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**Bibliothèque nationale suisse BN**

# Regulations on the Use of the Swiss National Library (NL)

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# Regulations on the Use of the Swiss National Library (NL)

*In accordance with the Ordinance of 14 January 1998 on the Swiss National Library (Swiss National Library Ordinance, NLibO)<sup>1</sup>,*

*the Swiss National Library Management*

*hereby issues the following Regulations:*

## **A General provisions**

### **Art. 1 Scope**

<sup>1</sup> These Regulations govern the use of the collections and premises of the NL in Bern.

<sup>2</sup> Special arrangements apply to the lending of documents for exhibitions, and to the use of the collections and premises of the Centre Dürrenmatt Neuchâtel and the Swiss National Sound Archives in Lugano.

### **Art. 2 Access to the NL**

The NL is a scientific library and is open to all interested persons.

### **Art. 3 General provisions on the use of the NL**

<sup>1</sup> The NL offers all users a wide range of services linked to the use of its collections: research, consultation of documents, circulation, reproductions, reading rooms, study carrels for individual or group use, reference collections and technical infrastructure.

<sup>2</sup> All individuals aged 15 and over, as well as public and private institutions may use the NL and its collections.

### **Art. 4 Fees and charges**

<sup>1</sup> Except where provided for in this Article, use of NL services is free of charge.

<sup>2</sup> The fees for paid NL services are set out in the Ordinance of 15<sup>th</sup> August 2018<sup>2</sup> and the FDHA Ordinance of 15<sup>th</sup> August 2018<sup>3</sup>, both concerning the fees of the Swiss National Library.

### **Art. 5 Registration**

<sup>1</sup> Users must register in order to consult or borrow documents. Swiss nationals must present a valid identity card (passport, ID card) for enrolment, foreign nationals a Swiss residence permit B or C.

<sup>2</sup> By registering, users undertake to comply with these Regulations.

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<sup>1</sup> SR 432.211

<sup>2</sup> SR 432.219

<sup>3</sup> SR 432.219.1

## **Art. 6 Conduct in the library**

<sup>1</sup> The NL is a place of study and learning and for encounters. Mutual respect is a precondition for a maintaining a pleasant environment in the NL. Security, order and tidiness must be maintained. The conduct of users must not disturb those around them. This applies to behaviour on the premises of the NL and any other behaviour, such as correspondence with the NL or comments on the NL's social media channels.

<sup>2</sup> In addition to these Regulations, instructions issued and communicated by NL staff and other authorised persons have full force and effect.

<sup>3</sup> It is forbidden to bring animals into the NL, with the exception of guide dogs for disabled users.

<sup>4</sup> Smoking (including e-cigarettes) is not permitted anywhere in the building.

<sup>5</sup> In work and study areas, mobile phones must be muted and their use to make calls or conduct conversations is prohibited. In general, the use of any electronic device should not cause any noise.

<sup>6</sup> Library users must leave all briefcases, bags, coats, umbrellas and other large objects in the cloakroom or in the lockers provided for this purpose.

<sup>7</sup> Eating and drinking is prohibited except in designated areas.

<sup>8</sup> Filming or photographing the NL's premises is permitted provided other users are not disturbed and that the images are for personal use only, subject also to Art. 17 et seqq. For all other uses, the agreement of the NL must be obtained in advance.

## **Art. 7 Use of documents**

<sup>1</sup> NL documents are cultural property and must be handled with care. Valuable and special-format items, as well as documents specially labelled in the catalogue, may only be consulted under supervision and at the workstations provided for this purpose.

<sup>2</sup> Making notes or any other form of marks in documents, cutting or removing parts of them, and altering their arrangement are prohibited. To make notes in reading rooms, users may in principle only use portable computers, paper and pencils.

<sup>3</sup> Supervisory personnel are authorised to check documents that users are consulting or carrying.

## **Art. 8 Use of digital documents**

<sup>1</sup> Digital NL documents subject to copyright are accessible for personal use unless subject to special restrictions. In particular, Articles 22 et seqq. apply.

<sup>2</sup> By accessing digital NL documents, users agree to accept the conditions of use set out above.

<sup>3</sup> When accessing the other databases made available to the public by the NL, users agree to accept the conditions of use specific to each database.

