

Preservation and Replacement		
Who can copy?	Records houses, archives, libraries, or documentation centers.	Art. 22 (4)(a)
	Conditions: The institutions must not seek direct or indirect profit.	
What can be copied?	Works.	
	Conditions: Only a single copy can be made.	
	Reproduction is permitted where a substitute copy cannot be obtained under reasonable conditions.	
Purpose of the copy?	For preservation of the original work or to exchange it for a lost or destroyed copy, or a copy that is not suitable for use.	
	Conditions: None.	
Medium of the copy?	Any. See definition of “reproduction” below.	

Research or Study		
Who can copy?	Records houses, archives, libraries, or documentation centers.	Art. 22 (4)(b)
	Conditions: The institutions must not seek direct or indirect profit.	
What can be copied?	Works.	
	Conditions: Only a single copy can be made.	
	The copying may only be granted for one time or for interrupted periods of time.	
Purpose of the copy?	The copy can only be made provided that obtaining a license became impossible in accordance with the provisions of the law.	
	For research or study, by request of a natural person.	
	Conditions: None.	
Medium of the copy?	Any. See definition of “reproduction” below.	

Anti-Circumvention of Technological Protection Measures		
Circumvention provisions?	Yes.	Art. 38

Prohibited Acts?	The Act of Circumvention?	Delaying or disgracing technological protection is prohibited.	
	Dealing in Devices?	Manufacturing or importing circumvention devices is prohibited.	
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to equipment, instruments, or apparatus designed for the purpose of fraud against any technology used by the author or the holder of the neighboring right to arrange or administer such rights or for preservation of specific standard of quality of the copies.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Application to Neighboring Rights	The restrictions on the economic rights of authors shall apply to the holders of neighboring rights.	Art. 24
Compulsory license	Any person may ask the ministry to grant him a compulsory license for either copying or translation or for both of any work protected by the provisions of this law only after three years from the date of the work publication in case of translation license. The license shall be issued supported with reasons determining the time and place of exploitation, and the fair reward due to the author provided that the purpose of such grant of license always be exclusive to meet the needs of education in all its types, levels, and to the needs of public libraries and archives in accordance with the specifications, conditions, and restrictions of the implementing regulations and this law for granting this license in a way to secure non-occurrence of unjustifiable damage to the legitimate interests of the author or his successors in title or effect ordinary exploitation of the work. The council of ministers shall issue a decision specifying the fees to be charged in this regard.	Art. 21
Defined Term	"Reproduction" means to make a copy or more of a work, phonogram, broadcasting program or any performance in any shape including permanent or temporary electronic storing.	Art. 1

Source	Federal Law Concerning Copyrights and Neighboring Rights, No. 7 (2002), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=22735&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/17/07

United Kingdom

Preservation and Replacement			
Who can copy?	Librarians and archivists of prescribed libraries and archives.		§ 42
	Conditions:	None.	
What can be copied?	Works in the permanent collections of the institution.		
	Conditions:	Reproduction is permitted where it is not reasonably practicable to purchase a copy of the item to fulfill the purpose.	
		In the case of literary, dramatic, or musical works, the copy may include any illustrations accompanying the work	
In the case of published works, the copy may include the typographical arrangement.			
Purpose of the copy?	To preserve or replace the item by placing the copy in the library's permanent collection in addition to or in place of it.		
	To replace in the permanent collection of another prescribed library or archive an item which has been lost, destroyed, or damaged.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of "copying" below.		

Supplying Copies to Other Libraries			
Who can copy?	Librarians of prescribed libraries.		§ 41
	Conditions:	Prescribed libraries for the purpose of making and supplying copies include any library in the UK. (Note: The eligible libraries to receive the copies, however, are more limited. Moreover, if the library receiving the copy is outside the UK, then regulations also limit the scope of eligible receiving libraries. ¹⁴⁴)	

¹⁴⁴ According to Copinger:

“Under the Regulations all libraries in the United Kingdom are prescribed libraries for the purpose of making and supplying copies under this section, [SI 1996/2967, reg.3(2)] but the receiving library must either fall within the definition of prescribed library set out in Part A of Schedule 1 of the Regulations (see paragraph 9-105, above) or must be a library outside the United Kingdom which is not conducted for profit and which otherwise falls within Part B of Schedule 1. [reg.3(3). In order to fall within Pt B of Sch.1, a library outside the United Kingdom must be

[Footnote continued on next page]

What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.	
	Whole or parts of published editions of literary, dramatic, or musical works, including accompanying illustrations and the typographical arrangement.	
	Conditions:	Regarding the literary, dramatic, or musical work, the right to copy does not apply if the librarian knows, or could by reasonable inquiry ascertain, the name and address of a person entitled to authorize the making of the copy. (Note: Under regulations, the library receiving the copy must submit a declaration related similar facts. ¹⁴⁵)
Purpose of the copy?	To supply a copy to another prescribed library.	
	Conditions:	None.
Medium of the copy?	Any. See definition of “copying” below.	

