



## IMPACT OF THE COPYRIGHT LEGISLATION ON LIBRARIES IN LATIN AMERICA AND THE CARIBBEAN

### Integrated project IFLA LAC 2016

The IFLA Committee for Latin America and the Caribbean (IFLA LAC) is conducting the project “**Impact of the copyright legislation on libraries in Latin America and the Caribbean**” which aims at identifying and recording the main difficulties, problems and situations that libraries are facing in the work situation and when offering quality services in the digital era. For this integrated project we are inviting the Library association, or a college of librarians or the National Library from each country of the region (in this sequence).

We would like that all LAC National Libraries Associations play an active role in this research, by conducting the analysis of your country's situation, and finding examples, together with the national, public, university and specialized libraries, in order to present a report that summarizes the field research findings. If your Association does not have a Copyright Committee, and no member is proficient in the subject, you can invite an expert from outside your association to work with your team, or to completely take over the task.

The proposal has four phases:

(1) Organize a few meetings, in-person or virtually, with at least three or four information professionals who represent the various library types, and have a brainstorming session where each of the participants can talk about the problems, difficulties or situations created by the current copyright law of the country, which impact in the digital environment (there are 15 large areas of problems listed in **ANNEX A**.) This is the most important part of our survey. There are already many studies about the various copyright laws in almost all the Latin America and the Caribbean countries, but the problems faced by the libraries in their day-to-day activities are not documented. We suggest that all meetings be audio recorded, to help with later analysis.

(2) Based on the research questions listed in **ANNEX B** and the analysis of the results of the interviews, your team must prepare an article (following the model presented in **ANNEX C**) and send it no later than **May 10, 2016** to **iflalac.chair@gmail.com**. All teams that participate in this research will be automatically approved to present the paper in the Latin America and the Caribbean session during the IFLA 2016 Congress in Columbus, Ohio, U.S. Papers will be published in the Congress Proceedings and the IFLA Digital Library (<http://library.ifla.org/>). The guidelines for preparing the article and the important dates to keep in mind are presented in **ANNEX E**.

(3) We are looking for that all authors and countries of Latin America and the Caribbean present their results in our session during IFLA WLIC 2016, when we will present to participants a regional vision of team work and the possibility to crystallize wide-reaching cross-border strategies.

(4) Once the revision and new layout of the texts published and presented in the Congress is done, will be to invite everybody to contribute them to an eBook with the title “**Impact of the copyright legislation on libraries in Latin America and the Caribbean.**”

Finally, we want to let you know that the Technical Team of the LAC Integrated Project, particularly librarian/professor David Martinez from Colombia, is available to help you with any questions you may have about our research. David is our project's CONTENT FACILITATOR, the person you can address to solve specific questions about copyright or the Marrakech Treaty. His mission in this project is to secure the integration of the largest number of countries and teams in this work. Additionally, the Organizing Committee of the Latin America and the Caribbean session in the IFLA 2016 Congress is available to help with any questions you may have about your article and your participation in the Congress, specially Sonia Amaya León from El Salvador and Margarita Bellas from Cuba.

Associations or others institutions interested to work in this project, please contact us

Sincerely,

Sueli Mara Soares Pinto Ferreira  
IFLA LAC Standing Committee Chair



**INTEGRATED PROJECT IFLA LAC 2016**  
**"IMPACT OF THE COPYRIGHT LEGISLATION ON LIBRARIES IN LATIN AMERICA AND THE CARIBBEAN"**

**ANNEX A – QUESTIONS ABOUT PROBLEMS OR DIFFICULTIES OF LIBRARIES  
RELATED TO THE COPYRIGHT LAW**

This series of questions refer to the 15 large areas of problems or difficulties that a library may or may not find in the virtual environment, depending of its country's copyright law.

This ANNEX can be used in two ways:

- (1) If you want to have a wider appraisal of the situation, providing opportunity to professionals anywhere in your country, you can ask the questions using an online survey software. After that, you can ask to those who have more questions or commentaries to participate in a personal interview to tell about their problems in a practical way
- (2) Use these questions during personal interviews to at least three or four persons, in order to identify the main difficulties and doubts that they have about the problems in the large areas.

