

QUESTIONNAIRE

B. LEGAL DEPOSIT -- Sweden

27 *Does your country have a legal deposit system/s in place?*

Yes, we have legal deposits. Audiovisual works were included in the Legal Deposit Act in 1979. A summary of the system can be found on the National Library of Swedens website www.kb.se (<http://www.kb.se/english/services/deposits/>).

28 *Please list relevant national legislation regulating the legal deposit*
Legal deposit is regulated in

- lagen (1993:1392) om pliktexemplar av dokument (the Legal Deposit Act, hereinafter referred to as "the Act"),

- förordningen (2008:1420) om pliktexemplar av dokument (the Ordinance on Legal Deposit, hereinafter referred to as "the Ordinance"), and

- förordningen (2008:1421) med instruktion för Kungl. biblioteket (the Ordinance with instruction for the National Library)

In The Legal Deposit Act reference is made to

- tryckfrihetsförordningen (1949:105) (the Freedom of the Press Act, which is part of the Swedish Constitution), and

- lagen (1991:1559) med föreskrifter på tryckfrihetsförordningens och yttrandefrihetsgrundlagens områden (the Act with Regulations in the Field of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

Most parts of the legislation can be found at <http://www.sweden.gov.se/sb/d/3288>.

29 *Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?*

Legal deposit is mandatory. The National Library of Sweden may prescribe a default fine regarding if the responsible person fails the obligation to deliver the material. - Article 34 of the Act and Article 9 of the Ordinance. (There is however a penalty for neglecting some very specific obligations, Article 35 of the Act.)

30 *What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?*

1. preservation of cultural heritage
2. support to research and development

31 *Is there any connection or interaction among legal deposit and copyright protection?*

Yes there are. The Ordinance refers to some provisions in the Act (1960:729) on Copyright in Literary and Artistic Works (Lagen (1960:729) om upphovsrätt till litterära och konstnärliga verk.)

According to Article 4 section 3 of the Ordinance, radio- and television programs which have been recorded according to Article 26 e the Act on Copyright in Literary and Artistic Works may only be kept by the National Library of Sweden under certain specified conditions.

Article 7 of the Ordinance refers to Article 16 the Act (1960:729) on Copyright in Literary and Artistic Works which deals with limitation of copyright in the following way:

“Archives and libraries referred to in the third and fourth Paragraphs are entitled to make copies of works, with the exception of computer programs,

- 1. for purposes of preservation, completion or research,*
- 2. in order to satisfy the desires of library borrowers, for single articles or short extracts of works, or for material which, for security reasons, must not be given away in original form, or*
- 3. for use in reading devices.*

Copies that have been made on paper pursuant to the first Paragraph, item 2, may be distributed to library borrowers. Provisions on collective licenses for the purposes of distribution to the public of copies in other cases and of communication to the public of works are contained in Article 42 d.

Entitled to the making of copies, and to the distribution, pursuant to the provisions of this Article are

- 1. governmental and municipal archival authorities,*
- 2. such scientific and research libraries that are operated by public authorities, and*
- 3. public libraries.*

The Government may in specific cases decide that also certain archives and libraries other than those mentioned in the third Paragraph shall have a right to make copies pursuant to this Article.”

According to Article 7 of the Ordinance the library also has a duty to inform the borrower of a copy of certain deposited material of the contents of applicable copyright legislation.

- 32 *Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.*

Yes, please see the answer to question 31 above.

- 33 *What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).*

– print material as defined by the Freedom of the Press Act; i.e. “all written matter produced using a printing press. It shall likewise apply to written matter duplicated by stencil, photocopying, or other like technical process, provided

1. a valid certificate of no legal impediment to publication exists in respect of the written matter; or

2. the written matter is supplied with a note indicating that it has been duplicated and, in association therewith, clear information concerning the identity of the person who duplicated it and the year and place of duplication.”

- other printed material
- non-printed materials such as sound radio, television, films, video recordings, sound recordings and other technical recordings but also combined material (a combination of printed and recorded material issued in the same package).

Exempted from legal deposit are e.g.

- business-cards, labels, forms, packaging,
- protocols and memorandums made by authorities and
- Braille which has the same content as printed material already deposited.

34 *Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?*

As regards printed material, the point of time for legal deposit is dependent on the time of publishing. In most cases, printed materials shall be deposited within one month after the end of the quarter of the year during which the material was published. As regards other kinds of material, the occurrence upon which legal deposit is dependent differ, the most common occurrence being the time when the material was made available to the public. (See Article 28–30 of the Act)

Legal deposit applies to material printed and published in Sweden but also to material printed abroad and distributed in Sweden (Article 5 of the Act). The obligation does not apply to material printed in Sweden but only distributed abroad.