Research or Study (Articles)			
Who can copy?	Librarians of prescribed libraries.		§ 38
	Conditions:	None.	
What can be copied?	Articles in periodicals, including accompanying illustrations and the typographical arrangement.		
	Conditions:	Reproduction is limited to a single copy.	
		Reproduction is limited to not more than one article from a periodical issue.	
Purpose of the copy?	Research for noncommercial purpose or private study. (See definition of “private study” below.)		
	Conditions:	The user must satisfy the librarian that the copy is for an allowed purpose and for no other purpose.	
		The user must satisfy librarian that the copy is to meet a need that is not related to any similar requirement of another person. The requirements	

[Footnote continued from previous page]

conducted wholly or mainly for the purpose of facilitating or encouraging the study of bibliography, education, fine arts, history, languages, law, literature, medicine, music, philosophy, religion, science (including natural and social science) or technology.]” UK COPINGER 9-109.

¹⁴⁵ “Moreover, the library requesting the copy must provide a written statement to the effect that it is a prescribed library and that it does not know and could not by reasonable inquiry ascertain, the name and address of a person entitled to authorize the making of the copy. [SI 1996/2967, reg.5(2)(b).]” UK COPINGER 9-109.

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		for the materials are “similar” if they are for substantially the same purpose and at substantially the same time. The requirements for the materials are “related” if persons receive instruction to which the materials are relevant at the same time and place. (§ 40)	
Medium of the copy?	Any. See definition of “copying” below.		
Other Provisions?	Recipients of the copies are required to pay a fee not less than the cost of producing the copy, including a contribution to the general expenses of the library or archive.		

Research or Study (Literary, Dramatic, or Musical Works)			
Who can copy?	Librarians of prescribed libraries.		§ 39
	Conditions:	None.	
What can be copied?	Reasonable portions of literary, dramatic, or musical works, including accompanying illustrations and the typographical arrangement from a published edition of a work that is not an article in a periodical.		
	Conditions:	Reproduction is limited to a single copy.	
Purpose of the copy?	Research for noncommercial purpose or private study. (See definition of “private study” below.)		
	Conditions:	The user must satisfy the librarian that the copy is for an allowed purpose and for no other purpose.	
		The user must satisfy the librarian that the copy is to meet a need that is not related to any similar requirement of another person. The requirements for the materials are “similar” if they are for substantially the same purpose and at substantially the same time. The requirements for the materials are “related” if persons receive instruction to which the materials are relevant at the same time and place. (§ 40)	
Medium of the copy?	Any. See definition of “copying” below.		
Other provisions?	Recipients of the copies are required to pay a fee not less than the cost of producing the copy, including a contribution to the general expenses of the library or archive.		

Research or Study (Unpublished Works)			
Who can copy?	Librarians and archivists of prescribed libraries and archives.		§ 43
	Conditions:	None.	
What can be copied?	Whole or parts of literary, dramatic, or musical works, including accompany illustrations, from a work in the collections of the institution.		
	Conditions:	The work must have been created on or after August 1, 1989. ¹⁴⁶	
		The work must not have been published before the document was deposited in the library or archive.	
		Reproduction is not permitted if the copyright owner has prohibited copying of the work.	
The user cannot receive more than one copy of the work.			
Purpose of the copy?	To supply a copy of the work for a non-commercial purpose or private study. (See definition of “private study” below.)		
	Conditions:	The user must satisfy the librarian that the copy is for allowed purposes and will not be used for any other purpose.	
Medium of the copy?	Any. See definition of “copying” below.		
Other provisions?	Recipients of the copies are required to pay a fee not less than the cost of producing the copy, including a contribution to the general expenses of the library or archive.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§§ 296ZA- 296ZF
Prohibited Acts?	The Act of Circumvention?	Prohibits circumvention when the person knows he is pursuing that objective.	
	Dealing in Devices?	Manufacturing, importing, selling circumvention devices is prohibited.	
	Providing Services?	Providing, prohibiting, advertising services is prohibited.	

