

Copyright limitations and exceptions for museums: typology analysis

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Reference

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**COPYRIGHT LIMITATIONS AND EXCEPTIONS FOR MUSEUMS: TYPOLOGY
ANALYSIS**

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MUSEUM COPYRIGHT EXCEPTIONS:

TYOLOGY ANALYSIS

I. Introduction

This typology analysis of copyright exceptions for museum is intended to provide an in-depth examination of the **possible elements of copyright statutes**, in particular isolates those elements that have been included in relevant copyright statutes. In so doing, this analysis can **assist WIPO delegates** as they consider the terms of any guidance or instrument on these copyright exceptions. Further, it can be of **assistance to lawmakers in individual member states** when drafting new or revised statutes.

The following elements must be however emphasized:

- The typology chart does **not** pretend to be **exhaustive**. It selects main elements that have been included in the relevant copyright statutes, while other less relevant elements of copyright statutes and less frequent exceptions are set aside;
- **When museum is user**, exceptions **only** apply to **copyrighted works**, it being recalled that museums acquire and possess not only copyrighted works, but also non-copyrighted works (e.g. specimen, or raw data) and public domain works (i.e. works for which the copyright protection has expired);
- Exceptions may apply to both, **when museum is user** of copyrighted work (e.g. when a museum digitizes its collection for preservation and archival purposes), and **creator of copyrighted work** (e.g. when a museum produces exhibition catalogue which is per se a copyrighted work).

II. Structure of the Typology

This typology analysis is presented as a series of tables, with **each table** generally representing one **topic, concept, or activity** that is included in the construct of the law. For example, the first table examines the law on museum preservation services and activities.

Each table is **divided into four columns**. Reading the columns from left to right, they present a systematic means for conceiving and beginning to comprehend the possible structure and detailed elements of a statute. Beginning with the first table on museum preservation, the first column highlights the nature of the subject, with a brief description of the affected museum functions or services (e.g. make copies of artefact to prevent its deterioration). The second column tells the reader which rights of the copyright owner may be affected (e.g. reproduction right by copying the artefact). The third and fourth columns isolate and organize the detailed elements that appear in some statutes and related resources, and that a lawmaker may want to consider including in new legal instruments or need an on-going consideration.

The four columns may be described more fully as follows:

- **Column 1:** Category of Museum Functions or Services.

- General topic or description of the relevant statute or legal provision.
- Relevant museum functions or services or other activities affected by the provision.
 - “Museum functions” are daily activities of museums in order to achieve the core missions.
 - “Museum services” refer to activities provided by museums to and for the benefit of the users.
- **Column 2: Owner’s Rights Implicated.**
 - Rights of owners that are affected by the exercise of the exception.
 - Rights that are most directly affected are distinguished from those that are secondarily or less likely to be affected.
- **Column 3: Elements of Statutory Exceptions.**
 - Identifies detailed elements that may appear in relevant statutes, with the following characteristics:
 - Each element in Column 3 **defines the scope or conditions of the statute** and its application.
 - Most elements in Column 3 **appear frequently, or in a consistent manner** in the relevant statutes from any member state. For example, all of the countries that include the concept of “fragile” in their preservation statute use it as a condition under which a museum may make the preservation copy.
 - Some elements may be however set aside, if they appear to be less relevant than other elements in the relevant statutes from any member state, as the typology chart does not pretend to be exhaustive.
 - Based on the evidence from statutes in the member states, a country may choose to include the elements from Column 3 in their law, but interested parties are not likely to dispute how the terms will be included.
 - No one country is ever likely or expected to enact a statute that includes all of the elements from Column 3.
- **Column 4: Elements for Ongoing Consideration.**
 - Identifies detailed elements that may appear in relevant statutes, and that have the following characteristics:
 - Each element in Column 4 **defines the scope or conditions** of the statute and its application.
 - Most elements in Column 4 **appear infrequently**, or seldom in a consistent manner in the relevant statutes from any member state. For example, different countries may have an exception on the same topic, but they differ significantly on whether the museum may make a single copy or multiple copies.