35 *Is there any type or category of material exempted from legal deposit for policy reasons?*

Yes, according to the National Library of Sweden they exempt material for the two following reasons.

1. Personalized materials or categories where the content is slightly changed to be adapted to different stakeholders.
 2. Editions in different kinds of languages if they have the character of ephemera.
- In both cases The National Library add the items in their collections if they receive them, but they do not make any claims.

36 *Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.*

So far we do not have any legal deposit act for on-line material, except for television and radio that are broadcasted directly on-line. Such material is covered by the Act. Several State Commissions have looked into the question of a legal deposit act regarding on-line material. A new proposal was presented in December 2009 and a decision by the Swedish Parliament is expected during fall/winter 2010/2011.

37 *How many copies does the depositor have to deposit? Are there special conditions for limited or de luxe editions?*

Seven copies for printed material, phonograms, combined materials and CD with textual content (see Articles 6, 10, 14 and 17 of the Act). There are also some exceptions when it is sufficient to deposit fewer copies.

Three copies of daily newspaper (see Article 8 of the Act).

One copy of film, video and radio- and television programs (see Article 12 and 18 of the Act).

There are no special rules regarding de luxe editions in the Act, but quite frequently out of financial reasons such editions are deposited in two copies, see Article 36 of the Act and Article 10 of the Ordinance.

38 *Who is/are the subject/subjects responsible for delivering the legal deposit?*

According to Articles 19 – 23 of the Act, there are different subjects responsible for delivering the different kinds of deposits.

The main supplier is the Swedish printing house, broad-casting companies, movie- and music companies. If the material is printed abroad the Swedish publisher will be responsible for the deliveries. Then there are subgroups as: companies, universities, government organizations, associations and private persons.)

39 *What are the time requirements for legal deposit?*

Again, this varies according to the kind of material being deposited, see Articles 27-30 of the Act.

For example; periodicals should be deposited at the end of the quarter within which they are published, videos as soon as possible and combined materials within a month of the date when they were made accessible to the public.

40 *Is there a payment or compensation involved in legal deposit? If so, please indicate its amount.*

No. The only relief for the supplier is the possibility to ask permission to send only two copies instead of seven, see Article 36 of the Act and Article 10 of the Ordinance.

41 *What is/are the entity/entities responsible for acting as legal depository?*

The National Library of Sweden (see Article 24–27 of the Act). For printed materials, certain off-line materials and combined materials also six university libraries (see Article 24 of the Act).

42 *Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.*

In principle, yes, although the printed material can be spread more widely than the

audiovisual. The copies from the National Library of Sweden must however be consumed within the premises of the library, whereas the university copies can be borrowed and read elsewhere. The main target group, however, are the researchers.

- 43 *Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?*

Yes. At least the catalogues.

- 44 *Is legal deposit linked to any number or code?*

No.

Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

These codes may give you an idea that the book or journal are to be published and disseminated to the general public, but there is no direct connection. There are also a lot of reports, for example, that are published without any identifier.

- 45 *Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.*

We enclose statistics from the latest annual report from the National Library of Sweden. You may disregard from categories that are not relevant for your question.

Tabell 3

Total collection of print material subject to legal deposit

	2009	2008	2007	2006	2005
Monographs (i.e. books, reports etc.)	21 808	27 794	28 728	26 489	27 773
Journals/magazines (items of magazines, journals etc.)	31 088	30 036	26 344	25 471	27 232
Maps, pictures, sheet music	3 166	4 131	4 442	4 312	3 380
Ephemera and posters	115 972	114 476	121 027	123 768	137 142
Items of daily newspapers	125 925	128 003	137 531	130 759	128 782
Non-print material					
Phonograms and daily newspapers for disabled people	5 718	5 474	5 967	5 608	6 108
Film/video	4 815	4 490	4 115	4 261	4 854
Radio/TV (incl.local radio/local TV) *	564 700	68 300	76 394	66 108	45 286
Combination of several medias like printed books, cd:s and dvd:s	353	325	292	350	498

* From 2009 statistics for radio and TV are presented in number of hours of programmes "on the air". The figures presented in 2005-2008 shows number of objects. For that reason you cannot compare the figures.

Tabell 4 This table present a number of single digital objects that have been delivered through agreements between the publisher and the National library of Sweden

	2009	2008
E-reports etc.	12	135
Doctoral dissertations	0	329
E-books	236	342
Norrköpings tidningar =Daily e-newspaper	101 629	12 074
Post och Inrikes Tidningar =Daily e-newspaper)	334	1
TOTAL	102 211	12 881