¹⁴⁶ “As has been seen, the relevant provisions of the 1988 Act only apply to works made on or after August 1, 1989. [CDPA 1988, Sch.1, para.16.]” UK COPINGER 9-111. With respect to unpublished work created before August 1, 1989, UK law preserves the application of Section 7(6) of the Copyright Act of 1956, which allows a library to make copies of some unpublished works, only late in the duration of copyright, with a view toward publication.

Access Control or Owner's Rights Control?	Both.	
Exemptions that could be used by libraries?	If the TPM prevents the exercise of copyright exceptions, the user may begin proceedings with the government for an order allowing circumvention for purposes of carrying out the exceptions. The relevant exceptions include the library exceptions summarized above.	

Miscellaneous		
Signed Declarations	Where a librarian is required to be satisfied as to certain conditions, the librarian may rely on a signed declaration by the person making the request, unless the librarian is aware that it is false. If the declaration is false, and if the copy would have been an infringement if made by that person, the person making the declaration is liable for infringement of copyright.	§ 37(2)
Lending	Lending by a prescribed library or archive (other than a public library) not operated for profit is not an infringement. (Note: Public libraries are covered by the obligations of the public lending right scheme. Sec 40A(1)) "Public library" is broadly defined at Sec 178.	§ 40A (2)
Folk Songs	Unpublished songs of unknown authorship may be recorded for archival purpose for certain designated archives.	§ 61
Export	If a work of cultural or historical importance cannot be exported from the UK without first making a copy for deposit in a library or archive, the making of that copy is not an infringement.	§ 44
Legal deposit copies	A deposit library has limited rights to make copies to satisfy the deposit requirement.	§ 44A; § 20A
Defined Terms	"Prescribed Library" is defined by regulations made by the Secretary of State. ¹⁴⁷	§ 37 (1)(a)
	"Librarian" or "archivist" includes a person acting on behalf of a librarian or archivist.	§ 37(6)

¹⁴⁷ According to Copinger:

"These include the copyright libraries, libraries administered by a library authority, libraries administered by a local authority, school libraries and the libraries of other educational establishments, libraries administered by Parliament or by a Government department and libraries conducted for the purposes of facilitating or encouraging the study of education, religion, philosophy, science (including the social sciences) and the arts. Libraries conducted for profit are, however, specifically excluded. [Conducted for profit in this context means a library which is established or conducted for profit or which forms part of, or is administered by, a body established or conducted for profit: SI 1989/1212, para.3(5).]" UK COPINGER 9-105.

	<p>“Copying” in relation to literary, dramatic, musical, or artistic works means reproducing the work in any material form. This includes storing the work in any medium by electronic means. The statute also gives particulars about copying artistic works, films, and other works. Copying is also defined to include any transient or incidental copies.</p>	§ 17
	<p>“Public library” means a library administered by or on behalf of –</p> <p>(a) in England and Wales, a library authority within the meaning of the Public Libraries and Museums Act 1964;</p> <p>(b) in Scotland, a statutory library authority within the meaning of the Public Libraries (Scotland) Act 1955; and</p> <p>(c) in Northern Ireland, and Education and Library Board within the meaning of the Education and Libraries (Northern Ireland) Order 1986.</p>	§ 178
	<p>“Private study” is defined to exclude any study which is directly or indirectly for a commercial purpose.</p>	§ 178
Source	<p>Copyright, Designs, and Patent Act of the United Kingdom, Cap. 48 (1988), as amended, available at http://www.ipo.gov.uk/cdpact1988.pdf (unofficial consolidation, current through May 3, 2007)</p>	
Last edited:	05/26/08	

United Republic of Tanzania

Library Use		
Author's consent required?	No. The use is permitted without the author's consent.	§ 12(1)
Remuneration to author?	No. The use is permitted without obligation to pay remuneration.	
Who can copy?	Public libraries, non-commercial documentation centers, scientific institutions, and educational establishments.	§ 12(7)
	Conditions: None.	
What can be copied?	Literary and artistic works that have been lawfully made available to the public.	
	Conditions: The reproduction, number of copies made, and use thereof must be limited to the purpose.	
Purpose of the copy?	For the needs of the regular activities of the entity reproducing the work.	
	Conditions: None.	
Medium of the copy?	Reproduction by photography of sound or video recording, or electronic storage.	
Other provisions?	The reproduction must neither conflict with the normal exploitation of the work nor unreasonably prejudice the legitimate interests of the author.	
	The use is permitted in the original or in a translation.	§ 12(1)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	§ 44(1) (i)	
Prohibited Acts?	Circumvention?		No.
	Dealing in Devices?		Manufacturing a circumvention device or importing it for sale or rental is prohibited.
	Providing Services?	No.	
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical means that prevent or restrict reproduction of a work or impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Official Archives	Where a recording by a broadcasting organization has an exceptional documentary character, a copy of it may be preserved in official archives.	§ 12 (10)

