

Terms of Use for DIGAR Publisher Portal

Terms

Publisher – publisher can be a natural or legal person, or state or local government authority or its division.

Account – publisher's account (hereinafter account) used to manage all publisher's activities in the portal.

Main user – publisher's representative using all services and assigns the rights to all users. –

User – publisher's representative authorised by the main user, carrying out activities in the portal which are authorised by the main user.

Client – third party that is not a publisher but to whom the copyright owner, if they so wish, can make available the source material of their publication.

Standard number – ISBN (international standard book number), ISMN (international standard music number) and ISSN (international standard serial number).

EAN code – figure code or barcode used on retail packaging (product barcode).

Publication – work issued as a printed publication or on another physical data carrier.

Online publication – electronic publication made accessible to the public via technological means.

Output-ready file of publication – digital dataset (file) created for issuing the publication.

Authorised workplace – computer terminal for on-site use of digital legal deposit copies, preventing public access by technological and physical means.

DIGAR – digital archive DIGAR of the National Library of Estonia, with the purpose of collecting, storing and making accessible digital information.

1. General provisions

- 1.1 The National Library of Estonia's self-service Publisher Portal (hereinafter portal) is an electronic submission system for offering the following services (hereinafter service): notifying of a new publication, requesting a standard number for a publication, archiving of output-ready files (hereinafter file) managing the legal rights of publications and monitoring the usage statistics of publications.
- 1.2 The owner and manager of the Portal (hereinafter manager) is the National Library of Estonia (hereinafter National Library) registry code 74000139, postal address: Tõnismägi 2, 15189 Tallinn, tel. 630 7611, email nlib@nlib.ee
- 1.3 Pursuant to the National Library of Estonia Act (<https://www.riigiteataja.ee/en/eli/504032016003/consolide>) and Legal Deposit Copy Act (<https://www.riigiteataja.ee/en/eli/514092016001/consolide>), the purpose of maintaining the Portal is collecting, storing and making accessible digital information.
- 1.4 Users of the Portal are all natural and legal persons who are engaged in publishing activities in the Republic of Estonia, or have a representative in the Republic of Estonia engaged in disseminating publications, or register and submit publications that are disseminated in the Republic of Estonia or other countries but are of importance to Estonian culture (hereinafter publisher).
- 1.5 The portal and the services are free for the publisher.

2. Usage of the portal

- 2.1. To use the portal, the publisher must register as user of the National Library with an ID-card or mobile ID, and designate an authorised representative (hereinafter main user) and to create a publisher's account in the portal (hereinafter account).
- 2.2. The main user uses all services offered via the portal, carries out activities related to the account, administrates all publications of the publisher and the related legal rights, and issues authorisations to persons associated with the publisher (hereinafter user).
- 2.3. Each publisher must have one main user and may have an unlimited number of users.

3. Copyright

- 3.1. Subject to the current laws and regulations, the copyright of the publication and its output-ready file submitted via the portal belong to the holder of copyright who may be the author, publisher or third person.
- 3.2. The publisher must possess the right to copy and disseminate the publication. The publisher is responsible for requirements related to the publication which proceed from the Copyright Act.
- 3.3. The holder of copyright of the online publication and output-ready file can, if they so desire, make the output-ready file of their publication accessible also to third parties (hereinafter client).
- 3.4. The online publication and its output-ready file that are submitted via the portal are made accessible via an authorised workplace in the National Library's digital archive DIGAR (www.digar.ee) (hereinafter DIGAR).
- 3.5. The descriptive data of the online publication and its output-ready file that are submitted via the portal are made accessible in the database of the Estonian National Bibliography ERB (erb.nlib.ee). The descriptive data belong to the manager and are protected by license CC0.
- 3.6. With the permission of the holder of copyright of the online publication and its output-ready file, the submitted legal deposit copies can be made accessible via DIGAR to a wider extent and/or with certain restrictions (time and/or place restriction).
- 3.7. On the basis of the initial descriptive data of the publication, submitted during the request of a standard number, a CIP record is compiled which is entered in the „Publishing soon“ list (www.ester.ee, menu „Publishing soon“).

4. Personal data

- 4.1. By starting to use the portal and agreeing to these terms of use, the user gives the manager their consent to process the personal data submitted by the user via the portal according to these terms of use, the National Library's privacy policy and the legislation of the Republic of Estonia.
- 4.2. The National Library shall not deliver or disclose the personal data of users to third parties, except in the following cases:
 - 4.2.1. ISBN agencies are obliged to ensure that the detailed data of released ISBNs, the related descriptive data and administrative data are entered into registers;

- 4.2.2. the Estonian ISBN Agency is obliged to forward the contact information of publishers to the Global Register of Publishers (<https://grp.isbn-international.org/>);
- 4.2.3. The Estonian ISMN Agency is obliged to forward the contact information of publishers to the Music Publishers' International ISMN Directory.
- 4.3. The user has the right to refuse the disclosing of their contact information in the Global Register of Publishers and Music Publishers' International ISMN Directory by making a corresponding notice when creating the account in the portal or changing the account data.

