



KNOWLEDGE WITHOUT BOUNDARIES

What Can libraries in Senegal Do Under the 2008 Copyright Act?

December 2023

Introduction

Senegal adopted its current copyright law in 2008. Unfortunately, the Act contains only a limited set of exceptions, with no specific exceptions for libraries. This guide explains the library activities permitted under the 2008 Act, and makes suggestions for how the law might be amended to accommodate library activities in the digital environment in support of education, research and innovation.

Part 1 is a brief summary of the key provisions for libraries in the Copyright Act, 2008.

Part 2 evaluates the Copyright Act, 2008 against the EIFL Core Libraries Exceptions Checklist.

Part 3 is a legal analysis of the provisions related to libraries and library activities.

Part 4 is the text of library-related provisions in the Nigeria Copyright Act, 2022 that Senegal might consider adopting.

The guide is published in collaboration with Consortium des Bibliothèques de l'Enseignement Supérieur du Sénégal (COBESS), as part of the project "Contributing to Public Interest Copyright Policy in Senegal and at WIPO: Promoting Access to Knowledge and the Right to Research".

The guide can be used by the local library community, policymakers and legal practitioners to raise awareness of what the law means for libraries and library activities in Senegal. It can highlight the shortcomings of the 2008 Copyright Act, and hopefully lead to the introduction of exceptions applicable to libraries to permit modern library information services, provide clarity for library practitioners seeking to navigate their way around the law, and bring Senegal's law up-to-date with copyright law developments in other parts of the world. The guide is a good faith interpretation of the Senegal Copyright Act, 2008.

The information does not constitute legal advice; if in doubt, seek local support.

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Part 1 Summary of Key Library Provisions

The Copyright Act, 2008¹ does not contain any exceptions directed specifically at libraries. This means that libraries cannot make reproductions for preservation or for users, except to the extent permitted under another exception or the remuneration system (which might not permit digital copies). Further, Senegal has neither ratified nor implemented the Marrakesh Treaty for people with print disabilities. However, library lending of physical books purchased in West Africa is permitted under Article 36(2).

The Copyright Act, 2008 scores 11 points (out of a possible 36) in EIFL's Core Library Exceptions Checklist. See 'Rate my copyright law' at the end of this document.

¹ Law No. 2008-09 of January 25, 2008, on Copyright and Related Rights

Part 2 Library Exceptions Checklist

The analysis below evaluates the copyright provisions of the 2008 Copyright Law against the EIFL “Core Library Exceptions Checklist.”

COLLECTION DEVELOPMENT

MAY A LIBRARY BUY LAWFULLY PRODUCED BOOKS AND OTHER MATERIALS FROM ANOTHER COUNTRY FOR INCLUSION IN ITS COLLECTION?

Under Article 36(2), the author’s distribution right with respect to a physical copy is exhausted with the first authorized sale of that copy within the West African Economic and Monetary Union (UEMOA). Thus, a library may import from an UEMOA country a copy sold there with the author’s permission. It is less clear whether the library could import books and other materials from countries outside UEMOA. Under Article 151, an author can “prevent[] the entry into the market of imported goods that infringe copyright.” But would a copy lawfully published in France infringe copyright? It could be that the library in theory could import the book, but would still be liable for damages under Article 152. The damages would be measured by the loss of earnings, which might be small because the author would have received a royalty on the sale of the book in France.

MAY A LIBRARY LEND A PHYSICAL BOOK/CD/DVD TO A LIBRARY USER, OR TO ANOTHER LIBRARY?

Because the distribution right is exhausted after an authorized sale of a copy within UEMOA, see Article 36(2), libraries are allowed to lend copies in their collections acquired within UEMOA to library users or to other libraries. Under Article 37, the author has an exclusive right of rental, but rental is defined as “making available for a limited time and for direct or indirect economic or commercial advantage.” The library would not receive an economic or commercial advantage from lending the copy, so it would not infringe the rental right.

MAY A LIBRARY BY LAW LEND AN E-BOOK TO A LIBRARY USER?

The distribution right in Article 36(1) applies to physical copies. To the extent that the lending of the e-book would require the making of an unauthorized reproduction, there is no exception to the reproduction right that would permit the making of this reproduction.

