

# *Access and Reproduction Policies of the Digital Material of Seven National Libraries*

© Alexandros Koulouris, Sarantos Kapidakis

Ionian University. Department of Archive and Library Sciences  
akoul@ionio.gr, sarantos@ionio.gr

## **Abstract**

In this paper, we examine the access and reproduction policies of the digital material of seven National Libraries. The selection of the examined National Libraries is based on the variation of their digital content and the diversification of their access policies. Our goal is to discover the differences among the implemented access policies of these National Libraries. We analyze the access and reproduction policies that these libraries have implemented for their digital material showing the different levels of access, the copyrights, the privacy and publicity rights. We also mention the acquisition policies, because, often, the access and the reproduction policies are related to the way that the library has acquired the material and the status of its copyright ownership.

When the digital content (text, image, audio, video etc.), does not have restrictions (copyright, privacy and publicity rights limitations, distribution restrictions etc.), then the most common access policy is the “free access”. Otherwise, when the digital material has restrictions, then the access policy is restricted for onsite users only and the reproduction requires written permission or fees.

The implemented access policies differ in various aspects. We generalize them into one unified policy, which can implement the specific policies by varying some of its parameters. We study these parameters and explain their most useful alternative values and their semantics. We also foresee new policy parameters that will be appropriate to more complex policies that will be needed soon.

## **1. Introduction**

There is an ongoing effort from the National Libraries to provide digital content. We considered projects that deal with the provision of access to heterogeneous

resources (e.g., MetaLib [18] etc.), or projects that are used to provide readers with access to information in libraries (e.g. The Description of resources Internet Dublin Core [27]), but these were not so relevant to the access and reproduction policies which is the case of this paper. These projects refer mostly to metadata searching in virtual libraries and not to policies.

The National Libraries have implemented simple access policies for their digital material. Many National Libraries make their digital material freely accessible through the Internet for onsite and offsite use. Some libraries restrict part of their material from offsite use because of the copyrights or the privacy and publicity rights. Others require authorized use of their digital material by charging fees or they have license agreements. Others have their digital content accessible only for onsite users (staff, student, researchers etc.), through their reading rooms or their local workstations. Finally, other libraries withhold access to their digital material, or even delay on digitizing it, when the appropriate access policy is not straightforward.

In this paper, we examine the access and the reproduction policies of seven National Libraries: Library of Congress, British Library, National Library of Australia, National Library of New Zealand, National Library of Canada, National Library of Scotland and National Library of Russia. The selection of the examined National Libraries is based on the variation of their digital content and the diversification of their access policies. We classify the implemented access policies according to their characteristics. We examine the differences among the implemented access policies and we generalize the solution approaches combining the varying parameters and other relevant emerging ones. We emphasize the relation between the acquisition, access and reproduction policies.

This paper is organized as follows. In section 2, we present the acquisition, access and reproduction policies of the National Libraries. In section 3, we classify the implemented access policies according to their characteristics. We generalize the policies into one unified policy and we examine its possible variations. We end this paper with conclusions in section 4.

## **2. Acquisition, access and reproduction policies of the National Libraries**

In this section, we examine the acquisition, access and reproduction policies that have been implemented by seven National Libraries. The examined libraries are the following:

### **2.1 Library of Congress (LC)**

#### **2.1.1 Acquisition policy**

The *Library of Congress* (LC) obtains material by purchase, exchange, gift, transfer, the Cataloguing in Publication (CIP) program and copyright deposit. The LC acquires material through such sources as exchange with libraries and other organizations in USA and abroad, as gifts, via transfer from local, state and federal agencies, purchase, and copyright deposits, and from commercial vendors, individuals and publishers. Copyright deposits make up the core of the collections, particularly those in the map, music, motion picture, and prints and photographs divisions [1].