Source	Copyright and Neighboring Rights Act of the United Republic of Tanzania, No. 7 (1999), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=19937&URL_DO=DO_TOPIC&URL_SECTION=201.html
Last edited:	12/10/07

United States

Preservation, Security, and Deposit in Another Library			
Who can copy?	Libraries or archives, including employees acting within the scope of employment.		§ 108(a); § 108(b)
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	
What can be copied?	Unpublished works, currently in the collection of the institution.		
	Conditions:	Three copies can be made.	
Purpose of the copy?	For preservation and security.		
	For deposit for research in another qualifying institution.		
	Conditions:	The reproduction and distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of copy?	Copies and phonorecords. See definitions below.		
	Conditions:	Copies made in digital format may not be made available to the public in that format outside the premises of the institution.	
Other provisions?	This provision permits reproduction and distribution.		
	The copy must include the notice of copyright from the work or, if no such notice can be found on the work, a legend stating that the work may be protected by copyright.		

Replacement			
Who can copy?	Libraries or archives, including employees acting within the scope of employment.		§ 108(a); § 108(c)
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	

What can be copied?	Published works.		
	Conditions:	Three copies can be made.	
		Reproduction is permitted where the institution has determined, after a reasonable effort, that an unused replacement cannot be obtained at a fair price.	
Purpose of the copy?	For replacement of a copy that is damaged, deteriorating, lost, or stolen, or if the existing format in which the work is stored has become obsolete. (A format is “obsolete” if the necessary machine or device is no longer manufactured or is no longer reasonably available in the commercial marketplace.)		
	Conditions:	The reproduction and distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of copy?	Copies and phonorecords. See definitions below.		
	Conditions:	Copies made in digital format may not be otherwise distributed in that format or made available to the public in that format outside the premises of the institution.	
Other provisions?	The copy must include the notice of copyright from the work, or if no such notice can be found on the work, a legend stating that the work may be protected by copyright.		

Research or Study (Articles and Short Works)		
Who can copy?	Libraries or archives, including employees acting within the scope of employment.	§ 108(a); § 108(d)
	Conditions: The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	
What can be copied?	Single articles or other contributions to a copyrighted collection or periodical issue, including illustrations, diagrams, or similar adjuncts to works, from the collection of the institution or another qualifying institution.	
	One small part of other works, from the collection of the institution or another qualifying institution.	

	Conditions:	Only a single copy can be made. The work may not be a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with the news, but the copy may include pictorial or graphic works included as illustrations or other adjuncts to works otherwise allowed. (§ 108(i))	
Purpose of the copy?	For private study, scholarship, or research, by request of a user.		
	Conditions:	The library or archives must not have notice that the copy is for any purpose other than the permitted purposes.	
		The copy must become the property of the user. The reproduction and distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of copy?	Copies and phonorecords. See definitions below.		
Other provisions?	This provision permits reproduction and distribution.		
	The library must display prominently, at the place where orders are accepted, and include on its order form, a warning of copyright in accordance with regulations from the U.S. Copyright Office.		
	The copy must include the notice of copyright from the work, or if no such notice can be found on the work, a legend stating that the work may be protected by copyright.		

Research or Study (Entire Works)		
Who can copy?	Libraries or archives, including employees acting within the scope of employment.	§ 108(a); § 108(e)
	Conditions: The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	

What can be copied?	Entire works and substantial parts of works, including illustrations, diagrams, or similar adjuncts to works, from the collection of the institution or another qualifying institution.	
	Conditions:	Only a single copy can be made.
		The institution must first determine, on the basis of a reasonable investigation, that a copy of the work cannot be obtained at a fair price.
The work may not be a musical work, a pictorial, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with the news, but the copy may include pictorial or graphic works included as illustrations or other adjuncts to works otherwise allowed. (Section 108(i))		
Purpose of the copy?	For private study, scholarship, or research.	
	Conditions:	The library must not have notice that the copy is for any purpose other than the permitted purposes.
		The copy must become the property of the user.
The reproduction and distribution must be made without any purpose of direct or indirect commercial advantage.		
Medium of copy?	Copies and phonorecords. See definitions below.	
Other provisions?	This provision permits reproduction and distribution.	
	The library must display prominently, at the place where orders are accepted, and include on its order form, a warning of copyright in accordance with regulations from the U.S. Copyright Office.	
	The copy must include the notice of copyright from the work, or if no such notice can be found on the work, a legend stating that the work may be protected by copyright.	

