

# FINAL QUESTIONNAIRE ON LIMITATIONS AND EXCEPTIONS

*prepared by the World Intellectual Property Organization (WIPO) Secretariat*

## INTRODUCTION

The WIPO Standing Committee on Copyright and Related Rights (SCCR) has agreed to address the issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and persons with disabilities, by exploring existing and proposed national laws on the subject, with a view to strengthening international understanding on exceptions and limitations.

During the 17<sup>th</sup> session of the SCCR held in November 2008, the WIPO Secretariat was requested to prepare a draft questionnaire regarding exceptions and limitations, with particular emphasis on the issues regarding education, libraries and persons with disabilities, for the consideration of Member States of the SCCR in the 18<sup>th</sup> session.

At the 18<sup>th</sup> session of the SCCR held in May 2009, it was agreed that delegations would send comments on the draft questionnaire (document SCCR/18/3) to the Secretariat. Based on those comments, the Secretariat would present a revised questionnaire.

In the conclusions of the 19<sup>th</sup> session of the SCCR held in December 2009, delegations were invited to send comments on the revised version of the questionnaire, or second draft questionnaire (document SCCR/19/2), to the Secretariat by January 8, 2010. On the basis of the comments and the discussions of the Committee, the Secretariat would finalize the questionnaire without any substantial changes in the content of the questions, and while retaining its seven chapters, and submit it to the Member States and the European Union by February 10, 2010 for replies.

### *Instructions*

The Secretariat presents this final questionnaire on limitations and exceptions and Member States are now invited to respond accordingly, via on-line or in paper form:

– On-line (preferred option): Replies may be provided by completion of the electronic form available on the WIPO website at <http://www.wipo.int/copyright/en/>. In order to access and complete the electronic form online, a general password has been created for all respondents: “LE2010”.

– Paper form: This copy is available in printable form from the aforementioned website and may be completed and sent to the International Bureau, c/o Copyright Law Division, WIPO, by post: 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; by facsimile: +41 22 338 907010; or by e-mail: [copyright.mail@wipo.int](mailto:copyright.mail@wipo.int).

Member States are invited to submit their replies by May 10, 2010. After that date, the questionnaire will no longer be available on the WIPO website.

The Secretariat shall prepare a consolidated paper for the Twentieth Session of the SCCR based on the information gathered from the replies to this questionnaire.

This final questionnaire comprises 103 questions distributed in seven parts:

- Part I on general questions on limitations and exceptions;
- Part II on limitations and exceptions for educational activities;
- Part III on limitations and exceptions for libraries and archives;
- Part IV on limitations and exceptions for persons with disabilities;
- Part V on questions relating to religious, social and cultural exceptions;
- Part VI on other questions regarding digital technology; and
- Part VII on general questions to cover areas left out in Parts I to VI.

This questionnaire is only intended as a tool for data collection to facilitate an analysis of the status of copyright limitations and exceptions in WIPO Member States. It is acceptable for respondents not to answer all questions, particularly when the available data does not allow giving an unequivocal answer to the questions.

When questions include the phrase “please describe,” respondents are encouraged to provide a citation for the statutory provision and/or governing court decision (if applicable) and any other additional description that supports their answer.

The answers to this questionnaire have been provided on behalf of:

Country: **Republic of Serbia** by

Name and contact information (including telephone and e-mail): Zorica Gulas,  
+381112025832, zgulas@zis.gov.rs

*Part I: General*

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

- Specific  
 Open  
 Mixed  
 Others, please describe:

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

- Yes  
 No  
 Partially, please describe:

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

- Yes  
 No

If yes, please describe: The Law of Copyright and Related Rights, Official Gazzete of Republic of Serbia, 104/2009) provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration) in next specific cases:

Article 42

A work of authorship may be reproduced and communicated to the public without the author's permission and without paying remuneration for the purpose of conducting an official procedure before a court or other state bodies.

Article 43

(1) In the scope of informing the public on current events with the means of the press, radio and television, it shall be permissible to make copies of a work, as well as to communicate the work in all other forms to the public without its author's permission and without paying remuneration, on the following conditions:

- 1) That the work has been disclosed;
- 2) That the work is appearing as an integral part of a current event about which the public is being informed;
- 3) That the reproduction of copies of the work and other forms of communicating it to the public are done only to the extent corresponding to the purpose and mode of informing on the current event.

(2) If the subject-matter of informing is a speech, oration or some other work of the same kind, the work involved may be reproduced and communicated to the public as a whole, without the author's permission and without paying remuneration.

