

A report on the History and Application of Legal Deposit  
in the European Union Member Nations

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## INTRODUCTION

### Scope and Objectives

This report is concerned with identifying and dissecting the nuanced history and development of legal deposit systems for printed material throughout the European Union. Historical context is necessary for understanding how and why deposit systems exist in the forms they do today. These systems are malleable entities that respond and react to changes in technology, trade, and legislation.<sup>1</sup>

We, as educated members of a global community, must look back to look forward. The drastic changes to the cultural and information landscape of the 21<sup>st</sup> century already challenge our notions of traditional collecting methodology. Exploring the origins and history of legal deposit, how it has evolved and to what effect, will broaden our understanding of various cultures, nations, and the progress of memory organizations.

Surveys of electronic deposit legislation and implementation have been done as recently as 2011, including a particularly revealing 2009 report from the British Library outlining the sweeping adoption of e-deposit in national libraries and the importance of access in terms of deposited material.<sup>2</sup> Though a worldwide survey of cultural institutions with mandatory deposit schemes is outside the scope of this report, it is the author's hope that this research will spur further investigation to the foundations and evolution of national libraries and bibliographies.

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<sup>1</sup> Refer to Appendix II for UNESCO's Basic Principles for Legal Deposit, Ch. 7, p.46 of GUIDELINES FOR LEGAL DEPOSIT LEGISLATION by Jules Larivière, 2006.

<sup>2</sup> British Library, "International Survey on Electronic Legal Deposit," in *Annex to Scope Note for Discussion Group A*, proceedings of CDNL Annual Meeting, Sweden, Gothenburg, 2.

## **PART I: History of Legal Deposit from its Origins in Antiquity to its Modern Iterations**

### Concepts of legal deposit

The concept of legal deposit is commonly associated with issues of copyright and authorship in the modern world.<sup>3</sup> This widely held opinion is plausible, but negates the relevance of mandatory deposit's intricate history and evolution. Before addressing how the current attitude towards legal deposit came to fruition, an objective definition must be established: "[the] statutory obligation which requires that any organization, commercial or public, and any individual producing any type of documentation in multiple copies, be obliged to deposit one or more copies with a recognized national institution."<sup>4</sup> This unembellished explanation isolates the "compulsory arrangement" from its implications and helps to identify it as part of a larger system.<sup>5</sup> Rather than a statement-making action, legal deposit should first be classified as a system for an object to be acquired if "it is made available to the general public and produced in multiple copies."<sup>6</sup> The implications of this deposit, and de facto collecting, offer an opening for subjectivity to be introduced and value to be assigned.

Throughout the past five centuries, mandatory deposit has been used as a tool for identity-building, surveillance, censorship, and trade regulation. It began as legislation to bolster national or royal collections by requiring citizens to provide fodder for the libraries of monarchs and governments. Mandating the population to produce a minimum of one copy of any book,

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<sup>3</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation," *United Nations Educational, Scientific and Cultural Organization*, Paris (2000): 7.

<sup>4</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation," *UNESCO*, Paris (2000): 3.

<sup>5</sup> Ray Edmondson, *Audiovisual Archiving: Philosophy and Principles* Paris: UNESCO, 2004, <http://unesdoc.unesco.org/images/0013/001364/136477e.pdf>, 30.

<sup>6</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation," (2000): 26.

manuscript, or bound print raised the status of these repositories. Collection development for the elite was the driving force behind the early European deposit systems. Its initial life was that of force and compliance, benefitting only those already in power. The system was not reciprocal and offered monetary penalties for noncompliance. Additionally, it was often difficult to enforce and was relatively unsuccessful.<sup>7</sup>

Legal deposit offers a gargantuan amount of information directly to the ruling class. Deposited material provides insight to what was being said and how it was disseminated. Content became the goal and the benefit of the royal repositories in the early days of deposit, offering an insight to how the nation's people were functioning. Monitoring published works for their frequency, substance, author, or audience gave great power to those who had copies, which were legally dictated to be provided; so, "much of the impetus behind the first statutory embodiment of library deposit [...] was that of censorship, that is to prevent blasphemous and seditious works being gradually and secretly put into general circulation."<sup>8</sup> Voices of dissent could be identified and targeted, and those in support of the government could be sought out for praise.

