

 Respondent 105770[\[print\]](#)

Single response: Questionnaire on Limitations and Exceptions 2nd Round  
Respondent id: 105770  
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1. The answers to this questionnaire have been provided on behalf of:

Country	Mali
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2. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

1. Specific

3. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

1. Yes

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Pour que les limitations et exceptions puissent s'appliquer, l'oeuvre doit avoir été licitement rendue accessible au public, l'activité doit être gratuite, exclusivement effectuée dans un cercle de famille et ne donne pas de recettes, elle ne doit pas non plus nuire à l'exploitation normale de l'oeuvre. Article 25 et suivants de la loi 08-024 du 23 Juillet 2008 fixant le régime de la propriété littéraire et artistique au Mali.

4. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

1. Yes

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L'article 27 de la loi 08-024 du 23 Juillet 2008 prescrit que les analyses et courtes citations de celui qui les réalise, l'utilisation à des fins de comptes rendus d'actualité, d'enseignement et de recherche accompagnée de la mention de la source, sont permis sans autorisation des titulaires de droit.

5. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

2. No

6. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

2. No

7. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

1. Yes

Article 24 point b de la loi N° 08-024 du 23 Juillet 2008.

8. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

1. Yes

Il s'agit du versement de la rémunération perçue pour Copie privée. Article 132 et suivants de la Loi N°08-024 du 23 juillet 2008.

9. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

2. No

L'article 24 de la loi N° 08-024 du 23 juillet 2008 prescrit que lorsque l'oeuvre a été licitement rendue accessible au public, les limitations peuvent être envisagées.

10. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

1. Yes

11. Does your national statute protect technological measures?

1. Yes

12. Does your national statute protect rights management information?

1. Yes

13. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

1. Yes

14. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Mutisme de la législation

15. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on

the act of circumventing technological protection measures or rights management information?

2. No

16. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

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Mutisme

17. Does your national statute include limitations and exceptions especially for the use of computer programs?

2. No

18. Does your national statute provide limitations and exceptions for the temporary use of digital works?

2. No

19. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

2. No

20. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

2. No

21. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

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Mutisme

22. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)<sup>1</sup>, do you consider that the analysis is correct?

1. Yes

23. Does your national statute provide specific limitations and exceptions for educational purposes?

1. Yes

24. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

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25. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

2. No

26. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

2. No

27. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

2. No

28. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

1. Teachers
2. Students
3. Educational institutions

29. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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30. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

1. Yes

31. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

1. Reprography

32. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

1. Yes

33. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

2. No

L'article 33 de la loi N°08-024 du 23 juillet 2008 parle de la reproduction des articles, courtes oeuvres ou courts extraits d'un écrit, la reprographie des copies isolées d'une oeuvre etc.

34. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

2. No

35. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

1. Teachers
2. Students
3. Educational institutions
4. Others

La loi N°08-024 du 23 juillet 2008 ne fait pas de précision dans ce sens.

36. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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37. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

2. No

38. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

2. No

39. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

2. No

40. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

2. No

41. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

1. Teachers
2. Students
3. Educational institutions

42. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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43. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

2. No

44. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

2. No

45. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

2. No

46. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

2. No

47. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

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Mutisme

48. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

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49. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

2. No

50. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

2. No

51. If not, what other limitations and exceptions for educational purposes would be necessary?

52. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

1. Yes

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Nous constatons une certaine insuffisance de la loi nationale notamment dans la partie limitations et exceptions.

53. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)<sup>3</sup>, do you consider that the analysis is correct?

2. No

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Il s'agit uniquement des exceptions non encore pris en compte par la loi N° 08-024 du 23 juillet 2008.

54. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

2. No

55. What types of works may be reproduced for these purposes?

56. Does your national statute establish qualitative or quantitative limits for these purposes?

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57. What other conditions must be met in order for such reproduction to be authorized?

58. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

2. No

59. What types of works may be reproduced for these purposes?

60. Does your national statute include specific provisions regarding orphan works?

2. No

61. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

1. Yes

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Une intégration des limitations et exceptions en faveur des bibliothèques et des services d'archives dans la loi N° 08-024 du 23 juillet 2008 est possible.

62. If not, what other limitations and exceptions for libraries and archives would be necessary?

63. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

1. Yes

Un vide juridique est constaté dans la loi N° 08-024

64. Does your national statute establish qualitative or quantitative limits for these purposes?

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65. What other conditions must be met in order for such reproduction to be authorized?

Mutisme

66. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

2. No

67. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

1. Yes

L'article 33 de la loi N° 08-024 du 23 juillet 2008 prescrit des limitations et exceptions pour les bibliothèques et les services d'archives dont les activités ne visent pas directement ou indirectement un profil commercial. Il s'agit donc des limitations et exceptions destinées seulement à des fins d'enseignement ou de recherche scientifique.

68. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)<sup>4</sup>, do you consider that the analysis is correct?

1. Yes

69. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities<sup>5</sup> or visually impaired persons, including the reading impaired?

2. No

70. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

2. No

71. What other conditions must be met in order for such uses to be authorized?



72. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

2. No

73. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

2. No

74. Does your national statute specify the formats that fall under this exception?

2. No

75. What other conditions must be met in order for such uses to be authorized?

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76. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

2. No

77. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

2. No

78. Does your national statute specify the formats that fall under this exception?

2. No

79. What other conditions must be met in order for such uses to be authorized?

80. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

2. No

81. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

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82. If not, what other the limitations and exceptions for persons with disabilities would be required?

83. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

1. Yes

Un vide juridique est constaté dans la loi N°08-024

84. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

1. Yes

85. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

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86. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

2. No

87. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

2. No

88. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

2. No

89. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

2. No

90. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

2. No

91. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

2. No

92. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

2. No

93. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

2. No

94. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

2. No

95. Does your national statute provide any limitations or exceptions for reverse engineering?

2. No

96. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

2. No

97. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

2. No

98. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

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99. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

100. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

1. right of quotation
2. news reporting
3. ephemeral copies

101. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

1. Yes

Notre loi N° 08-024/AN-RM prévoit des limitations et exceptions à des fins de communication des discours politiques, des discours prononcés dans les débats judiciaires, de conférences, allocutions ; de fin de reproduction par voie de presse d'articles d'actualité politique, sociale, économique ou religieuse. Article 27 de la loi N° 08-024 du 23 juillet 2008.

102. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing

clauses on copyright and related rights exceptions and limitations?

2. No

103. If so, with which country or group of countries?

104. Please add any further comments and information you deem interesting for this questionnaire.

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La loi nationale N° 08-024 du 23 juillet 2008 est encore appelée, dans les années à venir, à être relue et renforcée notamment en ce qui concerne sa partie "limitations et exceptions".