

Library Exceptions

This table sets out the provisions under the Copyright Act relevant to the library sector. The library provisions are available to “prescribed libraries”, including the National Library, Parliamentary Library, certain educational and government libraries and other non-profit libraries prescribed under regulations.

Type of work	What you can do	Important limitations	Section
<p>Literary, dramatic, musical work: published book</p>	<p>Copying for library user’s research or private study purposes</p>	<ul style="list-style-type: none"> • No person can be supplied on the same occasion with more than one copy. • Copying must be at specific request of the individual user (or another prescribed library user) for their own purposes. The copy cannot be further copied. • Copying limited to a “reasonable proportion” of book or one article in a periodical. More than one article may be copied from the same issue if they relate to the same subject matter. • Includes artistic work only if included in work copied. • Library may charge no more than copying cost and a reasonable contribution to expenses. • Excludes computer programs. • When a <i>digital</i> copy is supplied, the librarian must give the user a written notice setting out terms of use of the copy. Any additional copy made in the digital copying process must be destroyed as soon as practicable. 	<p>51-53</p>

<p>Literary, dramatic, musical work: published book</p>	<p>Copying for collections of other prescribed libraries, where work unavailable for purchase</p>	<ul style="list-style-type: none"> • Librarian of other library must have been unable to obtain the work at an ordinary commercial price within preceding 6 months. Record of copying to be kept. • Copyright owner may inspect record and may request payment of equitable remuneration. • Includes artistic work only if included in work copied (not as a standalone image). • Excludes computer programs. • When a <i>digital copy</i> is supplied, any additional copy made in the digital copying process must be destroyed as soon as practicable. 	<p>54</p>
<p>Any item in library collection</p>	<p>Copying for preservation or replacement in own library</p>	<ul style="list-style-type: none"> • A copy (other than digital copy), may be made and placed in the library collection in addition to or in place of the item, but can only be made where not reasonably practicable to purchase a copy of the item to fulfil the purpose. • <i>Digital copy</i> can only be made for preservation in your own library if (a) the original item is at risk of loss, damage or destruction, (b) the copy replaces the original item (c) the original item is not accessible to the public (except if research requires access to original), and (d) it is not reasonably practicable to purchase a copy of the original item to fulfil the purpose. 	<p>55</p>
	<p>Copying for replacement of an item that has been lost, destroyed, or damaged in another prescribed library</p>	<ul style="list-style-type: none"> • A copy (other than digital copy), may be made only be made where not reasonably practicable to purchase a copy of the item to fulfil the purpose. • <i>Digital copy</i> can only be made for this purpose if it is not reasonably practicable to purchase a copy of the original item to fulfil the purpose. 	<p>55</p>

<p>Unpublished works</p>	<p>Copying for library user's research or private study purposes</p>	<ul style="list-style-type: none"> • Limitations as per ss 51 - 53. • Not allowed if copyright owner has prohibited copying. • Library may charge no more than copying cost and a reasonable contribution to expenses. 	<p>56</p>
<p>Digital work</p>	<p>Communication of a digital copy (e.g. via e-mail, onsite access, remote access) to authenticated library users</p>	<ul style="list-style-type: none"> • The librarian must have obtained the digital copy lawfully. • The librarian must ensure that that each user is given written information about copying and communication limits under the Copyright Act. • The <i>digital</i> copy must be communicated in a form that cannot be altered/modified. • The number of users able to access the digital copy at any one time is limited to the number of copies purchased or licensed by the library. • Can only be communicated to users who have a legitimate right to use the library services and can access the material only through a verification process (such as a user password). 	<p>56A</p>

Type of work	What you can do	Important limitations	Section
Anonymous literary, dramatic, musical, artistic work	Any use where identity of author unknown after reasonable inquiry	<ul style="list-style-type: none"> • Must be reasonable to assume that copyright has expired or that the author died at least 50 years ago. • Excludes Crown copyright. 	67
Literary work: abstract from scientific or technical article	Copying and issuing such copies to the public		71
Computer programs, sound recordings, films	Renting	<ul style="list-style-type: none"> • Must not be rented for the purposes of making a profit. • The work must have been put into circulation with the copyright owner's permission. 	79
Computer programs	Copying to make a back-up copy	<ul style="list-style-type: none"> • Copy must be made by or on behalf of the lawful owner of the original, for their sole use. Cannot back-up from an infringing copy. • Does not apply if contrary to any express direction of the copyright owner. 	80

Tāwhia Copyright Aotearoa does not provide legal advice, only general information on copyright issues. If you require expert or legal advice on copyright, you should seek the services of a legal professional. For more information please contact us.