#### Article 44

Short excerpts from the disclosed works may be reproduced without the author's permission and without paying remuneration if used for non-commercial purposes in the field of education, examination or scientific research.

#### Article 45

Public libraries, educational institutions, museums and archives shall have the right to reproduce works without author's permission and without paying remuneration, exclusively for their archival and non-commercial purposes.

#### Article 46

(1) Without prejudice to the provisions of Article 208, Paragraph 1, Items 4 and 5 of this Law, any natural person shall have the right to reproduce for personal noncommercial purposes a disclosed work without the author's permission and without paying remuneration.

(2) The copies referred to in Paragraph 1 of this Article shall not be placed on the market or be used for any other form of public communication of that work.

(3) The provisions of Paragraph 1 of this Article shall not apply to the following:

- 1) Recording of the performance, presentation or showing the work;
- 2) Three-dimensional realization of drawings for works of fine arts;
- 3) Constructed works of architecture;
- 4) Construction of a new building after an existing building, which is a work of authorship;
- 5) Computer programs.

(4) The author shall have the right of remuneration in accordance with the provisions of Article 39 of this Law for the use of its work in a manner prescribed by this Article.

#### Article 47

(1) If a work of authorship is a computer program, the person who has legitimately obtained a copy of that computer program for his/her own usual use, may do the following without its author's permission and without paying any remuneration:

- 1) Store the program in the computer memory and run the program;
- 2) Eliminate errors in the program, as well as make any other necessary changes in it, in accordance with its purpose, unless otherwise provided by contract;
- 3) Make a one back-up copy of the program on a lasting tangible carrier;
- 4) Decompile the program exclusively for the purpose of obtaining the data necessary for making that program inter-operational with some other independently developed program or some hardware, on condition that such data were not accessible in some other way and that decompilation is limited only to those parts of the program which are necessary to achieve interoperability.

(2) The data obtained in the way referred to in Paragraph 1, Item 4, of this Article may not be communicated to others or be used for other purposes, particularly for the purpose of developing or selling another computer program that would infringe on the copyright on the original one.

(3) Act referred to in Paragraph 1, Sub-paragraph 4 of this Article may be directly conducted by a person who has legally obtained a copy of a computer program, or by some other qualified person acting under his/her instructions.

#### Article 48

Any person shall have the right of temporary reproduction of the work of authorship without the author's permission and without paying any remuneration, under the following conditions:

- 1) Reproduction is transient or incidental,
- 2) Reproduction is an integral and essential part of a technological process,
- 3) Purpose of reproduction is to enable a transmission of data in a network between two or more persons through an intermediary, or to enable a lawful use of a work of authorship, and
- 4) Reproduction does not have independent economic significance.

#### Article 49

Short excerpts of a work of authorship may be reproduced or be communicated to the public (right of quotation), without the author's permission and without paying remuneration, on the following conditions:

- 1) The work has been disclosed;
- 2) The mentioned parts are integrated into another work without alterations, for the sake of illustration, confirmation or reference, with a clear indication that a reference is involved;
- 3) The name of the quoted author, the title of the quoted work and when and where the quoted work was disclosed or published are noted in a suitable place.

#### Article 50

(1) A broadcasting enterprise possessing the permission to broadcast a work may record it using its own facilities on a sound carrier or picture carrier or on a sound and picture carrier, for its own broadcasting purposes, without the author's permission and without paying any remuneration.

(2) The recording of the work referred to in Paragraph 1 of this Article shall be deleted within three months from the date on which such work was broadcasted at the latest.

(3) The recording referred to in Paragraph 1 of this Article may be retained in official public archives, if it has a documentary value.

(4) Any work recorded pursuant to Paragraph 1 of this Article may not be rebroadcast without author's permission.

#### Article 51

Any work that is permanently displayed in a street, a square or some other open public places may be reproduced in two dimensions and its copies thus made may be put on the market, as well as communicated to the public in some other way, without the author's permission and without paying remuneration.

#### Article 52

Displayed works may be reproduced in a suitable way and their copies thus made may be marketed, for the purpose of making public exhibition catalogues or conducting public sales, without the authors' permission and without paying any remuneration.

#### Article 53

(1) In shops, at trade fairs and other places where the operation of the sound and picture recording reproducing and transmitting devices is demonstrated, works may be reproduced on a sound and picture carrier and communicated to public therefrom without their authors' permission and without paying remuneration, though only to the extent necessary to demonstrate the operation of such devices.

