

Staatsbibliothek zu Berlin
– Preußischer Kulturbesitz –

CONDITIONS OF USE

adopted 7 November 2012
effective from 2 January 2013

CONTENTS

Preamble

A General Section

§ 1 Purpose

§ 2 Legal relationship between users and library, reader pass

§ 3 Fees, charges

§ 4 Issue of Reader Passes

§ 5 General obligations and liability of users

§ 6 Supervisory rights of the State Library

§ 7 Liability of the State Library

B Use outside the State Library

§ 8 General borrowing regulations

§ 9 Borrowing and returning

§ 10 Lending period and renewal

§ 11 Reminders, acquiring replacements

§ 12 Reservations and notifications

C Use inside the library

§ 13 Using the reading rooms

§ 14 Use of special library materials

D External lending

§ 15 Lending to other libraries

§ 16 Borrowing from other libraries

E Other usage

§ 17 Information services

§ 18 Photocopying

§ 19 Supplying documents outside of regular lending for a fee

F Final provisions

§ 20 Limits to the application of these conditions of use

§ 21 Exclusion from using the library

§ 22 Commencement

Preamble

According to § 11 paragraph 3 of the Gesetz zur Errichtung einer Stiftung „Preußischer Kulturbesitz“ (Law establishing a Foundation “Prussian Cultural Heritage“) and for transferring assets of the former country of Prussia to the foundation from 25 July 1957(BGBI.I S. 841 (Federal Law Gazette I p 841) as amended by Article 3 of the Drittes Rechtsbereinigungsgesetz (Third Federal Legal Validation Act) of 28 June 1990 (BGBI p.1222), the Foundation Board has determined the following usage and fee regulations for the Berlin State Library – Prussian Cultural Heritage:

A General Section

§1 Purpose

The Berlin State Library – Prussian Cultural Heritage, hereafter referred to as the State Library is a public research library. It is a legally dependent institution of the Prussian Cultural Heritage Foundation. As a universal library it supplies literature for research, as well as providing the literature needed by government bodies at regional, national and international level in the execution of their duties. In addition its collections, information facilities and services are available to everyone for vocational work, and for general and further education.

1. The usage regulations regulate the legal relationships under Public Law between the Prussian Cultural Heritage Foundation and the users of the State Library, and define the possible types and forms of use; The general right of the library to ensure undisturbed possession (Hausrecht) and the house regulations, shall remain unaffected; guidance for use is available in the form of written information or from the library’s information staff.

§ 2 Legal relationship between users and library, reader pass

1. The State Library may be used by natural and legal persons, companies as well as government bodies, for one of the purposes mentioned in §1. Professorial chairs, institutes and similar organisational research and teaching units, being sub-units of universities and colleges, will only be admitted as independent users.

2. The legal relationship between the State Library and the user is governed by public law.
3. By entering the State Library or by using its services, the users accept the conditions of use and the fee and house regulations.

§ 3 Fees, charges

1. Use of the State Library is subject to a fee. The amount payable is set out in the State Library's scale of fees and charges.
2. There will be a charge for certain services listed in the conditions of use. The rates will be announced in an appropriate manner.
3. As a general rule fees and charges will be collected in a cashless manner.

§ 4 Issue of Reader Passes

1. Users must apply for a Reader pass in person or online. The application form must be signed in the presence of the library staff. If the application is granted, a reader pass with a photograph, issued for limited for a period of time, will be issued.
2. A reader pass will be issued to users who wish to borrow books or other materials **for use in the reading rooms and outside the library** under the following conditions:
 - a) Minimum age 16. Persons under 18 require written consent from a parent or guardian.
 - b) An official registered address in the Federal Republic of Germany. Additionally, persons who do not come from the member states of the European Union, or who are stateless, must produce their residence permit or proof of an employment contract with an employer within the EU, and this must be valid for at least another three months.
 - c) Presentation of a valid identity card, a passport or an electronically readable driving licence.
 - d) With regard to those users listed in §2 no. 1 who are not natural persons (legal persons, companies, authorities, professorial chairs, institutes and similar research and teaching sub-units of universities and colleges), applications must be made by an authorised signatory who can prove his/her identity by way of an identity card, passport, electronically readable driving licence or a company ID card.

