

Core library exceptions checklist

Library activities & services

COLLECTION DEVELOPMENT

- May a library buy lawfully produced books and other materials from another country for inclusion in its collection?
- May a library lend a physical book/CD/DVD to a library user, or to another library?
- May a library by law lend an e-book to a library user?

SUPPORT FOR EDUCATION AND RESEARCH

- May a library supply a copy of a work, such as a journal article or book chapter, either in hard copy or electronically, to a person for research or private use, or to another library?
- May a library send and receive such copies across borders?
- May a library create databases of collection materials, including e-resources managed by the library, to facilitate text and data mining by researchers?
- May a library provide copies of collection materials for use in virtual learning environments to facilitate distance learning?
- May a library digitize orphan works in its collection, and make them available online?

PRESERVATION AND REPLACEMENT

- May a library make copies of works in its collection in any format for preservation purposes or back-up, and provide access to these copies?
- May a library procure from another library the missing parts of any works in its collection?
- May a library web archive, i.e. preserve publicly accessible websites?

PERSONS WITH DISABILITIES

- May a library make an accessible format copy of a work and provide it to a person with a disability?
- May a library send and receive accessible format copies to and from other countries?

Cross-cutting issues

FORMAT NEUTRAL

- May a library make copies in any format, including digital copies?

SAFEGUARDING EXCEPTIONS IN THE DIGITAL ENVIRONMENT

- Are the exceptions granted to libraries in copyright law safeguarded from override by licence terms?
- Where legal protection is granted to technological protection measures (TPMs), may a library circumvent the TPM to avail itself of an exception to copyright?

LIMITATION ON LIABILITY

- Does the law protect librarians from being sued in the course of their duties?

A FLEXIBLE EXCEPTION

- In addition to any specific library exceptions, are library activities also supported by a flexible exception such as fair use or fair dealing?