(2) Any recording made pursuant to the provision of Paragraph 1 of this Article shall be deleted without any delay.

#### Article 54

For the needs of the persons with invalidity, it is allowed, without the permission of the author and without payment of the remuneration, to copy and distribute the work protected by copyright, if such a work does not exist in the required form, if its use is in direct connection with the invalidity of persons concerned and in the scope that is required by a specific kind of invalidity providing the copying and distribution has not been made for the sake of realizing direct or indirect commercial gain.

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes

No

If yes, please describe: our national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration) in next specific cases:

#### **Statutory License**

##### Article 55

(1) State bodies, educational institutions and public libraries shall have the right to reproduce excerpts of the works without the author's permission, with the obligation to pay the remuneration, for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium.

(2) Provision of Paragraph 1 of this Article shall not apply to sheet music.

##### Article 56

(1) The articles published in mass media may be reproduced, marketed or in other way communicated to the public by other mass media, without the author's permission, with the obligation to pay the remuneration, provided that such articles relate to current economic, political or religious issues and that such activity is not expressly forbidden by the author concerned.

(2) There shall be no obligation to pay remuneration if only small parts of commentaries or articles are used in the way referred to in Paragraph 1 of this Article in the form of a summary of several different commentaries or articles.

##### Article 57

Three-dimensional reproduction of works permanently displayed in the streets, squares and other open public places may be made and such copies may be marketed, without their authors' permission, with the obligation to pay remuneration, except in the following cases:

1) If the copy of a sculpture is obtained as a casting from the original mould, from which also the copy permanently displayed at an open public place or from a mould made by casting the sculpture;

2) If a building is built after an existing building;

3) If the product is formed after a work of applied arts.

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes  
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes  
 No

Please describe: our national statute include specific exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner provides in article 46. of Copyright Law. There is a quotation of appropriate Article:

#### Article 46

- (1) Without prejudice to the provisions of Article 208, Paragraph 1, Items 4 and 5 of this Law, any natural person shall have the right to reproduce for personal noncommercial purposes a disclosed work without the author's permission and without paying remuneration.
- (2) The copies referred to in Paragraph 1 of this Article shall not be placed on the market or be used for any other form of public communication of that work.
- (3) The provisions of Paragraph 1 of this Article shall not apply to the following:
  - 1) Recording of the performance, presentation or showing the work;
  - 2) Three-dimensional realization of drawings for works of fine arts;
  - 3) Constructed works of architecture;
  - 4) Construction of a new building after an existing building, which is a work of authorship;
  - 5) Computer programs.
- (4) The author shall have the right of remuneration in accordance with the provisions of Article 39 of this Law for the use of its work in a manner prescribed by this Article.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes  
 No

If yes, please describe: our national statute provide remuneration for private or personal uses. There is a quotation of appropriate Article of Copyright Law:

#### Article 39

- (1) The authors of works, which in view of their nature, can be expected to be reproduced for personal non-commercial purposes on sound, picture and text carriers (works of literature, music, cinematographic works and similar), shall have the right to remuneration on the basis of import and/or sale of technical devices and sound, picture and text carriers, for which it can be justifiably assumed that they shall be used for such reproduction.

(2) The remuneration from paragraph 1 of this article are paid by the producers of devices for sound or visual recording, producers of photocopying devices or other devices with the similar technology for multiplication, the producers of empty carriers of sound, picture and text, and in solidarity with them, the importers of devices for sound or visual recording, photocopying devices or other devices with the similar technology for reproduction and empty carriers of sound, picture or text, with the exception of the import of small amounts intended for the private and non commercial use, as part of the personal luggage.

(3) If the devices and items from paragraph 1 of this article are not produced in the Republic of Serbia, the remuneration is paid by the importer.

(4) The obligation for the payment of remuneration from paragraph 1 of this article originates:

1) at the first sale in the Republic of Serbia or import in the Republic of Serbia of new devices for sound or visual recording;

2) at the first sale in the Republic of Serbia or import in the Republic of Serbia, of empty carriers of sound, picture and text;

3) at the first sale in the Republic of Serbia or import in the Republic of Serbia, of new devices for photocopying or other devices with the similar technology of copying.

(5) In the case of copying works protected by copyright by photocopying or similar technology, apart from the right to remuneration from paragraph 1 of this article, the author has the right to remuneration from the legal or natural person providing commercial services of photocopying.