All the information and examples obtained with these questions (either via internet and personal interviews or only via personal interviews) are to be included in the **data analysis** section of your paper (**ANNEX C**)

**Questionnaire to learn about the difficulties/problems of libraries regarding copyright in Latin America and the Caribbean**

Your country: \_\_\_\_\_ Date: / /2016  
 Your email: \_\_\_\_\_  
 Your library type: (academic, national, public, school, etc.) \_\_\_\_\_

Guidelines and help: This questionnaire is based in the **Treaty Proposal on Limitations and Exceptions for Libraries and Archives**, available at <http://a.nomono.co/ep>

If you have any doubts about how to fill this form, don't hesitate to contact David Ramírez at [david@hiperterminal.com](mailto:david@hiperterminal.com)

**Multiple choice questions: please you must check ONE answers as in EACH column in all questions. (that means 2 answer by question.**

**(1) Parallel Importation**

Does your country have any law that allows libraries to import works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT import works not available in my country
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library imports works not available in my country
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**(2.1) Lending of Print Materials**

Does your country have a law that allows libraries to lend print works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT lend works without asking permission to the copyright owner
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library lends works without asking permission to the copyright owner
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
 \_\_\_\_\_



## (2.2) Lending of Digital Works

Does your country have a law that allows libraries to lend digital works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT lend digital works without asking permission to the copyright owner
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library lends digital works without asking permission to the copyright owner
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

## (3) Reproduction

¿ Does your country have a law that allows libraries to reproduce digital works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT reproduce works by digitizing or photocopying
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library reproduces works by digitizing or photocopying
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

## (4) Supply

Does your country have a law that allows libraries to supply digital works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT supply documents to users that cannot be physically present in the library
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library supplies documents to users that cannot be physically present in the library
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

## (5) Preservation

Does your country have a law that allows libraries to make preservation copies without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT make preservation copies of the documents it holds
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library makes preservation copies of the documents it holds
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_



### (6) Accessible Formats

Does your country have a law that allows libraries to transform works in a format which is accessible without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law <input type="checkbox"/> No, my country doesn't have such laws <input type="checkbox"/> Yes, my country has laws on this topic	<input type="checkbox"/> My library DOES NOT transform works in formats accessible to persons with disabilities <input type="checkbox"/> YES my library transforms works in formats accessible to persons with disabilities
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**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### (7) Out-of-print Works

Does your country have a law that allows libraries to copy out-of-print works for in-library use only without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law <input type="checkbox"/> No, my country doesn't have such laws <input type="checkbox"/> Yes, my country has laws on this topic	<input type="checkbox"/> My library DOES NOT have in its collections works that have been copied because they are out-of-print <input type="checkbox"/> YES, my library has in its collections works that have been copied because they are out-of-print
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**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### (8) Retracted and Withdrawn Works

Does your country have a law that allows libraries to provide access to retracted and withdrawn works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law <input type="checkbox"/> No, my country doesn't have such laws <input type="checkbox"/> Yes, my country has laws on this topic	<input type="checkbox"/> My library DOES NOT have in its collections works that have been withdrawn at the request of an author who retracted from the publication <input type="checkbox"/> YES, my library has in its collections works that have been withdrawn at the request of an author who retracted from the publication
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**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### (9) Orphan Works

Does your country have a law that allows libraries to reproduce, publish or use orphan works?

<input type="checkbox"/> I don't know if my country has a law <input type="checkbox"/> No, my country doesn't have such laws <input type="checkbox"/> Yes, my country has laws on this topic	<input type="checkbox"/> My library HAS NOT reproduced, published or used works whose authors are unknown or cannot be located after reasonable inquiry <input type="checkbox"/> YES, my library has reproduced, published or used works whose authors are unknown or cannot be located after reasonable inquiry
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**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### (10) Cross-border Uses

Does your country have a law that allows libraries to offer cross-border uses without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT provide materials to libraries in other countries
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, My library provides materials to libraries in other countries
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

### (11) Translations

Does your country have a law that allows libraries to translate works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT translate works without asking permission to the copyright owner
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> Yes, my library translates works without asking permission to the copyright owner
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

### (12.1 ) Legal Deposit of Print Works

Does your country have a law that allows legal deposit in the libraries ?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> There is NO legal deposit in my country
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, there is legal deposit in my country
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

