

Protection of Book As Cultural Good and Medium of Data Storage: Selected Legal Regulations

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Abstract: *Books play essential role in shaping the personality of an individual, exemplification and broadening horizons. They are sources both of knowledge and information, and immeasurable elements of the tangible and intangible cultural heritage. This study presents selected legal regulations and activities undertaken in order to protect the documentary heritage of humanity. The legal protection of intellectual property takes on a new importance in the era of the Internet and in the light of forming the information society. Social, economic, technological, and information transformations arouse questions on the identity of a contemporary human being. Books are witnesses to history and media as well as forms for preserving memory which is a condition sine qua non for the present and future functioning.*

Key Words: *Book; Library; Monument; Cultural Heritage; Human Rights; Social Memory; Digitisation; Law; Poland.*

Introduction

Books constitute an important component of the cultural heritage in both tangible and intangible aspects. They allow preservation, transfer, and proliferation of knowledge, thoughts, discoveries, and values. Despite the development of science and technology, traditional books continue to play an invaluable role in communication, and currently also in the creation of new forms and structures of social organization.

Selected regulations in the Polish law

In Poland, the issues concerning libraries, bookselling, readership, and publishing belong to the “culture and protection of national heritage” department of government administration.¹ This sector is headed by the

¹ Other scopes of activities of this department of government administration are addressed in art. 14 para. 1 of the *Act on Departments of Government Administration* [1997-09-04]. *Journal of Laws*, 1997, no. 141, item 943, as amended.

Minister of Culture and National Heritage. Tasks pertaining to government administration are carried out by bodies of the state government. The word “administration” also means service on behalf of the society.² It will be considered in the aspect of actions undertaken by the state with a view to proliferation of knowledge and information, enabling access to cultural heritage and cultural institutions and meeting educational, intellectual, cultural, and spiritual needs of the society. One of the key roles in these matters is played by books and libraries.

The primary legal act which currently regulates these issues is the *Act of 27 June 1997 on Libraries*.³ Libraries and their collections are considered national treasures which serve to maintain and preserve cultural heritage.⁴ They are cultural institutions which enable access to the achievements of science and culture, national and foreign alike.

In the above-mentioned act, the legislator provides the legal definition of “library materials”. According to the explication in art. 5, “library materials” are “in particular documents which contain a preserved expression of human thought, intended for proliferation, regardless of the type of the physical medium and format of the content, especially graphic documents (literary, cartographic, iconographic, and musical), audio documents, visual documents, audiovisual documents, and digital documents”. The words “in particular” show that this is not an enumerative definition. The legislator supplies a few examples of media for storing information, including digital documents, which means that the definition was formed with a long-term perspective in mind. Undoubtedly, with the development of technology, new means of data storage will emerge which may gradually transform and transcend current categories. Apart from gathering printed books, today libraries also store electronic books, which require different kinds of maintenance and different legal regulations than traditional library materials.

² OCHENDOWSKI, E. *Prawo administracyjne: Część ogólna*. 3. wyd. Toruń: TNOiK – Dom Organizatora, 2000, pp. 17-18. ISBN 83-7285-016-X.

³ *Act on Libraries* [1997-06-27]. *Journal of Laws*, 1997, no. 85, item 539, as amended. These issues were previously regulated in Poland by the *Act on Libraries* [1968-04-09]. *Journal of Laws*, 1968, no. 12, item 63. It was abrogated in 1997. However, this legal act was introduced in different political, social, and economic conditions. On August 28th, 1997, a new act was introduced, mentioned above, which is in force to the present.

⁴ Legal basis art. 3 para. 1 of the Polish *Act on Libraries* [1997-06-27]. *Journal of Laws*, 1997, no. 85, item 539, as amended.

Special care is given to book collections which belong to the national library resources.⁵ Library materials of exceptional significance and value to national cultural heritage constitute, in part or in whole, the national library resources. Library organisers,⁶ who seek this status for their library collections, submit an application which is reviewed by the Council for National Library Resources. The council is one of the consultative-advisory bodies of the Polish Ministry of Culture and National Heritage.⁷

The body which oversees and coordinates library management and projects is the National Library Council. Members of the Council are appointed for the period of five years by the Minister of Culture and National Heritage.⁸ National Council of Libraries observes the changes in the transfer of information, technology, and the broadening of knowledge; it simulates and develops new programs and initiatives, so that the Polish librarianship may measure up to the challenges of the present day and also of the future.