SUPPORT FOR EDUCATION AND RESEARCH

MAY A LIBRARY SUPPLY A COPY OF A WORK SUCH AS A JOURNAL ARTICLE OR BOOK CHAPTER, EITHER IN HARD COPY OR ELECTRONICALLY, TO A PERSON FOR RESEARCH OR PRIVATE USE, OR TO ANOTHER LIBRARY?

There are no specific exceptions in Senegal for libraries. However, under Article 40(1), the reproduction right (in Article 35) does not prevent the making of copies strictly for “personal and private use.” (Such copies are subject to remuneration under Article 103.) Article 42 permits reproduction and communication to the public for the purpose of illustration for teaching. Article 44 permits the making of analysis of and short quotation from a work, to the extent compatible with fair practice. Article 45 allows “the reproduction and communication for information purposes of articles on current political, social or economic topics.” Thus, libraries probably could make copies for users for these purposes. Additionally, other copies could be made pursuant to Article 35(3), which permits a collective management society to authorize the making of a reprographic reproduction (paper copy) for compensation.

MAY A LIBRARY SEND AND RECEIVE SUCH COPIES ACROSS BORDERS?

Nothing in the copyright law appears to prevent a library in Senegal from sending copies made under Articles 40(1), 42, 44, or 45 across borders. Similarly, nothing in the copyright law appears to prevent a Senegal library from receiving individual copies from overseas.

MAY A LIBRARY CREATE DATABASES OF COLLECTION MATERIAL, INCLUDING E-RESOURCES MANAGED BY THE LIBRARY, TO FACILITATE TEXT AND DATA MINING BY RESEARCHERS?

Article 44 permits making of short quotations from a work, to the extent compatible with fair practice. A library could argue that creation of a database to facilitate text and data mining – that is, to facilitate quotation – falls within the scope of the short quotation exception. It is uncertain whether a court would be receptive to such an interpretation. It is unlikely that the copies in the database would be “reprographic reproductions” subject to a compulsory license under section 35(3).

MAY A LIBRARY PROVIDE COPIES OF COLLECTION MATERIAL FOR USE IN VIRTUAL LEARNING ENVIRONMENTS TO FACILITATE DISTANCE LEARNING?

Article 42 permits reproduction and communication to the public for the purpose of illustration for teaching. It would appear that a library could participate in this activity.

MAY A LIBRARY DIGITIZE ORPHAN WORKS IN ITS COLLECTION, AND MAKE THEM AVAILABLE ONLINE?

It is doubtful that a court would interpret the short quotation exception in Article 44 as permitting the making the full text of orphan works available online. Conceivably a collective management society could authorize making reprographic reproductions (paper copies) of orphan works under Article 35(3).

PRESERVATION AND REPLACEMENT

MAY A LIBRARY MAKE COPIES OF WORKS IN ITS COLLECTION IN ANY FORM FOR PRESERVATION OR BACK-UP, AND PROVIDE ACCESS TO THESE COPIES?

No provision in the Copyright Act appears to allow a library to make a preservation copy. A collective management society could conceivably authorize a reprographic reproduction (paper copy) for preservation purposes pursuant to Article 35(3) (although probably not a digital copy). The licence negotiation process, as well the cost of the licence could be a significant barrier.

MAY A LIBRARY PROCURE FROM ANOTHER LIBRARY THE MISSING PARTS OF ANY WORK IN ITS COLLECTION?

No provision in the Copyright Act appears to allow a library to provide another library with the missing part of a work in its collection. A collective management society could conceivably authorize a reprographic reproduction (paper copy) for this purpose pursuant to Article 35(3) (although probably not a digital copy). The licence negotiation process, as well the cost of the licence could be a significant barrier.

MAY A LIBRARY WEB ARCHIVE, I.E. PRESERVE PUBLICLY ACCESSIBLE WEBSITES?

Although a collective management society could conceivably authorize a reprographic reproduction (paper copy) for the purpose of archiving a website pursuant to Article 35(3), it probably could not authorize the making of a digital copy. Therefore, web archiving - the process of collecting certain websites of national and historical importance, preserving these collections and providing online access to researchers and scholars, for example, would not be possible.