In the United States, mandatory deposit requirements (copyright deposit) are found in *Section 407 of the Copyright Act of 1976*. All works under copyright protection that are published in the US are subject to the mandatory deposit provision of the copyright law. Although the deposit requirements are limited to works published in the US, they do apply to a work that was first published in a foreign country as soon as that work is published in the US through the distribution of copies or phonorecords that either are imported or are part of an American edition [17]. Through the *Code of Federal Regulations*, certain categories of materials are exempted from deposit requirements.

From 1998, deposit has been required of certain publicly available physical format electronic material, such as magnetic tapes, CD-ROMs and microforms. From 1993, CD-ROMs agreements stipulating how the LC can use items deposited in this format. For example, CD-ROMs publishers may deposit one copy and authorize local area network use in Library Reading Rooms for up to five simultaneous users, or deposit two copies. Mandatory deposit is not yet applied to online electronic works. The legal deposit is not applied for the online born-digital material.

#### **2.1.2 Access and reproduction policies**

In order to examine the access and reproduction policies of the LC we took a sample of its digital collections.

The *American Memory* contains multimedia collections of digitized documents, photographs, recorded sound, moving pictures, and text from the Library's Americana Collections. *American Memory* has more than 7.5 million digital items from more than 100 historical collections [9].

The *American Story from America's Library* contains many documents, prints, photographs, maps,

recordings, videos, movies and other materials from the past.

The *Meeting of Frontiers* is a bilingual, multimedia English – Russian digital library. It contains 70.000 images from rare books, manuscripts, photographs, maps, films and sound recordings from the collections of the LC. It also contains digital images from the Alaskan and Russian partner institutions, rare maps, photograph albums, and sheet music and digitized material of selected collections from libraries and archives in Western Siberia.

The *American Memory*, the *American Story from America's Library* and the *Meeting of Frontiers* are freely accessible through Internet for onsite and offsite users. Few items are protected because of copyrights and other restrictions such as donor restrictions, privacy and publicity rights, licensing and trademarks [3]. The transmission and the reproduction of these protected materials beyond fair use, requires the written permission of the copyright owner. The library, because of its publicly character, does not charge permission fees for use of such materials and cannot give or deny permission for publication or distribution. It is the researcher's obligation to determine and satisfy copyright or other use restrictions. The catalog record or other texts that accompany the collections provide information about copyright owners and other restrictions [3].

The *Library's Prints and Photographs Online Catalog (PPOC)*, contains catalog records and digital images (approximately 13.6 million images) representing a rich cross – section of still pictures held by the Prints and Photographs Division and other units of the LC. Also includes photographs, fine and popular prints and drawings, posters and engineering drawings.

In the *PPOC*, not all images displayed are in the public domain. Some materials may be protected by U.S. Copyrights Law or by the copyright or neighboring rights laws of other nations [25]. In addition, about 90% (over 650.000 items) of the catalog records are accompanied by digital images and are freely accessible through Internet especially through the Reading Room home page on WWW. However, in some collections, only thumbnail images are displayed to those searching outside the Library's building because of potential right considerations.

Consequently, some images are freely accessible for all, some are accessible in different form for offsite users and some are restricted from all. For example, the images of the *Look magazine collection* are not accessible by anyone. Onsite and offsite users can only see the bibliographic records.

The transmission or reproduction of protected items, beyond that allowed by fair use, requires permission of the copyright owners. It is the user's obligation to determine and satisfy copyright or other use restrictions (such as donor restrictions, privacy rights, publicity rights, licensing and trademarks), in order to publish or distribute material found in the collection of the Division. However, the Division is responsible to inform the user of any donor restrictions. The donor

restrictions are agreements between the *Library* and the donor about the use of the collection. In addition, the *Library*, where possible, informs the user about the copyright status of the digital material through the metadata.