Supplying Copies to Other Libraries (Interlibrary Loan)			
Who can copy?	Libraries or archives, including employees acting within the scope of employment.		§ 108 (g)(2)
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	
What can be copied?	Implicitly, works that may be copied consistent with § 108 or other provisions of the Copyright Act. This code section is explicitly about the ability of a library to receive copies; presumably the copies are lawfully made.		
	Conditions:	Section 108 generally bars systematic reproduction or distribution of copies, but that restriction does not prevent a library or archive from participating in interlibrary arrangements. ¹⁴⁸	
		The library or archives may participate in interlibrary arrangements that do not have, as their purpose or effect, that the library or archives receives such copies for distribution in such aggregate quantities as to substitute for a subscription to or purchase of such work. ¹⁴⁹	

¹⁴⁸ This provision is stated in the negative. It provides that “nothing in this clause” prevents the stated library activity. Implicitly, therefore, something else in the law could bar the activity, although that possibility has not been a realistic issue in the application of this statute.

¹⁴⁹ The responsibility for compliance with this requirement is not entirely clear. The restriction is a limit on the quantity that the receiving library may have. But the language of the statute sets the limit as a condition to a library’s participation in the arrangement. Thus, the statute is open to the interpretation that even the sending library must ascertain that the receiving library is within the limits. Indeed, the interlibrary loan forms that many libraries use call for the receiving library to specify that it is within the law, indicating to the supplying library that the transaction is within legal limits.

		This quantity restriction was interpreted by the CONTU Commission to mean in most cases not more than five copies of articles from a single journal during one year. ¹⁵⁰	
Purpose of the copy?	For receipt of materials through interlibrary arrangements.		
	Conditions:	The reproduction and distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of the copy?	Copies and phonorecords. See definitions below.		
Other provisions?	The copy must include the notice of copyright from the work, or if no such notice can be found on the work, a legend stating that the work may be protected by copyright.		

Copying During Final 20 Years of Protection			
Who can copy?	Libraries or archives, including employees acting within the scope of employment.		§ 108(a); § 108(h)
	Nonprofit educational institutions that function as a library or archives.		
	Conditions:	The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	
What can be copied?	Whole or parts of published works, during the last 20 years of any term of copyright.		
	Conditions:	Only a single copy can be made.	

¹⁵⁰ The CONTU (National Commission on New Technological Uses of Copyrighted Works) Commission report, and the guidelines it offered for copying of articles, can be found at: <http://digital-law-online.info/CONTU/contu1.html>.

		Based on reasonable investigation, the library has determined that each of the following conditions apply: (a) the work is not subject to normal commercial exploitation; (b) a copy cannot be obtained at a reasonable price; and (c) the copyright owner has not provided notice pursuant to regulations that either of the conditions set forth in (a) and (b) apply.	
Purpose of the copy?	For preservation, scholarship, or research.		
	Conditions:	The work may be reproduced, distributed, displayed, or performed for the allowed purposes.	
		The reproduction and distribution must be made without any purpose of direct or indirect commercial advantage.	
Medium of the copy?	In facsimile or digital form.		
Other provisions?	This provision permits reproduction, distribution, display, or performance.		
	This provision does not apply to any subsequent uses by users other than the library or archives.		
	Copy must include the notice of copyright from the work, or if no such notice can be found on the work, a legend stating that the work may be protected by copyright.		§ 108 (a)(3)

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	§ 1201 (a)(1)(A)
	Dealing in Devices?	Manufacturing, importing, offering to the public, providing, or trafficking in circumvention devices is prohibited.	§ 1201 (a)(2); § 1201 (b)
	Providing Services?	Trafficking in circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures that prevent access to a work or protect a right of the copyright owner.		§ 1201 (a)(2); § 1201 (b)

Exemptions that could be used by libraries?	Nonprofit libraries, archives, and educational institutions may gain access to a commercially exploited copyrighted work solely in order to make a good faith determination of whether to acquire a copy of that work for the sole purpose of engaging in conduct permitted by the copyright act.		§ 1291 (d)
	Conditions:	The copy may not be retained longer than necessary to make such a good faith determination.	
		The copy may not be used for any other purpose.	
		This exemption is only available where a copy of the work is not reasonably available in another form.	
		This exemption does not permit an institution to manufacture, import, offer to the public, provide or traffic in technological measures.	
		The collections of the library or archives must be open to the public or available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field.	