## **Art. 9 Use of IT**

<sup>1</sup> The NL makes internet access available for users to search for documents or information. Use of the internet is restricted to a limited period of time and may be subject to a fee.

<sup>2</sup> Users agree to comply with applicable law, such as copyright, the criminal law, data protection legislation, etc. In addition, they agree to refrain from consulting or disseminating any indecent or illegal content.

<sup>3</sup> NL staff may carry out any necessary checks if misuse is suspected, and prohibit use of the internet (see also Art. 26).

## **Art 10 Reporting damage, repairs**

<sup>1</sup> NL staff will verify that documents lent out are not damaged or incomplete.

<sup>2</sup> Users must notify the NL immediately if they notice that a document is damaged or incomplete; in the absence of any such notification, it will be assumed that the documents supplied were in good condition and complete.

<sup>3</sup> Users are responsible for any damage they cause to materials made available to them by the NL, and must bear any costs and expenses incurred.

<sup>4</sup> Users may not carry out repairs themselves or have such repairs carried out by third parties. The NL will arrange for repairs and for the replacement of documents damaged or lost by users.

<sup>5</sup> Users have no rights in respect of damaged or defective documents, even if they have to be replaced.

## **B General Collection**

### **Art. 11 User card**

<sup>1</sup> A user card is required in order to borrow documents.

<sup>2</sup> The card is issued at the time of registration to any person aged 15 years or over who is a permanent resident of Switzerland or Liechtenstein and has proved their identity in accordance with Art. 5. Users must have a personal eIAM<sup>4</sup> account. Users who already have a BibliOpass<sup>5</sup> can have it recognised as a user card.

<sup>3</sup> Persons not permanently resident in Switzerland or Liechtenstein may borrow documents for a day in the NL reading room. They must deposit an official identity document as security.

<sup>4</sup> Foreign nationals, resident in Switzerland without a B or C residence permit may obtain a user card by producing a written guarantee signed by a person over the age of 18 who is a permanent resident of Switzerland or Liechtenstein and has proved their identity in accordance with Art. 5 para. 1.

<sup>5</sup> Legal entities and other collective bodies (other than libraries) must supply the name of an individual who is empowered to represent them in order to obtain a user card.

<sup>6</sup> User cards are personal and free of charge. Each user is responsible for protecting their card against misuse, failing which the card holder will be liable for any documents borrowed in their name.

<sup>7</sup> A charge will be made for a replacement user card. Loss of the card must be reported to the NL immediately.

<sup>8</sup> Personal information (address, telephone number, e-mail address) must be kept up to date in the user account.

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<sup>4</sup> <https://www.eiam.swiss/?l=en>

<sup>5</sup> <https://www.nb.admin.ch/snl/en/home/services/user-services/bibliopass.html>

<sup>9</sup> The NL deletes user accounts on which no activity has been detected for five years.

## **Art. 12    Loan conditions**

<sup>1</sup> Documents are loaned to one user only and may not be passed on to third parties.

<sup>2</sup> Registered users may borrow documents that are not subject to loan restrictions. Loan conditions are indicated in the catalogue.

<sup>3</sup> The use of originals is not permitted where the NL provides a substitute copy. Exceptions may be made upon written request to [info@nb.admin.ch](mailto:info@nb.admin.ch).

<sup>4</sup> The NL may prohibit the use of documents for reasons of conservation or for legal reasons, in particular compliance with copyright or personality rights.

<sup>5</sup> Users may have no more than 50 items on loan at any one time.

<sup>6</sup> The loan period is normally 28 days.

<sup>7</sup> Users may extend their loans a maximum of five times unless the documents concerned have been reserved.

<sup>8</sup> The NL may limit the loan period or recall the item before expiry of the loan period, without giving reasons.

<sup>9</sup> Users must respond immediately on receipt of a recall for an item they have borrowed.

<sup>10</sup> If the user fails to comply with the third recall notice sent to them, the NL will block their account and replace the item concerned, and charge the resulting costs to the user.

<sup>11</sup> Users may reserve documents that are on loan or still being processed. They will be notified as soon as the items become available.

## **Art. 13    Inter-library loans**

<sup>1</sup> The NL will order documents that are not in its collections. The duration of the loan and conditions for the use of the documents are as stipulated by the lending library.