## 2.2 *British Library (BL)*

### 2.2.1 *Acquisition policy*

The *British Library (BL)* is the legal deposit for the printed material published in the United Kingdom and in Ireland or material that originally published elsewhere but distributed in the United Kingdom and in Ireland. Publishers and distributors in United Kingdom and in Ireland have a legal obligation to send one copy of each of their publications to the Legal Deposit Office of the BL within one month of publication [15]. However, some categories of material (internal reports, examination papers etc.) – unless a written demand for them is made by the BL – are exempted from the legal deposit regulation.

The legal deposit is not applied to the digital material, especially the online born-digital. However, there is an agreement between the legal deposit libraries (e.g. BL, NLS) and the publishing trade bodies for the voluntary deposit of the non-print publications. This agreement, the *code of practice*, covers the deposit of United Kingdom non-print publications in microforms and offline electronic media [5]. Online publications do not fall formally within the scope of this *code of practice*. However, there are thoughts that in parallel with the implementation and operation of the voluntary deposit scheme for microforms and offline electronic publications, activity should go on jointly between the publishers and the legal deposit libraries to carry out trials of the deposit of certain types on online and hybrid offline/online publications. In addition, the continuously updated publications such as databases are not deposited either. This code of practice applies to publications after 4 January 2000. The *code of practice* contains access arrangements for the deposited publications.

Finally, since both publishers and libraries are not yet ready to undertake the systematic deposit and archiving of online born-digital publications, the acquisition of this material is on a voluntary basis without certain legal obligations.

### 2.2.2 *Access and reproduction policies*

We examine the access and reproduction policies of two digital collections: the *Electronic Beowulf* and the *International Dunhuang Project*.

The aim of *Electronic Beowulf Project* is to increase the access to collections of the BL by the use of imaging and network technologies [19]. The *Electronic Beowulf* digital collection contains a collection of manuscripts of the great Old English poem *Beowulf* that has survived in the BL.

Selected digital images of the *Electronic Beowulf Collection* are freely accessible for onsite and offsite

users through the Internet. The reproduction of the selected images requires the written permission of the BL. The whole manuscript has an electronic version of two CD-ROMS, and can be acquired for a fee.

The *International Dunhuang Project* contains 26.000 manuscripts and printed documents from Central Asia in the BL collection, and includes high quality color images of manuscripts fragments [11].

It is a freely accessible digital collection but some images on the database are in copyright. These images may not be reproduced in print, electronic form or by other means for any purpose, including private study, without the copyright holder's permission. In addition, a personal user name and password are required for the use of this digital collection [11].

The BL holds the copyright of the content (images, text, sound and video files etc.) of its website, unless otherwise stated (adjacent to or within the content) as belonging to other specified copyright holders. The user, can access, print and download the content in an unaltered form, with copyright acknowledged, on a temporary basis for personal study and non-commercial use. Written permission must be obtained from the BL for any further use including the reproduction in any form, the transmission in any method, the storage in any medium etc.

## 2.3 *National Library of Australia (NLA)*

### 2.3.1 *Acquisition policy*

The legal deposit provisions that apply to the *National Library of Australia (NLA)* are included in the Commonwealth of Australia *Copyright Act 1968* (section 201.). This *Act* states that publishers must deposit one copy of any library material published in Australia with the National Library [16]. The definition of library material in the *Act* effectively limits the deposit requirement to items in printed form, such as a book, periodical, newspaper, pamphlet, sheet of music, and sheet of letterpress, map, plan, chart or table, dramatic and musical or artistic work. This means that publishers do not have to deposit any electronic publications with the NLA, neither those in physical format, such as CD-ROM and floppy disk, nor those that are published on the web.

However, the NLA has implemented a *voluntary deposit scheme* for physical format electronic publications [29], together with a *policy* on the use of Australian CD-ROMs and other electronic materials acquired by deposit [24]. The *voluntary deposit* mostly refers to titles produced on CD-ROMs and disks. The *policy* strictly limits the use, which the Library may make of the voluntary deposited material, to protect the interests of the publishers. For example, the content of this material is usually restricted for onsite use. In addition, the NLA negotiates with publishers to archive web publications titles in *PANDORA*.