Similarly, physical deposits represent what the population did and did not know, which serves as valuable information for those in power. This begs the question as to why, aside from legal ramifications and the threat of fines, would publishers and authors comply with deposit legislation? Though there have been countless rebuttals to the mandatory deposit demands of governments and the inevitable rogue printer, the compulsory system is rather effective. National collections are enormous, and grow as the exchange of information increases. For some, simply having their work as part of the national narrative, assumedly forever ingrained, as part of the

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<sup>7</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation," 7.

<sup>8</sup> John Gilchrist, "Copyright Deposit, Legal Deposit or Library Deposit?: The Government's Role as Preserver of Copyright Material," *Queensland University of Technology Law & Justice Journal* 5, no. 2 (2005): 182.

history of the nation in which they work and live is enough reason to obey. The commercial sector acts similarly, with the greater good in mind and supportive of the “aspirational ideals” implied by legal deposit systems.<sup>9</sup> The tendency towards ‘cost-free’ or ‘low-fee’ legal deposits also supports compliance, as the consequences of refusing to deposit would greatly outweigh the sacrificial price of one copy. Additionally, most deposit regulations only require that a copy be offered on the last day the material is available to the public; publishers, printers, and authors conceivably have long periods of time in which to produce a deposit.<sup>10</sup>

Now that the mandates and parties involved have been addressed, what happens to the deposited material? The copies remain in national libraries or repositories, which offer preservation and conservation actions to the material and an access point for both the public and researchers. Deposited material becomes part of a national bibliography – the history, culture, society, and politics of a specific nation are chronicled for posterity. These libraries are “an instrument to gather a full and permanent record of the nation's printed works and of a record of all the branches of knowledge contained within those works”, and by doing so cement that the country exists and is worthy of self-preservation.<sup>11</sup> Legal deposit provides leverage for countries, as it requires content to support its relevancy in terms of power - of history, politics, or society – that can be used internally for encouraging nationalism or for promotion outside its borders.

The legal deposit system now includes the harvesting and conservation of print and the delivery of a national bibliography encompassing said material, instead of collection for

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<sup>9</sup> J. Byford, "Publishers and Legal Deposit Libraries Cooperation in the United Kingdom since 1610: Effective or Not?," *IFLA Journal* 28, no. 5-6 (2002): 294, doi:10.1177/034003520202800514.

<sup>10</sup> Bibliotheque Nationale De France, "Legal Deposit in France: From King Francis I to the Petabox," Centre Nationale De Livre, Legal Framework, [http://www.centrenationaldulivre.fr/IMG/pdf/depot\\_legal\\_BD\\_en.pdf](http://www.centrenationaldulivre.fr/IMG/pdf/depot_legal_BD_en.pdf).

<sup>11</sup> John Gilchrist, "Copyright Deposit, Legal Deposit or Library Deposit?: The Government's Role as Preserver of Copyright Material," 182.

amassment's sake.<sup>12</sup> But internal support is the most constructive outcome of mandatory legal deposit systems:

[...] what is really innovative is the fact that culture starts being part of governments' official policies and it becomes an inalienable right of all citizens, like the rest of the rights considered as fundamental. They develop policies that essentially promote access to all cultural benefits and services, through a distributive policy [sic] based on the principles of equality and social need.<sup>13</sup>

In this way, national bibliographies will always be inherently linked to the national libraries and repositories, as they can document text production in specific periods of time.<sup>14</sup> Aside from format restrictions, no curating takes place; all materials within a designated nation are required for deposit. Legal deposit mandates that collection development be structured by a nation's output and not by a governing body.<sup>15</sup> It is not the role of a national repository to presume or identify what will be of interest to researchers centuries from now, and this sentiment is the foundation for legal deposit.<sup>16</sup> Because of this central repository and access point, a "national library can successfully act as a catalyst for a closer cooperation between the main bodies of research and research libraries" in a nation state.<sup>17</sup> The benefits of managing these collections are the value of the content and sum of information included. The national libraries are destinations for research and exploration, from both citizens and foreigners. However, this is not to say that the national libraries, curators, archivists, and librarians do not have a hand in

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<sup>12</sup> Bibliothèque Nationale De France, "Legal Deposit in France: From King Francis I to the Petabox," Legal Framework.