Miscellaneous		
Unsupervised Machines	Library or archives is not liable for infringements committed from the unsupervised use of reproducing equipment on the premises, provided that the equipment displays a notice that the making of a copy may be subject to copyright law.	§ 108(f)(1)
Limitation on Remedies	Statutory damages shall be remitted against a library or archive, or an employee or agent, who infringes a work by reproducing it in copies, if the infringer believed and had reasonable grounds for believing that the use was within fair use.	§ 504(c)(2)
Relationship to Fair Use	Nothing in Section 108 of the Copyright Act affects the right of fair use under Section 107.	§ 108(f)(4); § 108 (f)(2)
	Nothing in Section 108 excuses the user of a copy received from the library or archives, or made on equipment at the library or archives, from liability for infringement if the user's actions or uses of the copy exceed fair use.	

Relationship to Contracts	Nothing in Section 108 affects any contractual obligations assumed by the library or archives when it acquired a work for its collections.	§ 108(f)(4)
Audiovisual News	Nothing in Section 108 limits a library's or an archives' ability to reproduce and distribute by lending a limited number of copies and excerpts of an audiovisual news program, subject to Section 108(a), subsections (1), (2), and (3).	§ 108(f)(3)
Defined Terms	"Copies" are material objects, other than phonorecords, in which a work is fixed by any method now known or later developed, and from which the work can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "copies" includes the material object, other than a phonorecord, in which the work is first fixed.	§ 101
	"Phonorecords" are material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "phonorecords" includes the material object in which the sounds are first fixed.	
Source	Copyright Law of the United States (1976), as amended (consolidated version as of October 2007), available at http://www.copyright.gov/title17/circ92.pdf .	
Last edited:	12/17/07	

Uzbekistan

General Provisions (applicable to each form of copying listed below)		
Author's consent required?	No. The use is permitted without the consent of the author or other right owner.	Art. 27
Remuneration to author?	No. The use is permitted without paying remuneration.	
Provide name of author?	Yes. The use is permitted with the indication of the name of the author.	
Provide source of borrowing?	Yes. The use is permitted with the indication of the source of the work.	

Preservation and Replacement		
Who can copy?	Libraries and archives.	Art. 27
	Conditions: None.	
What can be copied?	Published works.	
	Conditions: Only a single copy can be made.	
Purpose of the copy?	For restoration or replacement of lost or damaged copies.	
	For providing copies to other libraries and archives that have lost the work from their collection for some reason.	
	Conditions: The purposes cannot be for profit-making.	
Medium of the copy?	Reprographic reproduction.	
Other provisions?	The reproduction is permitted on the condition that the use does not inflict unreasonable damage to the normal exploitation of the work and does not unreasonably infringe on the legitimate interests of the author.	Art. 24

Research or Study		
Who can copy?	Libraries and archives.	Art. 27
	Conditions: None.	
What can be copied?	Individual articles and small-size works that are published in collections, newspapers, and other periodical editions, including illustrations.	
	Short excerpts from published written works, including illustrations.	
	Conditions: Only a single copy can be made.	
Purpose of the copy?	For education and research, by the request of persons.	
	Conditions: The purposes cannot be for profit-making.	

Medium of the copy?	Reprographic reproduction.	
Other provisions?	The reproduction is permitted on the condition that the use does not inflict unreasonable damage to the normal exploitation of the work and does not unreasonably infringe on the legitimate interests of the author.	Art. 24

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		Art. 63
Prohibited Acts?	The Act of Circumvention?	The act of circumvention is prohibited.	
	Dealing in Devices?	Producing, distributing, lending, giving for temporary use, importing, or advertising circumvention devices is prohibited.	
	Providing Services?	Providing circumvention services is prohibited.	
Access Control or Owner's Rights Control?	Both. The provisions relate to technical measures used for protection from infringement; it includes access control and protection processes.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Personal Copying	Reproduction of published works is permitted for personal purposes without the right owner's consent and without paying remuneration; certain types of works are excluded.	Art. 25
Temporary Free Use	It is allowed without the author or other right holder's consent and without paying any remuneration to grant to libraries for temporary free use copies of works put into civil circulation in a legal way. Copies of the works shown in the digital form, including copies of the works provided by way of interlibrary loan, may only be granted for temporary free use on the premises of libraries on condition of making it impossible to copy these works in digital form.	Art. 26(7)

Source	Copyrights and Neighboring Rights Act of Uzbekistan (2006) ¹⁵¹
Last edited:	12/20/07

¹⁵¹ Translation from Russian to English provided by Jamshid Usanov, LL.M. class of 2007, Indiana University School of Law – Indianapolis.