The largest non-governmental organization dedicated to the librarian environment in Poland is Stowarzyszenie Bibliotekarzy Polskich (The Polish Librarians Association) established in 1917. According to its Statute, the aim of the association is to act to the benefit of librarianship, to promote a positive image of the profession, and to unite its representatives, but especially: 1) participation in the shaping of policies and practices concerning the issues of libraries and information; 2) popularization of actions promoting the development of libraries, librarianship, and related branches; 3) providing librarians with access to different forms of training and professional development; 4) integrating the environment and promoting the prestige and social respect for the profession.⁹ The organization actively participates in forming of policies concerning li-

⁵ See more the *Regulation of the Minister of Culture and National Heritage on National Library Resources* [2012-07-04]. *Journal of Laws*, 2012, item 797, as amended.

⁶ According to art. 8 para. 2 – 3 of the *Act on Libraries* [1997-06-27]. *Journal of Laws*, 1997, no. 85, item 539, as amended, the role of library organisers can be fulfilled by ministers and heads of central offices, units of local government (communes, districts, and provinces), natural persons, legal persons, entities without legal personality.

⁷ Article 6 para. 1 – 2 and para. 2a point 1 of the *Act on Libraries* [1997-06-27]. *Journal of Laws*, 1997, no. 85, item 539.

⁸ More on the authority of the National Library Council see art. 7 para. 2 of the *Act on Libraries* [1997-06-27]. *Journal of Laws*, 1997, no. 85, item 539, as amended.

⁹ Legal basis paragraph 7 of the *Statut Stowarzyszenie Bibliotekarzy Polskich uchwalony na Krajowym Zjeździe Delegatów SBP w Warszawie* [Statute of the Polish Librarians Association Established at the National Session of PLA Delegates in Warsaw]. [2013-06-08].

brarianship and in protection of literature as well as in emphasizing its meaning for culture.

The central library of Poland is Biblioteka Narodowa (The National Library) which boasts a long and rich history. It is referred to as “the home of the open Polish character [...], which means that maintenance of our cultural heritage is accompanied by special attention to the literary heritage of the nations which once co-constituted the multi-ethnic, multi-cultural, multilingual, and multi-faith Republic of Poland [...] and by interest in the cultures of our closest and more distant neighbours [...]. The National Library is a living and growing treasury of the Polish culture which is inseparably intertwined with the European culture and the entire humanistic and personalistic heritage of the world.”¹⁰ The National Library is therefore also an archive of national culture, as it collects the most valuable items of literary heritage which are often connected to other nations through shared history. Moreover, it is the main center of methodology of librarianship in Poland, a cultural institution, a scientific institution, a publishing house, a space for study with reading-rooms. Other functions of the National Library include bibliographic and informational activities, study and implementation of new technologies which could improve and modernize libraries, and coordination of library-related enterprises across the country.

In order to harmonize the functioning of the units, a national library network was created. According to art. 18 para. 2 of the *Act of 27 June 1997 on Libraries*, public libraries include the National Library and the libraries of local government units.¹¹ Apart from objectives defined by the law and the statute, public libraries also participate in proliferation of knowledge and promotion of cultural activities among citizens.

Among other libraries which participate in propagation of knowledge, information, and culture there are also scientific libraries, school libraries, pedagogical, professional, and company libraries. Article 21 para. 2 states that libraries which can be classified as scientific libraries are the National Library and libraries organized by Polska Akademia Nauk (The Polish Academy of Sciences) as well as institutions of higher education, and research and development units. The status of a scientific li-

¹⁰ JAGIEŁŁO, M. Biblioteka Narodowa, czyli dom otwartej polskości. In: M. BANACKA, ed. *Nauka o książce, bibliotece i informacji we współczesnym świecie*. 1. wyd. Warszawa: Wydawnictwo SBP, 2003, pp. 21-23. ISBN 83-89316-17-X.