The NLA and *ScreenSound Australia* (the national film and sound archive) have been working together to have the legal deposit legislation modified, to include

electronic formats since 1995, but the process is still slow.

Finally, the situation varies in relation to legal deposit legislation of the Australian States. Some States still do not have legislation covering electronic publications, some have legislation that covers physical format electronic publications only, and at least one, Tasmania, has legislation that covers all forms. The acquisition of the electronic material is based on a voluntary basis in Australia but there are many efforts for the extension of the legal deposit legislation.

### 2.3.2 Access and reproduction policies

The NLA has implemented a major digitization program in order to provide greater access to its collections through the digitization of material including photographs, postcards, cartoons, drawings, transparencies, negatives, maps, printed music, sheet music, oral history recordings, pictures and printed collections such as books and journals [10].

The digital collections are under two major categories:

- Digital collections that are currently being digitized and
- Digital collections that are digitized to date [12].

The digital library infrastructure for the Library's digital collections supports capturing, storage, management, identification, access, delivery, and long-term preservation of digital collections. A structured file system has been developed to store images, sound files, digital master files are stored on tape, and derivatives for viewing on the web are stored on disk. The Library is also developing a database application called *Digital Collection Manager (DCM)* for the management of these new digital assets. DCM supports the upload and download of files to and from the Library's storage system and the digitization of pictures, maps, manuscripts, printed music, books and serials [10]. In the future the DCM will include support for sound files, right management information and preservation processes. The information, which is stored in the DCM, includes bibliographic, technical and structural metadata.

The general access policy is that the digitized collections are freely accessible via the Library's catalogues and the web. Specifically, the digitized collections are accessible through the *Library's catalogue* as the primary access point and along federated resource discovery services such as *PictureAustralia* and *MusicAustralia* and URL lists. A generic web delivery system is being developed and provides web access to digital collections in context with their bibliographic descriptions and facilities for page turning, zoom-in, zoom-out, and other navigation aids. Further development of this service includes web delivery systems for manuscripts, serials, monographs and oral history material. For the time being, manuscripts are made available and delivered via *Library's Online Exhibitions*.

The NLA has a free access policy and the digitized material (maps, manuscripts, pictures, images, printed and sheet music, books, journals, etc.) is accessible online through: *Library's catalogue*, *Pictures Catalogue* and the *WEB (Online Exhibitions)*, the *Kinetica Service*, federated resource discovery services such as *PictureAustralia*, *MusicAustralia* and URL lists). However, there are some categories of digitized material that are only accessible for on-site use (at the Library or from the Library's reading rooms) due to copyright or other restrictions, including cultural sensitivities. For example, the *Daisy Bates Special Map Collection* is only accessible through the reading rooms of the Library due to cultural sensitivities reasons. In addition, the digital material is in the public domain but in future, the access policy will be controlled, based on restrictions that apply to the digital collection and the location of registration of users [10].

Finally, the NLA has the copyright of the content published on its website. The user can download, display, print and reproduce this content for its personal or non-commercial use but only in an unaltered form and with the copyright acknowledged. Permission is required to reproduce, for further use, an item from the Digital Collection of the Library.

## 2.4 National Library of New Zealand (NLNZ)

### 2.4.1 Acquisition policy

The *National Library of New Zealand (NLNZ)* is the legal deposit for all books, magazines and newspapers published in New Zealand or commissioned by publishers resident in New Zealand. Each publisher is obliged to give to the NLNZ three copies of every edition or issue, unless sometimes is fewer by negotiation.

