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MANAGEMENT OF NETWORKED ELECTRONIC PUBLICATIONS:
A TABLE OF STATUS IN VARIOUS COUNTRIES

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Management of Networked Electronic Publications - A Table of Status in Various Countries (revised 2001)
Gestion des publications électroniques diffusées en réseau : état de la question dans divers pays (révisé 2001)

Legislation	Deposit Arrangement	Approach and Policy	Plans	Publisher Negotiations	Access	Implementation
<p>Australia National Library of Australia</p> <p>Legal deposit legislation is contained in <i>Copyright Act</i>, 1968. (also legislation in State library acts) Current legislation does not cover electronic publications (either networked or tangible) http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133</p> <p>A major review and simplification of the Copyright Act is currently underway. NLA made a joint submission in 1995 to the Copyright Law Review Committee to extend scope of legislation to include all electronic formats. The idea was to keep Legal Deposit under Copyright Act. Revisions to the Act requested would also allow re-formatting to guarantee long term access and preservation. The Review Committee released it's report in Feb. 1999 and recommended that the definition of "library material" be broadened to include electronic, that deposit remain compulsory, and that deposited material be made available on the basis of restricted access, i.e. at the repository institution. In Dec. 1999, NLA is to appear before a government committee to present views on revision of legal deposit in Copyright Act.</p>	<p>Voluntary</p> <p>Voluntary deposit arrangements negotiated with publishers until legislation in place.</p> <p>The <i>Copyright Amendment (Digital Agenda) Act 2000</i>, which came into effect March 2001, amends the <i>Copyright Act 1968</i> to take account of developments in the communications environment such as the Internet. The <i>Digital Agenda Act</i> made no changes to the legal deposit provisions of the <i>Copyright Act 1968</i>.</p> <p><i>Legislation/Regulations pending</i></p>	<p>Pandora Project set up in June 1996 to develop and implement procedures to select, capture, and archive networked pubs. Guidelines and criteria for selection of networked publications are outlined in <i>Guidelines for the Selection of Online Australian Publications Intended for Preservation by the National Library (updated to July 2001)</i> http://pandora.nla.gov.au/selectionguidelines.html</p> <p>In principle, only "born digital" publications which are of "national significance" are to be collected and where both online and another format (i.e. print or microform) are available, the online version will not be collected.</p> <p>Selectivity is applied, the approach being to create a representative, rather than exhaustive, collection. An internal committee reviews titles before addition to the collection.</p> <p>Electronic Unit regularly conducts scans of the Internet to identify publications and uses harvesting software to capture publications. Titles are also referred to Unit through various channels, e.g. publishers and NLA staff.</p>	<p>Cooperative project to have State legal deposit libraries contribute to PANDORA archive of publications is to be developed further. Over the next two years, the PANDORA digital archive is to migrate to a new system which will support the digital services strategies of the NLA.</p> <p>The PADI site will continue development and maintenance of an area where national libraries can exchange information on the implementation of legal deposit for electronic publications in their countries.</p> <p>NLA to contribute to revision of the Copyright legislation. For example, NLA wants the right to be selective under legal deposit contained in new legislation.</p>	<p>There are not many established publishers producing networked publications. Most of the material collected is being produced by first time publishers who are not that aware of the concept of deposit.</p> <p>The NLA has met with the Publishers Association and will be meeting again in Feb. 2000. Negotiations with publishers have been undertaken to achieve a standardized approach to access restrictions. Generally, only on-site access will be permitted and downloading of large amounts of material will not be allowed.</p> <p>A voluntary deposit letter has been developed for use by publishers.</p> <p>Arrangements exist with some publishers to "push" material to the digital archive.</p>	<p>NLA accepts that there will be situations where access restrictions may apply. An access policy approach is outlined in <i>PANDORA Project: Preserving and Accessing Networked Documentary Resources Of Australia: Business Process Model</i> (Updated to July 2001) http://pandora.nla.gov.au/bpm.html</p> <p>Effort is to standardize restrictions as much as possible with publishers. For example, should a publisher request it, restrictions on external (off-site) access to material with a current commercial value is suggested to be for a standard three year period. Case by case negotiation with publishers on access restrictions may be necessary. Recognition that some restrictions on access will also exist for non-commercial reasons. Concept of subscribing or purchasing the right to access also proposed.</p> <p>The technical infrastructure does not presently support management of various access provisions. Only a few publications currently have restricted access.</p>	<p>As of December 1999, titles included in the archive total 441, many of the titles containing multiple versions or issues.</p> <p>As of 2001, the PANDORA archive contains more than 1,700 titles.</p>

