



IFLA Statement on Legal Deposit

Legal deposit is critical for the preservation of and access to a nation's documentary heritage. Publishers and libraries work together to ensure the worldwide success of legal deposit of content, irrespective of format or technology.

Background

The UNESCO *Guidelines for legal deposit legislation* define legal deposit as “a 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.”

Legal deposit often exists in legislation; however, it can be a voluntary regime. A robust and effective system of legal deposit should exist in every country. Legal deposit is most successful when there is close cooperation between the designated national custodians (usually libraries) and those responsible for the deposits (usually publishers or creators).

Benefits of Legal Deposit

- By ensuring that copies of all national publications in every kind of media are provided to trusted custodians, legal deposit enables and ensures the comprehensive collection of a nation's documentary heritage.
- Legal deposit permits comprehensive, standardised cataloguing and recording of publications, to the benefit of libraries, booksellers, publishers, scholars and the general public; and it enables the custodian to serve as the national reference and information centre for study and research on all facets of its national documentary heritage.
- Legal deposit supports preservation, contributing to the long-term survival of a nation's documentary heritage.
- Ultimately, legal deposit is fundamental to freedom of information and to the perpetuation of an informed citizenry.

Considerations for Legal Deposit

- The number of copies required should be limited to the minimum compatible with reasonable contemporary access and long-term preservation for future access. Legal

deposit should not be used as a mechanism to provide a country's libraries with gratis publications.

- The cost of depositing the material and the material itself should be borne by the depositor. In the case of digital publications, this includes any software or other access technologies required to make the publication comprehensible. To facilitate deposit of digital publications, special solutions and practical arrangements may be needed.
- Deposit should take place as soon as possible after publication.
- The custodian should ensure that the deposited materials are cared for and managed in a responsible and accountable manner.
- The custodian should ensure the preservation of the deposited material. This includes the copying or transcription of copyright protected materials to the extent essential for their preservation. Deposited material should be made available for use in a manner that does not unreasonably prejudice the interests of the copyright owner.
- As legal deposit is generally established in national legislation, implementation varies among countries. Seeking greater uniformity (e.g., with regard to number of deposit copies required) may not be feasible nor desirable. But in a world where information increasingly has no borders, it is an important principle *both* that deposit libraries should be able to make legal deposit copies accessible in the same manner as they do other collections, and that publishers should not be subject to unreasonable demands and can meet legal deposit requirements without undue complexity and burden.

User Generated Content

Electronic publications are a major and integral component of a nation's documentary heritage, and therefore must be included in legal deposit arrangements, including content produced and shared by Internet users. Digital technologies provide opportunities for facilitating legal deposit through rapid transmission, and better enabling the complex tasks of cataloguing, indexing and recording, managing, and providing access to deposited material. However, as the Internet widens the possibilities for all users to publish content online, comprehensiveness may not be possible for such publications; instead representative selections would fulfill this requirement. Digital technology also creates new concerns about unauthorized alteration, copying and dissemination of deposited material. Publishers and librarians must work together to ensure that the legitimate needs of both users and owners of deposited materials are accommodated in this evolving environment.

Endorsed by the Governing Board of IFLA, at its meeting in Den Haag, The Netherlands, 07th December 2011.