5. Rights and obligations of publisher

5.1. Rights of publisher

- 5.1.1. The publisher has the right to create an account in the portal, designate the main user and use the services offered by the portal in the extent and manner specified in these terms of use.
- 5.1.2. The main user and user have the right to administer in the portal their personal data and data related to their publications.
- 5.1.3. The publisher has the right to apply for standard numbers (ISBN, ISMN, ISSN). Additionally to the ISBN and ISMN numbers, the publisher has the right to apply for EAN barcode (product barcode).
- 5.1.4. The main user and user have the right to view their applications history and status as well as the standard numbers issued for publications. The publisher also has the right to see the remarks added to their publications.
- 5.1.5. The main user and user have the right to view uploaded objects/files and their status.
- 5.1.6. The user has the right to get back the original files in their original form which have been sent to the archive, and/or archive files which have been processed and changed in the archive due to developments in technology for ensuring the preservation of information and continual usage.
- 5.1.7. The user has the right to view statistics on the use of their publications in the National Library.
- 5.1.8. ... has the right to use the services of DIGAR free of charge.

5.2. Obligations of publisher

- 5.2.1 Before registering a publisher's account in the portal, the corresponding person is obliged to submit to the National Library's user database their true personal data, including registering under their true and full name and using their valid email address.
- 5.2.2 The user is obliged to immediately update or amend the personal data entered in the portal in case these data have become inaccurate.
- 5.2.3 The main user and user are obliged to specify the legal rights (copyright and licenses) and access restrictions of the publications to be registered.
- 5.2.4 The user is obliged to keep their username and password confidential and not to disclose them to third parties.
- 5.2.5 If the user deliberately discloses access to their account to third parties, they are responsible for all the activities carried out in the portal.
- 5.2.6 When applying for a standard number and/or submitting the output-ready file of the publication (registering new publication) the user is obliged to enter in the portal the required descriptive data and link the publication's output-ready files with the corresponding descriptive data.
- 5.2.7 The user is responsible for the correctness of the data submitted for the publication, and undertakes to notify the library immediately of any change in these data.
- 5.2.8 The user is obliged to archive the output-ready files of their publications pursuant to the current Legal Deposit Copy Act and the archiving rules set by the National Library, using the portal or other archiving tools offered by the National Library.
- 5.2.9 In the portal the user is obliged to link the output-ready files of the publication with the relevant descriptive data or describe the files with these data.
- 5.2.10 The user is obliged to inform the National Library of any legal dispute related to the publication.

6. Rights and obligations of manager

6.1 Rights of manager

6.1.1 The manager has the right to unilaterally amend the terms of use as required by the development of the portal and amendments in legal acts. The manager notifies the users of the amendments in the terms of use via the portal.

6.1.2 The manager has the right to refuse to archive the files which do not comply with the archiving requirements established by the National Library, or which are not subject to archiving. The manager has the right to change the formats and technical specifications of archive files in order to ensure the long-term and secure preservation of the information saved in the archive files.

6.1.3 The manager has the right to terminate access to publications submitted by the publisher if legal disputes are pending in relation to the works or other material containing in the files, or if such works or other material are contrary to good practice.

6.1.4 The manager has the right to turn the claims of third persons related to the use or content of archived publication against the publisher if the publisher has submitted the publications for archiving without legal basis or in bad faith.

6.1.5 If a third person pursues the recognition of their property or copyright to the archived publication and files a claim against the manager for terminating the issuing or using of the publication, the manager is not allowed to release the publication to the third person or terminate the use. The manager may refuse to release the archived files to the publisher if the publication is impounded or if an action has been filed against the publisher for recognition of ownership or copyright of the archived publication.

6.2 Obligations of manager

6.2.1 The manager is obliged to fulfil all tasks assigned to them pursuant to law.

6.2.2 The manager is obliged to constantly and systematically monitor the condition of the archived files to ensure the long-term preservation of the archived information.

6.2.3 The manager is obliged to follow and implement the access restrictions specified by the publisher.

6.2.4 The manager is obliged to take all measures in their power to prevent third parties from accessing the output-ready files of publications.

6.2.5 The manager is not responsible for any delays, malfunctioning or interruptions in the portal environment which cannot be controlled by the

manager and have been caused by force majeure like interruption of electricity supply, interrupted phone or internet connection of the user or manager, or malfunction of other electronic equipment and devices, including software.

6.2.6 The manager is not responsible for any loss or ungained profit related to using or not using the portal.

6.2.7 The manager makes all possible efforts to restore the usage of the portal in full extent as soon as possible.

6.2.8 In case of interruptions, the manager is not responsible for the content of data entered and quality of files archived in the portal by users.

6.2.9 The manager is obliged to manage, develop, safeguard and upon necessity to update the software and hardware required to maintain the portal.

6.2.10 The manager is obliged to ensure the availability, accessibility and updating of guidelines necessary for using the portal.

6.2.11 The legal relations between the user and the manager are governed by the legal acts of the Republic of Estonia.