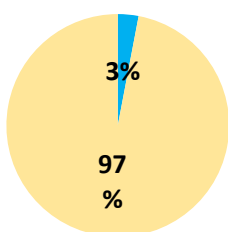


# COPYRIGHT EXCEPTIONS AND LIMITATIONS IN LATIN AMERICA AND THE CARIBBEAN

WIPO Regional Seminar, Santo Domingo, 4-5 July 2019

The studies produced by Professor Kenneth Crews (last updated in 2017) provide an overview of copyright laws for 33 countries in Latin America and the Caribbean. They cover key areas of library activity, giving a broad idea of where the exceptions on which libraries rely exist or not.

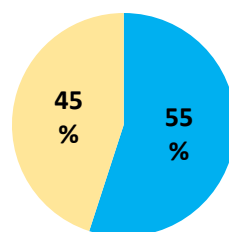
YES, AN EXCEPTION EXISTS: ■ NO, AN EXCEPTION DOES NOT EXIST: ■



GENERAL LIBRARY  
EXCEPTION

## *Can a Library Make Copies for General Uses?*

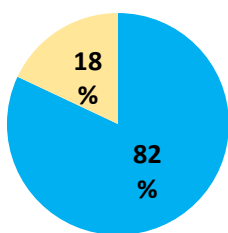
Libraries need to take copies of works for a variety of internal purposes, such as organising their collections, insurance (in the case of more valuable works):  
**YES = 1, NO = 32**



RESEARCH EXCEPTION

## *Can a Library Copy Parts of Works for Research Purposes?*

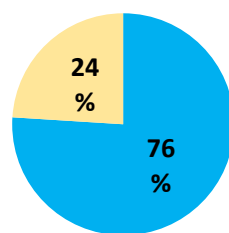
Libraries copy insignificant parts of works in order to help researchers. These allow them to carry out their work most effectively.  
**YES = 18, NO = 15**



PRIVATE STUDY  
EXCEPTION

## *Can Users Copy Parts of Works for Personal Study?*

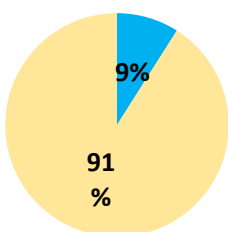
Libraries help people pursue their interests and education by allowing them to take copies of insignificant parts of a work, in line with fair practice.  
**YES = 27, NO = 6**



PRESERVATION  
EXCEPTION

## *Can a Library Copy a Work to Preserve it?*

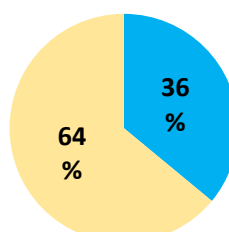
Ensuring that a book, or recording survives usually requires copying. Preservation can involve a number of different processes related to copyright.  
**YES = 25, NO = 8**



PUBLIC LENDING  
EXCEPTION

## *Can a Library Lend Books to the Public?*

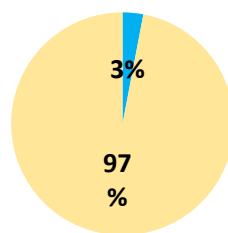
Library lending is a key means of giving people access to culture, and encouraging literacy and a love of reading. The evidence suggests that lending supports book-buying.  
**YES = 3, NO = 30**



DOCUMENT SUPPLY  
EXCEPTION

## *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 = 12, NO = 21**



ORPHAN WORKS  
EXCEPTION

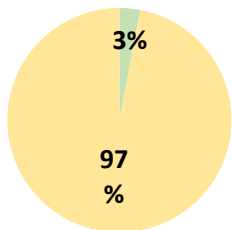
## *Can a Library Copy and Give Access to Works when the Author is Unknown or Cannot Be Contacted?*

Libraries contain large numbers of 'orphan works', which risk being locked away for decades.  
**YES = 1, NO = 32**

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# 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.

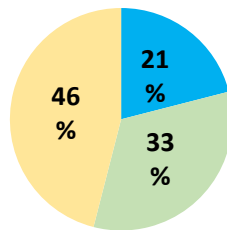


DIGITAL GENERAL LIBRARY EXCEPTION

## 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 = 0, NO = 33

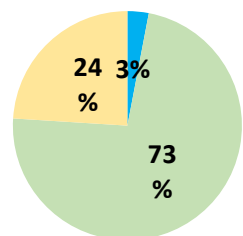


DIGITAL RESEARCH EXCEPTION

## 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, are available, to support researchers more flexibly.

YES = 7, NO = 26



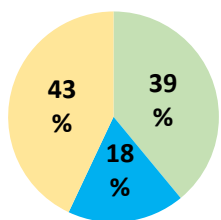
DIGITAL PRESERVATION EXCEPTION

## Can a Library Make Digital Copies of Works for Preservation?

Digitisation offers an effective way of ensuring the possibility to access works in the future, as well as to record those at risk of disappearing forever because of physical damage.

YES = 1, NO = 32

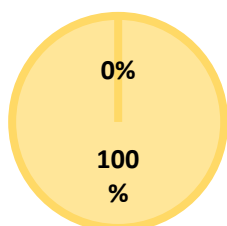
- AN EXCEPTION EXISTS THAT IS ADAPTED TO DIGITAL USES
- AN EXCEPTION EXISTS, BUT ISN'T ADAPTED TO DIGITAL USES
- NO EXCEPTION EXISTS



## If a Digital Lock is Stopping Me from Doing My Job, Can a Library 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 (13)
- DIGITAL LOCKS CANNOT STOP LIBRARIES FROM USING EXCEPTIONS (6)
- DIGITAL LOCKS ARE NOT PROTECTED IN GENERAL (14)



## If a Contract Prevents a Library from Using an Exception, is the Clause Applicable?

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 without infringing the contract, there need to be specific provisions.

- LIBRARIES CAN DISREGARD TERMS THAT PREVENT USE OF EXCEPTIONS (0)
- LIBRARIES CANNOT DISREGARD TERMS THAT PREVENT USE OF EXCEPTIONS (33)