



Procedure And Rules For Obtaining And Using Reproductions From The Bne

1. INTRODUCTION

This document is intended to establish the procedure and rules that currently need to be followed by users when requesting reproductions from the collections of the Biblioteca Nacional de España (BNE) and the public use thereof. To that end, the current legislation in force on intellectual property and the re-use of information generated from public institutions has been taken into account.

[Act 18/2015, of 9 July, amending Act 37/2007, of 16 November, on the re-use of public sector information](#) and Royal Decree 1495/2011, of 24 October, on the implementation of the Act of 2007 within the domestic public sector, both recognise the importance and value that information generated from public bodies has, due to the interest it holds for citizens and businesses.

As stated under Directive 2013/37/EU of 26 June 2013, amending Directive 2003/98/EC on the re-use of public sector information, incorporated into our legal system through the approval of above-stated Act, the area of application has been extended to cover libraries, museums and archives, given the considerable volume of information resources they possess and the digitalization projects they have been carrying out.

The Act provides for the re-use of information generated by public institutions as a means for enabling the creation of information products and services as well as encouraging the development of the information society and contributing towards economic growth and job creation.

In the case of the BNE, given the value of the information it conserves, it is our view that enabling the re-use of its information can also contribute towards research projects and facilitate the generation of knowledge on Spanish culture.

The consolidated text of the Intellectual Property Act, as approved by Royal Legislative Decree 1/1996, of 12 April (henceforth, the Intellectual Property Act)¹ gives authors full disposal and the exclusive right to exploit the work, free of any restrictions other than those established under the Act itself.

The right to exploit the work includes its reproduction, distribution, public communication and transformation (Intellectual Property Act, Art. 17).

The work's exploitation rights shall continue throughout the author's entire life plus a further seventy years after the author's death (Intellectual Property Act, Art. 26) or eighty years for authors who died before 1987 (Intellectual Property Act, Transitional Provision Four).

Once these periods have passed, the works are deemed to be in the public domain and their exploitation rights henceforth extinguished, as a result of which they may be used by anyone,

¹ Amended by [Act 21/2014, of 4 November, amending the consolidated text of the Intellectual Property Act, approved by Royal Legislative Decree 1/1996, of 12 April, and Act 1/2000, of 7 January, on Civil Procedure](#)



provided the authorship and integrity of the work is respected (Intellectual Property Act, Art. 41) and notwithstanding other rights, such as an ordinary property right, which could exist over a copy.

Likewise, **for the purposes of being able to use the copies provided** by the BNE for their subsequent copying, distribution, public communication or transformation, **authorisation may be necessary**, either from this institution or directly from the authors themselves, depending on the case, under the terms stated in the following sections.

2. COLLECTIONS PROTECTED UNDER INTELLECTUAL PROPERTY LAW

2.1 Printed works from the CEDRO catalogue, which do not belong to the public domain, may be reproduced for private use (limited to 20% of a book published after 1958 or a complete article of a periodical publication after 1958) and for the purposes of the applicant's research in accordance with the provisions established under the current legislation in force (Intellectual Property Act, Art. 17). The other works may be reproduced for research purposes (Art. 37(1)).

Applicants use copies at their own risk. Copies that are provided by BNE must be used in accordance with the provisions set out in the Intellectual Property Act.

2.2 Reproductions of the following types of documents may be applied for: manuscripts, prints, periodicals, cartographic material, graphic materials, music scores, sound and audio-visual recordings and copies of digital editions.

The copies reflect the features and the state of conservation of the original, and problems such as acidity, lost shades, printing, defective sound and images and loss of information due to binding.

Digital images with a 150 d.p.i. resolution are suitable for study and research but occasionally do not enable the details or nuances of the original to be appreciated. In this sense, they are not recommended for quality reproductions.

2.3 Application forms must be completed in full and requested works correctly identified, stating their titles, edition dates, volume numbers, issue numbers and selected pages or images. The type of use to be made must be clearly stated as well. Reproductions require authorisation in advance, depending on the copies' states of conservation, from the collection's deposit section. Reproduction work will commence once the Biblioteca Nacional has verified the corresponding payment of the estimated fee. If the final price for the reproduction work carried out is less than the estimate, BNE will refund the applicant the difference. If the price proves to be more than the estimate, the applicant will have to pay the outstanding amount.

[Document reproduction form](#)

[Reproduction prices](#)

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5. The BNE will be given a copy of every foreign publication in which items from the BNE holdings are reproduced. The copies will be sent to: Servicio de Suministro de Documentos de la Biblioteca Nacional de España. Planta 4 Norte, (Pº de Recoletos 20, 28071, Madrid).



3.2. PUBLIC USE OF COPYRIGHT WORKS

The BNE does not have copyright on works that are not in the public domain, therefore, authorisation from the rightholder of the work will be required, usually through the copyright management entities ([AGEDI](#), [AIE](#), [AISGE](#), [CEDRO](#), [DAMA](#), [EGEDA](#), [SGAE](#) o [VEGAP](#)).

4. GENERAL INFORMATION ON THE APPLICATION PROCEDURE

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Processing and tracking invoiced orders:

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