

# Universal Bibliographic Control and International MARC Core Programme (UBCIM)



## *Legal deposit and national bibliographic services : developments in the framework of the cooperative perspective and the convergence phenomenon*

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## Executive summary

### Introduction

Paradigm shifts and changes of attitudes have shaped the history of legal deposit and of national bibliographic services. The current paradigm makes the modern aims of national legal deposit legislation the conservation of the national written heritage and the provision of national bibliographic services. National bibliographic services are seen as a form of business information, which enables bibliographic agencies to act as economic actor in the global information market. In the light of the convergence phenomenon and the increasing power of commercial oriented electronic content and information, legal deposit and national bibliographic services should emphasise their cultural dimension, by providing access to, and information on, content, especially if this has high cultural value and less commercial impact (Recommendation n. 1).

### Legal deposit

Legal deposit legislation cannot replace inadequate governmental book or information policies. Spurious objectives of legal deposit, such as the enlargement of library collections, statistics, or book exchange -which were spelled out in the UNESCO 1981 Guidelines for legal deposit legislation- should not be encouraged (Recommendation n. 2). Therefore, the number of deposited publications, particularly high in Central and Eastern European countries, should be kept at a

reasonable level (Recommendation n. 3).

By covering solely the printed medium, too many legal deposit regulations seem to ascribe cultural value only to printed publications. In the new environment based on a plurality of cultural industries and on a variety of forms of production and distribution of cultural content, such limited coverage is inappropriate (Recommendation n. 4). The Council of Europe draft Convention for the protection of the audiovisual heritage can spur the move towards full application of legal deposit to non print publications (Recommendation n. 5). This draft Convention is novel for the solutions it proposes - options between legal and voluntary deposit, and exhaustive / selective collecting policies. Together with the Recommendations included in the Report on Deposit collections of electronic publications, published by the European Commission in, it may inspire models for the coverage of legal deposit extended to electronic publications (Recommendation n. 5).

Enlarged in its scope and coverage, legal deposit cannot remain an exclusive business of national libraries; it should therefore be dealt with by specialised depository institutions and open to a cooperative perspective. Models for cooperation, should be further analysed and encouraged (Recommendation n. 6).

Convergence between telecommunication, audiovisual and publishing industries is blurring frontiers among different categories of materials. This phenomenon, together with the increase in the variety and the number of producers and the appearance of new actors should inspire even further cooperation, eventually leading to a National Body in charge of orienting legal deposit policies (Recommendation n. 7).

Restrictions put on the free circulation of electronic material may create the risk of + dead ; national collections, deposited for storage purposes and not open to access. The objective of access, under certain conditions and in compliance with the existing laws on copyright, should therefore be explicitly mentioned by legal deposit regulations (Recommendation n. 8). The Report on the role of libraries in the modern society, issued by the European Parliament in May 1998, explicitly mentions agreements on legal deposit and proposes to pursue active policies of collecting, preserving and cataloguing documents, whatever their form (Recommendation n. 9).

A great deal of concern results from the fact that governments seem to relinquish their responsibilities in setting up adequate cultural policies ; this +disengaged; attitude has given birth to negative trends, such as increasing commercialisation of library services. Governments should pay attention to the consequences of such trends, in terms of restricting public use of information, reducing equality of chances for citizens to receive appropriate education and increasing gaps in technological literacy and information provision among the various layers of population (Recommendation n. 10).

Legal deposit coverage of electronic publications has not yet found an adequate technical solution. While the collection of off line publications does not pose any problem, positions vary for online publications. They may be so summarised as follows : i) providing information on, and links to, on line publications without collecting them, ii) pursuing collection policies based on selectiveness ; iii)

exhaustive collection policies based on automated electronic search and storage. Further research and investigation is needed, for it is not excluded that the most ambitious policy is the least expensive and that the technical solution may be provided by technology itself (Recommendation n. 11).

The European Parliament Report on the role of libraries spells out clearly the impossibility of making the right to information dependent on the delivering of a licence. This is, however, the practice that is going to shape relations between producers and cultural institutions whose mission is the provision of, and access to, electronic content. National repositories, which are often major contributors to electronic library networks, may well be in the position to negotiate the rights to acquire electronic content on behalf of a great number of libraries within a country. Therefore, legal deposit may be a formidable tool for the enhancement and harmonisation of practices concerning public access to electronic information (Recommendation n. 12).

