

Terms of Use of the Joseph Beuys Archive and the Museum library of the Museum Schloss Moyland Foundation

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A. General part

§ 1 Scope of application, duties and legal form

(1) These Terms of Use apply to the Joseph Beuys Archive and the Museum library of the Museum Schloss Moyland Foundation. These Terms of Use regulate the relationship between the institutions and the users.

(2) The Joseph Beuys Archive and the Museum library are academic institutions. They belong to the Museum Schloss Moyland Foundation, a foundation under private law. They operate under the legal provisions of the archive law of North Rhine-Westphalia. They further comply with the international standards as defined by the Deutscher Museumsbund (German museum association) and the International Council of Museums (ICOM).

(3) The Joseph Beuys Archive and the Museum library primarily develop and support academic research projects as well as publications, especially on Joseph Beuys' work. In addition, they are open to all interested visitors for research and education.

(4) Through a cooperation agreement, the Joseph Beuys Archive also serves as an institute of the Kunstakademie Düsseldorf (academy of arts).

§ 2 General use

(1) The Joseph Beuys Archive and the Museum library – and their entire inventory, information sources and services – are open to all visitors for general knowledge and educational purposes as well as for academic use.

(2) In addition to handling written enquiries and information requests by phone, the professional staff helps visitors access the library holdings in person, according to the stated opening hours. Depending on the research area and purpose, it may be necessary to make an appointment in advance.

(3) The staff advises the visitors on relevant procedures of use, inventory, finding aids as well as proper handling of archive materials. Services beyond this are subject to fees and are regulated through the Schedule of Fees.

(4) The inventory of the Museum library and the library of the Joseph Beuys Archive can be researched through the HBZ-Verbundkatalog (catalogue of the HBZ).

(5) Various tools and facilities are available to visitors (several reading areas, a PC with connections to the Internet and the HBZ catalogue, a b/w copy machine). Making photocopies is subject to a fee. The Joseph Beuys Archive may prohibit making copies.

(6) Internet access through the facilities of the Joseph Beuys Archive and the Museum library is unencrypted. We accept no liability for data transmitted through these facilities. To ensure the proper use of network access, the user ID, IP-address and session duration are saved during Internet use. The library uses cookies to support user navigation during their current session. Personal data is not captured. Information on access to services is kept in log files solely for statistical purposes. No analysis related to the individual is conducted.

(7) For the safety of the archive and library material, smoking, eating and drinking are prohibited. Pencils are the only writing utensils permitted. Cameras, mobile phones, bags, coats and similar items must be left at the coat check. No liability is assumed for items left at the coat check.

(8) The use of technical aids requires prior consent by the Archive administration or staff.

(9) All visitors are required to abide by the house rules, which are posted in the reading room.

(10) All materials are to be treated with the greatest care. The order and state of the archive materials must be maintained; their shelfmarks may not be changed in any way. Changing or marking materials with personal notes and marks in any way is prohibited. The use of sticky page markers is prohibited.

B. Using the Museum library

§1 Access and enquiries

(1) The Museum library of the Museum Schloss Moyland is a reference library; items cannot be checked out on site. The library is, however, connected to the German inter-library loan system.

(2) Employees and volunteers of the Museum Schloss Moyland Foundation may borrow items. Up to 10 books per person may be checked out for up to 4 weeks at a time.

(3) In individual cases, the Museum library's management can make special provisions for use, or withhold them.

(4) The library stacks may only be accessed by visitors in special cases and in the company of library staff. Upon request, desired items may be obtained by the library staff and can be viewed in the reading room.

(5) The reading room contains open access holdings which are available to all visitors.

(6) Employees of the Museum Schloss Moyland Foundation are permitted to access the stacks unaccompanied.

(7) After use, items must be left on the designated returns table; under no circumstances may visitors return them to the shelves themselves. All sorting and shelving is done by the library staff.

C. Using the Joseph Beuys Archive

§1 Access and enquiries

(1) Visitors to the Joseph Beuys Archive must complete an application form before accessing documents from the archive. The Request for Access must be approved by the archive's management or, in special cases, by the archive staff in their place.

(2) A separate Request must be made for each intended use.

(3) The approval of the applicant's Request for Access may be revoked at any time. In case of violation of the usage agreement, the permission of use is terminated.

(4) With the exception of archive materials that are subject to special rules and restrictions due to copy- or personal rights, documents of the Joseph Beuys Archive are available to all users without limitation. All materials of the Joseph Beuys Archive are located in stacks to which only the staff has access and are provided to users upon request.

