

**MAX-PLANCK-INSTITUT**  
FÜR KOHLENFORSCHUNG



# Terms of Use of the Historical Archive

of the **MAX-PLANCK-INSTITUT**  
**FÜR KOHLENFORSCHUNG**  
Foundation

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## § 1 Scope

These Terms of Use apply to the use of the documents stored in the Historical Archive of the Max-Planck-Institut für Kohlenforschung, in conjunction with the Archive Statutes.

## § 2 Type of use

The Archive may be used for:

- inspection in person at the Archive,
- inspection in person of reproductions of the archive materials,
- written, electronic and verbal information.

## § 3 Purpose

Where evidence can be provided of a justified interest in using the Archive, the archive materials may also be made available to individuals who are not members of the Institute

- for official purposes,
- for purposes relating to science and research,
- for purposes relating to education and teaching,
- for other purposes (e.g. preparing publications in the press, radio, film or television, websites, for the institution's own internal purposes or those of the depository or donors or for private purposes), if, beyond the legitimate interest in the use, special interests worthy of protection can be asserted clearly and in writing.

## § 4 Application for use

- (1) In order to use the Historical Archive, an application for use must be submitted to Archive Management in writing or electronically. The form can be downloaded from: <https://www.kofo.mpg.de/824910/Nutzungsantrag.pdf>.
- (2) No legal claim to the use of the Archive exists.

## § 5 Use permit

- (1) The use permit is granted only to the applicant themselves (if applicable, together with an approved assistant) and only for the purpose listed in the application for use. This permit only applies for a limited period of up to one year.
- (2) The use permit may be granted under certain conditions or restrictions, particularly if
  - the use is contrary to the legal provisions (legal requirements of confidentiality and data protection) or contrary to third-party concerns worthy of protection,
  - the user repeatedly or gravely breaches the Terms of Use or the restrictions placed on them,
  - the use might put the conservation condition or tidiness of the documents at risk,

- the archive materials have not yet been processed or are still being processed,
  - the documents are in use,
  - the identification and locating would involve a disproportionate time and work effort,
  - the purpose pursued with the use can be achieved by viewing reproductions, printed works or other publications.
- (3) The Archive Management and a Management Board member, normally the Head of Administration, decide whether to grant the approval for use.

### **§ 6 Withdrawal of the use permit**

- (1) The permit to use the Archive may be withdrawn at any time.
- (2) The use permit lapses in the event of a violation of the Terms of Use.
- (3) Excerpts, copies, notes and any other duplicates or reproductions may be retained after the use permit is withdrawn or lapses.

### **§ 7 Use details**

- (1) The timing of use must be agreed with Archive Management. When requested to do so, the user must present an ID.
- (2) The archive materials are generally used at the user's workstation. The archive materials are provided to the user after first being checked to determine whether they contain any personal or copyright information or any other details relating to third parties which are worthy of protection.
- (3) The archive materials, books and search tools must not generally be removed or sent. In exceptional cases, Archive Management may permit photocopies or scans to be made.
- (4) The archive materials, books or search tools must be treated with the greatest care.
- (5) No notes, lines or other signs of any kind may be attached to the archive materials and books; dog ears are prohibited; the archive materials must not be used as writing pads or in any other way that could alter the condition of the archive materials. The sequence and order of the archive materials and their lettering, covers and packaging must not be altered.
- (6) Where technical tools are used (e.g. computers, smartphone), these must first be approved by Archive Management.

### **§ 8 Utilization or subsequent research results**

- (1) Subsequent research results must only be used for processing and in the context of the topic stated in the application.
- (2) The approval of Archive Management is required

- for any exploitation other than that specified in the application,
  - forwarding of the subsequent research results to third parties,
  - reproductions of the Archive's sources.
- (3) The Archive's sources used must be referenced in the event of a publication.
  - (4) In order to avoid any misunderstanding or legal disputes, it is recommended that the user should submit those parts of the work which are based on documents from the Archive to Archive Management before publication and take the latter's material comments into account.
  - (5) The user is obligated to respect the personal rights and copyrights as well as other legitimate interests of third parties and to observe any official or judicial requirements.
  - (6) The user shall provide the Archive with a copy of their work for free and without having to be requested to do so (independently of whether this is published).

### **§ 9 Liability**

- (1) The user shall be liable for any losses or damage to the documents provided or damage to the Archive, which are caused by the user themselves or by their assistants.
- (2) The Foundation of the Max-Planck-Institut für Kohlenforschung shall not be liable for damage which the user suffers in the context of using the Archive.
- (3) The user shall be liable for any violation of personal rights or copyrights, legitimate third-party interests and any official or judicial requirements.

### **§ 10 Costs of use**

- (1) No fees are charged for using the Archive.
- (2) In the event of special services or material costs, the user may be requested to pay for any materials used.

### **§ 11 Coming into force**

The Terms of Use shall take effect once it has been signed by the Head of Administration and shall continue to apply until it is replaced by new Terms of Use.

Mülheim an der Ruhr, on 09/08/2021

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Dr Verena Schultz-Coulon (Head of Administration)