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<p>Canada National Library of Canada</p> <p>Legal deposit legislation is contained in the <i>National Library Act</i> and <i>National Library Book Deposit Regulations, 1995</i>. Revisions in 1995 required legal deposit of electronic publications issued in physical formats. Networked electronic publications are not considered covered under the current legislation. Change to the legislation is therefore needed and the NLC has begun a process leading to revision of the Act. Definitions in the Act such as "book" and "published in Canada" will require amending to take into account online publishing.</p> <p>The Canadian government began consultations in 2001 on reform of the <i>Copyright Act</i> and released two consultation papers on Internet issues. The departments of Canadian Heritage and Industry Canada have joint responsibility for copyright. The National Library is an agency under the Canadian Heritage department.</p>	<p>Voluntary</p> <p>Voluntary deposit arrangements negotiated with publishers until legislation in place.</p> <p><i>Legislation/regulations pending</i></p>	<p>NLC has been building its collection of networked electronic publication since 1994. A pilot project to acquire, catalogue and store networked publications and was completed in 1995 and a report issued. <i>Electronic Publications Pilot Project (EPPP), Summary of Final Report</i> http://www.nlc-bnc.ca/9/4/index-e.html</p> <p>In October 1998, policy statements, guidelines and criteria for selection, access, and preservation of networked publications were outlined in the document <i>Networked Electronic Publications Policy and Guidelines</i> http://www.nlc-bnc.ca/9/8/index-e.html. In line with its cultural mandate to collect all Canadian publications, the NLC objective for networked publications is to collect comprehensively and archive indefinitely "born digital" works published in Canada or works relating to Canada that are published in other countries. Selective collecting is applied to networked publications released in both networked and other media formats where appropriate in order to enhance or complement collections.</p> <p>The Electronic Publications Acquisition Section created in 1997 arranges for individual, government and commercial publishers to deposit their materials. Currently deposit and archiving is voluntary or negotiated with publishers but the goal is a legal approach to deposit, hence the NLC move toward to legislative revision.</p>	<p>Legislation currently under 'review'. NLC advocates broader legal deposit to include Internet publications.</p> <p>Further extension of outreach to publishers in order to build collections.</p>	<p>Completed a pilot project with publishers in 1995 to acquire Canadian electronic journals. A joint project started with Statistics Canada in 1996 in which the NLC is to act as the depository library for their publications. In 1997, creation of NLC Electronic Publications Acquisition Section results in increase in negotiations for deposit with publishers. A test project on access involving Canada Institute for Scientific and Technical Information journals was undertaken in 2000.</p> <p>In January 2000, NLC received publishers' input in an all day discussion of publishing issues during its Consultation on Online Publications. http://www.nlc-bnc.ca/8/7/index-e.html</p> <p>In Sept. 2001, NLC released a manual on electronic publishing produced in consultation with representatives from the publishing community. <i>Electronic Publishing Guide to Best Practices for Canadian Publishers</i> http://www.nlc-bnc.ca/9/13/index-e.html. Manual geared to writers and publishers new to the arena of electronic publishing and covers various aspects of design, standards, and best practices. The role and the programs of the National Library related to the collection of networked electronic publications are also outlined.</p> <p>Currently hyperlinks to many publishers. Further publisher input on Best Practices Manual and on electronic archiving issues in 2001.</p>	<p>Access to Electronic Collection via NLC website. http://collection.nlc-bnc.ca/e-coll-e/search-e.htm Search capabilities include title, subject, full text, and records in AMICUS Web, the online catalogue.</p> <p>Networked electronic publications in the collection are generally accessible on-site and off-site.</p> <p>Restrictions on access available to publishers. Types of access include open access, controlled remote access, and on-site consultation.</p> <p>Bibliographic access provided via the AMICUS database.</p>	<p>As of October 2001, approximately 4,100 titles, both monographs and serials, have been included in the E-collection of the Library</p>