- a) Advance payment of the utilization fee for either the period of one year or of one month.
3. The issue of reader passes to users who wish to borrow books **for use only in the reading rooms** is subject to the following conditions:
- b) Minimum age 16. Persons under 18 require written consent from a parent or guardian.
- c) Presentation of a valid identity card, a passport or an electronically readable driving licence.
- d) Advance payment of the utilization fee for either the period of one year or of one month.
4. Users under 18 are only allowed to use the internet workstations within the framework of existing youth protection legislation. The library intends to use suitable filter software to this end. The library may block internet access for underage persons on the grounds of youth protection.
5. Reader passes may be issued for a limited period. For users who present a residence permit, or who have to provide proof of an employment contract in the EU, borrowing authorization for outside the library ends automatically 30 days before expiry of the validity of the residence permit, respectively the end of the employment contract. It is possible to apply for a renewal of the authorisation. A prerequisite for a renewal is the full payment of any outstanding fees claimed by the State Library.
6. During the application process personal data will be collected, insofar as this is required for legitimate performance of the State Library's tasks. This includes, where available, e-mail address and the mobile phone number. Personal data will be handled according to the regulations of the Bundesdatenschutzgesetz (Federal Data Protection Act). Users' data will only be disclosed in the exceptional cases where this is required by law.
7. The State library must be notified immediately of changes to any of the information submitted in applying for a reader pass, in particular the address. Any disadvantages arising from failing to comply with this obligation will be borne by the user.
8. The library card remains the property of the library and is not transferable. Copies may not be made of the card. An unauthorized transfer of a library card can lead to exclusion from the use of the library. The user is liable for misuse of the card. The library card must

be presented every time the reader would like to borrow an item, as well as on entering the supervised area.

9. The State Library must be notified of the loss of the reader pass immediately. Until such time as the State Library is notified, full liability according to §5 paragraph 3 of these usage regulations remains in place.

10. A flat rate administrative fee according to the State Library's scale of fees and charges will be charged for issuing a replacement card.

11. The library will make its services available in the broadest possible way. Should certain services temporarily be wholly or partially unavailable, then the user cannot claim a refund (or part-refund) of the utilization fee.

§ 5 General obligations and liability of users

1. Users are expected not to restrict other users in their legitimate rights, not to hinder user services and to handle library material, as well as all fixtures and fittings with care. Users are obliged to comply with the provisions of these conditions of use, the house regulations as well as the instructions of the library staff.

2. Written entries and underlining, tracing and the use of self-adhesive notes, as well as any other alterations are prohibited.

3. Users are liable for any damage to or loss of library material which occurs during use, even if this occurs without their fault. Whenever the State Library is notified of a loss a flat rate administrative fee according to the scale of fees and charges will be charged. The obligation to return the object remains unaffected, even where a replacement copy has been acquired. The costs incurred for recovery or replacement, or costs to the amount of the established value will be charged to the user. Should a work reported as lost be subsequently returned, the library may, at its own discretion, relinquish either the original or the replacement to the user.

4. Outstanding fees claimed by the State Library must be paid in full. Part payment is not possible.

5. All obligations arising out of the conditions of use, the regulations regarding fees and charges, as well as the house regulations remain unaffected, even when the reader pass has expired.

§ 6 Supervisory rights of the State Library

1. The State Library is authorised to operate automatic checking devices.
2. The staff are authorised:
 - a) to require users to present the reader pass and an official identification document with a photograph;
 - b) to require users to show them the contents of files, bags etc., as well as publications and other material they have brought with them;
 - c) to check lockers and work booths when there is strong suspicion of a violation of the conditions of use or house regulations.
3. Furthermore, the staff are authorised on the grounds of youth protection to carry out occasional checks on a random basis on the internet sites requested and the internet protocol.