### (12.2 ) Legal deposit of digital Works

Does your country have a law that allows digital legal deposit in libraries without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> In my country there is NOT digital legal deposit
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, there is digital legal deposit in my country
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_

### (13) Limitation on Liability for Libraries

Does your country have a law that allows libraries not to be liable for infractions to copyright when acting within the scope of their professional activities?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> Librarians and libraries in my country ARE NOT excepted from liability
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<input type="checkbox"/> No, my country doesn't have such laws	in cases of copyright infringement
<input type="checkbox"/> Yes, my country has laws on this topic	<input type="checkbox"/> Librarians and libraries in my country ARE excepted from liability in cases of copyright infringement

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### (14) Technological Protection Measures

Does your country have a law that allows libraries to circumvent technological protection measures without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT circumvent technological protection measures
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> YES, my library circumvents technological protection measures
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### (15) Data Mining

Does your country have a law that allows libraries to mine data from digital works without asking permission to the copyright owner?

<input type="checkbox"/> I don't know if my country has a law	<input type="checkbox"/> My library DOES NOT do data mining of its collections
<input type="checkbox"/> No, my country doesn't have such laws	<input type="checkbox"/> My library DOES data mining of its collections
<input type="checkbox"/> Yes, my country has laws on this topic	

**Att.: please choose one answer in each column.**

Comments / difficulties: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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### OTHER PROBLEMS OR COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**ANNEX B – GUIDELINES FOR WRITING THE “RESULTS” SECTION OF YOUR  
ARTICLE FOR WLIC 2016**

After the survey and interviews (**ANNEX A**) you will be ready to write the results section of your article (**ANNEX C**), by answering the questions that follow:

**Questions about copyright at the national and international levels**

1. Do the exceptions and limitations to copyright, as described in Kenneth Crews's text (see Sources - **ANNEX E**) correctly represent the current situation in your country? Are there other laws that allow libraries to provide services to users, and would it be useful that IFLA knew about them?
2. Are the libraries in your country aware of the initiatives related to the copyright reform which is happening in your country? Is there currently a public consultation? How could IFLA or other Latin American help about this?
3. What obstacles to the provision of services are the libraries in your country facing, as a result of your copyright law?
4. Can your team provide examples of services that are unavailable because of the copyright law, and which can explain why you need to reform it?

**Questions about the Marrakech Treaty**

1. Are the libraries aware of the current state of the ratification process of the Marrakech Treaty in your country? If they are not, can you obtain the information and provide it to us?
2. Regarding copying to accessible formats, can the libraries in your country create and distribute copies in your institution?

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**ANNEX C – MODEL OF THE ARTICLE FOR THE LAC SESSION IN WLIC 2016**

**If you have any doubts about how to prepare this paper, contact Sonia Amaya León or Margarita Bellas**

**TITLE** : (The title is the same for all countries. Please change only the name of the country)

**example BRAZIL: State of the libraries regarding copyright**

**Authors** (write the names of each author, their email and place of work)

example: FERREIRA, Sueli Mara S.P.- [sueli.ferreira@gmail.com](mailto:sueli.ferreira@gmail.com) - FEBAB/USP, Brazil  
FERRARI, Adriana -[drycaferrari@gmail.com](mailto:drycaferrari@gmail.com) - FEBAB, Brazil

**ABSTRACT (no more than 300 words)**

**Keywords:** no more than 5, separated by “;” semi-colon

**1 Introduction**

Write a short text about the copyright law in your country, the number that identifies the law, the date of the last modification to the law. Determine if there are limitations and exceptions for libraries. You can add anything that you consider relevant for the research.

**2 Objectives**

Map the situation of libraries in the digital environment, regarding the restrictions in the copyright law of **BRAZIL** (CHANGE TO the name of your country here) using a survey with representative members of the public, academic, school and other libraries.

**3 Procedure for data collection**

Describe how were the interviews conducted, how many people participated, how long they lasted, identify the libraries they represented and if the questions in **ANNEX A** were used and in what way

**4 Data analysis**

Analyze the information obtained, describe the types of problems that libraries brought to the discussion, according with **ANNEX A**.

**5 Results**

Based on the information analyzed, please answer the questions in **ANNEX B**.

**6 Conclusion**

Describe the conclusion of the national working team about the situation in your country: if there are no problems, if the law is adequate for the libraries or if it needs to be modified, what strategy to follow to modify it; if there are initiatives to modify the law, how does your association participate?, among other things that your team can or wants to comment.



