



## **Information on the use of out-of-commerce works available at the SZTE Klebelsberg Library**

We would like to inform our readers that the use of out-of-commerce works has been made on the basis of the relevant copyright provisions. With the implementation of Directive (EU) 2019/790, it has also become possible in Hungary to make non-commercially available intellectual works accessible, in compliance with the conditions set out in Section 41/N of Act LXXVI of 1999 on Copyright ("the Copyright Act").

The main objective of the regulation related to out-of-commerce (OOC) works is to promote the accessibility of works no longer available on the market but available in public collections for educational and cultural purposes. To achieve this aim, the copyright law allows cultural heritage institutions (e.g. libraries, archives, etc.) to make out-of-commerce works that are permanently in their collections available online, for non-commercial purposes, either by facilitating licensing through a collective management organisation (CMO) or, in the absence of a such, by ensuring free use.

Should the use be based on a licence agreement with a CMO (e.g. in the case of certain photographs, illustrations), it may apply to the following uses of OOC works:

- **copying and digitisation (reproduction),**
- **publishing (reproduction and distribution),** and
- **communicating to the public** (e.g. making them available online, i.e. uploading them to the interface of content providing services of SZTE Klebelsberg Library)

Should the use be considered free use (e.g. in the case of literary works), it may apply to the following uses of OOC works:

- **copying and digitisation (reproduction),**
- **communicating to the public** (e.g. making them online available, i.e. uploading them to the interface of content providing services of SZTE Klebelsberg Library), and
- **distribution and adaptation (in the case of software)**

After the availability check has been carried out and at least 6 (six) months after the registration of the concerned works and their intended use at the European Union Intellectual Property Office (EUIPO) via its designated website (<https://euipo.europa.eu/out-of-commerce>), SZTE



Klebelsberg Library will reproduce (copy, digitise) the works and make them public (e.g. available online) for non-commercial purposes.

However, the **rights holder may opt-out** from the use of their work **at any time**. They may exercise their right to opt-out whether the use is based on a licence granted by a collective management organisation or on the application of the exception provided by the law. In either case, the objection may be applied to a single work or to all of the copyright holder's works.

If the use is authorised through a **collective rights management organisation (CMO)**, the rights holder may opt-out by submitting a declaration in the form of a private document providing full evidence submitted to the CMO. In this case, the rights holder objects to the authorisation of the use of their work(s) as OOC work(s) through collective licensing. In such cases, the library must terminate ongoing use(s) on the last day of the affected calendar half-year (subject to the condition that the rights holder submits their objection by the last day of the third month of the relevant calendar half-year).

In the case of **free use**, the rights holder may opt-out by submitting a declaration in the form of a private document providing full evidence to the SZTE Klebelsberg Library. If this declaration is received by the 15<sup>th</sup> day of the given month, the SZTE Klebelsberg Library shall terminate the use by the last day of the next month at the latest. Should you need any further information or help, don't hesitate to contact us via e-mail at [contenta@ek.szte.hu](mailto:contenta@ek.szte.hu)

Collective management organisations are listed on the website of the Hungarian Intellectual Property Office (SZTNH): [https://kjk.sztnh.gov.hu/en/szervezetek\\_nev\\_szerint\\_angol](https://kjk.sztnh.gov.hu/en/szervezetek_nev_szerint_angol)

**In the case of free use, the rights holder is not entitled to any kind of compensation for previous uses.**

In the case of both free use and that authorised through a collective management organisation, the rights holder may opt-out via the Out-Of-Commerce Works Portal maintained by the European Union Intellectual Property Office (EUIPO):

- general opt-out option for **all works** by the rights holder on the EUIPO website: <https://euipo.europa.eu/out-of-commerce/#/ooc/generaloptout>
- opting out for **individual works**: *Request opt-out* button at the relevant record(s) uploaded to the EUIPO database: <https://euipo.europa.eu/out-of-commerce/>