<sup>13</sup> J. Cerdón-García, *The Citizens' Europe: the challenges of gaining access to and preserving culture*, 2007, In Declaration by the members of the European Academy of Yuste on the perspectives for a citizens' and social Europe, Yuste (Spain), 15 June 2006. Fundación Academia Europea de Yuste, 1.

<sup>14</sup> Simon Eliot, "Mr Greenhill, Whom You Cannot Get Rid Of: Copyright, Legal Deposit and the Stationers' Company in the Nineteenth Century," in *Libraries and the Book Trade: The Formation of Collections from the Sixteenth to the Twentieth Century*, ed. Robin Myers, Michael Harris, and Giles Mandelbrote (New Castle, Delaware: Oak Knoll Press, 2000), 72.

<sup>15</sup> Nicholas Joint, "Legal Deposit and Collection Development in a Digital World," *Library Review* 55, no. 8 (2006): 469, doi:10.1108/00242530610689310.

<sup>16</sup> Sara Aubry, "Introducing Web Archives as a New Library Service: The Experience of the National Library of France," *Liber Quarterly* 20, no. 2 (October 2010): 183, <http://liber.library.uu.nl/>.

<sup>17</sup> Jan Hagerlid, "The Role of the National Library as a Catalyst for an Open Access Agenda: The Experience in Sweden," review, *Interlending & Document Supply* 39, no. 2 (2011): 117.

controlling what is accessible, what material is processed, and how much is ‘lost’ or ‘unavailable’. Whether from neglect or active destruction, the powers at be control – to some extent – the national bibliography and the national historical identity. The assertion that legal deposit has always been to the benefit of a nation’s subjects is a revisionist attitude towards the historical developments of deposit systems and its implementations.

Consequently, legal deposit has a myriad of reputations, both in the present and the past. The acts, ordinances, legislation, or decrees marking the necessity for physical deposit carry connotations. What complicates this further is that there is a seemingly endless cycle of abridging, abolishing, and reinstating deposit regulations. The fluctuations imply that governments and societies are adapting to emerging technologies and supporting progress by amassing and preserving it. So while legal deposit acts as a catalyst for collecting and maintaining a nation’s identity, history, and products, it also acts as a gauge for how quickly nations adapt and acknowledge the changing material produced by its citizens. Though audiovisual and digital works are beyond the scope of this research, they will be addressed at its conclusion in regards to the future of legal deposit systems.

### Ancient predecessors and myth

In antiquity, the national repositories were archives for empires and were not accessible, or even known, to the public. Collections were reserved for the literate elite through political or religious channels. Private libraries and collections’ significance changed as access and literacy increased. With the opening of the first public library in 1425 in England’s London Guildhall,



the concept of material by and for the public thrived.<sup>18</sup> But prior to the mass engagement with material, the empires and kingdoms of yesteryear were focused on controlling the information they harbored in monasteries, royal libraries, and territories' archives.

The impulse of legal deposit dates as far back as about 300 BCE, with the rise of the Library of Alexandria. One of the most interesting aspects about its infrastructure was the law that “all those who visited Alexandria were supposed to yield any manuscripts they might possess” to the Library, conjuring images of bound pages dragged off ships at port and hurried away to the bowels of the library.<sup>19</sup> So by force or surrender, collections were being built with the deposit of printed materials during the third century before the Common Era and perhaps earlier.

Instead of documenting the livelihood of the land the material represented, deposits in antiquity represented the ruling classes and the privileged. The books, manuscripts, and pamphlets of empires were guarded for the benefit of those in power, and those who would come to power. It was not the dissemination of knowledge that drove these collections, but the quantity of information available for use restricted to upper society members. Many archives and libraries were destroyed, rebuilt, and demolished again by wars and defeats. Much material was lost or stolen, or simply hidden by those who could benefit or suffer by its release. The content acted as a bartering chip and would be considered property won in battle, or a way to measure value of certain governments or societies. To a cultural extent, this same sentiment exists today but in a more optimistic context.

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<sup>18</sup> Emma Jones, *The Literary Companion* (London: Robson, 2004), 115.

<sup>19</sup> Fernando Báez, *A Universal History of the Destruction of Books: From Ancient Sumer to Modern Iraq* (New York: Atlas &, 2008), 46.