Web archiving has become a very important activity in the cultural domain, particularly due to the transitory nature of websites, that are preserved and made available for research sometimes long after the original site has disappeared.

PERSONS WITH DISABILITIES

MAY A LIBRARY MAKE AN ACCESSIBLE FORMAT COPY OF A WORK AND PROVIDE IT TO A PERSON WITH A DISABILITY?

There is no special provision permitting a library to make and distribute an accessible format copy of a work. This activity arguably could be permitted as the making of a personal and private use subject to remuneration under Articles 40(1) and 103.

MAY A LIBRARY SEND AND RECEIVE ACCESSIBLE FORMAT COPIES TO AND FROM OTHER COUNTRIES?

Arguably a library could send an accessible format copy as a personal and private use subject to remuneration. A library might be able to forward an accessible format copy received from abroad to a person with print disabilities under a similar theory.

FORMAT NEUTRAL

MAY A LIBRARY MAKE COPIES IN ANY FORMAT, INCLUDING DIGITAL COPIES?

As noted in the other responses, the Copyright Act, 2008 does not contain a library specific exception but libraries can rely on the other exceptions provided by the Act e.g. for quotation, illustration, or political commentary, as far as they go. It appears that these other exceptions are format neutral and thus would allow a library to make a digital copy for these stated purposes. The Article 35(3) provision that empowers a collective management society to authorize the making of reprographic reproductions likely is not format neutral because the term "reprographic reproductions" typically refers to physical (paper) copies.

SAFEGUARDING EXCEPTIONS IN THE DIGITAL ENVIRONMENT

ARE THE EXCEPTIONS GRANTED TO LIBRARIES IN COPYRIGHT LAW SAFEGUARDED FROM OVERRIDE BY LICENSE TERMS?

Nothing in the law safeguards copyright exceptions from being overridden by license terms.

WHERE LEGAL PROTECTION IS GRANTED TO TECHNOLOGICAL PROTECTION MEASURES (TPMS), MAY A LIBRARY CIRCUMVENT THE TPM TO AVAIL ITSELF OF AN EXCEPTION TO COPYRIGHT?

Section 125(1) provides that copyright owners may use technological measures to prevent acts which they have not authorized or "which are not permitted by law." Section 125(2) then states that circumvention of technological measures under paragraph 1 is subject to criminal penalties. Taken together, these provisions suggest that a library may circumvent a TPM to avail itself of an exception to copyright.

LIMITATION ON LIABILITY

DOES THE LAW PROTECT LIBRARIANS FROM BEING SUED IN THE COURSE OF THEIR DUTIES?

The copyright law does not limit the liability of librarians for any copyright infringement they commit in the course of performing their duties.

A FLEXIBLE EXCEPTION

IN ADDITION TO ANY SPECIFIC LIBRARY EXCEPTIONS, ARE LIBRARY ACTIVITIES ALSO SUPPORTED BY A FLEXIBLE EXCEPTION SUCH AS FAIR USE OR FAIR DEALING?

Library activities are not supported by a flexible exception.

Part 3 Legal Analysis

The Copyright Act, 2008 does not contain a specific exception for libraries, nor does it have a flexible provision, such as fair dealing/fair use. This means that libraries in Senegal are forced to rely on exceptions designed for other uses resulting in legal uncertainties and ambiguities, or they are beholden to a collective management society to negotiate a licence even for the most basic activities. As a practical matter, this situation is highly unsatisfactory for library professionals going about their daily work providing information services in support of education, research and other public interest activities. When the law does not clearly address the legitimate needs of an important copyright stakeholder, such as libraries, EIFL believes that the law is in effect failing that community and the wider public interest that copyright law is supposed to serve.

Accordingly, the Copyright Act, 2008 provides far less latitude for library activities than the copyright laws of most developed countries, including those of countries in the European Union. In particular, it does not adequately address the making of digital copies, even though digital technologies are ubiquitous. We suggest that Senegal could consider adopting library provisions similar to those adopted by Nigeria in its 2022 Copyright Act.

