

# A TREATY ON PRESERVATION OF CULTURAL HERITAGE

## **Article 1 Preservation of Cultural Heritage**

1. Contracting Parties shall provide for a limitation or exception to the right of reproduction in order to allow cultural heritage institutions to make copies of any works or other subject matter that are permanently in their collections, in any format or medium, for the purposes of preservation of such works or other subject matter and to the extent necessary for such preservation.
2. For purposes of this Treaty, “cultural heritage institution” means a publicly accessible library or museum, an archive, or a film or audio heritage institution.

## **Article 2 Access to Preserved Works**

Contracting Parties shall provide for a limitation or exception to the right of reproduction, the right of distribution, and the right of making available in order to allow cultural heritage institutions to provide access to preserved works in their collections as follows:

1. Cultural heritage institutions shall be permitted to provide on the premises access to copies in any format or medium.
2. Cultural heritage institutions shall be permitted to provide copies in any format or medium to persons for the purpose of private study, scholarship, or research.
3. Cultural heritage institutions shall be permitted to reproduce and make available to the public any work which is out of commerce, where no collective management organization exists that is broadly representative of right-holders in the relevant sector, and that holds relevant mandates from its members for the acts in question.

## **Article 3 Cross-Border Activities**

Contracting Parties shall provide that if a copy is made under a limitation or exception provided for in Article 1, that copy may be distributed or made available as provided in Article 2 in another Contracting Party.

## **Article 4 Common Provisions**

1. Contracting Parties shall provide that any contractual provision contrary to the limitations or exceptions provided for in this Treaty shall be unenforceable.
2. Contracting Parties shall take all appropriate measures, as necessary, to ensure that when they provide adequate legal protection and effective legal measures against the circumvention of effective technological measures, this legal protection does not prevent enjoyment of the limitations and exceptions provided for in this Treaty.