

***Royal Decree on the Access to Photographic Copying
of Literary and Artistic Works, etc.
by Archives, Libraries and Museums****

(No. 272, of July 21, 1962)

In pursuance of section 12 of Act No. 158 of May 31, 1961 on Copyright in Literary and Artistic Works, and of section 6 of Act No. 157 of May 31, 1961 on Rights in Photographic Pictures, the following is hereby decreed:

Section 1. The following archives, libraries and museums are entitled, without obtaining permission from the author or photographer, to produce for use in their work, copies of literary or artistic works or of photographic pictures that are protected by copyright, in accordance with the rules indicated below:

The State Archives and archives coming thereunder

The Royal Library and other scientific and technical libraries which are wholly or partially operated by public authorities

County libraries and other libraries with full-time staff under the public library service

The National Museum

The State Museum of Art

Other archives, libraries and museums which, as decided by the Minister in each individual instance, may be justifiably and reasonably considered as being on the same footing as the above.

Copying for protection purposes etc.

Section 2.

(1) An archive, library or museum belonging under those mentioned in [section 1](#) may for lending purposes produce photographic copies of such material in its collection, the lending of which due to special value, rarity or fragility, is not considered justifiable for users of the institution in general. However, not more than two copies may be made unless there is very special reason to do so. As regards non-published works or photographs and manuscripts handed to the institution through agreement or bequest, the right to make copies is only valid if not laid down otherwise or such may be considered to be assumed.

(2) The institutions concerned may also, by microfilming or the like, produce archive copies of material in their collections to the extent required by considerations of protection and security.

Section 3. Photographic copies may be made, with a view for use in research or study, of single articles in a composite work, a newspaper or a periodical, and of short sections of books and other published writings. Only a single photographic copy of each article or each section may be delivered to the individual user.

Completing of defective works

Section 4.

- (1) If a copy of a work is incomplete, photographic copies may be made of the missing parts, including photographic pictures contained in the work, insofar as the missing parts are of slight extent as compared with the entire work, and re-purchase of the work is not possible in bookshops or from the distributor or publisher, or would entail an expense out of proportion to the completing of the work.
- (2) The production of missing volumes of a work coming out in several sections, and of missing pamphlets or volumes of a periodical publication and the like is only permitted when the volume or pamphlet concerned cannot be purchased separately in bookshops or from the distributor or publisher.

Augmentation of collections by photocopying

Section 5.

- (1) The scientific and technical libraries which function as university libraries or main library for a certain technical field may produce, when special occasion arises, photographic reproductions of a published work which should be available in the library collections but which cannot be purchased in bookshops or from the distributor or publisher. Only one copy may be produced of each work.
- (2) Similar provisions apply as regards the copying of protected photographic pictures.

Violation of the foregoing regulations

Section 6. In the event of violation of the regulations in this Decree the Minister may withdraw from the archive, library or museum responsible for such violation, the permission to produce copies pursuant to section 12 of the Copyright Act and section 6 of the Photography Act.