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Depósito legal de materiales audiovisuales: la situación latinoamericana

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Legal deposit of audiovisual materials: Situation in Latin America

By Samira Sambaño
Adapted and presented by
Bruce Royan

Objectives

- An overview:
 - state of legal deposit legislation for audiovisual materials and multimedia in Latin American countries
- An evaluation:
 - the application of these regulations in practice

Legal deposit of audiovisual materials
Latin American situation

SPEAKING TEXT

I have been asked by Samira Sambaino to present this report on her behalf, as unforeseen circumstances mean that she has been unable to travel to Quebec City. Her paper is in the IFLANET conference proceedings in Spanish and in French, but I will summarize it here in English.

The objectives of the paper are to offer an overview of the state of legal deposit legislation for audiovisual materials and multimedia in Latin American countries, and an evaluation of the application of these regulations in practice.

Introduction

- A long-term interest of IFLA AVM Section
- Legislation for audiovisual and multimedia materials varies from country to country throughout Latin America
- Topics:
 - Coverage by type of material in each legal deposit legislation
 - The institutions which collect the materials
 - Dissemination of information about the material collected

Legal deposit of audiovisual materials
Latin American situation

For many years, Legal Deposit has been a topic of interest for the Audiovisual and Multimedia Section of IFLA.

Legislation varies from country to country throughout Latin America, not only for the type of material covered by each legal deposit law, but in particular in the way they are applied.

Some of the things we wanted to know are: What are the objectives proposed by legal deposit legislation in each country? What is the real situation in practice? How do the agencies in charge of legal deposit to achieve their objectives? On the other hand, we do know that AVM legal deposit cannot on its own assure the preservation of our cultural and intellectual heritage: political will and sound procedures are also essential to achieve the conservation and preservation goals. Another issue is the type of access that these institutions provide to the general public. Are audiovisual materials readily available, or not? If not, is this due to the legislation, the characteristics of the material, or the infrastructure of the receiving agency?

The present investigation set out to explore these and other questions under three headings: Coverage, collecting institutions, and dissemination of information.

Methodology

- Steps:
 - selection of the countries to be studied
 - examination of the national legislation on AVM legal deposit in each country
 - design a questionnaire
 - Objective: to obtain answers from each national agency in charge of legal deposit to understand the real situation of each country
 - analysis and comparison of information obtained
 - conclusions

Legal deposit of audiovisual materials
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The Methodology we used involved a number of Steps:

- First we carried out a geographical delimitation of the study.
- Next, we examined the national legislation on legal deposit of audiovisual materials for each of the selected countries.
- Then, in the light of this legislation, we wanted to find out what was actually going on. So we designed a questionnaire with the objective of obtaining answers from the national agency in charge of legal deposit in each country.
- Finally, we analyzed the answers we had received, to provide a comparison of legislation and practices and a final summary of the state of the art of AVM legal deposit in Latin America.

Selection



Countries studied:

- Argentina
- Bolivia
- Brazil
- Chile
- Colombia
- Ecuador
- Paraguay
- Peru
- Uruguay
- Venezuela

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Latin America is a geographical and socio-cultural region sharing the common characteristics of a romance language and a history of colonization by Latin countries such as Spain, Portugal or France.

For the current phase of the investigation we decided to limit the number of countries surveyed, in order to increase the scope of the initial survey. The selected countries, shown here in red, are: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.

Legislation

Argentina	Law 11723 (year 1933), Decree 41233 (year 1934) and Decree 3079 (year 1957)
Bolivia	Supreme Decree 28598 (year 2006)
Brazil	Law 10994 (year 2004)
Chile	Law 19733 (year 2001)
Colombia	Law 44 (year 1993), Decree 460 (year 1995), Decree 2150 (year 1995), Decree 358 (year 2000)
Ecuador	Book Promotion Law (year 2006)
Paraguay	Law 1180 (year 1985), Law 1328 (year 1998), Decree 5159/99 (year 1999)
Peru	Law 26905 (year 1997), Law 28377 (year 2004), Supreme Decree N° 017-98-ED (year 1998), Law 29165 (year 2007)
Uruguay	Law 13835 (year 1970), Decree 694/971 (year 1971), Law 16736 (year 1996) and Law 17088 (year 1999)
Venezuela	Legal Deposit Law (year 1993), Decree 1975 (year 1997)

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Here is a summary of our findings on the appropriate legislation. You can read more about the details of the legislation, in the full paper.

