



## LEGAL DEPOSIT POLICY CHECKLIST

This checklist is designed to help those involved in legal deposit policy reflect on both current and planned laws. It draws on the issues raised in the [IFLA Statement on Legal Deposit](#) (2011) and the [UNESCO Guidelines for Legal Deposit Legislation](#) (2000), as well as comments from IFLA's National Libraries Section and Advisory Committee on Copyright and other Legal Matters.

The checklist is not intended to be normative, but rather to draw on existing guidelines and practice to ensure that in taking decisions, relevant issues are not missed.

	Yes/No	Comments
<b>PART 1: Fundamentals of Legal Deposit</b>		
Do you have a legal deposit law requiring the deposit of publications? <sup>1</sup>		
Does it include the objectives of preserving the historical record, supporting research, freedom of access to information, and producing a national bibliography? <sup>1,2</sup>		
Does legal deposit legislation contain other objectives, for example supporting the book sector?		
Are there meaningful tools for enforcing the law? <sup>2</sup>		
Is legal deposit covered by a dedicated law (rather than being part of another law, such as on copyright)? <sup>2</sup>		
<b>PART 2: Who Collects?</b>		
Is there a national library? <sup>2</sup>		
Are other libraries or other institutions recipients of works under legal deposit rules? <sup>2</sup>		
Is there a mechanism for coordinating action between these institutions? <sup>2</sup>		
Is the deposit library allowed to transfer deposited works to other libraries?		
Is there provision for financing the legal deposit operations of deposit institutions?		
<b>PART 3: What is Collected?</b>		
Is there a clear definition of what should be collected, including what is and is not included? <sup>2</sup>		
Is there a clear definition of who has the duty to deliver materials to the deposit institution under the law?		
Does the law imply that in case of doubt, materials can be collected? <sup>2</sup>		

	Are audio-visual materials included? <sup>2</sup>		
	Is broadcast material included? <sup>2</sup>		
	Are sound recordings included?		
	Are music scores included? <sup>2</sup>		
	Are serials included? <sup>2</sup>		
	Are pamphlets included? <sup>2</sup>		
	Is visual material included? <sup>2</sup>		
	Are government publications included? <sup>2</sup>		
	Are maps included? <sup>2</sup>		
	Are digital maps included?		
	Are emerging formats (books as apps, web-based interactive narrative, structured data, videogames, virtual reality etc) included?		
	Are restrictions kept to a minimum? <sup>2</sup>		
	Is there a clear and workable definition of the relevant geographical conditions? <sup>2</sup>		
	Is the law technologically neutral? <sup>2</sup>		
	Does the law cover new versions of works? <sup>2</sup>		
	Does the law cover relevant metadata around works collected? <sup>2</sup>		
	Does the law allow for the collection (or provide a duty to deposit) of offline digital content?		
	Does the law include provisions around the format in which offline content is delivered?		
	Do the format provisions allow for flexibility or special relief?		
	Does the law allow for the collection of online content? <sup>2</sup>		
	Does the law include a clear definition of online content?		
	Does the law allow for the collection of streamed content?		
	Does the law allow for the collection of user-generated content? <sup>1</sup>		
	Does the law clarify which online content is eligible for collection (for example with a certain national top level domain name)?		
	Does the law allow for the collection (or mandate the deposit) of the software or other tools needed to read/use a work? <sup>1,2</sup>		
	Does the law allow for the collection of manuals or handbooks related to this software/tools? <sup>2</sup>		
	Does the law allow libraries a degree of choice over what to collect or not?		
	Does the law permit libraries to dispose of surplus or unwanted copies?		
	Are there provisions around the quality of the copy or copies deposited?		

Does the law allow deposit institutions to collect materials relevant to the country but published or otherwise made available abroad?			
	Does the law mandate the collection of physical and offline digital materials published abroad but relevant to the country?		
	Does the law mandate the collection of websites hosted outside of the country or not using a national domain name without needing to seek permission?		
<b>PART 4: How is it Collected?</b>			
Is deposit the responsibility of depositors? <sup>2</sup>			
	If a library needs to request books, is this process simple?		
	If a library needs to request books, is this process explained clearly?		
Is there no payment? <sup>2</sup>			
	If there is a payment, is the mechanism for determining this clearly established?		
	If there is a payment, is the calculation method favourable for the deposit institution?		
Are all costs borne by the depositor? <sup>1,2</sup>			
Does the depositor have the possibility of receiving a preservation copy?			
Is the depositor obliged to provide the work in a format that suits the library?			
Is web-harvesting/archiving possible? <sup>2</sup>			
	Are publishers of online content obliged to provide passwords or otherwise give paywall-free access? <sup>2</sup>		
	Is there a copyright exception allowing for the copying of online content in this way? <sup>2</sup>		
	Are libraries given the freedom to determine how frequently, and to what depth, web harvesting/archiving takes place?		
Is the number of copies requested reasonable? <sup>1,2</sup>			
Is the timeframe for making deposits reasonable, but as soon as possible after publication? <sup>1,2</sup>			
<b>PART 5: What Can Deposit Institutions Do with Works?</b>			
Does the deposit institution officially own the works they collect (although copyright remains with the rightholder)? <sup>2</sup>			
Does the deposit institution have the goal to support preservation? <sup>1,2</sup>			
Can the national library carry out preservation copying? <sup>2</sup>			
	Are there copyright exceptions allowing for preservation, regardless of rightholder preference? <sup>2</sup>		

Can the national library give access to works? <sup>1,2</sup>			
	Are depositors prevented from enforcing embargo periods?		
	Can users search through legal deposit content (when digital or digitised)?		
	Are there copyright exceptions allowing for research copying, regardless of rightholder preference? <sup>2</sup>		
	Are there copyright exceptions allowing for document supply, regardless of rightholder preference? <sup>2</sup>		
	Can the national library give access to works on their premises, regardless of rightholder preference? <sup>2</sup>		
	Can the national library give remote access to works (i.e. through other libraries or a secure network), regardless of rightholder preference? <sup>2</sup>		
	Can the national library supply copies of works, regardless of rightholder preference? <sup>2</sup>		
Can the national library make use of copyright exceptions when working with legal deposit copies?			
Are there no unreasonable limitations on the number of copies to which access can be given (i.e. not less than the number held in the collection)? <sup>1,2</sup>			
Are deposit institutions allowed to remove or circumvent technological protection measures that prevent them carrying out their missions?			
	If not, is there an easy means of requiring the rightholder to provide a means to get access or take copies?		
Are deposit institutions protected against unreasonable use of data protection rules (the right to be forgotten) to remove or hide works in their collections?			

18 November 2020

<sup>1</sup> Features in IFLA Statement on Legal Deposit (2011)

<https://www.ifla.org/publications/ifla-statement-on-legal-deposit-2011>

<sup>2</sup> Features in UNESCO Guidelines for Legal Deposit Legislation (2000)

<https://www.ifla.org/publications/guidelines-for-legal-deposit-legislation>