§ 7 Liability of the State Library

1. The library is not liable for damage arising from incorrect or incomplete services, or services delayed in time.
2. The library is not liable for any damage arising from the loss of the reader pass. This also applies in the event that the reader pass is used for other functions. Should a contracting partner of the library share the use of the electronic reader pass, then the general terms and conditions of the respective partner will apply. The library is not liable for the services of independent partners.

B Use outside the State Library

§ 8 General borrowing regulations

The collections of the State Library are available for borrowing, insofar as no restrictions are required due to conservational or legal reasons (cf. § 13 para 1, § 14 paras 1 and 3).

§ 9 Borrowing and returning

1. The State Library is authorised to limit the number of library materials loaned for use at any one time.
2. Materials ordered will be lent out on presentation of a valid reader

pass to the holder of that pass (cf. §4 paras 2 and 3).

3. Users are obliged to check the condition of the printed materials handed over to them on receipt, and to report damage, written comments and markings, as well as other alterations.

4. Where reserved books are laid out for collection on freely accessible shelves, it is not permitted to take books reserved for other users.

5. If a certain work cannot be made available to be taken outside the library (cf. § 13 para 1), then it will be made accessible in the general reading rooms, insofar as this is not precluded by § 14 para 1.

6. It is forbidden to lend borrowed books to third parties.

7. If users do not collect reserved works within the time limit set by the library and posted on a notice board at the collection points, the library will make alternative use of them. Ordering data will be deleted, order forms will not be saved.

8. Borrowed works must be returned without further notification and as soon as possible, at the latest, however, by the end of the lending period to one of the issuing points. If the State Library recalls a book, readers are obliged to return it even if the lending period has not expired.

9. On returning library materials personally or at an automatic point, users may receive a return receipt on request. Anonymous returns are at the user's own risk.

10. A flat rate administrative fee according to the State Library's scale of fees and charges will be charged for the loss of an individual data storage medium.

11. There are copyright specifications for making library material available, in particular in electronic form. The use of these may be subject to certain restrictions due to these legal provisions.

§ 10 Lending period and renewal

1. As a rule, the lending period is 30 calendar days.

2. As a rule, the lending period can be renewed if the work is not required by another user and the borrower has complied with his/her obligations to the library. The State Library will decide on the number of renewals possible depending on the type of the borrowed material. A renewal cannot be granted with a lending period that exceeds the validity of the reader pass.

3. Renewal of the lending period must be applied for online, or at the lending point, within 10 days prior to expiry of the loan.

§ 11 Reminders, acquiring replacements

1. Users who exceed the lending period or who do not comply with a request for return will receive a reminder in printed or electronic form. If this reminder remains unheeded for 10 days, then a second and, if necessary, a third reminder will be sent out after a further 10 days. Should a third reminder be unsuccessful after 10 days, then a fourth reminder will be sent out by registered post setting a limit of 10 days.

2. Reminders are subject to fees. The amount of the fees is set out in the State Library's scale of fees and charges. Reminder fees are due as soon as the reminder is entered into the library account.

3. The library will send the reminder to the current address or e-mail address provided by the user. If the reminder is returned as undelivered, it will be treated as if the reader had received it (cf. § 4 para 7).

4. If, despite a final reminder, a borrowed work is not returned, the State Library can initiate

a) an administrative enforcement procedure for the return of the borrowed work at the user's cost and

b) the acquisition of a replacement copy at the user's cost, once three months after the expiry of the lending period have elapsed.