(6) Persons from paragraph 2 of this article do not pay remuneration for the:

1) technical devices and empty carriers of sound, picture and text if they are intended for export,

2) technical devices which are usually not used for the copying of works for personal non commercial purposes (for example, studio equipment and devices, dictaphone, and similar),

3) empty carriers of sound, picture and text applicable exclusively with technical devices from item 2 of this paragraph.

(7) Persons from paragraphs 2 and 5 of this article have an obligation, at the request of the organizations for collective management of copyright and related rights, to forward information on the type and number of sold or imported devices or carriers of sound, picture and text, as well as information on the number of photocopies made, as the ground for the calculation of compensation. Information obtained in such a way can be used by the organization only for the calculation of the remuneration and must not be used for any other purposes.

(8) Remuneration from paragraphs 1 and 5 of this article must be the fair compensation and the determination of its amount must take into account the probable damage suffered by the author when his work is copied without his permission for personal non commercial use, the application of technical measures of protection and other circumstances that can influence the correct calculation of the amount of this special remuneration.

(9) The authors may realize their right to remuneration from paragraphs 1 and 5 of this article only through the organizations for collective management of copyright and related rights.

(10) At the proposal of the bodies of government administration competent for the intellectual property matters (henceforward: competent body), with the previously obtained opinion of the body of government administration competent for the development of information society, the Government shall establish the list of technical devices and objects for which there is an obligation of payment of special remuneration under the conditions of paragraphs 1 to 9 of this article.

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?



- Yes  
 No

If yes, please describe: \_\_\_\_\_

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- Yes  
 No

If yes, please describe: Yes, but not for all limitations and exceptions, only for one specific case of limitation and exception which concerns the use of computer program. There is a quotation of appropriate Article of Copyright Law:

Article 47

(1) If a work of authorship is a computer program, the person who has legitimately obtained a copy of that computer program for his/her own usual use, may do the following without its author's permission and without paying any remuneration:

- 1) Store the program in the computer memory and run the program;
- 2) Eliminate errors in the program, as well as make any other necessary changes in it, in accordance with its purpose, unless otherwise provided by contract;
- 3) Make a one back-up copy of the program on a lasting tangible carrier;
- 4) Decompile the program exclusively for the purpose of obtaining the data necessary for making that program inter-operational with some other independently developed program or some hardware, on condition that such data were not accessible in some other way and that decompilation is limited only to those parts of the program which are necessary to achieve interoperability.

(2) The data obtained in the way referred to in Paragraph 1, Item 4, of this Article may not be communicated to others or be used for other purposes, particularly for the purpose of developing or selling another computer program that would infringe on the copyright on the original one.

(3) Act referred to in Paragraph 1, Sub-paragraph 4 of this Article may be directly conducted by a person who has legally obtained a copy of a computer program, or by some other qualified person acting under his/her instructions.

10. Does your national statute protect technological measures?

- Yes  
 No

11. Does your national statute protect rights management information?

- Yes  
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes  
 No

If yes, please describe:

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe:

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe:

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes  
 No

Please describe: There is a quotation of appropriate Article of Copyright Law:

Article 47

(1) If a work of authorship is a computer program, the person who has legitimately obtained a copy of that computer program for his/her own usual use, may do the following without its author's permission and without paying any remuneration:

- 1) Store the program in the computer memory and run the program;
- 2) Eliminate errors in the program, as well as make any other necessary changes in it, in accordance with its purpose, unless otherwise provided by contract;
- 3) Make a one back-up copy of the program on a lasting tangible carrier;

4) Decompile the program exclusively for the purpose of obtaining the data necessary for making that program inter-operational with some other independently developed program or some hardware, on condition that such data were not accessible in some other way and that decompilation is limited only to those parts of the program which are necessary to achieve interoperability.

(2) The data obtained in the way referred to in Paragraph 1, Item 4, of this Article may not be communicated to others or be used for other purposes, particularly for the purpose of developing or selling another computer program that would infringe on the copyright on the original one.

(3) Act referred to in Paragraph 1, Sub-paragraph 4 of this Article may be directly conducted by a person who has legally obtained a copy of a computer program, or by some other qualified person acting under his/her instructions.

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

Yes

No

Please describe: There is a quotation of appropriate Article of Copyright Law:

Article 48

Any person shall have the right of temporary reproduction of the work of authorship without the author's permission and without paying any remuneration, under the following conditions:

- 1) Reproduction is transient or incidental,
- 2) Reproduction is an integral and essential part of a technological process,
- 3) Purpose of reproduction is to enable a transmission of data in a network between two or more persons through an intermediary, or to enable a lawful use of a work of authorship, and
- 4) Reproduction does not have independent economic significance.

