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Legal deposit of audiovisual and multimedia materials in Scandinavia

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Abstract

It can be argued that relatively few countries in the world can match the countries of Scandinavia when it comes to the coverage of audiovisual and multimedia material in their legislation. This paper introduces the legal deposit acts of Denmark, Sweden and Norway, and describes the similarities between them. For each country, it lists the institutions which collect these materials, and the national bibliographies which are produced. Some interesting differences in practice are described, and the challenges of collecting documents from the Internet are explained. The paper concludes by stressing the importance of continuous updating of legislation and practice to keep pace with the preservation of cultural heritage in a rapidly changing society.

Scandinavia

Scandinavia is a region in Northern Europe which includes the kingdoms of Denmark, Norway and Sweden. Sometimes, however, the other Nordic countries are included due to close historic and cultural relations. Such relations are obvious looking at the three Scandinavian countries as well, furthermore exemplified by the political unions of Denmark-Norway (1536-1814) or Sweden-Norway (1814-1905). The total population of 19 million is just a little more than the population of the Netherlands, but comparing the areas gives a quite different result since Scandinavia is more than 20 times bigger than the Netherlands. (In fact that is also the case if you only compare Norway and Sweden with the Netherlands.) Even though different languages are spoken in each of the countries, most people will understand each other nearly perfect. On the other hand, the Sami languages, which are spoken by the Sami people in the northern parts of Norway, Sweden, Finland and Russia, are usually not understood at all by most Scandinavians.

Legal deposit

The history of legal deposit goes back to Gutenberg's invention of movable type printing, and the first legal deposit act came into force in France, 1537. Soon several other European countries followed the French, e.g. Sweden in 1661, England in 1662 and Denmark in 1697. Even though a well documented history of legal deposit in Europe exists, the diversity of legislation and practise is immense. This is especially the case regarding audiovisual and multimedia material, from non-existent to almost complete coverage. Assuming that the overall purpose of any Legal Deposit Act is to ensure that documents are deposited in national collections, it is probably the most efficient tool for preserving national cultural heritage for purposes of research and documentation. On the other hand, the Act itself is no guarantee for complete coverage of any material, and there are several examples of national archives that are successfully based on voluntary deposits, e.g. the British Library Sound Archive. In the context of working towards better practises world-wide, it is essential to achieve a better understanding of legal frameworks in different countries.

Audiovisual and multimedia in Scandinavia

Scandinavia may be unique in view of today's wide practise of legal deposit. In particular, I believe that relatively few countries have included equivalent coverage of audiovisual and multimedia material in their own Act's regulations. Furthermore it is interesting to look at the diversity between the Scandinavian countries both in respect of regulations and practise. There are several differences even if all three countries have included multimedia material, electronic and web documents, moving and still images, broadcast material, and sound recordings in the respective regulations. The Danish Act of 1998 has developed from the focus on diversity into criteria for publications. With the latest revision of December 2004 it now also includes electronic documents on the Internet. The Swedish have revised the regulations several times over the last decades, but the current Act dates from 1993. In Norway audiovisual material was included in the Act's regulations which came into force on 1 July 1990.

Denmark

Looking to Denmark it may seem as the Danish have the most comprehensive regulations including any work, creation or composition that has been published regardless of media format. This also includes constant electronic works, even if you have to download copies on demand from a database. From a Danish report on legal deposit (1997) I have extracted three objectives (my translation):

- To safeguard and collect published works for preservation and continuation of national [Danish] culture.
- To safeguard the published works for the future so that researchers and the public may have access.
- To safeguard a basis for a complete catalogue of published works, the national bibliography.

The objectives are in line with IFLA's guidelines for legal deposit legislation that emphasize the need of flexibility due to the rapid change of media formats.

<http://www.ifla.org/VII/s1/gnl/legaldep1.htm>

Sweden

In Sweden (and several other places) there has been an in-depth debate on the meaning and influence of cultural heritage, especially in light of new media types, the Internet, and changes in community and society. Obviously, cultural heritage may have numerous interpretations; and the term is associated with extensive definitions. Rather than presenting a precise definition (which is very difficult anyhow) it might be interesting to look at aspects of hallmarks of cultural heritage:

- What is the importance of cultural heritage?
- How does cultural heritage influence life and society?
- What is the use of cultural heritage?
- What does cultural heritage tell?
- What is the relation between cultural heritage and ownership?