- Because of the different view on some of these issues, these elements are identified as needing ongoing discussion and further consideration of their meaning and application. That consideration may be undertaken by WIPO delegates as they develop legal instruments, or that consideration may be undertaken by lawmakers drafting a statute for one country.

III. Context, Purpose, and Scope

Context of the typologies:

- Analysis of copyright statutes applicable to museums is presented in earlier SCCR meetings.
- Member States have enacted a wide range of relevant copyright statutes, addressing many functions and services that are important to museums and members of the public that depend on museums and their functions and services.
- The statutes, even on the same general issues, are highly diverse in their details.
- These statutes are in general guided only by the general concepts that constitute the Three-Step Test set forth in the Berne Convention and other international instruments.

Purposes of the typologies:

- To identify many of the leading topics and museums functions and services that are addressed in statutes of the Member States.
- To articulate the fundamental rights of the copyright owner affected by the individual copyright exceptions.
- To isolate the nuances and specific differences among the statutes and therefore the possibilities for drafting statutes or international instruments.
- To set forth major issues that remain unclear or generally unresolved and that may be the subject of future analysis or negotiation.

Scope of the typologies:

- This study focuses only on museums. While many of the issues presented here may be relevant to libraries, archives and other institutions, WIPO will be preparing and sharing with the member states additional studies that give specialized attention to the needs and circumstances of libraries, archives and other institutions.
- This study is based on existing statutes that are explicitly applicable to museum. As a result, it does not encompass issues and proposals that do not actually appear in the laws of member states.

IV. Topics of the Museum Typologies

The typologies on museum exceptions follow the table of the WIPO report on museum copyright practices and challenges of museums (SCCR/37/6) and include tables on the following topics:

- Preservation of works.
- Replacement of works.
- Archiving of works.
- Copies for study & research.
- Exhibition of physical works.
- Exhibition of time-based media works (“onsite display”).
- Photo-shooting taken by visitors on the museum premises.
- Online exhibition and making databases of collection and/or archival materials available to the public.
- Making available on terminals.
- Use of works for exhibition catalogue.
- Use of non-attributed works.
- General museum exception.
- Additional provisions and considerations for the exception(s).

TOPIC: Preservation of works			
Definition: Copyright exception authorizing museums to make reproductions and other uses of copyrighted works for the primary purpose of preserving the works.			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Preservation of works</p> <p><i>Museum functions:</i></p> <ul style="list-style-type: none"> • Copies to prevent loss. • Copies in response to loss. • Copies when the original work is too precious or too cumbersome to be easily exhibited. • Copies when the original work is too fragile and exhibition or loan may deteriorate its quality. • Completion of works to restore works in response to loss (damage or deterioration). 	<p><i>Primary:</i></p> <p>Reproduction</p> <p><i>Secondary:</i></p> <p>Circumvention (if the original is secured by TPM).</p> <p>Distribution (when originals are loaned by a museum to another museum for making copies for preservation purposes then returned to the museum).</p> <p>Moral rights (in case format shifting, and restoration).</p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> • Any works with no exclusion, or only some types of works if exclusion applies (e.g. literary and scientific works; published or unpublished works, or both). <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> • At risk of loss. • Damaged, deteriorating, lost, stolen. • Fragile. • Obsolete format or technology. • Rare works. • Cultural important works. • Replacement not available on the market at reasonable price within reasonable time (e.g. typically for photo, music, film, applied art). • Work must be in the collections of the museum. <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Preservation. 	<ul style="list-style-type: none"> • Application to digital technology. • No alteration of reproduced work. • Authorship requirement. • Whole or fragments of the work allowed to be made. • Permitted subsequent uses of the copies by the museum ("downstream uses"). • Simultaneous availability of the original and the copy. • Exception for museums to circumvent TPM.