Venezuela

Preservation and Replacement			
Who can copy?	Noncommercial libraries and archives.		Art. 44(4)
	Conditions:	None.	
What can be copied?	Works where the original is in the permanent stock of the institution.		
	Conditions:	Only a single copy can be made.	
		The copying for other libraries is only permitted insofar as it is not possible to acquire such a copy in due time and on reasonable terms.	
Purpose of the copy?	To preserve the originals and replace them in case of need.		
	To replace in the permanent stocks of other libraries or archives copies that have been mislaid, destroyed, or rendered unusable.		
	Conditions:	None.	
Medium of the copy?	Not specified.		

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None. ¹⁵²

Miscellaneous		
Personal Copying	Photomechanical reproduction for exclusive personal use is permitted for small parts of protected works or works out of print, subject to remuneration.	Art. 44(2)
Source	Law on Copyright of Venezuela, No. 4.638 (1993), available at http://www.wipo.int/clea/docs_new/pdf/en/ve/ve010en.pdf	
Last edited:	12/03/07	

¹⁵² Venezuela is a signatory of the WIPO Copyright Treaty, but the treaty has not yet entered into force in Venezuela.

Vietnam

Research or Study		
Author's consent?	No. The use is permitted without obtaining permission.	Art. 25 (1)
Remuneration to author?	No. The use is permitted without paying any royalties or remuneration.	
Provide name of author?	Yes. Persons and legal persons using the works must provide information about the name of the authors.	Art. 25 (2)
Provide origin of work?	Yes. Persons and legal persons using the works must provide information about the origins of works.	
Who can copy?	Not specified.	Art. 25 (1)(d')
	Conditions: None.	
What can be copied?	Published works.	
	Conditions: Architectural works, fine art works, and computer programs are excluded (Art. 25(3)).	
Purpose of the copy?	For archives in libraries for the purposes of research.	
	Conditions: None.	
Medium of the copy?	Any. See definition of "reproduce" below.	
Other provisions?	Persons' use of the works shall not affect the normal exploitation of the works or prejudice the rights of the authors or copyright owners.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.	Art. 28 (14)	
Prohibited Acts?	The Act of Circumvention?		No.
	Dealing in Devices?		Producing, assembling, altering, distributing, importing, exporting, selling or leasing a circumvention device.
	Providing Services?		No.
Access Control or Owner's Rights Control?	Owner's Rights Control. The provisions relate to technical measures taken by the copyright owner to protect the copyright to his works.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Defined Term	“Reproduce” is defined as the making of one or more copies of a work or a phonogram in whatever mode or form, including permanent or provisional backup of the work in electronic form.	Art. 4 (10)
Source	Vietnam Intellectual Property Law, No. 50/2005/QH11 (2005), available at http://www.ecap-project.org/fileadmin/ecapII/pdf/en/information/vietnam/ip_law2005.pdf	
Last edited:	12/07/07	

Yemen

Library Provisions (none)		
Library Provisions?	Yemen's Intellectual Property Law does not contain explicit library provisions.	
Other Provisions that Could be Used?	Personal use: Making benefit of a published work is permitted by reading it, quoting paragraphs or chapters from it, summarizing them for personal knowledge, or for using them in studies or research. Reference must be made to the work title, author's name, place and date of issue, and chapter, paragraph, or page number.	Art. 15

Anti-Circumvention of Technological Protection Measures	
Circumvention provisions?	None.

Miscellaneous	
Source	Law in Respect of Intellectual Rights of Yemen, No. 19 (1994)
Last edited:	12/04/07

Zambia

Preservation and Replacement			
Who can copy?	Libraries and archives designated by the Minister.		§ 21 (1)(j)
	Conditions:	None.	
What can be copied?	Items in the collections of the institution.		
	Conditions:	None.	
Purpose of the copy?	To preserve or replace the item by placing the copy in the permanent collection in addition to or in place of the item.		
	To replace in the permanent collection of another designated library or archive an item which has been lost, destroyed, or damaged.		
	Conditions:	With respect to replacing an item in another library, it must not be reasonably practicable to purchase a copy of the item.	
Medium of the copy?	Any. See definition of “copy” below.		