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Denmark Royal Library of Denmark						
<p>Old act dates from 1927. Revised Act in effect Jan.1, 1998. <i>Act on Copyright Deposit of Published Works, 10 June 1997.</i></p> <p>Revised act considered to include electronic works on the Internet under deposit obligation by stating, "this obligation applies regardless of the medium used for production of copies". The obligation to deposit is limited to static works - "a delimited quantity of information which must be considered a final and independent unit". For databases, the "copyright deposit obligation is fulfilled by the copyright deposit institution having access to request or make copies of the work". (Dupont).</p>	<p>Regulations</p> <p>Regulation no. 1041 of 17 December 1997</p>	<p>RLD has a legal deposit server on the Internet. Announcement method of delivery used.</p> <p>Library is notified of the material, can retrieve from publisher's server when publication meets established selection criteria. All publications are subject to compulsory delivery. The Library does not have the right to make an active collection of pages that have not been reported to the Library.</p> <p>RLD is operating on the principle that all Internet documents should receive national bibliographic registration (Project InDoReg). Searches/harvests are considered too inaccurate and random.</p>	<p>More communication initiatives with publishers planned in order to increase numbers of items registered and deposited.</p>	<p>Communication ongoing, especially with new publishers, to encourage registration. A Homepage is set up where producers/publishers can read about the deposit law, fill out a form on a publication, and give the address from which the Library can download the item.</p>	<p>Onsite only</p> <p>Use of the legal deposit material is restricted to viewing in the Library on a computer without downloading capability - "Copies of works in the digital form may only be made available to individual persons for personal inspection or studies in that place [<i>i.e. the deposit library</i>] by means of technical equipment. Production of copies in digital form is not permitted".</p>	<p>In first year of collecting networked publications, 500 Websites and 25,000 files were downloaded to Library computers. Recognition that numbers should be increased by making knowledge of deposit obligation more widespread and working with producers to encourage deposit.</p> <p>InDoReg (Internet Document Registration) Project started in 1996 directed by the Dansk Biblioteks Center to examine issues related to bibliographic control of Danish Internet Documents, e.g., inclusion criteria, registration method and metadata, and PURLs. All documents are registered, not just those subject to legal deposit.</p>

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<p>Egypt DarElKotob (National Library & Archives of Egypt)</p> <p>National Library and Archives of Egypt was established as an independent legal entity by Presidential Decree No. 176 for 1993.</p> <p>The original establishment of the National Library and Archives was in 1886. It is one of the oldest libraries in the Middle East.</p> <p>The Library and Archives is a government research and cultural non-profit authority under the Ministry of Culture. http://www.darelkotob.org/ENGLISH/HTML/ABOUT.HTM</p>	<p>Data is registered in the Computer Works Deposit Department in the Cabinet Information and Design Support Center.</p> <p>Any electronic publications can be registered though a site on the Internet under the address: http://www.copyright.i-dsc.gov.eg/</p>			<p>A homepage is set up where producers/publishers can read about the deposit law.</p>		

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<p>Finland Helsinki University Library</p> <p>First statute prescribing submission by legal deposit dates back to 1707. Current legislation, <i>Legal Deposit Act</i> (1980). Responsibility for submitting legal deposit copies rests with printer or producer.</p> <p>New legal deposit legislation has not yet been passed. The Ministry of Education in 1999 was formulating a government proposal that would be debated in Parliament. To date, no amendment to the legislation has been presented. For networked electronic publications there are to be two approaches: (1) restricted access material - submit under legal deposit, (2) freely accessible - entitlement of National Library to collect given in legislation.</p>	Regulations	<p>Harvesting of free materials: Library "entitled to collect freely accessible materials from the network" (use harvesting robot) Proposed act does not specify how frequently publications are to be collected.</p> <p>Restricted access materials: covered by legal deposit, publisher has responsibility for delivery in a format which the national library can use to store & install (Helsinki University Library maintains list of acceptable formats) Method(s) of delivery not to be specified in the act, defined "on the decree level", different delivery method for different types of publications, <i>freely accessible</i> - announcement method, selection made <i>restricted access</i> - delivery by publisher</p>	<p>Library coordinating Project EVA, a joint activity by libraries, publishers, and expert organizations, to test methods of capturing, registration, preserving, and providing access to online documents and to create procedures to implement new legal deposit legislation. First snapshot finished in Mar. 1998 contains 1.8 million static documents from about 7500 Web sites in domain ".fi".</p> <p>Participation in NEDLIB, Networked European Deposit Library, a collaborative project of European national libraries to develop infrastructure for a European deposit library. Issues to investigate include commercial and copyright interests of publishers and access controls, standards for description, etc.</p>	<p>In 1997 and in 1999, Ministry of Education set up a working group to prepare revision to Act. Working group included representatives from libraries, Ministry, and producers. The groups examined how legal deposit was applied in other Scandinavian countries. Issues related to copyright need to be resolved. No new legislation has been proposed to date.</p>	<p>Onsite only</p> <p>Accessible from all deposit libraries in the country. Only accessible to "authorized" users in legal deposit libraries without special arrangements being made.</p>	