		<ul style="list-style-type: none">• Restoration. <p><i>Conditions of Use:</i></p> <ul style="list-style-type: none">• Internal use.• Format shifting and digitization is explicitly allowed in some jurisdictions.• Restriction of number of copies; fixed (e.g. single copy; only up to 3 copies) or general-purpose approach (limited “to the extent of purpose” or to non-repeated and isolate reproduction).	
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TOPIC: Replacement of works			
Definition: Copyright exception authorizing museums to make reproductions and other uses of copyrighted works for the primary purpose of replacing a work (or a fragment of a work) that is missing from the museum collection			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Replacement of works</p> <p><i>Museum functions:</i></p> <ul style="list-style-type: none"> • Copies to replace works in the collection that have been damaged, etc.. • Copies to replace works that are at risk of damage, etc. • Copies to replace works that are in an obsolete format or technology. 	<p><i>Primary:</i></p> <p>Reproduction</p> <p><i>Secondary:</i></p> <p>Circumvention (if the original is secured by TPM).</p>	<p>Scope of Works: [See Preservation]</p> <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> • Damaged. • Deteriorating. • Lost. • Stolen. • Replacement not available on the market (if copying entire work). <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Replacement. • Add to collections. <p><i>Conditions of Use:</i> [See Preservation]</p>	<p>[See Preservation]</p>

<p>TOPIC: Archiving of works</p> <p>Definition: Copyright exception authorizing museums to make reproductions and other uses of copyrighted works for the primary purpose of archiving or documenting a work</p>			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Archiving/documentation of works</p> <p><i>Museum functions:</i></p> <ul style="list-style-type: none"> Copies to archive and document artefact or collection (i.e. for archival or document purposes). 	<p><i>Primary:</i></p> <p>Reproduction</p> <p><i>Secondary:</i></p> <p>Circumvention (if the original is secured by TPM).</p> <p>Making available /Communication to the public (if the work is shared online (e.g. internet or intranet)).</p>	<p>Scope of Works: [See Preservation]</p> <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> Work must be in the collections of the museum. Copies not available on the market at reasonable price within reasonable time (e.g. typically for photo, music, film, applied art). <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> Archiving/documentation <p><i>Conditions of Use:</i> [See Preservation]</p>	<p>[See Preservation]</p>

TOPIC: Copies for Study & Research			
Definition: Copyright exception authorizing museums to make reproductions and other uses of copyrighted works for the purpose of accessing and/or providing copies of the works for study and other activities by museum users.			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Copies of works for users for study and research.</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> • Fulfilling user requests for individual copies of specific works for personal use. • Copies for individual private study. • Copies and distributes works for educational purposes. • Copies to create educational materials or to organize educational workshops/events to the public. 	<p><i>Primary:</i></p> <p>Reproduction.</p> <p>Distribution.</p> <p><i>Secondary:</i></p> <p>Circumvention (if the original is secured by TPM).</p> <p>Making available /Communication to the public (if copies may be sent online).</p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> • Any works with no exclusion, or only some types of works if exclusion applies (e.g. literary and scientific works; published or unpublished works, or both). <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> • Work must be in the collections of the museum. • Reproduction not available on the market at reasonable price within reasonable time. <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Private study. • Private research. • Personal use. • School and educational purpose. • Teaching. • (Scientific) research. • Illustration/citation/quotation. <p><i>Conditions of Use:</i></p>	<ul style="list-style-type: none"> • Possibility of text and data mining (TDM). • Scope of users: limited to researchers/students, or else. • General exceptions, such as private study and research, personal use, use for educational purposes, quotation, applicable in this context. • Exception for museums to circumvent TPM. • Multiple requests for the same work. • Contractual terms restricting L&Es.

