

Usage regulations of the Art Library of the National Museums in Berlin (Kunstabibliothek der Staatlichen Museen zu Berlin) from 8 November 2012

General Section

Preamble

According to Article 11, Paragraph 3 of the Law establishing a “Prussian Cultural Heritage Foundation” (“Preußischer Kulturbesitz”) and for the transfer of assets of the former State of Prussia to the Foundation from 25 July 1957 (BGBl I S.841 – Federal Law Gazette 1, Section 841), as amended by Section 3 of the Third Consolidation of Laws Act of 28 June 1990 (BGBl I S. 1222), the Board of Trustees has determined the following terms of usage and scale of fees for the Art Library, National Museums in Berlin – Prussian Cultural Heritage on 7 November 2012:

§ 1 General function

1. The Art Library is an institution of visual and media science of the National Museums of Berlin belonging to the Prussian Cultural Heritage Foundation. With its archaeological, art and cultural science libraries it supplies literature for science and research, teaching and studies as well as serving the literature requirements of authorities at regional, national and international level. Furthermore, its holdings, information facilities and services are available to everyone for professional work, general and further education.
2. The terms of usage and scale of fees regulate the Public Law relationship between the Prussian Cultural Heritage Foundation and the users of the Art Library, regardless of domiciliary rights and the house rules, and determine the possible types and forms of usage; instructions for use are available as written information or from the library information staff.

§ 2 User relationship, authorised users

1. The Art Library may be used by natural persons for those purposes named in § 1.
2. A user relationship regulated by Public Law exists between the Art Library and the users.
3. With his/her personal signature on the index card and by taking receipt of the library card, the user accepts the terms of usage and scale of fees as well as the house rules.

§ 3 Fees, charges

1. Use of the Art Library is free of charge.
2. An administration fee of EUR 70 will be charged for issuing a reply to an objection.
3. There will be a charge for the utilisation of certain services listed in the terms of usage and scale of fees. These charges will be notified in an appropriate manner.
4. The Art Library is entitled to charge fees in a cashless manner.

§ 4 Opening hours

The opening hours of the Art Library’s reading and study rooms will be notified in an appropriate manner. Reading and study rooms may be closed temporarily due to operational reasons. These times will be notified to the users – as far as possible – by a notice on a bulletin board in good time.

§ 5 Authorisation for use

1. Authorisation for use shall be effected by an application in person. The application form is to be signed in the presence of the library staff. Those authorized will receive a library card limited as to time.

2. User authorisation is subject to the following conditions:
 - a) Minimum age is 18;
 - b) A valid personal identity card or passport must be presented on application.
3. Authorisation does not entitle the users to use the Art Library on a particular day, respectively at a particular time. For operational reasons, advance notification may be required to use the reading and study rooms. Should all workplaces in a reading or study room be occupied, then these may be temporarily closed for use.
4. Upon application, personal data will be collected, insofar as these are required for the legitimate performance of the Art Library's tasks. These personal data will be treated in accordance with the regulations of the Federal Data Protection Act. With his/her signature on the application form, the applicant agrees to the collection and electronic storage of these data.
5. Changes in the data supplied upon authorisation, in particular a change of address, are to be notified to the Art Library immediately. Any disadvantages arising due to failure to comply with this obligation are to be borne by the user.
6. The library card remains the property of the library and is not transferable. Any unauthorized transfer of a library card will lead to exclusion from use of the library. The user is liable for any misuse of the card. The library card is to be presented for all borrowings as well as when entering the monitored area. The user is obliged to notify the library of the loss of the library card immediately. A replacement card will be issued when the conditions for authorisation are still met.