The new law (*National Library of New Zealand Act 2003* [21]), that replaces the *National Library Act 1965*, widens the scope of legal deposit. The NLNZ has a legal mandate to require publishers to deposit electronic publications such as web sites and CD-ROMs and to allow the NL to take copies of online information created or compiled in New Zealand. The NLNZ can collect electronic publications and takes the lead in the field of depositing electronic publications. The NLNZ is unlikely to collect all electronic materials published in New Zealand, but this will be defined later in 2003 following consultation and negotiation with electronic publishers. These negotiations will include for example, issues of commercial interests, formats of copies, timing for the provision of access etc. For the time being and under the new *act*, electronic document means a public document in which information is stored or displayed by means of an electronic recording device, computer, or other electronic medium, and includes an Internet document [21]. Legal deposit will be arranged through Ministerial notices, which will have the force of regulations, in the *Gazette*. The electronic-digital material will be held in the *digital library repository*.

Finally, the acquisition policy of NLNZ affects the use and access policy of the electronic deposited documents. The NLNZ may provide not more than three copies of a deposited document for use by onsite and/or offsite users. However, the library must not make the document available on the Internet, except there is the publisher's agreement, or the publisher also makes the deposited document publicly available on the Internet without restriction on its access [21]. Finally, the library will respect any access restrictions agreed with the publisher.

#### **2.4.2 Access and reproduction policies**

The digital collections of the NLNZ contain online images, photos, art works, newspapers, periodicals and oral history interviews. The digitized material of the NLNZ is freely accessible online through the web.

The *Timeframes* digital collection contains more than 21,000 heritage images from the Alexander Turnbull Library. All the images are jpeg files. It also contains cartoons. In this collection, images can be freely downloaded from the Internet without restrictions or fees. However, Library's permission is needed for further use of the images on the Internet.

The reproduction of images requires permission of the library and payment of reproduction fees as a contribution towards funds for the preservation of items in the Library's collections. In addition, all the material currently available in *Timeframes*, except cartoons, are not under copyright restrictions, but the user has the responsibility for clearing copyright and for meeting any other requirements placed on the items by the owner, donor, creator of the original. In addition, if users want to reproduce copies of originals owned by other institutions or individuals, they will need to obtain copies from the owner or obtain written permission from the owner [6]. Finally, the Library is not the owner of copyright in the cartoons on *Timeframes*. The Library will provide information so that users can locate copyright owners and obtain written permission for the use of cartoons.

In the *Papers Past* digital collection, the images can be freely downloaded from the Internet, with a free access policy. The only requirement is that attribution is made to the NLNZ as the source of the information used.

The *Ranfurly Collection* is an online digital collection of three sections: *paintings and drawings*, *papers* and *photographs* created by Lord Ranfurly, Governor of New Zealand from 1897 to 1904, and his entourage [26].

The general access policy of the three sections is that the digitized material is freely accessible via Internet. However, there are some differences between the access policies implemented on each section. In the *Painting and drawing* section, the access is unrestricted and documents can be downloaded freely as PDF files. In the *Papers* section, there is a partial restriction of the access because some items are restricted and cannot be downloaded, until conservation is completed. The documents are PDF files. Finally, in the *Photographs*

section, the photographs can be downloaded freely as JPEG files which means that the access policy is unrestricted with a few exceptions such as the *Various Artists* [28].

The *Kilbirnie-Lyall Bay Community Centre Oral History Project* contains excerpts of digital audio and video recordings of life history interviews of seven local residents [14]. The excerpts of the interviews are freely accessible via web, which means that the access is unrestricted. However, the full recordings of these interviews are available through the Oral History Centre or the users can borrow them through their local library. Copies of the recordings and abstracts are available at the Kilbirnie Library but not for purchase. In addition, the Kilbirnie Public Library holds copyright and although there are no other formal restrictions on the use of the collection, it is recommended, that users are consulted before any further use of this material is made.