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 28(2)
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Making or importing for sale or hire a circumvention device is prohibited.	
	Providing Services?	No.	
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technical measures that prevent or control the reproduction of a work.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous			
Personal Copying	Fair dealing with a work for private study or research for non-profit purposes is permitted.		§ 21 (1)(a)
	Fair dealing with a performance or recording for private study or research for non-profit purposes is permitted.		§ 51 (1)(a)
Defined Term	“Copy” means a reproduction of a work or of an adaptation of a work, whatever the medium in which the reproduction is made or stored.		§ 2
Source	Copyright Act of Zambia, No. 44 (1994), available at http://portal.unesco.org/culture/en/ev.php-URL_ID=15503&URL_DO=DO_TOPIC&URL_SECTION=201.html		
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Research or Study			
Who can make copies?	Not specified. (Note: This provision is not explicitly for library copying but apparently could be used by a library for its users.)		§ 24
	Conditions:	None.	
What can be copied?	Works.		
	Conditions:	The use must be fair dealing. Reproduction does not constitute fair dealing if the person who reproduces the work knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time.	
Purpose of the copy?	Research or private study of a person.		
	Conditions:	None.	
Medium of the copy?	Any. See definition of “reproduce” below.		

Preservation and Replacement			
Who can copy?	Librarians and archivists.		§ 26(1)
	Conditions:	None.	
What can be copied?	Works in the permanent collections of the institutions.		
	Conditions:	The copying is not permitted where it is reasonably practicable to purchase a copy of the work rather than reproducing it.	
		Regulations may prescribe other circumstances in which copying is not permitted.	
Purpose of the copy?	To preserve or replace the work by placing the copy in the permanent collection in addition to or in place of it.		
	To replace in the permanent collection of another library or archive an item which has been lost, destroyed, or damaged.		
	Conditions:	None.	
Medium of the copy?	See definition of “copy” below.		

Research or Study (Unpublished Works)			
Who can copy?	Librarians and archivists.		§ 26(2)
	Conditions:	None.	

What can be copied?	Unpublished works in the permanent collections of the institutions.	
	Conditions:	No person may be supplied with more than one copy of the work.
		Copying is permitted where the owner of the copyright has not expressly prohibited copy of the work.
Purpose of the copy?	For research or private study, by request of a person.	
	Conditions:	The person must satisfy the librarian or archivist that he requires the work for the permitted purposes and will not use it for any other purpose.
Medium of the copy?	See definition of “copy” below.	

Anti-Circumvention of Technological Protection Measures			
Circumvention provisions?	Yes.		§ 129
Prohibited Acts?	The Act of Circumvention?	No.	
	Dealing in Devices?	Making, importing, exporting, selling, letting for hire, offering or exposing for sale or hire, or possessing a circumvention device is prohibited.	
	Providing Services?	Publishing information to enable persons to circumvent technological measures is also prohibited.	
Access Control or Owner’s Rights Control?	Owner’s Rights Control. The provisions relate to technical measures that prevent or restrict the making of unauthorized copies of a work or that impair the quality of copies made.		
Exemptions that could be used by libraries?	There are no explicit exemptions for circumvention.		

Miscellaneous		
Other Prescribed Dealings	Reproduction is also permitted as prescribed by regulation. The regulations must not permit reproduction that is in conflict with a normal exploitation of the work or that unreasonably prejudices the legitimate interests of the copyright owner.	§ 44
Levies	Regulations may establish levies on the use of an apparatus or process for reprographic copying by education institutions and libraries which reproduce or are likely to reproduce works.	§ 135

Orphan Works	The copyright is not infringed by the doing of anything at a time when, or pursuant to arrangements made at a time when, it is not possible by reasonable inquiry to ascertain the identity of the author and it is reasonable to assume that the copyright has expired or that the author died 50 years or more before the beginning of the calendar year in which the act is done or arrangements are made.	§ 27
Compulsory Licenses	The Minister of Justice, Legal and Parliamentary Affairs can provide for the issue of compulsory licenses permitted reproduction, publication, performance, or circulation by educational institutions of any work or for the translation of any work for the purpose of teaching, scholarship, or research or for use in a broadcast for any such purpose. Detailed conditions apply.	§ 135 (2)(b); § 135(4)-(5)
Defined Term	<p>“Reproduce” means to make a copy of a work in any manner or form, and includes storing the work permanently or temporarily in electronic form.</p> <p>“Copy”, in relation to—</p> <p>(a) a literary or musical work, includes a copy in the form of a record or an audio-visual work;</p> <p>(b) an artistic work, includes a version produced by converting the work into a three-dimensional form or, if it is already in three dimensions, by converting it into a two-dimensional form;</p> <p>(c) an audio-visual work or a broadcast, includes a still photograph made from the audio-visual work or broadcast;</p> <p>(d) an architectural work, does not include anything that is not a building or a model of or for a building;</p> <p>(e) any work, includes a copy held in electronic form and a copy made from a copy of the work.</p>	§ 2
Source	Copyright and Neighboring Rights Act of Zimbabwe, Cap. 26 (2000)	
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[End of Appendix and of document]