<sup>2</sup> The costs incurred as a result of such orders must be paid by the user, even if the user does not collect the document ordered.

<sup>3</sup> The NL lends its documents to other libraries. Documents that are available for home loan may be sent to libraries outside Switzerland. The NL may refuse to lend a document without giving reasons.

## **Art. 14    Postal dispatch**

<sup>1</sup> Documents may be sent by post provided they are in appropriate condition. The NL does not send documents to private addresses outside Switzerland and Liechtenstein.

<sup>2</sup> Users must carefully package items when returning them and, if possible, re-use the NL's original packaging. They are liable for any loss and/or damage to the items and are responsible for the return postage and handling costs.

## **C Swiss Literary Archives (SLA) and Prints and Drawings Department (PDD)**

### **Art. 15 Use of the collections**

<sup>1</sup> The collections of the SLA and PDD may be used for academic, literary and journalistic work and studies, to prepare exhibitions or for private research.

<sup>2</sup> The SLA and PDD make their collections available in the reading room, unless agreements between the SLA / PDD and the authors or rights holders impose restrictions, and provided no infringement of copyright or personality rights is involved.

<sup>3</sup> The SLA and PDD reserve the right to impose restrictions due to collection conservation and maintenance requirements.

### **Art. 16 Ordering and consulting documents**

<sup>1</sup> Users must state in advance their preferred arrival date and likely duration of the stay. They must indicate the subject of their research or provide a list of the documents they wish to consult. The date of the visit will be arranged by agreement with the staff of the SLA or PDD.

<sup>2</sup> At the SLA, an order slip must be completed for each document requested.

<sup>3</sup> Documents made available to users may only be consulted in a reading room under the supervision of staff and subject to the instructions issued by the staff.

<sup>4</sup> A limit may be placed on the number of documents supplied to the user at any one time. Particularly valuable documents will only be supplied one at a time.

## **D Reproductions and publication of reproductions**

### **Art. 17 Reproduction by users of documents in the General Collection**

<sup>1</sup> When copying, downloading or using and reproducing NL documents in any other way, either in whole or in part, users must comply with legal provisions, in particular copyright and personality rights.

<sup>2</sup> Reproductions may be made using equipment made available by the NL or personal devices, for strictly personal use only. When using a private device, it must not under any circumstances come into direct contact with the document, and the use of flash or other additional lighting is prohibited.

<sup>3</sup> For conservation reasons, users must inform the supervisory staff if they wish to make copies of items that are more than 50 years old. The NL may limit the right to make copies if it considers that the document is in danger of being damaged.

<sup>4</sup> Copies may also be ordered from the NL's Photography and Reprography service. Orders must be submitted in writing.

### **Art. 18 Reproductions of documents in the Swiss Literary Archives (SLA) and Prints and Drawings Department (PDD)**

<sup>1</sup> The use of personal copying and photography devices is subject to prior approval by staff of the SLA or PDD. The provisions of Article 17 apply to the reproduction of documents from the SLA and PDD.

<sup>2</sup> Copies may not be made available to third parties.

<sup>3</sup> The SLA reserve the right to lend copies of certain documents and require their return. In this case, the costs of reproduction will be borne by the SLA.

## **Art. 19 Restrictions on reproduction**

The NL may refuse to permit reproduction

- a) for conservation reasons,
- b) for legal reasons, in particular copyright or personality rights, or
- c) for reasons of collection maintenance.

## **Art. 20 Publication of reproductions**

Where a document is subject to copyright, the source of reproductions must be indicated (in full or using official abbreviations specified by the NL) each time they are published or used, in the following form:

- For reproductions of documents from the General Collection: "Swiss National Library (NL), Bern", accompanied by a bibliographical reference.
- For reproductions of documents from the SLA: "Swiss Literary Archives (SLA), Bern", followed by the name of the fonds from which the document comes.
- For reproductions of documents from the PDD: "Prints and Drawings Department, Swiss National Library, Bern", followed by the name of the fonds from which the document comes.

## **Art. 21 Specimen copies**

<sup>1</sup> A free copy of every publication in which reproductions of documents from the General Collection, SLA or PDD that are not in the public domain are used must be supplied to the NL.