### **2.5 National Library of Canada (NLC)**

#### **2.5.1 Acquisition policy**

Legal deposit in Canada is covered in the *National Library Act* and the *National Library Book Deposit Regulations*, 1995 [23]. The *National Library of Canada* (NLC) is the legal deposit for books, serial publications, sound recordings, multimedia, kits, microforms, video recordings, CD-ROMs and other electronic publications in physical format. There are number of legal and copyright issues that need to be resolved before the legal deposit legislation can be applied to online electronic documents. However, there are cases such as the *Electronic Collection* of NLC that contains online books and periodicals. The acquisition of the online electronic-digital information is on a voluntary basis.

#### **2.5.2 Access and reproduction policies**

The general access policy of the networked electronic publications and the digital collections of the NLC is the provision of a universal, equitable access as a public good, which means that all the electronic or digital collections are in principle accessible to both onsite and offsite users. The access to the digital-electronic collections is provided in such a way that intellectual property rights are respected as required by Canadian law. However, there may be restrictions on access to some materials from time to time [22]. Where possible, the restrictions on access will be for a negotiated limited period.

Access includes bibliographic access through *Amicus Catalogue* integrated with full text access to publications and other listings. The NLC pursues free and universal access to all electronic publications in its collection with negotiated rights access as a fall back position when required. Some electronic publications are freely available to all clients (onsite and offsite) of the NLC because either the copyright on the work has expired, or the copyright holder of the work has granted

permission to make the publication freely available on the NLC server. However, for other publications there is a restricted access only for clients on NLC premises, which means only for onsite users.

The NLC plans to implement four different options of access, depending on the copyright status, the type of the material the different classes of users etc.:

- *Open access.* The access is unrestricted for on-site and off-site users, because either the copyright for the publication has expired or, the holder of the copyright has granted permission to the NLC to make the publication freely available.
- *Controlled remote access.* Remote access is available only to specify groups, for example, registered libraries, registered clients etc. or remote access is limited to differential information levels of the publication such as bibliographic data, table of contents, abstracts and full contents.
- *Time windowing.* The remote access to some electronic publications is initially restricted to within a given period, and then followed by access that is more liberal afterwards.
- *On-site consultation.* Access is limited to users on the domain of NLC. There is a limited access for onsite users within the Library. In addition, an enhanced level of this option could allow publications to be sent electronically to registered libraries in the NLC network for provision of on-site access on the network library's premises [22].

The NLC informs its users about the reproduction of materials mounted on its website. The user can find information about the copyright status in the "Copyright/Source" link, which is directly below the images or texts. If the visited page does not provide a "Copyright/Source" link, the user should contact the Copyright Bureau in order to obtain information about the copyright ownership and/or restrictions on reproduction of this material.

The website of the NLC contains four type of material with different copyright and reproduction terms:

- *Third-party material.* This material is protected by copyright owned by other organizations or individuals. The reproduction of such material requires permission from the copyright owners. The user can obtain contact information on copyright owners through the Copyright Bureau. If the user grants the permission from the copyright owner to reproduce its material from the website of the NLC, a credit should be given to the NLC.
- *Public domain material.* The material is free of copyright and may be used freely as long as the source is cited.
- *Material with pre-authorized license.* Specific sites, such as the *Canadian Olympians*, *Images Canada*, etc., include a pre-authorized license that permits users to reproduce material found

on these sites for certain purposes, and without obtaining copyright permission. If the user abides by the conditions of the license, he/she is free to reproduce the material it pertains in this category.

- *Educational material.* The user can reproduce or distribute the teaching strategies he/she finds on the website for non-commercial purposes. This applies to teaching strategies found under the following labels: "Educational Resources", "Ideas for the Classroom" etc. The user is obligated to acknowledge the copyright ownership and the source of the material. However, the reproducing of educational material for commercial purposes requires permission from the Copyright Bureau.

In conclusion, the user, before reproducing material from the website of the NLC, is asked to read the information provided by the NLC, or contact the Copyright Bureau otherwise.