§ 6 General duties and liabilities of the user

1. The user is to sign the visitors' book at the information desk with his/her name and library card number before every visit. A single entry is sufficient when there are several visits in one day.
2. Every user is expected not to restrict other persons from carrying out their legitimate entitlements, not to hinder the user services and to treat library materials and collections as well as the furnishings with care. There is an obligation to comply with the conditions of these usage regulations and the instructions of the library staff.
3. It is in the interest of all users to respect the need for maximum peace and quiet, especially in the reading and study rooms. Food and drink may not be taken into the reading and study rooms, open access areas and catalogue areas. Eating, drinking and smoking are not permitted.
4. Animals may not be taken into the Art Library.
5. Outdoor clothing, folders, bags, umbrellas etc. are either to be handed in at the cloakrooms or deposited in the lockers in the foyer. The lockers must be emptied on closure of the reading and study rooms. The management reserves the right to open the lockers and examine their contents if there is a strong suspicion of a breach of the usage regulations.
6. Mobile telephones are to be switched off within the monitored area.
7. On leaving the reading room area all items, publications and other information media carried and the contents of carrier bags and smaller bags are to be produced at the exit check-out without being asked.
8. The user is obliged to check the state of the materials supplied on receipt and to report any damage. It is prohibited to mark, underline, make tracings, affix self-adhesive labels and make other changes. Utilisation of special collections is regulated by § 10.
9. The user is liable for damages to and loss of library materials, even when

he/she is not at fault. A replacement or a value replacement is to be made within a reasonable period of time.

§ 7 Supervision rights of the Art Library

1. Both the staff of the Art Library and third parties commissioned by the Art Library are authorised:
 - a. to request all users to show them the library card and an official identity card with photograph;
 - b. to request all users to produce the contents of folders, bags etc. as well as publications and other materials carried;
 - c. to check the materials present at the users' workplaces.
2. The library staff is authorised to take appropriate measures to ensure compliance with the usage regulations. Instructions from library staff are to be followed.

§ 8 Liability of the Art Library

1. The Art Library is not liable for damages which have occurred due to incorrect, incomplete or delayed services.
2. The Art Library is not liable for items taken into the monitored areas by the users. This does not apply to damages which can be attributed to wilful misconduct or gross negligence on the part of the Art Library or its staff.
3. In locations where there are cloakrooms and service personnel, the Art Library is not liable for the loss or damage to items handed in, merely for intent or gross negligence. Liability is limited to a maximum amount of EUR 1,000. Liability shall be excluded both for slight negligence and cash and other valuables.
4. Within the framework of statutory regulations on damages, the Art Library is liable for damages arising in individual cases in spite of the correct use of lockers. A prerequisite for this is that the user reports this to the authority responsible (which can be reached via any information desk) on the same day. No liability is accepted for cash and valuables as well as losses and damages arising from unauthorized entry into the lockers by third parties.

Usage and services § 9

Usage in the reading and study rooms

1. The Art Library is exclusively a reference library. The collections may only be used in the library's reading and study rooms. It is not permitted to take out items on loan.
2. The user locates the literature he/she requires in the catalogue and then orders this using the request forms on display, respectively online in the electronic library system. The books are handed out personally upon the presentation of a valid library card to the holder of this card. It is not permitted to pass borrowed books on to other users in the reading room.
3. Archive materials and collections, drawings, legacies, rare books, photographs, prints and other especially valuable holdings of the Art Library may only be used under supervision at the workplaces assigned for these.
4. An application on special forms stating the purpose of use and presentation of the library card, when appropriate a written reference, is required to use the holdings named in §9.3.
Additional provisions apply to the use of the study room in the Archaeological Centre, cf. §10.
5. Certain groups of holdings and individual pieces are subject to usage restrictions due to conservational, legal or other reasons. The library staff can provide information about the respective restrictions and conditions.
6. There exists no entitlement to a presentation of the Art Library's archive and

library materials and collections in the original form in which they were recorded. In the interest of preserving the holdings, use should be made of reproductions as much as possible.