Agencies in charge of Legal Deposit

- **Argentina**
 - National Registry of Intellectual Property, **National Library of Argentina**
- **Bolivia**
 - **National Archive and Library of Bolivia**
 - **National Repository, La Paz**
 - **Bolivian Cinema Library Foundation**
 - **Institute of Military Geography**
- **Brazil**
 - Legal Deposit Division, **National Library Foundation of Brazil, Ministry of Culture**
- **Chile**
 - Printing House Visitation Department, **National Library of Chile**

This slide shows you the Agencies in charge of Legal Deposit in each country. You will note that in the majority of cases, responsibility is concentrated in the National Library.

Coverage - Argentina



Legislation:

- Scientific, literary and artistic works covering all nature and extension writings
- **Software** (source and object)
- Compilations of data or other materials
- Dramatic works, dramatic-musical compositions
- **Films**
- Drawings, painting, sculpture, pictures, engravings
- **Sound recordings**
- Printings
- Cartographic materials

● **all scientific, literary, artistic production or learning materials, whatever their production procedure.**

Argentinean legislation lists in detail the documents to be collected. But these can be summarized as: all scientific, literary, or artistic production or learning materials, whatever their reproduction procedure.

Collecting institutions - Argentina

- **National Library of Argentina**
 - printed, cartographic documents, graphics, **sound, software, moving images**
- Library of Congress, Argentina
 - printed documents
- **National General Archive**
 - printed documents

In Argentina, the collecting institution for sound, software, and moving images is the National Library.

Coverage - Bolivia



Legislation:

- Textual documents
 - Prints and digital
- Graphic documents
 - posters, diagrams, slides, technical drawings, pictures, stereography, sheets, postcards
- Cartographic documents
 - atlas (text or CD-ROM), maps, cartographic products based on satellite images
- **Sound recording, audiovisual, electronic documents**
 - cassettes, CD-Audio, CD-ROM, DVDs, VCDs, SVCDs, diskettes
- **Moving images**

Bolivian legislation lists all the types of document to be collected, including graphical images, sound recordings, audiovisual and electronic materials, and moving images

Collecting institutions - Bolivia

- **Depositary Libraries**
 - graphic, sound, **audiovisual and electronic documents**
- **National Archive and Library of Bolivia**
 - printed documents, graphics, sound, **audiovisual, electronic**
- **National Repository, La Paz**
 - printed documents, graphics, sound, **audiovisual, electronic**
- **Bolivian Cinema Library Foundation**
 - audiovisual and electronic documents, **moving images** (digital or magnetic format)
- **Institute of Military Geography**
 - cartographic material

The situation in Bolivia is more complex, with several collecting institutions.

Depositary Libraries are regional outposts of the National Archive and Library of Bolivia, delegated to monitor the working of legal deposit within their region. To be designated as depositary libraries they have to demonstrate sufficient institutional stability, qualified personnel, budget, and infrastructure to collect and preserve graphical, sound, audiovisual and electronic documents.

The National Archive and Library of Bolivia also collects these, in addition to printed materials, as does the National Repository in La Paz, while the Bolivian Cinema Library Foundation concentrates on moving images as well as related audiovisual and electronic documents, whatever their format or carrier.

Coverage - Brazil 

Legislation

- All kind of publications resulting from **any medium or process**

Legal deposit of audiovisual materials
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According to Brazilian legislation the documents to be collected are: all kinds of publications resulting from any medium or process

Collecting institutions - Brazil

- **National Library Foundation of Brazil**
 - all the publications taken place by **any medium or process**

Legal deposit of audiovisual materials
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...and the National Library Foundation of Brazil is the only collecting institution.

Coverage - Chile 

Legislation:

- Printed
- Sound recording
- **Audiovisual**
- **Electronics**
- ...eg DVD, VHS, cassettes, CD-Audio, electronic magazines and books.

Legal deposit of audiovisual materials
Latin American situation 

Under Chilean legislation the documents to be collected include every commercially produced printed, recorded sound, audiovisual or electronic document published in the country.

Collecting institutions - Chile

- **National Library of Chile**
 - printed, **sound** (cassettes, CD-Audio), **audiovisual** (DVD, VHS) or **electronic** documents (books and magazines)
- Public Libraries of the region designated by the National Library Director
 - printed publications in regions

Legal deposit of audiovisual materials
Latin American situation 

While designated regional public libraries in Chile do collect locally printed materials, collection of sound, audiovisual and electronic documents is the sole preserve of the National Library of Chile.

Coverage - Colombia 

Legislation:

- Printed works
- Cartographic
- Music
- **Sound** recording
- **Audiovisual** works
- **Software** and database
- Graphic material
 - posters, diagrams, slides, technical drawings, prints, pictures, postcards
- Microforms

Legal deposit of audiovisual materials
Latin American situation 

In Colombia, the legislation does cover Sound recordings, Audiovisual works and Software.