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

Yes

No

Please describe: \_\_\_\_\_

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

Yes

No

If yes, please describe:

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe:

*Part II: Limitations and Exceptions related to Educational Activities*

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)<sup>1</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

The analysis was correct at the time when it was published. From December 2009. Republic of Serbia has a new Law of Copyright and Related Rights.

22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes  
 No

Please list them:

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<sup>1</sup> For Latin American and the Caribbean countries, document SCCR/19/4. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130303](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303)

For African countries, document SCCR/19/5. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130241](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241)

For Arab countries, document SCCR/19/6. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130302](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302)

For Asian and the Pacific countries, document SCCR/19/7. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130249](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249)

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130393](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393)

Article 44

Short excerpts from the disclosed works may be reproduced without the author's permission and without paying remuneration if used for non-commercial purposes in the field of education, examination or scientific research.

Article 45

Public libraries, educational institutions, museums and archives shall have the right to reproduce works without author's permission and without paying remuneration, exclusively for their archival and non-commercial purposes.

Article 55

(1) State bodies, educational institutions and public libraries shall have the right to reproduce excerpts of the works without the author's permission, with the obligation to pay the remuneration, for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium.

(2) Provision of Paragraph 1 of this Article shall not apply to sheet music.

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
- Distance education
- Both

Please list them: \_\_\_\_\_

*On performances<sup>2</sup>*

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes
- No

If yes, please describe:

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<sup>2</sup> Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a "right of public performance" in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: \_\_\_\_\_

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit  
 Not-for-profit  
 Public  
 Private  
 Others. Please describe: \_\_\_\_\_

*On reproduction*

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe: national statute provide targeted limitations and exceptions allowing reproduction for educational purposes in next cases:

Article 44

Short excerpts from the disclosed works may be reproduced without the author's permission and without paying remuneration if used for non-commercial purposes in the field of education, examination or scientific research.

Article 45

Public libraries, educational institutions, museums and archives shall have the right to reproduce works without author's permission and without paying remuneration, exclusively for their archival and non-commercial purposes.

Article 55

(1) State bodies, educational institutions and public libraries shall have the right to reproduce excerpts of the works without the author's permission, with the obligation to pay the remuneration, for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium.

(2) Provision of Paragraph 1 of this Article shall not apply to sheet music.

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- Reprography  
 Digital copying  
 Others. Please describe: \_\_\_\_\_

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe: There is a quotation of appropriate Article of Copyright Law:

Article 55

(1) State bodies, educational institutions and public libraries shall have the right to reproduce excerpts of the works without the author's permission, with the obligation to pay the remuneration, for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium.

(2) Provision of Paragraph 1 of this Article shall not apply to sheet music.

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
- No

If yes, please describe: excerpts of the works, and short excerpts from the disclosed works.

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

- Teachers
- Students
- Educational institutions
- Others. Please describe: \_\_\_\_\_

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: \_\_\_\_\_

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: \_\_\_\_\_



*On translations*

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: \_\_\_\_\_

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit  
 Not-for-profit  
 Public  
 Private  
 Others. Please describe: \_\_\_\_\_

*On making available in digital networks*

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: \_\_\_\_\_

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: \_\_\_\_\_

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: \_\_\_\_\_

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
- No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: \_\_\_\_\_

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe: \_\_\_\_\_

*Part III: Limitations and Exceptions related to Libraries and Archives*

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)<sup>3</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

- Yes  
 No

Please describe: There is a quotation of appropriate Article of Copyright Law:

Article 45

Public libraries, educational institutions, museums and archives shall have the right to reproduce works without author's permission and without paying remuneration, exclusively for their archival and non-commercial purposes

54. What types of works may be reproduced for these purposes?

Please describe: all types of works.

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes  
 No

Please describe: \_\_\_\_\_

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: Reproduction has to be for archival and non-commercial purposes, and may not conflict with a normal exploitation of the work nor may unreasonably prejudice the legitimate interests of the author.

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<sup>3</sup> Document SCCR/17/2, page 72. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=109192](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192)

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes  
 No

Please describe: There is a quotation of appropriate Article of Copyright Law:

Article 55

(1) State bodies, educational institutions and public libraries shall have the right to reproduce excerpts of the works without the author's permission, with the obligation to pay the remuneration, for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium.

(2) Provision of Paragraph 1 of this Article shall not apply to sheet music.