		<ul style="list-style-type: none">• Non-commercial use.• Attribution requirement.• Some jurisdictions explicitly prohibit further use by users of copies such as reproduction or communication to the public.• Some jurisdictions restrict number of copies (e.g. fragments of work; single copy only per user).	
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TOPIC: Exhibition of physical works			
Definition: Copyright exception authorizing museums to exhibit (loaned or acquired) copyrighted works for exhibition purposes, it being specified that this is <u>NOT an issue in most jurisdictions</u> (as the exhibition right is usually considered as arising from the physical ownership, and not as a copyright exception).			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Exhibition of works</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> Exhibition of museum works or collections onsite. 	<p><i>Primary:</i></p> <p>Public display (see also the note in the column 4 regarding the nature of the “exhibition right“)</p> <p>Moral rights (e.g. in case of unpublished works).</p> <p><i>Secondary:</i></p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> Any works with no exclusion, or only some type of work if exclusion applies. <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> If copies are exhibited, copies must be legally made. <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> Exhibition to the public at the premise of the museum. 	<ul style="list-style-type: none"> Nature of “exhibition right” (i.e. whether the exhibition right is (i) a L&E, (ii) included in the exclusive right of the rightholder, (iii) transferred via the physical ownership). Implication when cross-border lending of work.

TOPIC: Exhibition of time-based media works (<i>i.e.</i> art that is dependent on technology and has a durational dimension, such as video, slide, film, audio or computer based) (“onsite display“) Definition: Copyright exception authorizing museums to make reproductions and other uses of time-based media works for exhibition purposes (“onsite display“)			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Public performance of works onsite</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> Publicly perform works onsite during exhibitions or events (including by means of devices (video, audio, music, etc.) located onsite). 	<p><i>Primary:</i></p> <p>Reproduction</p> <p>Communication to the public (e.g. time-based media works exhibited in display rooms)</p> <p>Making available to the public (e.g. if time-based media works are available on devices, such as tablet)</p> <p><i>Secondary:</i></p> <p>Circumvention (if the original is secured by TPM)</p>	<p><i>Scope of Works:</i></p> <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> Works must be in the collections of the museum Works legally accessible to the public (through exhibitions, for example). <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> Public display of works for promotion of works at the premise of museum. <p><i>Condition of Use:</i></p> <ul style="list-style-type: none"> Non-commercial use. Use at the premise of the museum. Specific fragments of the work can be freely reproduced and displayed. 	<ul style="list-style-type: none"> Implications of extended collective licensing. Exception for museums to circumvent TPM. General exception of quotation applicable in this context.

TOPIC: Photos taken by visitors on the museum premises			
Definition: Copyright exception authorizing visitors to make reproductions and other uses of copyrighted works that are exhibited onsite, it being specified that almost <u>NO JURISDICTION</u> addresses this issue of photo-shooting expressly (which may be often addressed by the general exception of private use).			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Photo-shooting onsite.</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> • Allow the visitors to take photos on the museum premises. 	<p><i>Primary:</i></p> <p>Reproduction.</p> <p>Making available to the public (e.g. if the photo is then uploaded on internet).</p> <p><i>Secondary:</i></p>	<p><i>Scope of Works:</i></p> <p><i>Condition of the Works:</i></p> <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Reproduction for private purposes. <p><i>Condition of Use:</i></p> <ul style="list-style-type: none"> • Non-commercial use • Restriction of further use by users (e.g. only private use, or study purpose). 	<ul style="list-style-type: none"> • Implications of extended collective licensing. • Limitation of museum liability for subsequent uses by the visitors (e.g. when visitors upload the photos on social media) ("downstream uses"). • General exception of private use applicable in this context.

TOPIC: Online Exhibition and Making Databases of Collections and Archives Available to the Public			
Definition: Copyright exception authorizing museums to make collection and archival databases available to the public			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Making available archives of collections to the public online</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> Allows visitors to have access to and consult museum collections and/or archival database online (virtual exhibition). 	<p><i>Primary:</i></p> <p>Making available /Communication to the public.</p> <p><i>Secondary:</i></p> <p>Reproduction.</p> <p>Circumvention (if the original is secured by TPM).</p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> Any works with no exclusion, or only some types of works if exclusion applies. <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> Works must be in the collections. Works accessible to the public. <p><i>Conditions of Use:</i></p> <ul style="list-style-type: none"> Non-commercial use. Authorship requirement (in few jurisdictions). Specific fragments of the work can be freely reproduced and displayed. 	<ul style="list-style-type: none"> Application of open license (e.g. standardized licenses, such as Creative Commons or CC0) Restriction of quality of copies (e.g. thumbnail or low resolution images only). Restriction of scope of the type and amount of information contained in the database (e.g. only factual data not protected by copyright).

