

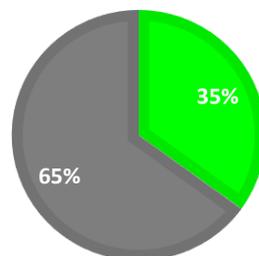
COPYRIGHT EXCEPTIONS AND LIMITATIONS IN ASIA-PACIFIC

WIPO Regional Seminar, Singapore, 29-30 April 2019

The studies produced by Professor Kenneth Crews (last updated in 2017) provide an overview of copyright laws for 40 countries in the Asia-Pacific Region. They cover key areas of library activity, giving a broad idea of where the types of copyright exception on which libraries rely exist – or not.

YES, AN EXCEPTION EXISTS: ■

NO, AN EXCEPTION DOES NOT EXIST: ■

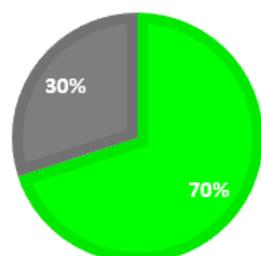


GENERAL LIBRARY
EXCEPTION

Can a Library Make Copies for General Library Uses?

Libraries need to take copies of works for a variety of internal purposes, such as organising their collections, insurance (in the case of more valuable works):

YES = 14, NO = 26



RESEARCH
EXCEPTION

Can a Library Copy Parts of Works for Research Purposes?

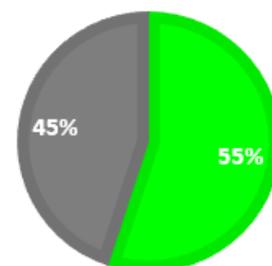
Libraries copy insignificant parts of works in order to help with their research. These allow researchers to carry out their work most effectively.

YES = 28, NO = 12

Can Users Copy Parts of Works for Personal Study?

Libraries help people pursue their interests and education by allowing them to take copies of insignificant parts of work, in line with fair practice.

YES = 22, NO = 18

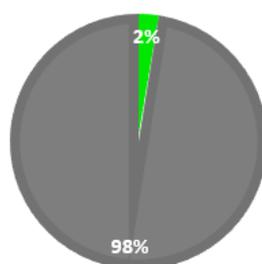


PRIVATE STUDY
EXCEPTION

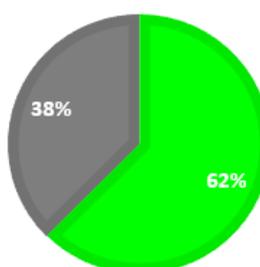
Can a Library Lend Books to the Public?

Library lending is a key means of giving people access to culture, and encouraging literacy and a love of reading. The evidence suggests that lending supports book-buying.

YES = 1, NO = 39



PUBLIC LENDING
EXCEPTION

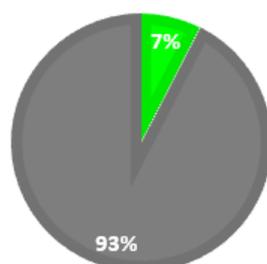


PRESERVATION
EXCEPTION

Can a Library Copy a Work to Preserve it?

Ensuring that a book, or recording survives usually requires copying. Preservation can involve a number of different processes related to copyright.

YES = 25, NO = 15



ORPHAN WORKS
EXCEPTION

Can a Library Copy and Give Access to Works when the Author is Unknown or Cannot Be Contacted?

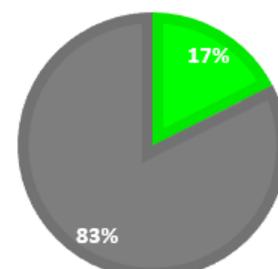
Libraries contain large numbers of 'orphan works', which risk being locked away for decades.

YES = 3, NO = 37

Can a Library Share a Copy of a Work with a Researcher in Another Library?

Libraries support researchers in other institutions by giving access to copies of rare or unique works on an ad hoc basis.