Collecting institutions - Colombia

- **National Library of Colombia**
 - printed, cartographic documents, graphics, microforms, **software**, music, **audiovisual**, **sound recording**
- Library of Congress, Colombia
 - printed, cartographic documents, graphics, microforms, **software**, music.
- Library of the National University of Colombia
 - printed, cartographic documents, graphics, microforms, **software**, music.
- State Library
 - printed, cartographic documents, graphics, microforms, **software**, music

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Latin American situation



The National Library of Colombia collects graphics, microforms, music, audiovisual material, and sound recordings. It also collects software, along with the Library of Congress, the Library of the National University, and the State Library.

Coverage - Peru



Legislation:

- Documents printed in paper
- Cartographic
- Special material
 - disks, diskettes, compact discs, CD-ROMs, magnetic tapes, cassettes, film movies, **videocassettes**, **television** and radio recorded programs, slides, software, medals

Legal deposit of audiovisual materials
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According to Peruvian legislation the documents to be collected include "special material", which covers what we would generally define as AVM.

Collecting institutions - Peru

- **National Library of Peru**
 - Printed or **sound** documents (compact discs, magnetic or electromagnetic tapes, cassettes, **radio programs**), **moving images** (DVD, films, television programs, videotapes), graphics (slides, posters), **software**, etc. in any support.
- Library of Congress, Peru
 - printed documents (books, pamphlets)
- Library of the place where material printed
 - printed documents (books, pamphlets).

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...and the National Library of Peru collects all the AVM material deposited.

Coverage - Uruguay



Legislation:

- Printed
- Cartographic
- Graphic
 - postcards, posters, pictures, photos
- Every **video** published in videocassette or any other support dedicated to be commercialized

Legal deposit of audiovisual materials
Latin American situation



According to Uruguayan legislation the documents to be collected include graphics, plus any video material either commercially published or notified to the Copyright Registry

Collecting institutions - Uruguay

- National Library of Uruguay
 - printed, cartographic documents, graphics
- Library of Congress, Uruguay
 - printed, cartographic documents
- National University of Uruguay
 - printed, cartographic documents, graphics
- **SODRE** broadcasting service
 - **videocassettes**

Legal deposit of audiovisual materials
Latin American situation



The National Library of Uruguay collects graphical material, but videos are collected by SODRE, the broadcasting service of Uruguay.

Coverage - Venezuela

- Every work, product or production of scientific, literary, artistic, technical, commercial or industrial character
- Bibliographical productions
- Non-Bibliographical productions printed in paper or another similar material
- Cartographic
- Graphic
 - drawings, post cards, posters
- Non-Bibliographical productions fixed in audiovisual material and in phonograms
 - compact discs, gramophone records, sound tapes, CD-ROMs, pictures, slides, film, radio and television broadcasts recorded in sound or audiovisual support

Legal deposit of audiovisual materials
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Like Argentina, Venezuela has an all-embracing definition of the coverage of its legislation

AVM is described as “non-bibliographical productions”, and includes compact discs, gramophone records, sound tapes, CD-ROMs, pictures, slides, audiovisual works fixed in video grams, film works, electromagnetic recordings of images or sounds, radio and television broadcasts recorded on sound or audiovisual support; and the impressions and recordings obtained by mechanical, chemical, electromagnetic systems or procedures or others in general that are used at the present time or in the future.

Collecting institutions - Venezuela

- **National Library of Venezuela**
 - printed, cartographic documents, graphics, sound, moving images

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...and finally on this topic, the collecting institution in Venezuela is also the National Library.

Dissemination of information

- Objective of legal deposit: **dissemination of information** about what has been published
- Legal deposit is the **basis of National Bibliography**

Legal deposit of audiovisual materials
Latin American situation

One of the objectives of legal deposit is the dissemination of information about what has been published. The material collected by legal deposit is in most cases the basis of a country's National Bibliography.

Dissemination laid down by Law

- in **Bolivia**, collecting libraries have to:
 - publish **biannual bulletins** on their Legal Deposit activities
 - include up-to-date **statistics** of the growth of the collections
 - organize the documents for **conservation and dissemination**
- **Colombia**
 - National Library must remit to the “Caro y Cuervo Institute” a listing of deposited works
 - **Annual National Bibliography**.
- **Peru**
 - National Library of **Peru** must maintain an up-to-date National Registry of Legal Deposit to
 - **control, maintain and disseminate** the national bibliographical output
 - **Annual Peruvian Bibliographical Catalog**.
- **Venezuela**
 - National Library of Venezuela has to publish periodically, **informative bulletins** on the works, products or productions which are the object of Legal Deposit.