¹¹ *Act on Libraries* [1997-06-27]. *Journal of Laws*, 1997, no. 85, item 539, as amended.

brary can also be granted to other libraries which meet the requirements.¹² Pedagogical libraries and school libraries are devoted to education. The aim of the former is to support the process of teacher training and professional development of teachers. School libraries, on the other hand, assist in realization of teaching programs, character formation, information, and culture education (art. 22 para. 1 – 2). Finally, company libraries and professional libraries are created for the purposes of professional development and cultural and educational needs of employees.¹³

Library documents which reveal the history, development, and transformations of different people groups are referred to as the documents of social life. The National Library's collection of documents of social life reaches back to the pre-war period. Even though documents of social life were created for brief, ephemeral purposes, non-bibliographic in nature (periodic publications, posters, leaflets, brochures, theatre and cinema programmes, children's books, postcards, advertisements, public transport schedules, catalogues, calendars, invitations, address books, badges, fund-raiser's pin badges, price lists, pamphlets published by associations, propaganda prints, photographs, records on vintage and modern storage media), they possess value as sources and as documentation. They constitute substantial help in research and education. For example, the University of Warsaw Library has established the Documents of Social Life Department in 1985; Social Life Documents Section in the University Library in Toruń was created in 1974, in the Library of the Jagiellonian University the collection of documents of social life was opened in 1952, and in the Ossolineum Library such documents have been gathered since 1817.¹⁴ It should be remembered that in the future certain facts may be

¹² More in the *Regulation of the Minister of Culture and National Heritage on the Procedure of Classification of Libraries as Selected Scientific Libraries and of Specification of the Register of Scientific Libraries* [2012-04-02]. Journal of Laws, 2012, item 390, as amended.

¹³ Article 24 of the *Act on Libraries* [1997-06-27]. Journal of Laws, 1997, no. 85, item 539, as amended.

¹⁴ The National Ossoliński Institute was founded in 1817 in Lwów by Józef Maksymilian Ossoliński who donated his own collections for that cause. Ossoliński created the Institute for the benefit of the Polish nation. In 1940's Poles were being forcefully displaced from Lwów. The Ossolineum Library was reactivated on the Polish soil, in Wrocław. In Lwów (today the territory of Ukraine) there still remain many valuable items of literary heritage which have not been returned to Poland. The issue of restitution of cultural heritage is highly complex and exceeds the scope of this paper. More on restitution of cultural heritage from a legal perspective see e.g. KOWALSKA, S. Sposób postrzegania dziedzictwa kulturowego na początku XXI wieku – rozważania z zakresu nauk prawnych [Sposób chápa-

interpreted differently than at the point of their creation. This raises the question of historical memory which should not be altered in any way or treated instrumentally.

Documents of social life, also called “ephemeral prints”, are listed in art. 2 para. 2 point 1 among literary publications in the *Act of 7 November 1996 on Obligatory Library Copies*, not formerly quoted in the current text.¹⁵ It should be noted that documents of social life can take different forms, e.g. handwritten, graphic, audiovisual, which means that they could also be classified among other types of publications included in art. 2 para. 2 of the Act on Obligatory Library Copies.

It should also be stressed that the *Act of 27 June 1997 on Libraries* focuses mainly on contemporary library materials.¹⁶ The protection of historical collections, on the other hand, is regulated by a different normative document, namely by the *Act of 23 July 2003 on the Protection of Monuments and the Guardianship of Monuments*.¹⁷ The Act on Protection of Monuments and the Guardianship of Monuments distinguishes between movable, immovable, and archaeological monuments. On the basis of art. 6 para. 1 point 2e library materials can also qualify for protection and maintenance as movable monuments.

Movable documents are entered in the register of monuments routinely by the regional conservator for monuments or on the basis of an application filled by the owner. Inclusion in the register is a decision of administrative-legal nature. It may occur, for example, in the case of justified suspicion that an item of “exceptional historical, artistic, or scientific value” may be threatened with being brought out of the country.¹⁸ This

nia kultúrneho dedičstva na začiatku 21. storočia – analýza v oblasti právnických vied]. In: I. NOWAKOWSKA-KEMPNA, ed. *Uczeń na pograniczu językowym polsko-słowackim*. 1. wyd. Bielsko-Biała: Wydawnictwo Akademii Techniczno-Humanistycznej w Bielsku-Białej, 2007, p. 90 and following. ISBN 978-83-60714-33-1.

¹⁵ *Act on Obligatory Library Copies* [1996-11-07]. Journal of Laws, 1996, no. 152, item 722, as amended.

¹⁶ *Act on Libraries* [1997-06-27]. Journal of Laws, 1997, no. 85, item 539, as amended.

¹⁷ *Act on the Protection of Monuments and the Guardianship of Monuments* [2003-07-23]. Journal of Laws, 2003, no. 162, item 1568, as amended. The above-mentioned normative act came into effect on November 17th, 2003.