## Early Incidents in Europe

Gutenberg's printing press opened the floodgates of publishable work and literacy - legal deposit flourished. Deposit's compliant nature is first evident in the earliest incidents of deposit across Europe. Recently, Spain is rumored to have the earliest incarnation of a deposit obligation, under the sponsorship of King Philip V, though the first regulation did not occur until 1716.<sup>20</sup> The Montpellier Ordinance, decreed by Francis I in 1537, is the first recorded legislation requiring the mandatory of printed books.<sup>21</sup> Francis I forbid any book to be available to the public without first acquiring a copy for this royal library. The "legal deposit provisions were abolished under the French Revolution, in the name of liberty," and were re-instated in 1793 to address copyright claims.<sup>22</sup>

Even the earliest, albeit imprudent, mandate had its origins in collection building and served as a vehicle for various platforms throughout its life. Following this ordinance, Austria made available a cost-free deposit arrangement in the Österreichische Nationalbibliothek (Austrian National Library) but did not have mandatory deposit in place until over two centuries later, in 1808. Belgium's legal deposit system was established in 1594, which was then abolished by the Berne Convention for the Protection of Literary and Artistic Works, signed by 164 other countries in 1886. Almost 100 years after the Berne Convention, the Belgian deposit mandates were reinstated.

The Kungliga Biblioteket's (The National/Royal Library of Sweden) initial legal deposit was sanctioned in 1661. However, it took over 300 years for the government to integrate the national

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<sup>20</sup> In the library science community, employees from the Biblioteca Nacional de España have claimed early mandatory deposits in place at the national library, perhaps even predating the first decree in France. At the time of this report, the claim could not be verified but should be investigated further.

<sup>21</sup> J. Cordón-García, *The Citizens' Europe: the challenges of gaining access to and preserving culture*, 2007, 3.

<sup>22</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation," 6.

bibliography into the Swedish research and university libraries by law.<sup>23</sup> Sweden extended the legal deposit system to Finland in 1707, less than a half century from its own ordaining regulation. The early 1700s brought about a significant act in the history of copyright, which often has a forced relationship with legal deposit. Lax language contributed to the blunders of early deposit systems and how they were used both for and against copyright legislation. Regardless of alliance, there was an inherent “coupling [of] the registration of copyright and legal deposit.”<sup>24</sup>

The Statute of Anne of furthered this notion. It was also known as the Great Britain Copyright Act of 1709. It permanently associated legal deposit as a formality of copyright, therefore ensuring an indefinite correlation. The statute is benchmark in the timeline of copyright lawmaking, and marks a significant change in the reception of legal deposit.<sup>25</sup> Two centuries from the initial boom of printing technologies, decrees like the Statute of Anne became commonplace across Europe. The 1800s saw eastern European nations like Austria and Hungary establishing legal protocol for deposit, and not until 1870 did Italy require all materials published within its borders to be submitted to the national library.

The 20<sup>th</sup> century brought about many shifts in the methods and management of collecting national print material. National bibliographies become the end goal of deposit systems, with access supporting the creation and maintenance of these collections. Availability to the public drove deposit through legislation and access encouraged printers, publishers, and authors to

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<sup>23</sup> Jan Hagerlid, "The Role of the National Library as a Catalyst for an Open Access Agenda: The Experience in Sweden," (2011): 116.

<sup>24</sup> Simon Eliot, "Mr Greenhill, Whom You Cannot Get Rid Of: Copyright, Legal Deposit and the Stationers' Company in the Nineteenth Century," (2000), 51-2.

<sup>25</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation," 7.

deposit. Throughout the 1900s, legal deposit adapted to the exponential upswing in content production and evolved alongside the drastically changing technologies.<sup>26</sup>

## **PART II: Current Status and Application of Legal Deposit Systems in European Union Member Nations**

### Methodology

As mentioned at the opening of this report, the scope of research is limited to European Union Member nations as of 2012. Focus was put on the accuracy of print legal deposit status across nations in the European Union (hereby referred to as EU), and sampling from an established, unified group of countries allowed for a level of clarity and control of the data. The goal was to create a table featuring the following information for each member nation of the EU: nation, nation's capital, national library or repository [in official language(s), 2 maximum], national library or repository [translated to English], location of repository [city or town], if a mandatory legal deposit system was in place [as of 2012, yes/no designation], the date establishing a legal deposit system [year minimum, including month or day if known], and a field for notes on the decree or ordinance that initially enacted mandatory deposit. Through this gathered data, trends could be identified relating to the status of legal deposit systems in the EU and tendencies revealed through an amalgamation of initial enactment dates and legislation.