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<p>France Bibliothèque nationale de la France</p> <p>New legal deposit act came into effect in 1994. Loi no.92-456 du 20 juin 1992 relative au dépôt légal and Décret no.93-1429 du 31 décembre 1993 relatif au dépôt légal. (Law of June 20th, 1992 and decree of December 31, 1993)</p> <p>Requires deposit of computer software, databases expert systems and other documents derived from artificial intelligence as long as they are offered to the public by means of a computer- readable medium ("d'un support matériel").</p> <p>Online electronic publications are considered to be out of scope of the legislation because they are not on a physical carrier.</p> <p>A "bill on the information society" was adopted by the Council of Ministers on June 13, 2001 and should be presented to the Parliament at the beginning of next year. This bill modifies the act of 1992 regarding the legal deposit of online publications.</p>	<p>Voluntary</p>	<p>A special deposit condition has been provided for, namely that of the harvest ("aspiration") of contents by depositary organizations (Bibliothèque de France pour le livre). Therefore, online service publishers will not be bound, in terms of legal deposit, to follow an active procedure. They will simply need not to oppose collections made by depositary organizations.</p> <p>However, based on the sometimes sensitive character of elements distributed over the Internet, namely due to the presence of personal details the disclosure of which could cause prejudice to some people several years following their collection, conditions regarding the consultation of such deposits will be defined through a State Council decree upon recommendation by the Commission de l'informatique et des libertés.</p>	<p>Participation in NEDLIB, Networked European Deposit Library, a collaborative project of European national libraries to develop infrastructure for a European deposit library. Issues to investigate include commercial and copyright interests of publishers and access controls, standards for description, etc.</p>		<p>Networked electronic publications will likely only be available on-site.</p>	

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<p>Germany Die Deutsche Bibliothek</p> <p>Current law - <i>Gesetz über die Deutsche Bibliothek</i> (National Library Act), Mar.31, 1969, amended in Sept. 1990 with German unification. Each of the 16 states also has its own legislation providing for legal deposit.</p> <p>Current legislation does not cover networked electronic pubs. The intent is to gather data, experiment with collecting before amending law.</p>	<p>Voluntary</p> <p>Voluntary for 3-5 year time frame. Started collecting in July 1998 from a small number of selected commercial publishers</p> <p>Regulations</p> <p>Regulatory/Mandatory submission is required for Online Dissertations from university publishers since July 1998.</p> <p><i>Legislation/Regulations pending</i></p>	<p>Multi-phase approach. Cooperation and consultation with publishers, librarians, information specialists, and government representatives; hearings begun in 1997. Agreement of all parties for voluntary submission for initial period.</p> <p>The aim is for comprehensiveness (non-selectivity) for specific types of publications but DB will expand materials covered in "excluded materials". In the case of simultaneous publication, both publication formats are to be submitted.</p> <p>Electronic formats collected will be specified by the Library. Choice of format will take into account a preference rating based on preservation and presentation factors.</p> <p>Automated delivery used for freely accessible material. Direct delivery from publisher preferred method for cost/formal publications</p>	<p>Plan to continue with voluntary submission for 3-5 yrs., than legal submission; experience will dictate what the legal deposit law will require.</p> <p>Initial selection to include: selected commercial publishers, online dissertations, periodicals, and university publications.</p> <p>Participation in NEDLIB, Networked European Deposit Library, a collaborative project of European national libraries to develop infrastructure for a European deposit library. Issues to investigate include commercial and copyright interests of publishers and access controls, standards for description, etc.</p>	<p>Cooperation to establish procedures for voluntary deposit. Special agreements for making material available to external users. (Smethurst)</p> <p>A working group comprising Die Deutsche Bibliothek (DDB), several publishers, and the publishers' organization, Buchhandlervereinigung, has been established to discuss questions of delivery, collecting, cataloguing, archiving and access. Participating publishers are Springer Verlag, Wiley-VCH, Dumont Buchverlag, and K. G. Saur Verlag.</p> <p>Springer online division was visited by DDB to learn about contents and technical environment of their online division.</p> <p>Working group organized an information day with publishers in Sept. 1999 on persistent identifiers and long-term preservation.</p> <p>Börsenverein is negotiating with DB for voluntary deposit of online publications; a specific agreement is expected to be finalized in 2001.</p>	<p>The plan is to have use without charge in reading rooms (Smethurst).</p> <p>Access via OPAC if legally permissible.</p> <p>DB wants the authority to produce a copy of each digital publication for long-term preservation and access.</p>	<p>Experimental voluntary deposit since 1998.</p> <p>Regulated for online dissertations since July 1998.</p>

