

# **Order on the Right of Archives, Libraries, and Museums to Make Copies of Literary and Artistic Works, etc.**

## **- Order No. 876 of November 28, 1997**

Pursuant to section 16 of the Act on Copyright, cf. Consolidated Act No. 194 of March 11, 1997, the following rules are laid down:

1. The following archives, libraries, and museums (hereinafter: the institutions) shall, without the consent of the rightholders, be entitled to make copies of protected works, sound and moving pictures recordings, photographic pictures, and catalogues, etc. to be used for the purpose of their activities, in accordance with the rules stated below:
  - (i) State and local authority archives.
  - (ii) Public Libraries and other libraries, which are financed, in whole or in part, by public authorities.
  - (iii) State museums and museums approved in pursuance of the Museums Act.
  - (iv) Other archives, libraries, and museums, which, as decided by the Minister for Culture in each case, it is deemed justified and reasonable to compare with the above.

### **Copying for Preservation Purposes**

2. It is permitted to make archive copies of items in the institutions' collections to the extent required by considerations of preservation and security, including also copies of items produced pursuant to sections 3-5 of this Order.

### **Completion of Defective Works**

3. If a copy of a work or a composite work is incomplete, the institutions may make copies of the missing parts, in so far as the missing parts are of a small extent compared to the work, and a re-acquisition of the work is not possible on the market or from the publisher or publishing company.

### **Augmentation of Collections by Copying**

4. The scientific and special libraries serving as university libraries or main libraries for certain subject areas may make copies of published works, sound and moving pictures recordings, photographic pictures, and catalogues, etc. that should be available in the library's collections, but are not obtainable on the market or from the publisher or publishing company. Only one copy may be

made of each work, etc.

**5.** It is permitted to make copies of the works, etc. mentioned in section 1 in accordance with section 2(3) of Act No. 423 of June 10, 1997 on Legal Deposit of Published Works.

### **Copying for Research Purposes, etc.**

**6.–(1)** It is permitted to make single copies of items in the institutions' collections:

(i) For use in research.

(ii) For the purpose of handing out copies to other users, if it concerns single articles in composite works, newspapers, and periodicals, and short sections of books and other publications.

(iii) For the purpose of lending copies, which on account of the items' special value, rarity or poor durability, it is not deemed justified by the institutions to lend.

(2) Only one copy may be made available to the individual user.

(3) Notwithstanding the provisions of subsection (1) and (2), copies may be made only of non-published works, etc. which have been given to the institution by agreement or under a will, if not otherwise stipulated or deemed to be a precondition.

**7.** Copies made in accordance with this Order may be used only by individuals for personal consultation or study, including consultation or study by means of display reproduction and playing, within the institution at which the copying has taken place. However, it is permitted in paper form to hand out copies to individuals in accordance with section 6.

**8.–(1)** The right to make copies according to this Order does not comprise computer programs in machine-readable form.

(2) This Order does not limit the right to make copies in accordance with the provisions of the Copyright Act otherwise, including the institution users' right to make or have made copies for private use under section 12 of the Act.

### **Enforcement of Law**

**9.** Violation of the provisions of this Order may imply a violation of section 2 of the Copyright Act resulting in a penalty, damages and compensation in accordance with chapter 7 of the Act. In such cases the Minister for Culture may withdraw the right to make copies according to this Order from the archive, library or museum responsible for the violation.

### **Coming into Force, etc.**

**10.**—(1) This Order shall come into force on December 15, 1997.

(2) Decree No. 272 of July 21, 1962 on the Access to Photographic Copying of Literary and Artistic works, etc. by Archives, Libraries and Museums shall be repealed.

*The Ministry of Culture, November 28, 1997*

**EBBE LUNDGAARD**

/J. Nørup-Nielsen