58. What types of works may be reproduced for these purposes?

Please describe: \_\_\_\_\_

59. Does your national statute include specific provisions regarding orphan works?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: \_\_\_\_\_

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes  
 No

If yes, please describe: lack of information about the limitations and exceptions.

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes  
 No

Please describe: In this specific case of limitation and exception, Law aloud reproduction of excerpts of the works.

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: Reproduction has to be made for educational or scientific research purposes, by means of photocopying or using any other kind of photographic technique or similar technique with the similar results, on a paper or any other similar medium.

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes  
 No

Please describe:

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes  
 No

Please describe: Yes. There is a quotation of appropriate Article of Copyright Law:

Article 45

Public libraries, educational institutions, museums and archives shall have the right to reproduce works without author's permission and without paying remuneration, exclusively for their archival and non-commercial purposes.

*Part IV: Limitations and Exceptions for Persons with Disabilities*

**67.** If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)<sup>4</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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**68.** Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities<sup>5</sup> or visually impaired persons, including the reading impaired?

- Yes  
 No

Please describe: There is a quotation of appropriate Article of Copyright Law:

Article 54

For the needs of the persons with invalidity, it is allowed, without the permission of the author and without payment of the remuneration, to copy and distribute the work protected by copyright, if such a work does not exist in the required form, if its use is in direct connection with the invalidity of persons concerned and in the scope that is required by a specific kind of invalidity providing the copying and distribution has not been made for the sake of realizing direct or indirect commercial gain.

**69.** Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes  
 No

Please describe: There is a quotation of appropriate Article of Copyright Law:

Article 54

For the needs of the persons with invalidity, it is allowed, without the permission of the author and without payment of the remuneration, to copy and distribute the work protected by copyright,

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<sup>4</sup> Document SCCR/15/7, page 138. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=75696](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696)

<sup>5</sup> A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

if such a work does not exist in the required form, if its use is in direct connection with the invalidity of persons concerned and in the scope that is required by a specific kind of invalidity providing the copying and distribution has not been made for the sake of realizing direct or indirect commercial gain.

70. What other conditions must be met in order for such uses to be authorized?

Please describe: Conditions are: 1. If work does not exist in the required form; 2. if its use is in direct connection with the invalidity of persons concerned and in the scope that is required by a specific kind of invalidity; 3. providing the copying and distribution has not been made for the sake of realizing direct or indirect commercial gain.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes  
 No

Please describe: \_\_\_\_\_

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes  
 No

Please describe: Same limitation from Article 54. of Copyright Law is applicable for all persons with invalidity, including deaf persons.

73. Does your national statute specify the formats that fall under this exception?

- Yes  
 No

Please describe: \_\_\_\_\_

74. What other conditions must be met in order for such uses to be authorized?

Please describe: Conditions are: 1. If work does not exist in the required form; 2. if its use is in direct connection with the invalidity of persons concerned and in the scope that is required by a specific kind of invalidity; 3. providing the copying and distribution has not been made for the sake of realizing direct or indirect commercial gain.

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?



- Yes
- No

Please describe: \_\_\_\_\_

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes
- No

Please describe: Same limitation from Article 54. of Copyright Law is applicable for all persons with invalidity.

77. Does your national statute specify the formats that fall under this exception?

- Yes
- No

Please describe: \_\_\_\_\_

78. What other conditions must be met in order for such uses to be authorized?

Please describe: \_\_\_\_\_

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes
- No

Please describe: \_\_\_\_\_

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

- Yes
- No

If yes, please describe: \_\_\_\_\_

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: \_\_\_\_\_

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

Please describe: lack of information about the limitations and exceptions.

*Part V: Religious, social and cultural exceptions*

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes
- No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities
- Cultural Activities
- Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes
- No

If yes, please describe: \_\_\_\_\_

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
- No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes  
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes  
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

*Part VI: Other questions on digital technology*

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)  
 Caching infringing material  
 Storing infringing material at the direction of a user

- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
- Others. Please specify: \_\_\_\_\_

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify: \_\_\_\_\_

*Part VII: General questions to cover areas left out in Part I to VI*

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: \_\_\_\_\_

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes
- No

If yes, please describe: Other limitations and exceptions are described in answers on questions no. 3 and 4. of this questioner.

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- No

Please describe: \_\_\_\_\_

102. If so, with which country or group of countries?

Please describe: \_\_\_\_\_

103. Please add any further comments and information you deem interesting for this questionnaire.

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[End of questionnaire]