¹⁸ More on other circumstances in which a movable monument may be entered into the register of historic monuments in accordance with the Polish law see in art. 10 of the *Act on the Protection of Monuments and the Guardianship of Monuments* [2003-07-23]. Journal of Laws, 2003, no. 162, item 1568, as amended. It should be remembered that monuments which are listed in museum catalogues or are a part of national library resources are not

regulation was added to the *Act of 23 July 2003 on the Protection of Monuments and the Guardianship of Monuments* through an amendment following the Polish cause célèbre concerning the archive of the candidate to the Nobel Prize in Literature, Zbigniew Herbert (1924 – 1998).¹⁹ In accordance with the poet's last will, the archive was to be passed on to the Beinecke Library of the Yale University in the United States. Scientists, artists, and people of culture made effort to ensure that the precious legacy of great value to national cultural heritage does not leave the country irretrievably. These appeals were heard by the poet's widow and sister, who decided to donate them to the National Library in Warsaw, thus allowing the archive to remain in Poland. The above-mentioned amendment was introduced so as to prevent the most valuable of literary and documentary heritage from being permanently taken out of the country.²⁰ Since then many other artists and their relatives have decided to pass on their private collections and archives to the country's central library.

Article 51 para. 4 of the *Act of 23 July 2003 on the Protection of Monuments and the Guardianship of Monuments* states that the following cannot be taken out of the country: a) registered monuments; b) monuments belonging to public collections which are the property of the State Treasury of Poland, units of local government and other institutions of the sector of public finances; c) monuments listed in museum catalogues or belonging to the national library resources. The aim of these restrictions is to protect national treasures, including library and archive materials.²¹

Books are the result of humanity's intellectual activity. Contemporary expressions of creative activity are protected in accordance with the *Act of 4 February 1994 on Copyright and Related Rights*.²² Works which can be copyright-protected include e.g. literary, scientific, cartographic, and choreographic works, musical pieces, works of visual arts, computer software. These works should be “manifestation of creative activity of in-

subject to inclusion in the register of historic monuments (art. 11), as they are already protected by relevant normative acts.

¹⁹ *Act on the Protection of Monuments and the Guardianship of Monuments* [2003-07-23]. Journal of Laws, 2003, no. 162, item 1568, as amended.

²⁰ See art. 52 para. 1a of the *Act on the Protection of Monuments and the Guardianship of Monuments* [2003-07-23]. Journal of Laws, 2003, no. 162, item 1568, as amended.

²¹ *Act on the Protection of Monuments and the Guardianship of Monuments* [2003-07-23]. Journal of Laws, 2003, no. 162, item 1568, as amended.

²² *Act on Copyright and Related Rights* [1994-02-04]. Journal of Laws, 1994, no. 24, item 83, as amended.

dividual nature” (art. 1 para. 1); they should be characterized by originality, novelty.²³ Works which have not been completed for various reasons (e.g. sketches and designs) can also qualify for copyright protection. According to the law, the works of living authors do not require any permission to be taken outside the territory of Poland.²⁴ In libraries, many of the materials come from living authors, but the ability to determine their copyright status remains very important. In some cases the process may be more complex, time consuming, and costly than the task of digitising and adding the works to the virtual library. Determination of the author’s identity is much more difficult in the case of so-called “orphan works”.

In Poland, the pioneers of digitisation of library collections were Wojewódzka Biblioteka Publiczna – Książnica Kopernikańska (The Nicolaus Copernicus Provincial Library in Toruń) – 1997; Biblioteka Uniwersytecka we Wrocławiu (The Wrocław University Library) – 1998; Biblioteka Główna Akademii Górniczo-Hutniczej w Krakowie (The Main Library of the AGH University of Science and Technology) – 1999. However, it is worth noting that already in 1995 the Jagiellonian Library added to its archives a CD-ROM backup of *“De revolutionibus orbium coelestium”* (“On the Revolutions of the Heavenly Spheres”) by the prominent astronomer Mikołaj Kopernik.²⁵ The work on digitisation of the Polish library collections intensified in 2003 and 2004. Library consortia started to emerge to accelerate and facilitate the process. Some of the key questions were the selection of the personnel and the criteria and rules of selection and registration of the library materials intended for digitisation. These questions remain open to these days.