TOPIC: Making Available on Terminals			
Definition: Copyright exception authorizing museums to use copyrighted works in digital formats for the primary purpose of making the works available for viewing and other uses on terminals at the museum			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Viewing on Computer Terminals.</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> • Making and allowing access to digital copies via terminals at the museum. • Viewing digital copies on terminals on the premise of the museum. • Fulfilling user request for access to specific works. 	<p><i>Primary:</i></p> <p>Making available /Communication to the public.</p> <p><i>Secondary:</i></p> <p>Reproduction</p> <p>Circumvention (if the original is secured by TPM).</p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> • Any work. • Excluded types of works (e.g., computer programs). <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> • Works must be in the collections. • Works accessible to the public. <p><i>Conditions of Use:</i></p> <ul style="list-style-type: none"> • Non-commercial use. • Only by dedicated terminals located onsite. • Restrictions on ability of users to make further copies. • No making available to the public outside premise (Some jurisdiction requires TPM to prevent access to the works from outside). • Authorship requirement. 	<ul style="list-style-type: none"> • Implications of extended collective licensing. • Exception for museums to circumvent TPM.

TOPIC: Use of works for exhibition catalogue			
Definition: Copyright exception authorizing museums to make reproductions and other uses of copyrighted works for the primary purpose of producing and distributing exhibition or collection catalogues			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Use for exhibition catalogues</p> <p><i>Museum services:</i></p> <ul style="list-style-type: none"> • Produces and distributes exhibition catalogues 	<p><i>Primary:</i></p> <p>Reproduction</p> <p>Distribution</p> <p><i>Secondary:</i></p> <p>Making available /Communication to the public (if catalogue is available online)</p> <p>Circumvention (if the original is secured by TPM).</p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> • Any works with no exclusion, or only some types of works if exclusion applies. • Published works. <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> • Works exhibited or to be exhibited. • Works accessible to the public in the museum. • Works in the collection of the museum. <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Promotion/advertisement of exhibition or event. • Non-commercial use/depending on jurisdictions “at a cost not exceeding the price for making”, taking into account that a museum often sells catalogues to cover the production cost in practice. 	<ul style="list-style-type: none"> • Application to digital technology (few jurisdictions prohibit online catalogue expressly, while others extends the exception to online catalogues). • Scope of the exception beyond cataloguing (e.g. advertisement of exhibitions in press and TV). • Nullity or unenforceability of contracts contradicting statutory exception.

		<ul style="list-style-type: none">• Some jurisdictions require that catalogue must be edited by the museum.• Authorship requirement.	
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TOPIC: Use of non-attributed works			
Definition: Copyright exception authorizing museums to make uses of copyrighted non-attributed works.			
Category of Museum Function or services	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Statutory Provision:</i></p> <p>Use of non-attributed works</p> <p><i>Museum functions/services:</i></p> <ul style="list-style-type: none"> • Uses non-attributable works to fulfill museum's main activities. 	<p><i>Primary:</i></p> <p>Reproduction</p> <p>Making available /Communication to the public.</p> <p>Moral rights.</p> <p><i>Secondary:</i></p> <p>Circumvention (if the original is secured by TPM).</p>	<p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> • Any non-attributed works (<i>i.e.</i> works whose authors cannot be found or contacted), or only some types of works if exclusion applies (e.g. published or unpublished works). • Some jurisdictions encompass Traditional Cultural Expressions (TCE) (e.g. folkloric song). <p><i>Condition of the Works:</i></p> <ul style="list-style-type: none"> • Works must be in the collections of the museum, or come from a public institution (e.g. be produced by, or transferred to a public institution). <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Various depending on jurisdiction, including: <ul style="list-style-type: none"> ○ Preservation, digitization ○ Restoration 	<ul style="list-style-type: none"> • Qualification of non-attributed works (e.g. due diligent search standards) and related cost. • Implications of Extended Collective License (in particular type of uses and application to digital technology and uses). • Restriction of number of copies. • Presumption that the non-attributed work has been already published. • License granted by the CMO extended to the whole work, when the non-attributed work is incorporated into a multiple work. • Activities covered when condition of "non-commercial use" is provided.