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<p>Japan National Diet Library</p> <p>Legal deposit legislation is contained within the <i>National Diet Library Act</i>.</p> <p>Legislation covers following categories of publications.</p> <p>(1) Books; (2) Pamphlets; (3) Serials; (4) Music scores; (5) Maps; (6) Motion picture films; (7) Works besides those mentioned in the foregoing items, reproduced as documents or charts by printing and other processes; (8) Phonographic records; (9) Texts, images, sounds, or programs recorded by electronic, magnetic, or other methods which cannot be directly perceived by human senses.</p>	Compulsory	The National Diet Library Law was amended in April 7, 2000, in order to start a new legal deposit system that includes packaged electronic publications. The amendment came into effect on October 1, 2000.		<p>NDL has held the Legal Deposit Council since 1998; representatives for JBPA and Japan Electronic Publishers Association had participated. The final report of the Council was reported in February 2000.</p> <p>In accordance with the amendment to the legal deposit system, packaged electronic publications have actually been deposited since October 1, 2000. Thereafter, to ensure a smooth application of the amended legal deposit system, the NDL consulted with the organizations of publishers and copyright holders, and improved its service facilities for packaged electronic publications.</p>		Compulsory deposit of packaged electronic publications made effective as of October 1, 2000.

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<p>Netherlands Koninklijke Bibliotheek</p> <p>No legal deposit law exists for any type of publication, voluntary deposit for all.</p> <p>In Jan 1974, KB acquired the role of a depository library when an agreement was signed between Dutch government and national associations of publishers and booksellers. Under this agreement delivery to KB is voluntary. In 1995, voluntary deposit of electronic publications was begun.</p> <p>In 1998, it was recognized the present laws and regulations did not allow the KB to take appropriate measures to ensure permanent access to electronic publications without permission of copyright owners. An exemption in the Copyright Law specifically created for the KB will be required in order to allow copying of electronic publications for preservation purposes.</p>	<p>Voluntary</p> <p><i>Legislation/Regulations pending</i></p>	<p>Since 1993, preservation of electronic publications acknowledged as a new major task of KB. Dutch Depository of Electronic Publications established in 1993. In 1995, KB experimented with a group of e-pubs deposited by three major publishers, Elsevier Science, Kluwer Academic and SDU Uitgevers. In 1996, a more general deposit arrangement for e-pubs was reached through a provisional agreement with the Dutch union of publishers. Experimental status for deposit collection changed to an operational service. Priority in collecting is given to publications of established publishers. Selection criteria are based on that for print items. Electronic version is collected even if a printed version also exists. Dynamic publications (e.g. databases) are collected on 'snap-shot' basis, the frequency of deposit agreed upon with the publisher.</p>	<p>KB's current strategic plan suggests it may take on an archiving responsibility for the publishers.</p> <p>Participation in NEDLIB, Networked European Deposit Library, a collaborative project of European national libraries to develop infrastructure for a European deposit library. Issues to investigate include commercial and copyright interests of publishers and access controls, standards for description, etc.</p>	<p>A market survey of publishers was conducted to determine output of e-pubs that would meet criteria for deposit.</p> <p>Publishers are registered separately and individual deposit agreements set up. Notification of publication by publishers via a Web form.</p> <p>Consultation with union of publishers led to a new draft agreement on deposit that was ratified by the majority of Dutch publishers.</p> <p>The Dutch Publishers Association, Nederlands Uitgeversverbond, now has the agreement with the KB for the deposit of electronic publications featured on their website.</p> <p>Consultations with publishers on revision of copyright law are ongoing.</p>	<p>Publishers can impose access conditions on the use of their information. KB also reports back to publishers about the use of their publications.</p> <p>Publications as a rule available only to library users on site.</p> <p>Payment of copyright fees to publishers in some cases.</p>	<p>In Spring of 1999, a Request for Information was sent to potential suppliers of a deposit system, <i>Depot van Nederlandse Elektronische Publicaties DNEP</i> (Depository of Netherlands Electronic Publications). With finalization of the specifications, a European Tender for the system was to be called by the end of 1999.</p>

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<p>Norway Nasjonalbiblioteket</p>						
<p><i>Act of Legal Deposit</i> (1989), which came into force in 1990, is considered to cover deposit of networked electronic publications. There are also statutory regulations that give details on the implementation of deposit.</p> <p>The National Library has the authority to make preservation copies of materials. Definitions in the legislation include: a "medium is "a means of storing information" and a "document" is "one or more identical copies of a medium by which information is stored for subsequent reading, listening, showing or transmission". These definitions are seen as accommodating current new publishing formats and those of the future.</p> <p>Regulations are to be reviewed some time in the future in light of experience in dealing with electronic publications since 1990.</p>	Regulations	<p>Comprehensive delivery approach.</p> <p>Obligation to deliver all publications that have been made available to the general public, when original format is electronic. Sent directly to the Library, which means there is a possibility of receiving both relevant and irrelevant publications. Selection criteria are applied after receipt of items. Main focus is on collecting those publications of lasting cultural value.</p>	<p>Participation in NEDLIB, Networked European Deposit Library, a collaborative project of European national libraries to develop infrastructure for a European deposit library. Issues to investigate include commercial and copyright interests of publishers and access controls, standards for description, etc.</p>		<p>Approach is to have an embargo on access for a determined time period (i.e. three years).</p>	