7. The number of archive and library materials and collections can be limited for operational reasons.
8. Materials loaned out are to be handled appropriately since, as a rule, they are unique and irreplaceable.
9. Any damages or missing parts noticed are to be reported immediately to the lending desk.
10. Materials are to be returned to the lending desk on prolonged absences from the workplace as well as at the end of opening hours. Checks may be made on these for completeness and intactness in the presence of the user. Users who are allowed to compile a handheld device with the consent of the Art Library are not obliged to return it. On leaving the workplace for a long period and at the end of the opening hours, this is to be taken to the shelves provided for this at the entrance to the study and reading room and to be kept there until used again.
11. Article 5 Bundesarchivgesetz (BArchG) (Federal Archive Act) is to be correspondingly applied to the usage of archive materials. In accordance with Article 5, Para. 2 BArchG the user is responsible for tracing biographical data. Exceptions according to Article 5, Para. 5 BArchG require special consent of the party concerned.
12. The user undertakes to observe personal rights, exploitation rights and copyrights as well as the legitimate interests of third parties when using knowledge gained from archive materials, and to release the Art Library from liability on breaches of these.

§ 10 Usage of archive materials and collections of other departments of the National Museums in Berlin

The Art Library shares rooms for joint use with other departments at the National Museums in Berlin at the location in the Archaeological Centre of the Museum Island. The holdings of these departments (Egyptian Museum and Papyrus Collection, Collection of Classical Antiquities, Museum of Prehistory and Early History, Museum of the Ancient Near East, Central Archive and others, where appropriate) can be used in the reading room and study room in the Archaeological Centre. To use these holdings the user requires a library card from the Art Library and, in addition, must register with the department concerned. The terms and conditions of use of the respective department apply.

§ 11 Rules of use for IT workplaces

1. Using the IT workplaces and the WLAN infrastructure is only permitted with a valid library card of the Art Library.
2. The users indemnify the Art Library against any third party claims, insofar as these would be justified by using IT workplaces or the WLAN infrastructure. This particularly applies to claims concerning the infringement of copyrights.
3. The Art Library is not liable to the user for damages on files, respectively media carriers due to incorrect content of the media used, by using the IT workplaces, the WLAN infrastructure or the media provided here, or which arise from data abuse by third parties due to inadequate data protection on the internet. Liability for intent and gross negligence remains unaffected by this.
4. The Art Library disclaims warranties with regard to the functioning of the hardware and software provided by it, or the availability of the information and

media made accessible at these workplaces.

5. The user undertakes to comply with the provisions of criminal law, in particular the statutory provisions of criminal law and youth protection legislation, and neither to use nor distribute illegal information at the IT workplaces and in the WLAN infrastructure, not to manipulate files or programmes belonging to the Art Library or third parties, and not to use any protected data. It is prohibited to use or distribute pornographic information or information glorifying National socialism or violence via the IT workplaces, respectively in the WLAN infrastructure.
6. The user is liable for costs to make good any damages caused by using the equipment and media of the Art Library. The same applies to assuming costs for damages which have occurred due to passing on access authorization to third parties.
7. It is not permitted to carry out changes in the workplace and network configurations, to resolve technical problems independently, to install programmes at the workplace from data carriers brought in personally or from the internet or to use personal data carriers (e.g. USB sticks or portable hard drives) on the equipment.
8. Usage restrictions at the individual workplaces in respect of time or programmes are possible. Research time at the IT workplaces can be limited.
9. The user undertakes to observe copyrights of third parties on using the IT workplaces, respectively the WLAN infrastructure. Using the IT workplaces, respectively the WLAN structure for illegal purposes, in particular for the illegal provision or downloading of copyright-protected content on the internet, is prohibited. The Art Library's supervisory staff is entitled to make random checks to comply with these provisions.

§ 12 Information services

1. Specialist staff is available to users for consultation during opening hours. Consulting services are primarily concerned with directions of how to use the electronic and conventional library catalogues and other bibliographical aids.
2. The Art Library provides oral, telephone and written information services on the basis of its catalogue and holdings, insofar as this is permitted by work capacity. No liability will be accepted for the accuracy of the information. Bibliographies – e.g. for examination purposes – will not be drawn up by the Art Library.