The historical and scholarly concepts of legal deposit discussed in Part I were the basis for researching the current application of mandatory print deposits in the 27 member nations of the EU. All nations have established national libraries or repositories. Some nation's central

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<sup>26</sup> Jules Larivière, "Guidelines for Legal Deposit Legislation".

libraries are themselves, or work jointly with, royal libraries, universities, or other governmental entities. All member libraries are part of The International Federation of Library Associations and Institutions (hereby referred to as IFLA), which acts on the interests of libraries, information profession, and the cultures they serve.<sup>27</sup> Furthermore, all EU national libraries are part of The European Library, a digital access point for the resources of 48 European national libraries, who work to maintain and increase access to the varied national bibliographies.<sup>28</sup> The assorted collaborative effort of these nations to establish standards of practice and encourage the distribution of information is impressive. They served as a diverse but cohesive research subject.

Information would be misquoted, approximated, or revised about the founding dates of certain legal deposit systems by journal articles, scholarly reports, and conference proceedings. It was often difficult to determine whether deposit systems were mandatory or just an aspect of the founding mission of a library, or to identify what legislation passed to enact mandatory deposits. Validated information was necessary; the focus of this research is to identify trends in EU national libraries, and specifics aided in that effort but were ultimately deemed nonessential.

For validation of various dates and translations, the websites of the national libraries were consulted (found on page 19, National Repositories – Official Online Resources).<sup>29</sup> This included statements from various Legal Deposit Departments, mission statements, and institutional histories.

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<sup>27</sup> "IFLA's History," IFLA, February 28, 2012, <http://www.ifla.org/en/history>.

<sup>28</sup> "The European Library - About Us," The European Library, 2011, What is the European Library?, [http://www.theeuropeanlibrary.org/portal/organisation/about\\_us/aboutus\\_en.html](http://www.theeuropeanlibrary.org/portal/organisation/about_us/aboutus_en.html).

<sup>29</sup> It should be noted that for national library websites without an English or French translation available from the provider, Google's Translate tool was used to navigate websites and verify information gathered elsewhere in print and online.

Data

Please refer to Appendix I. [See attached file 12s\_3049\_Gronsbell\_a2b.xls], Data on the Legal Deposit Status of EU Member Nations, an Excel table compiled by Kathryn Gronsbell, 2012.

The **27 EU member nations** are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.<sup>30</sup>

Mandatory Deposit Systems for Printed Material	Percent of EU Member Nations
Legally Mandated	92.6%
Voluntary	7.4%

Total number of EU countries with mandatory deposit systems: **25**

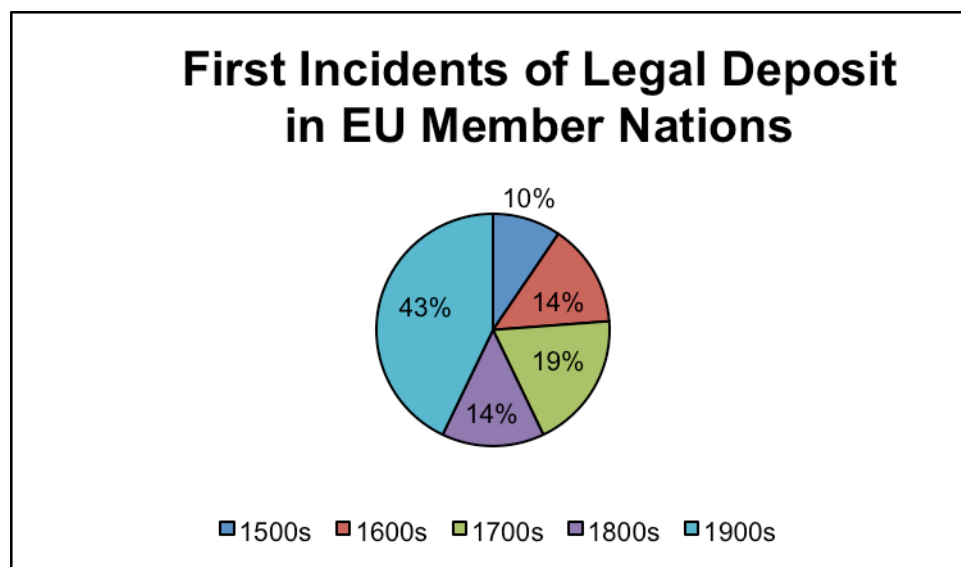
Total number of EU countries with voluntary deposit systems: **2**