Another problem concerns the lifespan of data storage media, the conservation of digital resources, the quality of the devices, and the format of the digitised files. The data may become unreadable after a relatively short period of time. There is also the issue of updating and verification of virtual resources, e.g. in online scientific repositories. Proliferation of literary materials, archive materials, and works of art in digital

²³ More information on the conditions that a work must meet to qualify for copyright protection in the light of the Polish law can be found in BARTA, J. ed. *Prawo autorskie*. 2. wyd. Warszawa: C. H. Beck; Instytut Nauk Prawnych Polskiej Akademii Nauk, 2007, p. 8 and following. System Prawa Prywatnego: Tom 13. ISBN 978-83-7483-033-1.

²⁴ Article 59 para. 1 point 6 of the *Act on the Protection of Monuments and the Guardianship of Monuments* [2003-07-23]. Journal of Laws, 2003, no. 162, item 1568, as amended.

²⁵ Mikołaj Kopernik’s “On the Revolutions of the Heavenly Spheres” was included in Memory of the World International Register in 1999.

format increases the availability of cultural property. This is especially beneficial for people who are unable to visit cultural institutions and access the materials in person for socio-economic reasons or due to health issues.

Selected aspects of the protection and popularization of documentary heritage on the international arena

The extent of cruelty and lawlessness brought forth by WW II has led to attempts to elaborate a universalistic system of the protection of human rights. During the Second World War countless masterpieces of art, library collections, and archive records were plundered, damaged, or looted from the territories occupied by the Nazi Germany.²⁶ Cultural rights as well as those civic, economic, and social ones should be guaranteed in order to provide a well-balanced and harmonious development of an individual.

On December 10th, 1948, *The Universal Declaration of Human Rights* was adopted by the UN General Assembly at its 3rd session. Article 27 point 1 of the Declaration points to the fact that every individual is entitled to participate freely in cultural life, to take pleasure in art and to take advantage of scientific development. Artistic, literary, and scientific activities lead to the increase in creations of the human mind and in the production of cultural goods; they also lead to the development of an individual's personality and to the ability to express himself/herself. Libraries and books are examples of the intangible cultural activity and heritage. Every individual has the right to the access to cultural heritage, without any distinction or discrimination.²⁷ The declaration is not mandatory in nature; however, it influences legislative, administrative, and judicial activities.

In November 1945, the United Nations Organization for Education, Science and Culture (UNESCO) was founded with a view to protection and popularization of cultural heritage and with a view to support for

²⁶ See WALCZAK, M. Ochrona pamięci o bezpowrotnie utraconych zbiorach bibliotecznych w latach wojny i okupacji hitlerowskiej (1939 – 1945). In: S. KOWALSKA, ed. *Wybrane aspekty ochrony polskiego dziedzictwa kulturowego*. 1. wyd. Poznań – Kalisz: Uniwersytet im. Adama Mickiewicza w Poznaniu, Wydział Pedagogiczno-Artystyczny, 2010, pp. 7-15. ISBN 978-83-62135-36-3, on book collections during WW II.

²⁷ Article 2 in relation to art. 28 of *The Universal Declaration of Human Rights* [1948-12-10]. See also art. 15 of the *International Covenant on Economic, Social and Cultural Rights* [1966-12-16]. *Journal of Laws*, 1977, no. 38, item 169.

development of science, education, culture, and art through international cooperation. Due to the nature of its activities, the organization contributes to peace, security, and the protection of human rights. One of the key initiatives set in motion by the UNESCO is the Memory of the World Programme with the aim of safeguarding the documentary heritage. The Memory of the World Register is a list of the world's most precious documentary heritage under the UNESCO's above-mentioned programme. It was implemented in 1992; however, the first inscriptions on the register were made in 1997. The heritage items preserved on both traditional and contemporary data storage media are entered in the register.

Items on the UNESCO's Memory of the World Register in Poland include e.g. the masterpieces of Fryderyk Chopin; Warsaw Ghetto Archives (Emanuel Ringelblum Archives); the Confederation of Warsaw of 28th of January 1573; the Radziwills' Archives and Niasvizh (Nieśwież) Library Collection; the National Education Commission Archives; the Archive of Warsaw Reconstruction Office; 21 Demands, Gdańsk, August 1980. The birth of the Solidarity trades union – a massive social movement. The fate of the Polish documentary heritage items is often intertwined with the history of other countries. In view of the above-mentioned, it is essential to encourage international cooperation, intercultural dialogue, and empathy while undertaking protection activities.