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<p>Slovenia National and University Library</p> <p>Two acts, the <i>Library Act</i> (1982) and the <i>Legal Deposit Act</i> (1974). The legal deposit act covers all media but revision is considered necessary for networked publications.</p> <p>Tangible electronic publications are deposited.</p> <p>In 1993, NUL outlined a draft proposal for a new Legal Deposit Act that was submitted to Ministry of Culture. Work on the proposal was delayed until 1998. The draft proposal is planned to become applicable in 1999 and requires the extension of legal deposit to all types of electronic publications.</p> <p><i>Slovenia became an independent country in 1991. It was formerly part of Yugoslavia.</i></p>	<p>Regulations (in effect by 1999?)</p>	<p>Approach is to start with a small collection of documents from home pages and of periodicals. Home pages of nationally important institutions will be first priority. Data capture through search engine software.</p> <p>Control deposit of serials through assignment of ISSNs, only a small number of serials are published electronically.</p>	<p>Demonstration collection of Slovenian home pages proposed in 1998.</p> <p>The Library would also like to collect university dissertations.</p>	<p>A brochure has been sent out to publishers and other libraries outlining issues and procedures involved with collecting and archiving electronic publications.</p> <p>The Library would like to collect new texts submitted by authors to publishers on disc, no public access would be allowed until copyright issues settled. Negotiations with publishers have not yet reached consensus on this project.</p>		

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<p>Spain Biblioteca Nacional de Espana</p> <p>En Espana el Deposito Legal se regia por un Reglamento que desarrollaba la Ley de Propiedad Intelectual de 10/1/1879, y en la actualidad por el Real Decreto de 24/IV/1985 y la Orden Ministerial de 30/X/1971. La disposicion adicional primera de la Ley 22/1987 de 11/XI de Propiedad Intelectual otorga competencias a las Comunidades Autonomas para establecer Depositos Autonomicos, aunque practicamente estan sin desarrollar.</p> <p><i>In Spain, legal deposit is governed by a regulation resulting from the Intellectual Property Act dated 10/1/1879 and in reality from Royal Decree of 24/IV/1985 and Ministerial Order of 30/X/1971. The first additional provision of the Act 22/1987 of 11/XI on intellectual property recognizes the competency of autonomous communities to proceed with automatic deposits despite the fact that such deposits almost never take place in practice.</i></p>		<p>El nacional es obligatorio y recae fundamentalmente la responsabilidad sobre la industria grafica; exclusivamente sobre ella. No hay prevista una nueva normativa cercana aunque a los editores les gustaria una regulacion moderna, y no contempla aun las ediciones digitales, entre otras cosas porque el concepto de libro se asocia todavia exclusivamente al soporte papel.</p> <p><i>National deposit is a must and this responsibility belongs basically to the graphic industry. No new similar standard exists despite the fact that publishers would like to have a modern regulation and no word is said about digital publications, among others, since the notion of book is still related exclusively to a paper version.</i></p>				

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<p>Sweden Kungl. biblioteket (Royal Library of Sweden)</p> <p><i>Legal Deposit Act</i>, revised in 1993. Covers tangible electronic but not networked electronic publications.</p> <p>In 1997, a Committee was set up under the Minister of Education to investigate new legal deposit law for networked electronic publications. The Committee finished its work in August 1998 and suggested that the copyright act be changed to allow harvesting, storing and access to electronic publications subject to certain conditions. The Committee also suggested that the Legal Deposit Act be extended to cover password protected online sites or repositories (these sites are not currently being harvested by robot).</p> <p>No proposition for changed legislation has been brought to the Swedish Parliament as yet. Special funding had been received to continue the project during the year 2000.</p>	<p>Harvesting of the Web.</p> <p>Harvesting done from Web sites with addresses ending in ".se", from servers located in Sweden with other address endings, from Swedish producers with pages on a foreign server, and from foreign pages with a Swedish connection.</p> <p>Voluntary</p> <p>Some voluntary registration of items by producers.</p> <p><i>Legislation/Regulations pending</i></p>	<p>Comprehensive approach to collecting because it is hard to judge what will be valuable in the future. Collecting is made as automated as possible.</p> <p>Collect by using a harvesting robot. Kulturaw3 Heritage Project started in September 1996. The goal is to archive the Swedish web through periodic, comprehensive harvests of Swedish web pages within specified domains. The Royal Library is taking responsibility for long-term preservation.</p> <p>Emphasis in collecting is on periodicals (magazines & newspapers), static documents, and dynamic documents with links.</p> <p>For periodicals, a combination of voluntary registration and active searching is used to identify issues. Electronic delivery from producers is being tested.</p>	<p>Commission set up to review the deposit law in relation to electronic documents will make recommendations concerning copyright aspects of archive copies.</p> <p>Storage and indexing techniques are being tested.</p> <p>Some of the main actors on the publishing side, newspaper publishers in particular, will be approached for negotiations next year.</p>		<p>Access to the Kulturaw3 documents is not generally allowed until legal framework of deposit law is created.</p> <p>Approach is to have a waiting period before documents become accessible.</p>	<p>Six comprehensive harvests of Swedish web done since January 1997. In the first run, only domains under ".se" were saved, in the following runs, other Swedish server domains were harvested.</p>