## **National bibliographies**

Three main objectives have been traditionally assigned to national bibliographic services. The first is to assist cost-effective cataloguing in libraries. The second is to facilitate libraries in their selection and acquisition activities. The third is to further information searching and retrieval for document supply. These objectives are still valid. What is changing today is the environment in which such objectives are implemented.

Bibliographic information systems and mutual cooperation among producers (relations between national bibliographies, books in print catalogues, and library networked systems, etc.) are still underdeveloped. The Report *Modhles pour la fourniture de services bibliographiques en Europe*, published by the European Commission in 1996, demonstrated that, instead of cooperating, producers of bibliographic information compete, or simply ignore each other. Governments, who are not always aware of the economic value of bibliographic information, should be encouraged to give priority to its expansion and to set up adequate national and transnational models for the development of national bibliographic services (Recommendation n. 13).

Especially in countries having a large number of publications, national bibliographic services should be reorganised according to a cooperative perspective. Such re-organisation should follow elementary principles of quality control applied to the model of the value chain, i.e. the study of the production and distribution of bibliographic information in their successive operations : legal deposit register and claim, cataloguing unit, record editing and marketing (Recommendation n. 14). Performances should therefore be carefully assessed, according to a series of parameters, which include at least the cost of cataloguing, delays in processing information, cost savings according to the cooperative perspective, and the basic constituents of the marketing mix of national bibliographic products (Recommendation n. 15).

Hindrances to the development national bibliographic services according to the cooperative perspective should be carefully analysed and solutions found. If the task sharing scheme between bibliographic information for libraries and the book trade is unclear, as is the case for some Central

and Eastern European countries, ad hoc guidelines should be drawn up (Recommendation n. 16). If the bureaucracy resists the change and hampers cost-effective and rational cooperation among producers of bibliographic information, as is the case in Italy, such attitudes should be stigmatised and pressure should be put on governments so as to ensure optimised development of national bibliographic services (Recommendation n. 17). If lack of clarity on the respective roles of national and regional libraries is a factor of confusion for the sound definition of the scope and the coverage of national bibliographic services, as is the case in Spain, guidelines and recommendations should orient their further growth and improvement (Recommendation n. 18).

Whatever their orientation, the capacity of national bibliographic agencies to adapt themselves to renewed tasks and challenges should be underpinned by the employment of well skilled and qualified information professionals, able to interpret and to represent in a symbolic way the transmitted content. The draft Council of Europe Recommendation on new professional profiles and qualifications for information professionals and knowledge workers operating in cultural industries and institutions may be a sound basis from which drawing up the professional profiles and qualifications of the staff operating in national bibliographic agencies (Recommendation n. 19).

National bibliographic services have been so far solely considered as a library service designed to improve access to information. In the light of the convergence phenomenon, their scope is possibly widening in order to meet significant societal and political objectives.

The first objective is transparency of the activities carried out by public administration. Electronic and networked national bibliographic services may provide not only information on official publications and public records, but also distribute their content and provide links to the public data bases in which they are included. By communicating in an effective way public information, national bibliographic services fulfil the fundamental right of citizens to access information; such a move should therefore be encouraged and sustained (Recommendation n. 20). The distinction between networked bibliographic services and electronic archives may vanish: their mutual relations and possible cooperation should therefore be analysed carefully by the means of feasibility studies and pilot projects (Recommendation n. 21).

Communication networks are a chance for democracy in so far as they provide easy and quick access to electronic resources. Nevertheless, information overload is wiping out such advantages. The developments of networked national bibliographic services should therefore evolve in a twofold perspective. On the one hand, national bibliographic services should establish special links with cultural institutions and provide access to publications of a scientific and cultural nature having little commercial impact. The reinforcement of such activities would balance the increasingly commercially oriented attitudes of cultural industries (Recommendation n. 22).

On the other hand, in the on line environment, networked national bibliographic services should revive cultural identities by promoting content which cannot be easily commercialised in a global context. They should be able to complement information provided by search engines (Altavista, Yahoo, etc.), whose search structure is English oriented and therefore does not take into account linguistic and cultural differences (Recommendation n. 23).

## Nota Bene

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