<sup>2</sup> A second free copy of every publication in which reproductions of documents from the SLA or PDD are used is desirable, in order to complement the fonds from which the copies used come.

<sup>3</sup> If the publication costs more than CHF 200, the NL must be granted a discount on the purchase price instead of a free copy.

## **E Copyright, personality rights and data protection**

### **Art. 22 Compliance with applicable legislation**

<sup>1</sup> Users must adhere to copyright and personality rights when using documents.

<sup>2</sup> Documents that are in the public domain are not subject to any restrictions on use related to copyright, personality rights and data protection.

### **Art. 23 General Collection**

<sup>1</sup> Persons using an analogue or digital document from the NL in any way, making reproductions of such a document themselves or obtaining reproductions from the NL, are responsible for complying with intellectual property law, in particular copyright and personality rights.

<sup>2</sup> Reproductions are permitted for personal use only. Any other use is subject to the written consent of the copyright holder. It is the responsibility of the user to establish whether the documents used are free from copyright before using them for any purpose that is not strictly personal.

### **Art. 24 Swiss Literary Archives (SLA) and Prints and Drawings Department (PDD)**

<sup>1</sup> Prior to any use other than personal use, and in particular prior to any publication (partial or complete reprinting, reproduction, any kind of quotation of unpublished texts) of documents from the holdings of

the SLA or PDD that are subject to copyright and personality rights, users must request permission from the copyright holder or persons protected and affected by personality rights or their legal heirs, as well as the SLA and PDD, by submitting to them a request for permission to publish.

<sup>2</sup> Correspondence may only be used with the consent of the author and recipient or their legal heirs. Letters that, in particular, affect the personality rights of the author, the recipient or their legal heirs may not be published without their consent. The consequences for third parties and any protective rights they may hold must also be taken into account.

<sup>3</sup> It is the responsibility of users to examine, from a legal perspective if necessary, any correspondence and personal documents whose content is sensitive and may affect personality rights or prejudice third parties before such documents may be used, published or disseminated. In the event of doubt, personality rights take precedence.

## **Art. 25 Data protection**

The Swiss National Library respects its users' rights in respect of data protection and privacy. The collection and processing of users' personal data is necessary for the provision of certain services that the NL offers under its statutory mandate. The NL has put in place the measures required by law to protect personal data. Detailed information on data protection at the NL can be found on the NL website.

## **Art. 26 Liability**

<sup>1</sup> The NL assumes no liability in respect of the use of digital or analogue documents from its collections by its users or other third parties. Users indemnify the NL and hold it harmless in respect of any claim against it relating to loss or damage caused by the user or other third parties, in particular infringement of intellectual property and personality rights arising out of the use of such documents.

<sup>2</sup> With regard to the use of IT tools made available by the NL, the NL is not responsible for the content, availability or quality of third-party offerings.

<sup>3</sup> The NL disclaims all liability for personal, material or purely economic loss or damage arising out of the inadequate operation of IT tools made available by the NL.

## **F Breaches of the Regulations**

### **Art. 27 Breaches of the NL Regulations and responsibility**

<sup>1</sup> The NL may impose the following sanctions if it establishes that a user is breaching these Regulations:

- a) verbal or written warning, with the option to impose the sanctions set out in letters b and c of this paragraph or
- b) restrictions on usage rights and blocking of the user's account or
- c) exclusion (maximum 3 years) and blocking of the user's account.

<sup>2</sup> All other rights are reserved, in particular the right to bring civil, criminal or administrative proceedings.

<sup>3</sup> Users against whom measures have been taken by the NL within the meaning of paragraph 1 or 2 of this Article remain subject to all the obligations arising out of their status as users.

<sup>4</sup> In the event of disputes, the NL will decide on sanctions in accordance with the arrangements set out in paragraph 1. The decision will be subject to appeal in accordance with the Federal Act on Administrative Procedure of 20 December 1968 (APA, SR 172.021).

## **G Concluding provision**

### **Art. 28 Entry into force**

These Regulations come into force on 1<sup>st</sup> May 2023. They replace the Regulations on the Use of the Swiss National Library of 1<sup>st</sup> July 2021.

Swiss National Library NL

Damian Elsig

Director

Bern, 30<sup>th</sup> April 2023