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<p>Switzerland Schweizerische Landesbibliothek</p>						
<p>There is no Federal legal deposit legislation for any type of published material.</p> <p>Certain cantons have separate legal deposit legislation generally covering only printed material.</p> <p>In 1998, the National Library submitted a report to the government on the need for a law on national deposit. The new law would cover every kind of material and respect existing laws at the cantonal level.</p>	<p>Voluntary</p> <p><i>Legislation/Regulations pending</i></p>	<p>Voluntary arrangement with publishers.</p> <p>Direct agreements exist with numerous publishers for deposit of publications.</p>	<p>Moving toward legal deposit legislation.</p> <p>Participation in NEDLIB, Networked European Deposit Library, a collaborative project of European national libraries to develop infrastructure for a European deposit library. Issues to investigate include commercial and copyright interests of publishers and access controls, standards for description, etc.</p>			

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<p>United Kingdom British Library</p> <p>Existing legal deposit legislation is contained within the <i>Copyright Act of 1911</i>, Section 15.</p> <p>Legislation does not cover any "non-print" publications, so does not cover networked electronic publications. Revision of the Copyright Act in 1988 did not include any changes related to legal deposit.</p> <p>In Jan. 1996, a proposal was submitted by the BL for new legislation to cover all forms of non-print publications. In Feb. 1997, the government issued <i>Legal Deposit of Publications: A Consultation Paper</i>, and invited responses on a number of questions. In Jan. 1998, the government convened a Working Party to discuss extension of legal deposit to non-print materials. The Working Party released a report in Dec. 1998. The Working Party did not believe that voluntary deposit arrangements would ever be adequate to ensure a representative or comprehensive published archive.</p> <p>A Code of Practice for Voluntary Deposit of non-print publications, including certain types of electronic publications, was agreed to between publishers' representatives and the UK legal deposit libraries, and came into force January 2000.</p>	<p>Voluntary</p> <p><i>Legislation/Regulations pending</i></p> <p>It is likely that any new deposit legislation will be kept separate from copyright legislation. BL would like revised legislation to enable copies to be made for preservation purposes. Proposed new legislation to be comprehensive in coverage but implementation to be incremental.</p> <p>Legislation is envisaged in due course for statutory deposit but is not presently scheduled within the Government's programme. It will be informed by the voluntary process and preceded by a regulatory Impact Assessment of the effect on businesses.</p>	<p>The British Library's official response to <i>Legal Deposit of Publications: A Consultation Paper</i> 1997 rejected the idea of voluntary as opposed to legal deposit, stressed that the legislation should include enabling powers for future new categories of publication, considered selectivity in accepting legal deposit publications essential, and was not in favour of statutory powers which would automatically limit access.</p> <p><i>Report of the Working Party on Legal Deposit</i>, December 1998 concluded that it was desirable for on-line publications, in particular monographs and journals, to be brought within the scope of deposit legislation when they are the "primary form of publication".</p> <p>The <i>Report</i> outlines general principles, selection guidelines for particular types of non-print material, and obligations and protections for rights holders and publishers.</p> <p>Deposit to include provision for copying for purposes of preserving information and allowing continued access.</p>	<p>Work towards new legislation.</p> <p>Due to problems of definition and technical and commercial issues, dynamic on-line databases and Internet publications other than monographs and journals will be excluded initially from deposit arrangements.</p> <p>Deposit and preservation issues are being studied and discussion with libraries and publishers of technical and procedural approaches is ongoing, e.g., "Digital Preservation: an introduction to the standards issues surrounding the archiving of non-print material" June 1999 http://www.kb.nl/coop/nedlib/BNBRF.pdf</p> <p>Participation in the European Committee organized by the Conference of European National Libraries and the Federation of European Publishers is ongoing.</p>	<p>The opinions of many publishers and publishers organizations were sought on <i>Legal Deposit of Publications A Consultation Paper</i> February 1997. The Working Party established in 1998 included representatives from the publishing sector.</p> <p>Publishers generally are in favour in principle of extending legal deposit to networked electronic material but have concerns related to security and access issues.</p> <p>Some publishers have already approached legal deposit libraries to arrange for voluntary deposit of electronic publications, primarily journals.</p> <p>Working Party's <i>Report</i> suggests publishers have an obligation to deposit only in a single medium (e.g. print or electronic) when the version in one medium is simply a replication of that in another medium. The choice of the medium of deposit is to be made by the repository.</p> <p>The Joint Committee on Voluntary Deposit, with representatives from publisher bodies (Publishers Association, Directory and Database Publishers Association and Association of Learned and Professional Society Publishers), the British Library and the other legal deposit libraries was set up to oversee and monitor the effectiveness of the voluntary deposit scheme and provide a forum for the discussion and resolution of issues arising.</p>	<p>Working Party 's <i>Report</i> states as general principles for all non-print material that "access should be given to authorized users of that repository" and that "dissemination of the work...shall be permitted only (a) after the expiry of copyright or (b) by agreement of the rights holders".</p> <p>Publishers want access restricted to a single user in one repository at any one time.</p> <p>For the voluntary period of deposit, the code of practice is likely to be that publishers select an "access" option.</p>	<p>A code for voluntary deposit of certain types of electronic materials is currently being discussed (1999) with representatives of the Publishers Association and all UK copyright/deposit libraries (BL and five other libraries).</p> <p>The voluntary code now exists (2000). The code is available on the British Library website (http://www.bl.uk)</p> <p>Publishers have options: to deposit one copy with the British Library, to deposit one copy with each of the six libraries, to place one copy on a secure network between the libraries. The focus is mainly on off-line deposit but experiments are envisaged with online. Projects are being set in motion to cover ease of deposit, metadata, high value publications, secure networking, and online experiments.</p>