§ 13 Making of reproductions for personal scientific use

1. On request the Art Library will make duplicate copies from its holdings and from works it has procured according to its capabilities - and insofar as this is possible due to the conservational condition of the materials. In respect of reproductions from vulnerable library materials, the Art Library will determine the procedure to be applied in each case.
2. A general right to have reproductions made or copying units made available (coin-operated copying machines, overhead scanners or the like) does not exist.
3. No photocopies may be made from works published before 1950 and from the library's special collections.
4. A charge will be made for making duplicate copies, the amount of which will be notified in an appropriate manner. A deposit or advance payment may be charged for requests. Duplicate copies requested, which are not collected, will be destroyed without compensation two months after they have been made available.

5. Copying of library materials on the copying and scanning machines available for self-service is only permitted on presentation of the materials and after consultation with the library staff.
6. Photographing, filming and scanning of library materials with personal equipment are only permitted with prior written consent.
7. The user is responsible for complying with copyright and personal rights provisions. On infringement of these rights he/she shall indemnify the Art Library from all liability.

§ 14 Making of reproductions from archive materials and collections

The relevant departments of the National Museums in Berlin decide on the making of reproductions from archive materials and collections (e.g. drawings, print holdings, collection objects, large-format works, archive, closing and legacy materials or the like) in each individual case on request. A general right to have reproductions made does not exist. Reference should be made to the respective usage regulations of the relevant departments. § 13 No: 7 shall apply correspondingly.

§ 15 Photography, film and video recordings

1. Taking photographs or making film or video recordings of archive materials or collections for commercial purposes is only permitted with prior written consent. This must be exclusively applied for via the bpk- Photo Agency Fine Art, Culture, History (Bildagentur für Kunst, Kultur und Geschichte), respectively via the press office of the National Museums in Berlin.
2. Applications must be made in writing to the General Management of the National Museums in Berlin to take photographs of the interiors of parts of the buildings and require prior consent.

§ 16 Publication requests

1. Written permission is required from the Art Library to publish complete texts and images from the Art Library's collections and archive holdings. Applications regarding this are to be directed to the Management of the Art Library. Quoting of individual text passages and the utilisation of facts identified are included in the usage permission. The Art Library must always be named in the publication.
2. A specimen copy in electronic or printed form of all works (essays, monographs, internet publications, degree, bachelor and master theses, dissertations etc.) ,which have been written using the collections and archive holdings of the Art Library to a significant extent, is to be deposited with the Art Library without being asked.
3. Insofar as rights arise in accordance with § 71 UrhG (copyright law) for the users through the publication of holdings, the user shall transfer these rights in full to the Prussian Cultural Heritage Foundation.

Final provisions

§ 17 Exemptions from the scope of application

1. The following are not regulated by these terms of usage and scale of fees:
 - a) Borrowing of archive, library and collection holdings for exhibitions and for official purposes;
 - b) Editing or producing facsimiles of archive, library and collection holdings;
 - c) Provision of reprint templates.
2. A special written agreement is required for these and other cases which exceed the framework of the terms of usage and scale of fees.

§ 18 Exclusion from use of the library

Should a user violate the provisions of these usage regulations seriously or

repeatedly, or the continuation of the user relationship become unacceptable due to the occurrence of special circumstances, then the user will be temporarily, permanently, partly or completely excluded from using the library. Exclusion from use of the library will be decreed in particular if materials are illegally removed from the Art Library or the usage regulations of the IT workplaces are violated. In particularly serious cases the Art Library has the right to prohibit persons from entering the library.

§ 19 Complaints procedure

Complaints are to be directed to the Director of the Art Library in written form.

§ 20 Legal validity

These terms of usage and scale of fees were determined for the Art Library, National Museums in Berlin on 7 November 2012 by the Board of Trustees of the Prussian Cultural Heritage Foundation and come into force on 8 November 2012.

These terms of usage and scale of fees are proclaimed by posting a notice on a bulletin board in the Art Library. Users may acquire a copy of the terms of usage and scale of fees free of charge on request.

Berlin, 8. November 2012

Art Library of the National Museums in Berlin – Prussian Cultural Heritage Foundation

The Director

Signed Prof. Dr. Moritz Wullen