5. The user remains obliged to return the work even when a replacement copy has been acquired. The costs incurred for recovery or replacement, or costs to the amount of the established value, will be charged to the user. Furthermore, a flat rate administrative fee will be charged per title according to the State Library's scale of fees and charges. Should a work reported as lost be subsequently returned, the library may, at its own discretion, relinquish the original or the replacement to the user.

6. If fees are not paid, an official notification of fees letter (Gebührenbescheid) may be issued at the user's expense according to the State Library's scale of fees and charges. As a legal remedy, an objection (Widerspruch) against the notification of fees letter may be lodged. If the State Library does not accept the objection, the President of the Prussian Cultural Heritage Foundation as the next

highest authority will decide at the user's expense by means of an official notification letter according to the State Library's scale of fees and charges. If the fees are still not paid, a recovery procedure for payment of the debts will be initiated. In doing so a flat rate administrative fee will be charged according to the State Library's scale of fees and charges.

7. Until all debts owed to the State Library have been paid, the users in question will be excluded from borrowing and other services.

§ 12 Reservations and notifications

1. Items lent out can be reserved, however not by the user who has currently borrowed these items.

2. The number of reservations may be limited by the library; the library may also temporarily suspend the possibility of reserving items entirely. Reservations which cannot be processed within a certain time limit will be cancelled. There is no guarantee that a reservation will be processed by a certain date.

3. If a reserved book is not collected within the time limit stated in the notification, the library may make alternative use of it.

4. A fee will be charged for a reservation made. The amount payable is set out in the State Library's scale of fees and charges.

5. Information on the current borrower of a book or a user who has made a reservation will not be disclosed to other users.

6. If postage is incurred for services carried out on users' instructions, this can be debited with the costs.

C Use inside the library

§ 13 Using the reading rooms

1. The following may generally only be used in the rooms of the State Library:

- a) publications published before or in 1955;
- b) works displayed in the reading rooms and other reference collections;
- c) works which are not permitted to be used unrestrictedly due to

- statutory or other legal provisions;
 - d) unbound works and other works requiring careful protection;
 - e) works with loose inserts;
 - f) large formats, newspaper volumes;
 - g) microforms, picture and sound storage media;
 - h) loose-leaf editions;
 - i) mathematical tables, art prints, illustrated books and works with photographs;
 - j) rare and valuable prints.
2. Works from the State Library's book stacks can be requested for use in the reading rooms. They must be returned after every use to the issuing point. Otherwise §§ 8–12 apply correspondingly.
 3. Works requiring special care may only be used in special areas.
 4. For publications published before or in 1800 and large format works, the library decides in which reading room these may be used, taking into account conservation aspects.
 5. Use of internet workstations is linked to the issue of a reader pass according to § 4 para 2 or 3. The regulations for internet use in the State Library must be accepted by confirming on screen.
 6. The use of the wireless network (wifi) made available by the State Library is linked to the issue of a reader pass according to § 4 para 2 or 3. The rules for using the wifi in the State Library must be accepted by confirming on screen before using the wifi for the first time.

§ 14 Use of special library materials

1. Manuscripts, papers, autographs, rare books, certain sheet music, atlases, maps, newspapers and other especially valuable collections managed by special departments may only be used in the allocated special reading rooms.
2. Users must apply to use these special materials in the corresponding special reading room and present their reader pass. Furthermore, the presentation of a valid identity card, a passport or an electronically readable driving licence may be required. In addition, the State Library may also request a written reference. Users must specify why they need to use the special materials.
3. Certain collection groups and individual pieces (e.g. cimelia, unique items, objects in an endangered state of conservation, deposits)

are subject to restrictions of use due to conservation, legal or other reasons. The supervising person will provide information about the restrictions and constraints.

4. Users must take special care with the items handed out to them since they are normally unique and irreplaceable. Users must take note of the instruction sheets provided in the special reading rooms. These leaflets are an integral part of these conditions of use.

5. The objects must be returned to the supervising person on leaving the study desk for a longer period and on closure of the corresponding special reading room. In the course of this an examination as to completeness and intactness may be made in the presence of the user.