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<p>United States Library of Congress</p> <p>Legal deposit is covered in the 1976 <i>Copyright Act</i>, 17 U.S.C. § 101 et. seq., as amended, and in the <i>Code of Federal Regulations</i>. Section 407 of the Copyright Act requires mandatory deposit of works published in the United States. Section 408 provides for voluntary registration with accompanying deposits which also fulfill the mandatory deposit requirements. Over the years, various categories of material have become subject to deposit. In 1989, previously exempt computer programs and "data" published in machine-readable copies (e.g. CD-ROMs) became subject to mandatory deposit by regulation as the best edition of a work. Deposits of networked electronic publications solely available online are not required by regulation at this time. Copyright system (registration and deposit) is centralized in the Library of Congress. The Copyright Office of LC takes a broad view of deposit categories and considers all types of publications subject to mandatory deposit but the Library of Congress's current best edition requirements do not yet cover networked publications available only online. The questions of what constitutes "publication", "transmission", and "copies" when copyrighted works in digital form are made available only online present complex legal issues which must be resolved and applied in the context of mandatory deposit.</p>	<p>Voluntary</p> <p>Voluntary deposit of online works is being implemented in the United States through the development of an electronic registration and deposit delivery system, CORDS http://www.loc.gov/copyright/cords/</p> <p>CORDS is being used for electronic copyright registration and deposit of many types of "born digital" works, including e-books (electronic books). Registrations are handled in 3-4 weeks via CORDS.</p>	<p>For other publication formats, deposit is tied to copyright registration or mandatory deposit. All works published in the United States must be deposited under § 407, whether registered or not. However, this deposit may be satisfied by deposit under 408. Copyright exists from the moment of creation of a work, but formal registration of a claim to copyright under § 408 requires deposit of the work.</p> <p>In U.S. copyright law the definition of "publication" is tied to distribution; "offering to distribute copies" and making copies available online is viewed more in the nature of a public performance or display, not "publication". Restrictions on access and reproduction of online material could also place them in the category of "limited publication" which means by U.S. law the material is considered unpublished.</p>	<p>Legal and policy issues to be resolved, e.g., definition of published or publication in online environment, place of publication.</p>	<p>Successfully negotiated deposit agreement with publishers of CD-ROMs to encourage voluntary deposit of CD-ROMs. Agreement included publication of Library of Congress policy on use of copyright CD-ROM deposits and was designed to accommodate networked access by Library patrons.</p> <p>Prototype CORDS system has been processing registrations with test partners submitting electronic works, including technical reports, electronic journals, dissertations, computer programs, electronic study guides, and musical works. The most recent development was the receipt of the first full-length e-books in July 2001.</p> <p>There is general agreement that e-publications should be registered and deposited for copyright. Library of Congress capability to handle e-pubs is in its early stages but should grow to include all copyrightable e-pubs.</p>		<p>A voluntary registration system with accompanying deposits is also operational.</p>

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