LIBRARY LENDING

Notwithstanding the general rigidity of the copyright law in Senegal with respect to libraries, there is no restriction on libraries lending the physical copies in their collections (since public lending is not an exclusive right). Under Article 36(2), the author's distribution right with respect to a physical copy is exhausted with the first authorized sale of that copy within the West African Economic and Monetary Union (UEMOA). This means that libraries are allowed to lend copies in their collections acquired within UEMOA to library users or to other libraries. Under Article 37, the author has an exclusive right of rental, but rental is defined as "making available for a limited time and for direct or indirect economic or commercial advantage." Because the library would not receive an economic or commercial advantage from lending the copy, it would not infringe the rental right.

At the same time, there is no provision in the Copyright Act, 2008 that would allow the making of the reproductions necessary to effectuate the lending of a digital copy by transmission, such as some form of controlled digital lending.

PRESERVATION AND REPLACEMENT COPIES

In the absence of an exception for libraries and other cultural heritage institutions, no provision in the Copyright Act, 2008 permits a library to make a copy of a work in its collection for preservation or replacement purposes. Nor could it reproduce part of a copy that it borrows from another library for the purpose of replacing a missing part of a work in its collection.

Under Article 35(3), a collective management society has the sole authority to conclude any agreement with users for “reprographic reproductions.” This term is defined in the Copyright Act, 2008. This term is generally understood to refer to photocopying, not digital copies. If the term “reprographic reproduction” is interpreted in this narrow manner, the collective management society conceivably could authorize a library to make physical, but not digital, preservation and replacement copies. However the process of negotiating a licence, and the potential cost of a licence, could be a significant impediment in any preservation project especially if the project is funded through a cooperation agreement with other institutions or through donor funding.

USER COPIES

There are no specific exceptions in the Copyright Act, 2008 permitting libraries to make copies for users. While a library might conceivably engage in some copying to the extent allowed by another exception, there are uncertainties and ambiguities. For example, under Article 40(1), a user could make a copy for “strictly personal and private use.” This might allow a library to make a private copy for a user, or at least allow the library to make a copying machine available to a user for the purpose of making private copies. These copies would be subject to remuneration under Article 103. Other exceptions available to libraries (and their users) include: Article 42, which permits reproduction and communication to the public for the purpose of illustration for teaching; Article 44, which permits analyses and short quotations from a work, to the extent compatible with fair practice; and Article 45, which allows “the reproduction and communication for information purposes of articles on current political, social or economic topics.” Additionally, other copies could be made pursuant to Article 35(3), which permits a collective management society to authorize the making of a reprographic reproduction for compensation.

However, as stated above, this situation is highly unsatisfactory for library professionals seeking to provide information services in support of education, research and the public interest.

On a positive note, under section 125, a library may circumvent a technological protection to the extent necessary to employ the limited exceptions at its disposal.

COMPARISON WITH EU DIRECTIVES

The shortcomings of the Copyright Act, 2008 with respect to libraries are particularly evident when compared to the exceptions mandated by European Directives.

- The **Orphan Works Directive** (Directive 2012/28/EU) allows cultural heritage institutions (including libraries) to use works whose copyright owners cannot be identified or located after making a reasonably diligent, but unsuccessful, search for the copyright owner. The Copyright Act, 2008 has nothing comparable.
- The **Marrakesh Directive** (Directive 2017/1564), which implements the Marrakesh Treaty, allows an institution that provides services to people with print disabilities, such as a library, to make and distribute accessible format copies to people with print disabilities. This exception may not be waived by contract. The Copyright Act, 2008 has nothing comparable.
- The **Copyright in the Digital Single Market Directive** (Directive 2019/790) allows cultural heritage institutions to engage in text and data mining; to make preservation copies; and to use out-of-commerce works. These exceptions may not be waived by contract. The Copyright Act, 2008 has nothing comparable.

RECOMMENDATIONS

EIFL believes that Senegal should adopt library exceptions comparable to those mandated within the EU and in other countries around the world. It would also be helpful if Senegal “future proofs” the law to accommodate technological developments not foreseen when the law is enacted, such as the flexible fair dealing provision recently enacted in Nigeria.²

We also hope that Senegal will join the Marrakesh Treaty for persons with print disabilities and will implement the treaty into national law.

The Nigerian Copyright Act, 2022 has provisions matching these exceptions. These are set forth in the following section.

