

**Terms of Use  
of the Archives of the  
Max Planck Society**

*dated 27 July 2017*

**Part I  
General Information**

**Section 1  
Area of coverage**

These Terms of use apply to the Archives of the Max Planck Society.

**Section 2  
Right of Use**

According to the Statute dated 19 May 2017 for the Archives of the Max Planck Society and to these Terms of Use, archival materials, finding aids and duplications are available to everyone upon application.

**Section 3  
Types of Use**

- (1) The Archives can be used by viewing the archival materials personally at the archival premises in principle.
- (2) Upon application, the Archives may allow the following types of use based on professional considerations in deviation from Section 1:
  1. written inquiries,
  2. request for duplications of archival materials,
  3. dispatch of archival materials for viewing in a different location and
  4. loan of archival materials for exhibition purposes.

**Section 4**  
**Use of Archival Materials and Conditions of Use**

- (1) The use of the Archives is governed by Sections 8 and 9 of the Statute for the Archives of the Max Planck Society.
- (2) Applications for use according to Section 8, paragraph 1 of the Statute for the Archives of the Max Planck Society are to be filled in, giving the exact designation of the subject and purpose of the work in the reading room of the Archives. In addition, the following must be specified for every user project: Surname, first name and address of the person filing the application or the person who is commissioning the user project if the Archives are used on behalf of a third party.
- (3) The Archives decide on the application for use and may attach conditions to their approval and impose restrictions on it. There is no legal entitlement to a certain type, form or scope of use.
- (4) Except for the reasons mentioned in Section 8, paragraph 2 of the Statute for the Archives of the Max Planck Society, the approval to use the Archives may be restricted or denied if
  1. the applicant severely violated the Archives' Terms of Use or did not comply with the stipulated terms and conditions of use on an earlier occasion,
  2. the state of arrangement of the archival materials, or agreements with owners of archival materials require so,
  3. archival materials are not available for official reasons or owing to their simultaneous use for other purposes,
  4. the capacities of the Archives in terms of human and material resources temporarily do not allow the Archives to be used,
  5. the purpose of the use can be achieved otherwise, in particular by viewing print matters, other publications or duplications.

If the approval for use is denied, the reasons are to be communicated in writing.

- (5) The user shall be obliged to comply with all provisions of the Archives and to adhere to the conditions and restrictions on use. Moreover, the user shall be obliged to respect copyrights, personality rights and other legitimate third-party

interests. Upon request, the user shall be obliged to make a written statement to that effect.

## **Part II Use in the Archives**

### **Section 6 Viewing in the Reading Room**

- (1) Conduct during work in the reading room, the treatment of archival materials, duplications and finding aids, and the way to order and return archival materials are governed by the provisions of the Reading Room Regulations of the Archives.
- (2) The library of the Archives can only be used within the reading room.
- (3) Users are permitted to use their own devices (notebook etc.) in principle provided that this does not disturb any other persons.

### **Section 7 Advice**

Specialist staff is available to provide advice during opening hours. Their advice refers to processes relevant to usage, archives groups, finding aids and the way to handle archival materials. There is no entitlement to further support (e.g. in reading and evaluating the finding aids and archival materials).

## **Part III Use Outside the Archives**

### **Section 8**

## **Written information**

- (1) Written inquiries must specify their exact purpose and subject matter.
- (2) As a rule, written information from the Archives is limited to references to relevant finding aids and archives groups.
- (3) There is no entitlement to information that would require a considerable amount of working time, or to the answering of repeated inquiries.

## **Section 9 Dispatch**

- (1) There is no legal entitlement to using archival materials outside the reading room. The decision whether archival materials are dispatched and, if so, the decision on the type of dispatch rests with the Archives.
- (2) The dispatch of archival materials is admissible in the following cases:
  1. to the donor where the documents originated, for administrative purposes or for factual information,
  2. to the owner of the archival materials (including by derogation from paragraph 5),
  3. to external institutions for exhibition purposes.
- (3) If archival materials are dispatched, the Archives oblige the recipient to comply with the provisions of these Terms of Use.
- (4) Dispatched archival materials can be reclaimed for important reasons at any time.
- (5) The following archival materials are excluded from dispatch:
  - a) materials subject to restrictions of use,
  - b) materials which cannot be dispatched because of the great value, their state of arrangement and conservation, their format or for any other security or conservation reasons,
  - c) materials that are used frequently or
  - d) materials that have not yet been sufficiently described.

## **Section 10**

## **Loan**

- (1) A legal entitlement to the loan of archival materials for public relations purposes, particularly for exhibitions, does not exist. The decision whether archival materials are lent is taken by the Archives. The latter stipulate restrictions and conditions required for the security of the exhibited archival materials. A loan is only admissible if the exhibition purpose cannot be fulfilled by means of duplications. Section 4 applies accordingly. The dispatch of archival materials for lending purposes is governed by the provisions of Section 9.
- (2) The loan of archival materials requires the conclusion of a loan agreement between the lender and the borrower according to the sample agreement prescribed by the Archives.

## **Section 11 Duplications**

- (1) Users are allowed to make copies, or have copies made, of archival materials which are unrestrictedly released for use outside the Archives. Duplication of archival materials which are not unrestrictedly accessible require the approval of the Archives.
- (2) An entitlement to duplication or the production of duplications does not exist. In particular, there is no entitlement to the duplication of greater quantities at the expense of other users or the operational activities of the Archives.
- (3) The production of copies by means of devices owned by the user (mobile phone camera etc.) is possible in exceptional cases and requires the approval of the Archives.
- (4) Reproductions may only be made if this is possible without damaging the archival materials. The Archives decide on the reproduction method, the target formats and the type of dispatch.
- (5) Delivered duplications may be duplicated or passed on to third parties only with the written approval of the Archives, only for the specified purpose, only provided

that the storage location and reference number of the original are specified, and only with a reference to the publication and duplication rights of the Archives. The same applies to the use of duplications for commercial or business purposes.

## **Part IV Fees**

### **Section 12**

The Archives do not charge fees for the services rendered by them or for the use of archival materials.

## **PART V Final Provisions**

### **Section 13 Supplementary Provisions**

The Archives may stipulate supplementary provisions to these Terms of Use.

### **Section 14 Entry into Effect**

These Terms of Use of the Archives enter into effect on 27 July 2017 and replace the Terms of Use dated 3 June 1988.