Usually, in the context of legal deposit one thinks of cultural heritage as being our common cultural heritage. (Nevertheless, that does necessarily not mean that the material is in the public domain.) Furthermore, the authorities and national archives make distinctions of what kind of material is defined as being cultural heritage. Within such a well organized system, the Legal Deposit Act defines the cultural heritage and the administration to handle it in all three Scandinavian countries. Additionally, the national institutions also collect and preserve historic material.

A brief analysis of the Swedish Act may lead to three principal criteria:

- The document definition.
- The document shall be made available for the Swedish public.
- The document shall be related to Swedish culture and social life.

Norway

The definition of a document is central in the Norwegian Act too, and the Acts have concurrent definitions (here the Norwegian definition, unofficial translation):

- Document: One or more identical copies of a medium by which information is stored for subsequent reading, listening, viewing or transmission.

The Norwegian Act has a lot in common with the Swedish and Danish ones, but it is also related to the political decision that established the National Library in Mo i Rana, a small town situated 1000 km north of the capital of Oslo. Following an intense debate on the location, Mo i Rana was chosen due to good storage facilities by building huge mountain

vaults, and the fact that the local community was in need of new jobs because of industrial closures. The Government appointed a working group in 1980 to evaluate printed and audiovisual material with a revision of the Act of 1939 in mind. This led to the Official Norwegian Report of 1984 entitled (my translation) “From information to cultural heritage: How do we safeguard information from various media formats for use today and in the future? A proposition for a new Legal Deposit Act.” Five years later the Act was published including the paragraph that summarized the purpose of the Act (unofficial translation):

- The purpose of this Act is to ensure that documents containing generally available information are deposited in national collections, so that these records of Norwegian cultural and social life may be preserved and made available as source material for purposes of research and documentation.

Similarities

Comparing the Acts of all three countries definitely indicates that the overall purpose is to preserve cultural heritage for today’s users or future generations. Even though the Danish Act refers to (finalized) works rather than (finalized) documents, there is no major difference if you look at the publication of copies. All three countries consider that the work or document has been published if it is available in stores or by any other kind of distribution. Furthermore, all three countries focus on domestic affairs regardless of whether the originator (rights holder) stays abroad or in his or her respective country. There are also similarities concerning who is obliged to deposit: the publisher, the originator, or the importer if the document has been published abroad. Keeping this in mind, it may be more interesting to look at some differences between the countries.

Collecting institutions

Various institutions are responsible for the deposited documents, but the tendency to unite all kind of documents (including audiovisual material) into major national institutions, is particularly noticeable in Sweden and Norway. Today’s situation (as of August 2008) regarding audiovisual and multimedia material may be summarized like this:

- Denmark: The State and University Library in Århus (Statsbiblioteket) is the depository for sound recordings (e.g. CDs), videos (e.g. DVDs), broadcasting material (radio and TV), and newspapers. The Danish Film Institute handles films produced for public screening. Photographs, combined documents and digital works on a physical medium (except videos) should be deposited at The Royal Library. Legal deposit of electronic documents on the Internet is a joint project between The State and University Library and The Royal Library: www.netarkivet.dk. (Both institutions are also referred to as the Danish national library.)
- Sweden: The Swedish National Archive of Recorded Sound and Moving Images, SLBA (Statens ljud- och bildarkiv), is the depository for sound recordings (e.g. CDs), film and video (e.g. master copies, DVDs), multimedia, and broadcasting material (radio and TV including a selection of cable TV). Combined documents should be deposited at the National Library of Sweden (Kungliga biblioteket) and six of the

university libraries in Sweden. SLBA will probably merge with the National Library from 1 January 2009.

- Norway: The National Library of Norway is the depository for any kind of AV material or multimedia, including sound recordings (e.g. CDs), broadcasting material (radio and TV), photographs (e.g. postcards, posters), film and video (e.g. master copies, DVDs), combined documents and electronic documents (both on the Internet and as physical media). As of today film and video is still deposited at the Norwegian Film Institute, but the Norwegian Parliament has already appointed the National Library to be responsible for preserving all Norwegian films (including the historic archive comprising ca. 250.000 film carriers).