Article 128 of the *Treaty on the European Union* (EU) signed in Maastricht on February 7th, 1992, addresses the member countries to support their cultures according to the principle of respect for national and regional diversity.²⁸ The protection of cultural properties comprises also activities that aim deterring the art theft and diminishing the international trade for stolen works of art.²⁹ The treaty underlines the necessity to broaden knowledge, to popularize the history of the EU member states, and, at the same time, to enable unconstrained cultural creativity and the promotion of the common European heritage. As culture is being developed through creating and distribution of cultural goods, it has

²⁸ *Treaty on European Union* [Treaty on Maastricht] [1992-02-07]. Official Journal of the European Union, 1992-07-29, C 191.

²⁹ Further reading KOWALSKA, S. Europeizacja prawa a ochrona dziedzictwa kulturowego – wybrane zagadnienia legislacyjne Rzeczypospolitej i Unii Europejskiej. In: T. BIERNAT, ed. *Europeizacja prawa*. 1. wyd. Kraków: Krakowskie Towarzystwo Edukacyjne – Oficyna Wydawnicza AFM, 2008, pp. 171-183. ISBN 978-83-7571-021-2.

been emphasized in the treaty that international cultural exchange should be of non-trading and non-commercial natures.³⁰

The European Union reverts to that issue in the *Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society*.³¹ Apart from collecting and rendering knowledge and practical aspects of knowledge, the making and regulating the EU's internal market in the context of new cultural products and services play a key role in shaping the society of a new type.³² Consequently, it is essential to coordinate and to respect intellectual property rights in such a society. New cultural works, products, and services can be created; innovations, competitiveness, investments, infrastructural improvement, creating new jobs in the cultural sector and the industries connected with it should be encouraged; however, under the condition that copyright and related rights are properly and harmoniously implemented and monitored. The directive gives emphasis to the coordination of the copyright and related rights, as such an approach ensures "the maintenance and development of creativity in the interests of authors, performers, producers, consumers, culture, industry, and the public at large [...]. A rigorous, effective system for the protection of copyright and related rights is one of the main ways of ensuring that the European cultural creativity and production receive the necessary resources, and of safeguarding the independence and dignity of artistic creators and performers [...]. A fair balance of rights and interests between the different categories of rightholders as well as between the different categories of rightholders and users of protected subject-matter must be safeguarded. The existing exceptions and limitations to the rights as set out by the Member States have to be reassessed in the light of the new electronic environment."³³

³⁰ *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* [2005-10-20]. United Nations Educational, Scientific and Cultural Organization, UN Doc. CLT/CEI/DCE/2007/PI/32.

³¹ *Directive 2001/29/EC of the European Parliament and of the Council on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society* [2001-05-22]. Official Journal of the European Union, 2001-06-22, L 167.

³² KOWALSKA, S. *Akty normatywne dotyczące bibliotek w prawie polskim, unijnym i międzynarodowym*. 1. wyd. Poznań – Kalisz: Uniwersytet im. Adama Mickiewicza w Poznaniu, Wydział Pedagogiczno-Artystyczny, 2009, p. 399. ISBN 978-83-62135-30-1.

³³ KOWALSKA, S. *Akty normatywne dotyczące bibliotek w prawie polskim, unijnym i międzynarodowym*. 1. wyd. Poznań – Kalisz: Uniwersytet im. Adama Mickiewicza w Poznaniu, Wydział Pedagogiczno-Artystyczny, 2009, pp. 401-405. ISBN 978-83-62135-30-1.

Therefore, the legal regulations concerning cultural and library activities should be regularly re-examined and updated.

The aforesaid directive on the reproduction right has made an exception for the benefit of libraries and archives. On the basis of art. 5 para. 2c publicly accessible libraries, archives, and educational institutions are excluded from copyright regulations, providing that they do not aim at direct or indirect commercial and economic advantages. According to the *Polish Act of 4 February 1994 on Copyright and Related Rights* making use of disseminated works and reproducing works is not an infringement of copyright holders' rights due to the principle of fair use.³⁴ Public domain works and works whose copyright expired are not subject to copyright. The regulation concerning the reproduction of works is essential, e.g. in the case when a publication is available online or there is only one book held by a library.