YES = 7, NO = 33



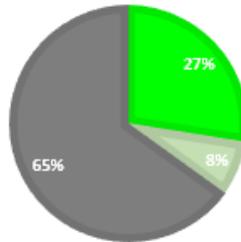
DOCUMENT SUPPLY
EXCEPTION

DOES IT WORK DIGITALLY?

Libraries are increasingly using the potential of digital tools to carry out their work. These tools have allowed for more effective preservation, faster research, new and exciting means of teaching, and more opportunities to access culture than ever before. However, copyright exceptions can stand in the way when they are not adapted, for example by limiting numbers of copies, or by allowing the terms of contracts, or digital locks, to prevent uses permitted in law.

Can a Library Take Digital Copies for Internal Library Work?

As libraries move to use digital tools to manage collections, including for the insurance and other purposes set out above, they need digital-ready exceptions.
YES = 11, NO = 29



DIGITAL GENERAL LIBRARY EXCEPTION

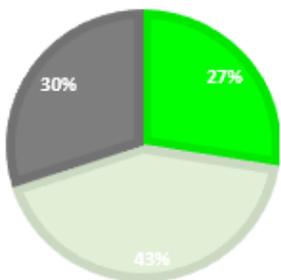
AN EXCEPTION EXISTS THAT IS ADAPTED TO DIGITAL USES: ■

AN EXCEPTION EXISTS, BUT ISN'T ADAPTED TO DIGITAL USES: ■

NO EXCEPTION EXISTS: ■

Can a Library Make Digital Copies of Works for Research?

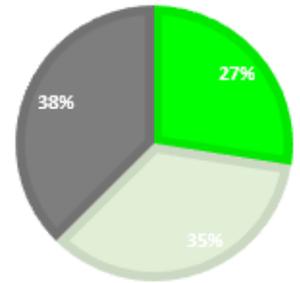
Libraries are keen to ensure that new techniques such as text and data mining, which involve digital copying, as well as to support researchers more flexibly.
YES = 11, NO = 29



DIGITAL RESEARCH EXCEPTION

Can a Library Make Digital Copies of Works for Preservation?

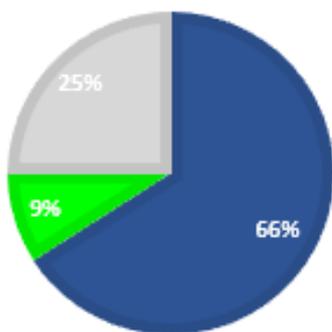
Digitisation offers an effective way of ensuring the possibility to access works into the future, as well as to record those at risk of disappearing forever because of physical damage.
YES = 11, NO = 29



DIGITAL PRESERVATION EXCEPTION

If a Digital Lock is Stopping a Library Doing its Job, Can it Get It Removed?

Articles, eBooks and other digital materials often come with 'digital locks'. These help prevent illegal activities, such as making and selling of copies (piracy) without permission. However, they can also prevent libraries from carrying out their missions. Many countries, however, do not give libraries any possibility to remove them.



- DIGITAL LOCKS CAN STOP LIBRARIES FROM USING EXCEPTIONS (29)
- DIGITAL LOCKS CANNOT STOP LIBRARIES FROM USING EXCEPTIONS (4)
- DIGITAL LOCKS ARE NOT PROTECTED IN GENERAL (11)

If a Contract Prevents a Library from Using an Exception, Does it Have to Apply It?

Libraries are often in a relatively weak position in negotiations to acquire digital materials. Either they have little scope to ask for greater rights or licensing contracts are 'shrink-wrap' (i.e. libraries must accept the terms, or cannot access the materials they want). However, to disapply contract terms, there need to be specific provisions.

LIBRARIES CAN DISREGARD TERMS THAT PREVENT USE OF EXCEPTIONS (1): ■

LIBRARIES CANNOT DISREGARD TERMS THAT PREVENT USE OF EXCEPTIONS (39): ■