(5) Archive documents which concern copy- and/or personal rights of Joseph Beuys or others, are subject to special terms of use. The Joseph Beuys Archive ensures that legitimate concerns of third parties are protected. Such documents (e.g. letters) can therefore only be accessed if a particular and concrete academic research interest is expressed, which demonstrates why access to the desired documents is necessary.

(6) In order to protect legitimate concerns of third parties, each user must commit to the Joseph Beuys Archive in writing that they will not cite copyrighted text passages, e.g. from letters, academic papers or other works, if they have not yet been published. The user is explicitly advised that the right of citation under copyright law according to § 51 UrhG does not apply to unpublished letters. Letters which are subject to usage restrictions and to which access is only granted in the case of assertion of special academic interest, are considered not published.

(7) Users should note that personal rights of the letter's author, recipient and all third parties mentioned in the letters, may be violated by a publication or dissemination. It is noted that personal rights need to be respected even after

the death of an affected person (so-called post-mortem personal rights). The user confirms in writing to refrain from publishing and/or letting others publish and/or disseminating and/or letting others disseminate any information which he or she gained first knowledge of through the documents in the Joseph Beuys Archive, if publication may violate personal rights of affected parties.

(8) Without written permission, only general information regarding certain metadata of restricted archive materials (e.g. name, date, place, page number or similar details) may be given, as long as it is permitted by data protection and personal rights laws.

(9) Permission may be denied or made subject to restrictions by the Archive management if:

- there is reason to believe that it may be opposed to legitimate concerns of affected or third parties,
- the preservation of the archive materials may be endangered,
- use would result in an untenable administrative burden.

(10) A Request for Access may also be made subject to restrictions subsequently.

(11) For the protection of the archive materials and in consideration of the copy- and personal rights and legitimate concerns of third parties, copying, photographing or scanning archive materials are only permitted to a limited extent and with prior consent of the archive's management or staff. In such cases, only archive staff may copy materials.

(12) The lending of original archive materials and the provision of reproductions (e.g. scans) of materials for publications, exhibitions, etc., are subject to fees and only possible by written agreement through a loan or usage contract respectively, and to the extent that the condition of the archive materials allows it and there are no legal reasons against it. The borrower is liable for any damages to the borrowed materials, even if there is no proof of fault or negligence on their part. Archive materials subject to usage restrictions cannot be borrowed.

§ 2 Use of research findings

(1) Users' research findings may only be used for the purpose specified on the Request form. The subsequent change or expansion of the purpose requires a new Request or the approval of the Archive management.

(2) In case of publication of the research findings for which documents from the Joseph Beuys Archive were used, the Archive and the shelfmark of the document used are to be cited as follows: 'Joseph Beuys Archiv/Stiftung Museum Schloss Moyland Inventarnummer: (as indicated in each case)'.

(3) Irrespective of publication, users are required to supply two copies of their written work to the Joseph Beuys Archive or the Museum library, unprompted.

D. Photographs from the Joseph Beuys Archive and the art collection

§1 Access and enquiries

(1) Access to photographs from the Joseph Beuys Archive and the art collection may be granted to users by appointment and after consulting with the respective staff. Further use is regulated by the Request for Access and the loan agreement.

§ 2 Reproductions

(1) The provisions of the respective Request for Access and loan agreement for photographic reproductions apply to the use of reproductions of photographs from the Joseph Beuys Archive as well as from the art collection of the Museum Schloss Moyland Foundation for all users.

(2) Making and using reproductions of photographs is subject to fees. Details are regulated by the loan agreement and Schedule of Fees.

E. Liability

§ 1 Damages due to delay

The Joseph Beuys Archive and the Museum library are not liable for damages that arise from incorrect, incomplete or delayed services.

§ 2 Damage

The Joseph Beuys Archive and the Museum library are not liable for damages to their materials that arise from their use. The user is obliged to render compensation for the loss of or damage to materials used, as stipulated by the Archive management.

§ 3 Violation of rights and indemnification

The user is liable for violations of copy- or personal rights as well as of legitimate concerns of affected and third parties that arise from the use of archive materials and/or their content. Users undertake to respect personal and copyrights in their use of findings gathered from archive and library materials (cf. C. § 1, sections 5, 6, 7). Users indemnify the Joseph Beuys Archive/the Museum library against any claim made by third parties which arises from the use of the findings gathered from the materials of the Joseph Beuys Archive by the user.

F. Schedule of Fees

The use of the Joseph Beuys Archive and the Museum library is free of charge (cf. General part § 2 sections 2 and 3 of the Terms of Use). Some services are subject to fees, however, as listed in the Schedule of Fees.

G. Entry into force

These Terms of Use come into effect on 1 August 2012. They replace the Conditions of 1 January 1998.