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For example, the legal deposit legislation of **Bolivia** lays down that the collecting libraries have to publish biannual bulletins on their Legal Deposit, including up-to-date statistics of the movement of the collection and organize the documents for their conservation and diffusion.

The National Library of **Colombia** must remit to the “Caro y Cuervo Institute” a listing of the deposited works, including the author, editor and printer, edition, publication date and other data necessary for the production of the annual National Bibliography.

Legislation determines that the National Library of **Peru** should maintain an up-to-date National Registry of Legal Deposit to control, maintain and disseminate information about the national bibliographical production. It should also publish annually the Peruvian Bibliographic Catalog.

The National Library of **Venezuela** has to publish periodically, informative bulletins on those works, products or productions which are object of Legal Deposit.

Diffusion

- Diffusion is part of the legal deposit
- can be accomplished by listings
- A better medium is public access catalogues
 - manual or on-line
- The most important medium is:
 - National Bibliography

Legal deposit of audiovisual materials. Latin American situation

To summarize, dissemination of information is part of legal deposit and can be accomplished using different media, such as listings, but without a doubt the fundamental form of dissemination is through the creation of manual or on-line catalogs for public access, and the most important form of this is the creation of a national bibliography for every country.

Although the means of dissemination is not always specified in national legal deposit legislation, dissemination is intrinsic to the functions of a National Library, and they are the main collecting institutions of every country we have analyzed.

Conclusions - Legislation

Legal Deposit Legislation ALL COUNTRIES

Specific Legal Deposit Law Bolivia, Brazil, Peru and Venezuela

Legal deposit of audiovisual materials. Latin American situation

In conclusion we can say that every country studied possesses some kind of legislation about legal deposit. Not all the countries have a dedicated legal deposit law: sometimes legislation is part of copyright laws or more general laws.

The specific legal deposit legislation of Bolivia, Brazil, Peru and Venezuela, is of more recent date with the result that it covers new types of documents, new carriers, and new practices adapted to international standards. Specific legal deposit laws detail coverage, objectives, regulations, etc., in an undoubtedly clearer way than is possible as part of other legislation.

Conclusions - Coverage

- From just prints
 - as books, pamphlets and serial publications like newspapers
- including graphic and cartographic material
- **To moving images and broadcast radio and television programmes**

Legal deposit of audiovisual materials. Latin American situation

We can also conclude that the coverage of types of documents for deposit ranges from simple print, all the way to moving images and broadcast radio and television programs.

Conclusions - Collecting institutions

- Collecting institutions - **National Library**
- Agencies in charge of legal deposit – **National Library**
- National Library = **function of gathering, preserving and diffusion of the memory of the country**

Legal deposit of audiovisual materials. Latin American situation

In most of the cases the collecting institution in charge of legal deposit is the National Library. In some cases the documents are deposited in first instance in the National Library, which is charged with distributing to other institutions according to the specific regulations.

The fact that the national libraries are the collecting institutions coincides with the function of these to gather, preserve and disseminate information about the memory of the country.

Conclusions - Diffusion

- Catalogs
- **National Bibliography**
- Institutional web pages
 - Give access to National Bibliography
 - Publicize legal deposit obligations
 - Bolivia, Brazil, Colombia, Chile, Peru and Venezuela offer a link to the legislation text

Legal deposit of audiovisual materials. Latin American situation

We can say that the main means of dissemination of information about deposited documents are catalogs and national bibliographies. Nowadays, institutional web pages are an important way of giving access to these. The web is also a good way of publicizing legal deposit obligations in a clear and accessible manner, and some National Libraries (Bolivia, Brazil, Colombia, Chile, Peru and Venezuela) also offer a link so that the actual text of the legislation can be consulted.

And finally...

- Overview of the legal deposit of audiovisual materials in Latin American countries
- Continue research
 - preservation and conservation
 - access and use
 - effectiveness of legal deposit on the ground
- A hope:
 - This study of Latin America
 - Plus other studies
 - Plus AVMS Guidelines
 - Help others establish best practice in their countries

Legal deposit of audiovisual materials:
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This study constitutes an initial overview of AVM legal deposit in some Latin American countries. There is no doubt that a lot of research remains to be done, for example about preservation and conservation practices, access to and use of deposited materials, and the effectiveness of legal deposit on the ground.

We hope that this study of the situation in Latin America, in combination with reports of other experience around the world, and in the light of the IFLA Guidelines, will help colleagues to establish best practice, and achieve success in establishing the optimum legal deposit system in their own countries.

Many thanks

to yourselves, to Samira,
and to the Latin American National Libraries who took part in this study

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Finally, I would like to thank you for listening to, Samira for writing, and the Latin American National Libraries who took part in, this study