		<ul style="list-style-type: none">○ Archiving and documentation○ Exhibition, online exhibition○ Exhibition catalogue○ Research and private study○ For museum to fulfil its mission of public interest.	
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TOPIC: Additional Provisions and Considerations to the (general or specific) Exceptions			
Definition: Additional statutory provisions and considerations that add general requirements to the exceptions.			
Scope of Museums	Rights Implicated	Elements of Statutory Exceptions	Elements for Ongoing Consideration
<p><i>Characteristics of Museums:</i></p> <ul style="list-style-type: none"> • Non-profit institution. <p><i>Type of Museums (depending on the organizational structure):</i></p> <ul style="list-style-type: none"> • Any Museum. • Public Museum. • Private Museum. • Mixed Museum. <p><i>Other Institutions within the Same Statute:</i></p> <ul style="list-style-type: none"> • Archives. • Libraries. • Any other non-profit institution. • Educational Institutions. • Research Centers. 	<p><i>Primary:</i></p> <p>Reproduction.</p> <p>Distribution.</p> <p>Making available/ Communication to the public.</p> <p><i>Secondary:</i></p> <p>Moral rights.</p> <p>Circumvention (if the original is secured by TPM).</p> <p>Adaptation and Translation</p>	<p><u>Regarding General Exceptions</u></p> <p><i>Scope of Works:</i></p> <ul style="list-style-type: none"> • Works in the collection of the museum. • Whole or fragments of works. • Exclusion of certain works, such as computer software and databases <p><i>Purpose of Use:</i></p> <ul style="list-style-type: none"> • Museum purposes only. • Regular museum activities. • Internal museum activities only. • Not for uses of works by museum users. <p><i>Conditions of Use:</i></p> <ul style="list-style-type: none"> • While a general museum exception does not specify any museum activities, it may include terms that condition or restrict application. 	<p><u>Regarding General Exceptions</u></p> <ul style="list-style-type: none"> • Some countries include terms from the Three-Step Test in the language of a general exception. • Application to digital technologies. • Extension to works under neighboring rights. • Need to advise users about responsibility for downstream uses. • May be subject to general remuneration to rightsholders. <p><u>Regarding Specific Exceptions</u></p> <ul style="list-style-type: none"> • Implications of extended collective licenses (ECL may or may not limit exceptions). • Number of copies permitted (single or multiple copies). • Copies made under the exception may be added to the museum collections. • Extension to works under neighboring rights. • Application to digital technologies. • Nullity or unenforceability of contracts contradicting statutory exceptions.

		<ul style="list-style-type: none"> • Single copy only, or number of copies limited to the needs of the purpose. • Specific service or action is not for any commercial advantage. <p><i>Regarding Specific Exceptions</i></p> <p><i>Removal of Conditions to Use:</i></p> <ul style="list-style-type: none"> • Consent of author or rightholder not required. • Remuneration to rightholder not required. <p><i>Conditions Affecting the Copy or Use:</i></p> <ul style="list-style-type: none"> • Include name of author. • Include citation to source of the work. • No alteration of the work. • Exception does not prejudice moral right of author (although some laws do apply the exceptions to moral rights as well as economic rights). <p><i>Conditions Affecting the Provision of Museum Functions and/or Services:</i></p> <ul style="list-style-type: none"> • Specific service or action is not for any commercial advantage. 	<ul style="list-style-type: none"> • Remuneration to rightholder (mandatorily provided, or prohibited by some jurisdiction). • Limitation of liability of museums in place of exception. • Liability for subsequent activity by user ("downstream use"). • Cross-border uses and its impact (e.g. foreign users). • Exception for museums to circumvent TPM.
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