Total number of EU countries whose national library resides in its capital: **25**

Total number of EU countries with verifiable establishment date for legal deposit: **21**

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<sup>30</sup> "Countries," EUROPA - European Union, Member states of the EU, [http://europa.eu/about-eu/countries/index\\_en.htm](http://europa.eu/about-eu/countries/index_en.htm).



### Conclusions

Some significant trends emerge from studying the raw figures represented in *Data on the Legal Deposit Status of EU Member Nations* and the charts above:

- The majority of EU member nations have a mandated deposit system intact at present.
- Almost half of EU member nations first required deposit by law in the 1900s.
- Nations that established legal deposit systems prior to the 1900s are evenly distributed through the 1600s, 1700s, and 1800s (with slightly fewer occurring in the 1500s).
- The two EU member nations who do not have legislation compelling deposit have voluntary systems established (Cyprus and the Netherlands).
- Information regarding the status of EU member nations is reasonably available through digital means, even to non-residents.
- Self-documentation of legal deposit departments or processes to deposit are available online.

According to the IFLA, “a robust and effective system of legal deposit should exist in every country,” because of its relationship with legislation and the preservation and development of cultural exchange. The two countries with voluntary deposit schemes, Cyprus and the Netherlands, can benefit from deposit without regulation by encouraging a relationship between “designated national custodians (usually libraries) and those responsible for the deposits (usually publishers or creators).”<sup>31</sup>

The rapport already exists in both these territories. Cyprus’ national library, formally established in 1927, was founded with the idea to collect material produced within the republic despite a lack of regulated deposit responsibilities.<sup>32</sup> The Netherlands’ Koninklijke Bibliotheek (National Library) has both a voluntary submission procedure and an active acquisitions department whose goal is identical to that of deposit structures: to gather the printed record of the Dutch society.<sup>33</sup> Though they remain the only nations in the EU to refuse mandatory deposit for a national bibliography, both territories have successful voluntary and institutional methods to create a national identity and memory.

The EU national libraries operate in the print world to acquire everything that is created within borders through optional or decreed surrenders. The concept of being able to capture, conserve, and offer all information produced is becoming as antiquated as the royal libraries and empire’s archives of old. The onset of the digital age and unimaginable quantities of content being produced by the minute has affected the concept of deposit. The “magnitude of the technical and human resources required for such an endeavour” as creating a national

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<sup>31</sup> "IFLA Statement on Legal Deposit," International Federation of Library Associations and Institutions, December 7, 2011, Background, [http://www.ifla.org/files/clm/publications/ifla\\_statement\\_on\\_legal\\_deposit.pdf](http://www.ifla.org/files/clm/publications/ifla_statement_on_legal_deposit.pdf).

<sup>32</sup> "Historical Background," Cyprus Library, 2012, [http://www.cypruslibrary.gov.cy/moec/cl/cl.nsf/DMLindex\\_en/DMLindex\\_en?opendocument](http://www.cypruslibrary.gov.cy/moec/cl/cl.nsf/DMLindex_en/DMLindex_en?opendocument).

<sup>33</sup> British Library, "International Survey on Electronic Legal Deposit," proceedings of CDNL Annual Meeting, 4.



bibliography including digital content is unsustainable and virtually impossible.<sup>34</sup> The friction between what is desired and what is attainable in the current informational climate is causing intellectual distress:

Permanence is a vital principle of cultural heritage: the *raison d'être* of collecting is to retain a cultural identity and to build up the resources—the cultural and research collections—that permit cultural enrichment, facilitate research, and bring wider social and economic benefits to the society that supports and finances that collecting activity.<sup>35</sup>

Facing digital dilemmas of production and consumption, legal deposit is in a volatile state. It has the chance to preserve because of its nature as a system that has been amended and adjusted throughout the technological leaps that preceded the digital explosion.<sup>36</sup>

Deposit is introduced in the confines of one purpose, is abolished, gets repurposed, and is reintroduced into society on an entirely separate platform. The flexibility of legislation mirrors the changing attitudes of culture, access, and societal expectations. Legal deposit also ensures, to some degree, that responsible conservation efforts are being enforced. Large institutions, especially intimately linked to the national governing bodies, have enormous infrastructures supporting deposit agreements. Arguably, these national collections are being processed, preserved, and opened to the public for the benefit of the present and posterity. The written word is a valuable resource and by collecting it, EU nations argue for their own recognition in the cultural and global community.