D External lending

§ 15 Lending to other libraries

Loans to other libraries and the delivery of documents which may be retained at other libraries are made within the framework of German or international interlibrary loan terms, as well as according to the provisions of these conditions of use.

§ 16 Borrowing from other libraries

1. Works not available in the State Library may be ordered from other libraries at the user's expense within the framework of the provisions of German and international interlibrary loans.

2. The use of works procured from other libraries is subject to the provisions of the lending library as well as the regulations in force at the State Library.

E Other usage

§ 17 Information services

1. As part of its remit the State Library provides information and advisory services.

2. A charge may be made for the State Library's services (e.g.

literature research, research in external databases, material information among other things); the amount payable is set out in the respective list of charges.

3. Printouts from electronic sources are normally produced at the user's expense.

4. The State Library does not carry out valuations of books, maps and manuscripts.

§ 18 Photocopying

1. If users apply for them, the State Library will make photocopies from its collections and the works procured by it at the user's expense in as far as its resources and the conservational condition of the works allow. The library shall decide which procedure for reproducing material to apply in each respective case.

2. Reproductions and photocopies of manuscripts or of other collections deemed especially valuable by the library, as well as reproductions of illustrations are subject to special conditions and require the State Library's prior consent.

3. Users are as a rule permitted to photograph, film and scan library materials in the general reading rooms with their own equipment for their own non-commercial purposes. Photography, filming and scanning in special reading rooms and other special areas are only permitted with prior permission.

4. The users are responsible for complying with copyright regulations and the rights of individuals/privacy rights.

§ 19 Supplying documents outside of regular lending for a fee

Documents can be ordered from the State Library outside of regular lending against payment, e.g. within the framework of subitio. The library will decide on the manner of delivery on the basis of legal and conservational conditions.

F Final provisions

§ 20 Limits to the application of these conditions of use

1. These conditions of use do not apply to the following:
 - a) borrowing library material for exhibitions;
 - b) the editing, respectively production of facsimiles of manuscripts, incunabula and rara , as well as of old maps, plans or graphics;
 - c) supplying of reprint templates;
 - d) the shooting of films.
2. The General Terms and Conditions of the bpk – Bildagentur für Kunst, Kultur und Geschichte (Picture Agency bpk – Fine Art, Culture, History) and its price list in the respective applicable version apply to the production and duplication of photographs and other reproductions for commercial purposes on behalf of users. The State Library's explicit written permission is required for the production of photographs, films and other reproductions for commercial purposes by the users themselves. This also applies to any recording (photography, film) of the interior of the State Library. A charge may be made for granting this permission; permission may be made subject to conditions.
3. A special agreement is always required in these cases, and in cases which go beyond the scope of the conditions of use.

§ 21 Exclusion from using the library

Should a user seriously or repeatedly violate the provisions of the conditions of use, fee or house regulations, or if it cannot be reasonably expected to prolong the legal relationship with a user due to particular circumstances the State Library can, by means of a written decree, or an oral decree confirmed in writing, exclude this person temporarily or permanently from using the library. Any obligations arising from the conditions of use, fee and house regulations remain unaffected, even after the exclusion. The utilisation fee will not be refunded. By way of a legal remedy, an objection (Widerspruch) may be lodged with the State Library. If the State Library does not grant the objection, the President of the Prussian Cultural Heritage Foundation as the next highest authority

will decide by means of a notification, the costs of which will be charged to the user according to the State Library's scale of fees and charges.

§ 22 Commencement

These conditions of use for the Berlin State Library were adopted on 7 November 2012 by the Prussian Cultural Heritage Foundation and are effective from 2 January 2013.

I hereby give notice of the aforementioned regulations.

Berlin, 21 December 2012

Berlin State Library
Prussian Cultural Heritage

The General Director
signed Barbara Schneider-Kempf