## 2.6 National Library of Scotland (NLS)

### 2.6.1 Acquisition policy

The *National Library of Scotland* (NLS) is the legal deposit of every book published in the United Kingdom. The BL and NLS have similar law on legal deposit. From the beginning of 2000, the *code of practice* is the voluntary deposit scheme of the non-print publications (microforms and offline electronic media) within the UK deposit libraries. However, the NLS is not the legal deposit for the online digital material, especially the online born digital. The acquisition of the digital material is on a voluntary basis without legal obligations.

### 2.6.2 Access and reproduction policies

The NLS has a digital library that contains digitized outstanding resources held by the Library. The NLS digitize resources, such as maps, rare books, diaries, manuscripts etc., in order this material to be accessible worldwide.

The NLS has implemented a free access policy of its digital material. Anyone, through the Internet, can view, download and/or print the digital material. However, for the reproduction of any material for further use, written permission must be obtained from the Library and permission fees must be paid. Especially for the reproduction of digital images, unless it is for private use, there is a digital image license. The license clarifies the terms of reproduction and the fees.

## 2.7 National Library of Russia (NLR)

### 2.7.1 Acquisition policy

The *National Library of Russia* (NLR) acquires its material by means of legal deposit, purchase, gift and book exchange (including international exchange). All new acquisitions are processed using the library

automatic system regardless of their source (legal deposit, purchase, gift etc.).

The NLR is the legal deposit for publications and other information, according to *the Statute of Federal State Institution "The National Library of Russia"*. The legal deposit is dated from 1810 when the Department of National Literature in Languages of the Russian Federation established legal deposit as the principal source of its acquisitions.

Although the NLR is the legal deposit for the printed material, the acquisition of the digital material is on a voluntary basis.

### 2.7.2 Access and reproduction policies

"The National Libraries are becoming twenty-four hours communication and information tool that provides and access to high quality information and public services in digital form across years, countries, and continents" [4]. This is the most important reason for the digitization of unique and rare materials from the NLR stocks and collections. This ongoing procedure resulted in the creation of the NLR *digital library*, which is evolving with new material added continuously. For the time being, the *Division of digital resources*, tests the self-developed software for the digital library maintenance and patrons' access.

In order to examine the access and reproduction policies of the NLR we took a sample of its digital collections. We examine the *Meeting of Frontiers* and the *Images of Saint-Petersburg*.

The *Meeting of Frontiers* is a bilingual, multimedia English – Russian digital library. This collection is freely accessible for onsite and offsite users through the Internet. The written permission of any copyright owners, and/or any others rights holders (such as for publicity and privacy rights) is required for distribution, reproduction, or other use of protected items that extends beyond fair use or other statutory exemptions. It is the researcher's obligation to determine and satisfy copyright or other use restrictions.

The *Images of Saint Petersburg (Churakov collection)*, is a collection of digitized postcards that illustrating Saint Petersburg at different times. It is the largest single collection of views of world towns in the postcard section of the Print Department's holdings of NLR. Half the collection describes domestic towns and cities and the other half includes material for foreign countries, and especially for Germany, France and Switzerland. The Library acquired the collection in 1941 - 1942. The postcards are grouped into two periods: from 1900 to 1917 and from 1918 to 1941 [13].

About 900 images of Saint Petersburg (Petrograd-Leningrad) are available online and can be viewed via the web. This part of the collection (the selected digitized images) is freely accessible for onsite and offsite users through the Internet. Except cases of private use (research, educational purposes and investigations), the reproduction of these images requires the written permission from the Library.

In general, for the reproduction of the digitized material, written permission is needed from the Library

or the copyright owner and copyright fees may be required. This is confirmed from the copyright statement of the Electronic Document Delivery Service of the NLR. This statement clarifies that the customer of Electronic Document Delivery Services in the NLR, herewith undertake to comply with the following provisions concerning the copyright legislation:

- to use the copies thus obtained for research, educational purposes and investigations only,
- not to duplicate the copies thus obtained,
- not to reproduce them in any form other than specified by law (single electronic file printout),
- not to distribute the copies thus obtained to other persons or organizations on any principles and
- to pay surcharges when so requested by the Library in the cases of required copyright fees and in the amount specified by the Library in accordance with existing national and international legal provisions in the sphere of copyright legislation [7].