Looking past the optimistic attitudes about legal deposit, its flaws must be addressed. Governments controlling the national bibliography have unlimited access to the history, and therefore the identity and memory, of an entire culture. They can amend, censor, or even eradicate whatever they deem unworthy, without public interference or awareness. The issues of

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<sup>34</sup> J. Cordon-García, *The Citizens' Europe: the challenges of gaining access to and preserving culture*, 2007, 7.

<sup>35</sup> Ingrid Mason, "Virtual Preservation: How Has Digital Culture Influenced Our Ideas about Permanence? Changing Practice in a National Legal Deposit Library," *LIBRARY TRENDS* 56, no. 1 (Summer 2007): 201.

<sup>36</sup> J. Cordon-García, *The Citizens' Europe: the challenges of gaining access to and preserving culture*, 2007, 3.

trade control and surveillance are still very relevant, especially in the digital age. A single building or location for all of the nation's deposited items runs the risk of destruction. Cultural and memory institutions are targets in times of war and civil unrest. Libraries, especially ones containing content controlled and released by central organizations, are at risk of aggressors. It is difficult to separate the image of the Library of Alexandria burning from the potential of these national histories being destroyed.

Because of the duality of legal deposit – benefit to the government versus benefit to the people – “the institutions [are] accountable to public authority on the one hand, but correspondingly secure and professionally autonomous in the discharge of their mandate on the other [...] which places a specific public responsibility and measure of recognition on the [national library].”<sup>37</sup> But it is legal deposit's fragmented identity that gives it a chance in the ever-changing landscape of humanities efforts to create, preserve, and access material. Deposit systems, mandatory or voluntary, antiquated or modern, serve a purpose outside amassing copyright registration deliverables. Identity, memory, and cultural value are forefront in the current iterations of deposit systems across the EU. National libraries do not simply serve their own people, but now offer a domestic record for the international community to interpret and appreciate.

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<sup>37</sup> Ray Edmondson, *Audiovisual Archiving: Philosophy and Principles* Paris: UNESCO, 2004, 42.

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**APPENDIX**

I. [See attached file 12s\_3049\_Gronsbell\_a2b.xls]

*Data on the Legal Deposit Status of EU Member Nations*  
MS Excel table compiled by Kathryn Gronsbell, 2012

II. Larivière, Jules. "Guidelines for Legal Deposit Legislation." *United Nations Educational, Scientific and Cultural Organization*, Paris (2000), 46. [Text reproduced below]

### Chapter 7

## LEGAL FRAMEWORK FOR A NATIONAL LEGAL DEPOSIT SCHEME

Legal deposit is becoming an increasingly complex issue. Considering its valuable objectives and its importance as a national public policy matter, it is vital for the long-term maintenance of legal deposit that it be based on a legislative ground. The legal framework proposed here introduces the guidelines in point form in order to summarize the argument or discussion on the major issues.

### 7.1. BASIC PRINCIPLES

7.1.1. Legal deposit should be a statutory obligation. While feasible, a voluntary deposit system is not recommended.

7.1.2. Legal deposit should be established as a national responsibility. This principle should not prevent other jurisdictions within the national entity from developing their own internal legal deposit system if they have the legislative power to do so.

7.1.3. The national deposit collection should be the property of the state, and the depository should make every possible effort to keep the material received on deposit, considering its preservation responsibility.

7.1.4. Legal deposit should be based on the principle that any published material, in its broadest sense, that is made available to the public is subject to deposit unless specifically excluded in the law.

7.1.5. 7.1.6.

No compensation, financial or otherwise, should be granted to depositors.

Access to legal deposit collections should be free, both on the premises and through interlibrary loans. The request of reasonable administrative fees should not be considered as a breach of this principle.

7.1.7. The copyright act might need to be amended in order to allow reproduction of protected work for long-term preservation purposes. The derogation clause, while always feasible, is not recommended.