The International Federation of Library Associations and Institutions (IFLA) is a non-governmental and non-profit organization that represents librarians, documentarists and information professions; it attaches greater importance to the standards relating to the activities of its members.³⁵ IFLA emphasizes e.g. the development and continuing education of the library personnel; the creation of new professions connected with books and libraries (e.g. info broker); the protection of the intellectual property rights, the freedom of speech; the spread of new forms for registration, cataloguing, and the modern library marketing; the open access to information; the preservation of digital and traditional library materials. The organization takes advantage of modern technologies to improve the functioning of libraries, documentation and scientific information centers. The IFLA conducts analyses with a view to more effective support on the part of librarians for scholarly and educational institutions and other establishments whose activities concern the area of knowledge and information. Following the changes that take place in a modern world, the organization does not neglect principal aims with regard to library activities.³⁶

³⁴ *Act on Copyright and Related Rights* [1994-02-04]. *Journal of Laws*, 1994, no. 24, item 83, as amended.

³⁵ The International Federation of Library Associations and Institutions was established in 1927.

³⁶ MCCREADIE, N. Library Value in the Developing World. *IFLA Journal*. 2013, vol. 39, no. 4, pp. 327-343. ISSN 1745-2651.

The birth of information society has resulted in the digital convergence of media and equipment. Digital platforms provide safe and fast connections within a framework of a uniform information space.

Europeana is a virtual library, an archive, and a museum that enables an access to cultural goods, monuments, and masterpieces of art created and stored in different countries. Owing access to assembled collections and integrated catalogues, the institution let users to admire the European cultural and scientific heritage.³⁷ Europeana's collection is steadily increasing, which means that the copyright status of cultural products has to be constantly checked. If it is necessary, appropriate contracts need to be concluded with the authorized entities.

Digitisation, protection, popularization, and preservation of digital resources make an important part in shaping and preserving "the common European memory".³⁸ While building the information society, the contemporary virtual realm xenophobic attitudes and behaviours, discrimination, copyright, and related rights infringement should be eliminated and prevented.

Conclusions

Nowadays the changes the world is undergoing concern nearly every sphere of life. Breakthrough moments in human history encompass transformations in writing which have enabled communications across space or time as well as the progress relating to data storage media. Human ability to write has for thousands of years contributed to strengthening the solid foundation, in other words, the cultural heritage is indispensable for the functioning of a society. Books make an immeasurable value embodied in human heritage; they constitute an important connecting link across generations.

Building the universalistic system of human rights after WW II has resulted in a visible shift how the cultural rights of an individual should be perceived. Regulations and mechanisms have been elaborated for protection of tangible and intangible cultural heritage.

³⁷ *The European Parliament Resolution on i2010: Towards a European Digital Library* [2007-09-27]. EU Doc. 2006/2040(INI).

³⁸ *Commission Recommendation 2006/585/EC on the Digitisation and Online Accessibility of Cultural Material and Digital Preservation* [2006-08-24]. Official Journal of the European Union, 2006-08-31, L 236.

The United Nations Educational, Scientific and Cultural Organization has been established with the intention to protect cultural heritage on the international arena. The Memory of the World Register is a strategic initiative under the UNESCO's Memory of the World Programme, with the aim of protection of the documentary heritage of humanity. The IFLA, a leading non-governmental organization, focuses on library services. In Poland, Stowarzyszenie Bibliotekarzy Polskich (The Polish Librarians' Association) represents the interests of libraries and their users.

Appropriate organizational, legal, infrastructural, and financial conditions should be provided in order to protect books, cultural goods, and monuments. Applicable laws and regulations concerning that matter should be normative in nature.

In the 21st Century the Internet has become a common tool for communication and for the pursuit of information. Virtual book collections, libraries, archives, and museums have become accessible through the Internet. These activities aimed at the quest for information sources and services should be conducted on the principle of respect for the intellectual property rights.

Librarians play an important role in protection, preservation, and sharing the documentary heritage of humanity, thus adding to the cultural education of societies. They safeguard not only the books, but also the values written on the pages of books; that is to say, they preserve the past that is necessary for proper understanding of the present and the future. The educational and professional competence status of librarians needs to be a subject to an analysis and verification, in accordance with the constantly changing conditions.

These days it is indispensable to promote the knowledge, the ability to think critically, and the idea of lifelong education; the promotion of readership, especially among children and the youth, is taking on a new significance, as the modern information society paradoxically tends to come back to the picture system of communications.

Apart from their functional role, books are witnesses to history and cultural goods crucial both for the development of an individual and the whole society.

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