National bibliographies

The obligation of making national bibliographies applies to all of the national archives in the respective countries. There are major differences, however, both in the view of access and content, which also is related to policy issues and joint projects with other institutions. Moreover the bibliographies also reflect the selection of material that actually is deposited on the basis of the respective Act and regulations. All institutions provide service for the users on site. In Norway the Oslo office of the National Library mainly has this function. Additionally, there are various bibliographies and online services available. The overview below only shows a small selection that is of relevance for legal deposit of AV material, in Denmark, Sweden and Norway respectively:

- www.netmusik.dk (The first and largest online service in the world for download and lending of music. More than 1.2 million tracks available including non-Danish repertoire as well.)
- The Online Music Research Library of Denmark (Det virtuelle musikbibliotek, website also in English.): <http://dvm.nu/>
- The Danish Film Bibliography (Danmarks nationalfilmografi): http://dnfx.dfi.dk/pls/dnf/pwt.page_setup?p_pagenam=dnfhome
- The State and University Library's search in various databases simultaneously (in English): <http://www.statsbiblioteket.dk/search/index.jsp>
- The Swedish Media Database (Svensk mediedatabas, in English): http://www.slba.se/index_english.html (search through music, film, video, radio, TV, photographs, multimedia and more.)
- The Swedish Film Bibliography (Svensk filmdatabas): <http://www.svenskfilmdatabas.se/>
- www.bibliotek.se (Swedish libraries' service for search through various databases simultaneously. A joint project between the National Library of Sweden, Libris and the BTJ Group.)
- The National Digital Library in Norway (Det digitale Nasjonalbibliotek): www.nb.no (search in various databases simultaneously for sound recordings, film, radio, websites, sheet music and more.)
- The Norwegian National Discography (Nordisko, in English): <http://www.nb.no/baser/nordisko/english.html>
- The Norwegian Jazz Base (Jazzbasen, in English): www.jazzbasen.no (including the Norwegian jazz discography from 1905 up to today. A joint project between the National Library of Norway and the Norwegian Jazz Archives.)

Differing practices

For the time being Norway seem to have a more restrictive practice than our Scandinavian counterparts, especially with regard to music and film material. For instance, a film produced outside of Norway with Norwegian subtitles is usually not considered to be adapted to the Norwegian public. (A children's movie dubbed in Norwegian should be deposited though.) The Swedish Act simply clarifies that all films made available for the Swedish public should be deposited. This also includes foreign productions, even films that have been censored for no public screening at all. Similarly, such films with Danish subtitles are to be deposited in Denmark, due to a specific film act though rather than the legal deposit act. Such a scenario also applies to record releases. For instance, the criteria based on a Swedish composer, lyricist, sound engineer, record producer, or any Swedish performer, apply to record productions both within Sweden and outside of Sweden. The breakthrough album of Britney Spears (*Baby One More Time*: 1999) exemplifies this as being a non-Swedish release but partly recorded in Sweden with the Swedish producer and songwriter Max Martin. Such a production would not have been considered as legal deposit in Norway because of the foreign publisher and the lack of national adaptation. It may seem paradoxical that some of the Norwegian artists' releases have been deposited in Sweden or Denmark but not in Norway. On the other hand such recordings are being purchased or voluntarily deposited as original master tapes or digital files in Norway.

The challenge of Internet documents

In recent years the number of electronic documents on the Internet has increased rapidly. This is a major challenge with respect to harvesting such documents on the basis of legal deposit. E.g. nearly 30 TB or over 1 billion documents were harvested in Denmark last year which amounts to half of the total holding of such material. The corresponding number in Norway was 43 TB which equals 905 million URLs. Even though numerous Scandinavian web documents already are deposited, the amount of relevant non-collected material is uncertain but probably even larger.

Conclusion

In conclusion the legal deposit act is the major tool for preserving cultural heritage in Scandinavia today. Therefore it is of most importance that the wording of an Act is in accordance with the authorities' policy and the rapid changes in society. Furthermore there is a need for adequate governmental funding and well organized national institutions to accomplish the task. There is always room for improvements at any level, both externally and internally. For instance, the National Library of Norway has been reorganized several times over the last years, but not until last year was the legal deposit of music material improved. During the last 6 months of 2007 more than 600 CDs were deposited compared to only 305 in the second half of 2006. The level of success can only be compared to the level of completeness in proportion to the number of publications we know (or should know). Only the future generations will know if we succeeded or not.

Biographical information

Trond Valberg has worked at the National Library since 1996 to the present. During this period he has been responsible for collecting, preserving and accessioning sound recordings. Trond has been a member of the Norwegian Jazz Archives Board (1997-2001). He was one of the main contributors to the published Plan for the Preservation of Norwegian Sound Recordings (1997). Trond was the keynote speaker at IASA's annual conference in Singapore 2000, presenting the paper "Communication in the 3rd millennium". His Master Thesis (1993) from University (Cand. Philol / Master of Arts) reflects his serious interests in rock music, even if he plays the piano and the violin, and also has been conducting an amateur symphony orchestra and a men's choir. Currently Trond is the Chair of the IFLA Audiovisual and Multimedia Section.