² Nigeria Copyright Act 2022, section 20(1).

Part 4 Proposed Amendments from Nigeria Copyright Act, 2022

Libraries, Archives, Museum, and Galleries³

- (1) Notwithstanding the provisions of sections __of this Act, archives, libraries, museums and galleries, may for non-commercial purposes –
- (a) make and distribute copies of works protected under this Act as part of their ordinary activities;
 - (b) make copies of works in their collection for the purpose of back-up and preservation;
 - (c) make or procure a copy of any missing part of a work in its collection from another institution;
 - (d) make or procure a copy of any work that is or should be available in its collection in any chosen format, where the work cannot reasonably be acquired in that format through general trade or from the publisher; or
 - (e) make or procure a copy of any work where the permission of the owner of the copyright cannot be obtained, after reasonable effort, or where the work is not available by general trade or from the publisher.
- (2) Copies of works made in whatever format in accordance with subsection (1) may be –
- (a) lent to users; or
 - (b) used for private study or research on the premises of the institution with or without the means of technical equipment.

People with Print Disabilities⁴

- (1) Notwithstanding the provisions of any other section of this Act, an authorised entity may, without the permission of the owner of copyright in a work, make or procure an accessible format copy of a work or subject matter and supply the copy to beneficiary persons by any means, including non-profit lending, or electronic communication by wire or wireless means, on the condition that the –
- (a) authorised entity desiring to undertake any of the activities under this section has lawful access to that work or subject matter or a copy of that work or subject matter;
 - (b) work or subject matter is converted to an accessible format copy;
 - (c) accessible format copy is supplied to be used exclusively by beneficiary persons; and
 - (d) activity is undertaken on a non-profit basis.

³ Nigeria Copyright Act 2022, section 25.

⁴ Nigeria Copyright Act 2022, section 26.

(2) For the purpose of the requirement of subsection (1) (c), an authorised entity shall establish and follow its own practices, to –

- (a) establish that the persons it serves are beneficiary persons;
- (b) limit its distribution to beneficiary persons or authorised entities and in making available of accessible format copies;
- (c) discourage the reproduction, distribution and making available of unauthorised copies; and (d) maintain due care in, and records of, its handling of copies of works or other subject matter while respecting the privacy of beneficiary persons.

(3) A beneficiary person is permitted to make an accessible format copy of a work or other subject matter for his personal use, where he has lawful access to that work or subject matter or a copy of that work or subject matter.

(4) A person acting on behalf of a beneficiary person, including a primary caretaker or caregiver, may assist the beneficiary person to make accessible format copies where the beneficiary person has lawful access to that work or subject matter or a copy of that work or subject matter.

(5) An authorised entity may, without the permission of the owner of a copyright, distribute or make available accessible format copies to an authorised entity in another country for the exclusive use of beneficiary persons or to a beneficiary person in another country, provided that prior to the distribution or making available, the authorised entity did not know or have reasonable grounds to know that the accessible format copy would be used other than for the beneficiary persons.

(6) An authorised entity, a beneficiary person or a person acting on his behalf including a primary caretaker or caregiver, may without the permission of the owner of copyright import an accessible format copy, including by wire or wireless means.

(7) For the purposes of this section –

(a) works include literary and artistic works in the form of text, notation or related illustrations that are not available in accessible formats;

(b) accessible format copy means a copy of a work in an alternative manner or form which – (i) gives a beneficiary person access to the work, as feasibly and comfortably as a person without visual impairment or other print disability, and (ii) respects the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons;

(c) authorised entity means – (i) an entity that is authorised or recognized by the government, or receives financial support from the government, to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis, or

(ii) a government institution or non-profit organisation that provides education, instructional training, adaptive reading or information access to beneficiary persons as part of its primary activities or institutional obligations; and

(d) beneficiary person means a person who, regardless of any other disabilities – (i) is blind,

(ii) has a visual impairment or a perceptual or reading disability which cannot be improved to give visual function substantially equivalent to that of a person who has no such impairment or disability and so is unable to read printed works to substantially the same degree as a person without an impairment or disability, or

(iii) is otherwise unable, through physical disability, to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading.