**7 References**

List the references to cited documents in the text in APA format.

**INTEGRATED PROJECT IFLA LAC 2016  
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**ANNEX D - STATEMENT OF INTENT**

(PLEASE SIGN THIS STATEMENT AND SEND IT BY EMAIL to [iflalac.chair@gmail.com](mailto:iflalac.chair@gmail.com) y [david@hiperterminal.com](mailto:david@hiperterminal.com) )

**STATEMENT OF INTENT**

**INTEGRATED PROJECT IFLA LAC 2016 - " Impact of the copyright legislation on libraries in Latin America and the Caribbean "**

**YES, we will participate**

**NO we will not participate**

Institution:  
Email:  
Country:  
President / Director  
Email:

**If you answered YES, please provide information about the Work Team** (include all the names of your team):

Name:  
Email:  
Institution:

Name:  
Email:  
Institution:

Name:  
Email:  
Institution:

**COUNTRY, DAY, MONTH, YEAR**

**SIGNATURE AND FULL NAME**

**INTEGRATED PROJECT IFLA LAC 2016**  
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**ANNEX E - ADDITIONAL INFORMATION**

**IMPORTANT DATES**

- **FEBRUARY 12, 2016** – deliver the document in ANNEX D - Statement of Intent
- **MAY 10, 2016** – send the final texts to [iflalac.chair@gmail.com](mailto:iflalac.chair@gmail.com)
- **MAY 30, 2016** – authors will be notified of any changes needed in the article.
- **JUNE 15, 2016** – delivery of the finished text to the website de WLIC 2016.

**The final text to be presented during the IFLA LAC Session in WLIC 2016 must:**

- Be sent to [iflalac.chair@gmail.com](mailto:iflalac.chair@gmail.com) no later than **May 10, 2016**
- Must be between 2000 to 5000 words.
- Must be written in one of the official languages of IFLA (preferably English, French, German or Spanish).
- Each participant will have 7 minutes to present the work during the IFLA LAC Session in WLIC 2016.
- All the texts will be available on the WLIC 2016 website and the [IFLA Library](#) under a [Creative Commons Attribution 4.0](#) licence
- All authors of the approved works must complete the IFLA form [Authors' Permission Form](#) to be sent after May 30.
- The instructions to prepare the final text must be followed to the letter, as the texts will be published in the Congress Proceedings. These norms will be published in the month of March in <http://2016.ifla.org/programme/poster-sessions/instructions-for-accepted-posters>
- All expenses, including the registration in the WLIC 216 Conference, accommodation, plane tickets, etc., are to be covered by the authors/presenters. We do not provide economic support, but we can send special invitation letters to each author located at: [invitation letter](#)

**INTEGRATED PROJECT TECHNICAL TEAM**

- **Sueli Mara S.P. Ferreira** - Brasil – General Coordinator - [iflalac.chair@gmail.com](mailto:iflalac.chair@gmail.com)
- **Alicia Ocaso** - Uruguay - Expert in Copyright - [aocaso@gmail.com](mailto:aocaso@gmail.com)
- **David Ramírez** - Colombia – Facilitator of the project content (copyright and Marrakech Treaty) - [david@hiperterminal.com](mailto:david@hiperterminal.com)

**ORGANIZING COMMITTEE OF THE LAC OPEN SESSION DURING WLIC 2016:**

- **Sueli Mara S.P. Ferreira** - Brasil - - [iflalac.chair@gmail.com](mailto:iflalac.chair@gmail.com)
- **Margarita Bellas** - Cuba - [mbellas@bnjm.cu](mailto:mbellas@bnjm.cu)
- **Sonia Haydée Amaya** - El Salvador - [samaya@ufg.edu.sv](mailto:samaya@ufg.edu.sv)
- **Amada Marcos** - Spain - [amada.marcos@ie.edu](mailto:amada.marcos@ie.edu)

**REFERENCES**

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- Villarroel, L. (2011). Creando derecho: Guía para comprender el derecho de autor. Recuperado a partir de [www.innovarte.cl/creandoDerecho/wp-content/uploads/](http://www.innovarte.cl/creandoDerecho/wp-content/uploads/)