General Fair Dealing Provision⁵

(1) The rights conferred in respect of a work under sections __ of this Act, do not include the right to control any of the acts specified in those sections by way of fair dealing for purposes such as –

(a) private use;

(b) parody, satire, pastiche, or caricature;

(c) non-commercial research and private study;

(d) criticism, review or the reporting of current events, subject to the condition that, if the use is public, it shall, where practicable, be accompanied by an acknowledgment of the title of the work and its author except where the work is incidentally included in a broadcast:

Provided that in determining whether the use of a work in any particular case is fair dealing, the factors to be considered shall include the –

(i) purpose and character of its usage,

(ii) nature of the work,

(iii) amount and substantiality of the portion used in relation to the work as a whole, and

(iv) effect of the use upon the potential market or value of the work.

Contract Override⁶

Any term of a licence which purports to restrict the proportion of work, which may be copied to less than that permitted under this section shall be of no effect.

⁵ Nigeria Copyright Act 2022, section 20(1).

⁶ Nigeria Copyright Act 2022, section 20(3).



Rate my copyright law

How does your copyright law support activities and services in your library? This scorecard is a handy way to rate your national law for core library provisions. Check how the law performs, and compare with other countries. Identify any gaps, or see where it's doing well. The questions on the scorecard should be read together with the *EIFL Core Library Exceptions Checklist*. Tip: Library activities and services may be permitted through specific exceptions, a flexible exception such as fair use/fair dealing, case law, or related law. If in doubt, seek legal advice.

	YES <input type="checkbox"/> 2	PARTLY <input type="checkbox"/> 1	NO <input type="checkbox"/> 0
COLLECTION DEVELOPMENT			
May a library buy lawfully produced books and other materials from another country for inclusion in its collection?	<input checked="" type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/>
May a library lend a physical book/CD/DVD to a library user, or to another library?	<input checked="" type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/>
May a library by law lend an e-book to a library user?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 0
SUPPORT FOR EDUCATION AND RESEARCH			
May a library supply a copy of a work, such as a journal article or book chapter, either in hard copy or electronically, to a person for research or private use, or to another library?	<input type="checkbox"/>	<input checked="" type="checkbox"/> 1	<input type="checkbox"/>
May a library send and receive such copies across borders?	<input type="checkbox"/>	<input checked="" type="checkbox"/> 1	<input type="checkbox"/>
May a library create databases of collection materials, including e-resources managed by the library, to facilitate text and data mining by researchers?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 0
May a library provide copies of collection materials for use in virtual learning environments to facilitate distance learning?	<input checked="" type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/>
May a library digitize orphan works in its collection, and make them available online?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 0
PRESERVATION AND REPLACEMENT			
May a library make copies of works in its collection in any format for preservation purposes or back-up, and provide access to these copies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 0

	YES	PARTLY	NO
	<input type="text" value="2"/>	<input type="text" value="1"/>	<input type="text" value="0"/>
May a library procure from another library the missing parts of any works in its collection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
May a library web archive, i.e. preserve publicly accessible websites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PERSONS WITH DISABILITIES			
May a library make an accessible format copy of a work and provide it to a person with a disability?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
May a library send and receive accessible format copies to and from other countries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FORMAT NEUTRAL			
May a library make copies in any format, including digital copies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SAFEGUARDING EXCEPTIONS IN THE DIGITAL ENVIRONMENT			
Are the exceptions granted to libraries in copyright law safeguarded from override by licence terms?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where legal protection is granted to technological protection measures (TPMs), may a library circumvent the TPM to avail itself of an exception to copyright?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LIMITATION ON LIABILITY			
Does the law protect librarians from being sued in the course of their duties?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
A FLEXIBLE EXCEPTION			
In addition to any specific library exceptions, are library activities also supported by a flexible exception such as fair use or fair dealing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Does your law measure up?

TOTAL SCORE	<input type="text" value="11/36"/>	TYPE OF LIBRARY	<input type="text" value="Any (no specific library exceptions)"/>	LAW*	<input type="text" value="Copyright Act, 2008"/>
COUNTRY	<input type="text" value="Senegal"/>	DATE	<input type="text" value="December 2023"/>	* VERSION/DATE	