### 2.8 Other National Libraries

We also considered the acquisition, access and reproduction policies of other National Libraries. We have not analyzed them, because they have not applied different policies. However, it is useful to present two of them that have plans for applying different policies.

The *National Library of Wales* (NLW) has the same acquisition policy with the BL and the NLS. The NLW is the legal deposit library for the printed material published and distributed in the United Kingdom and Ireland. The *code of practice* is the agreement that applies for the deposition of the microforms and offline electronic media. The legal deposit does not exceed for the online born digital material and the acquisition of this material is on a voluntary basis.

The NLW has a free access policy for its digital collections for onsite and offsite users without restrictions or fees. In addition, there is a limited service for on demand digital orders with charge. In the future, there are plans that there would be a diversification concerning the availability of the digital material. Some digital material will be accessible by onsite and offsite users, some by onsite users only and some by technical staff only. In addition, a charging policy about some digital material available over the Web is under consideration [8].

The Netherlands is one of few countries in the world that does not have legal deposit legislation; instead, deposit is voluntary and based on bilateral agreements with publishers [23]. Following an extended period of negotiations, most Dutch printed material is now deposited with the *National Library of the Netherlands* (KB).

In 1996, the KB became the deposit for offline electronic materials, such as CD-ROMS, diskettes and magnetic optical disks. In 1999, the KB and the Dutch Publishers' Association reached a general agreement for

depositing electronic publications (online and offline) at the Deposit of Netherlands Publications in the KB [2].

The deposited electronic publications are accessible to authorized onsite users, as copyright agreements with publishers do not allow the remote access. Individuals KB-pass holders, persons registered with the KB by name, have access to the deposited electronic publications through the workstations in the appropriate public areas of KB. However, other digital collections (e.g. *Web exhibitions*) are freely accessible for onsite and offsite users.

### 3. Classification of access policies for the digital material

The National Libraries provide free access for onsite and offsite users for the metadata and the non-copyrighted digital material. In most cases, the copyrighted digital material is provided unrestrictedly to onsite and offsite users. The Libraries trust the users and present it to them directly.

The variations on their policies mostly refer to the way they handle the copyrighted material. Nearly always, the National Libraries give free access to onsite users for copyrighted material, with few exceptions, as noted below. In table 1, there is a synopsis of the implemented access and reproduction policies on the copyrighted digital material. The first column contains the examined digital collections. The second shows if offsite users are able to access the material. The third shows if written permission and/or license are needed for the reproduction of the copyrighted digital material for non-private use. The fourth shows if a fee is needed for the reproduction for non-private use. *Library* means that the library asks for a fee, while *owner* means that the owner, which can be the library, requires a fee. Often, the access and the reproduction policies are related to the way that the library has acquired the material and the status of its copyright ownership. The last column has additional comments for each case.

**Table 1. Access and reproduction policies on copyrighted digital material**

Collections	Access for offsite	Written permission and/or license for reproduction	Fee for reproduction	Comments
<i>American Memory / LC</i>	<i>Yes</i>	<i>Permission</i>	<i>Owner</i>	
<i>America's Story from America's Library / LC</i>	<i>Yes</i>	<i>Permission</i>	<i>Owner</i>	
<i>Meeting of Frontiers / LC, NLR</i>	<i>Yes</i>	<i>Permission</i>	<i>Owner</i>	
<i>PPOC / LC</i>	<i>Thumbnails sometimes</i>	<i>Permission</i>	<i>Owner</i>	<i>Some images are not accessible by anyone</i>
<i>Electronic Beowulf / BL</i>	<i>Selected images</i>	<i>Permission</i>	<i>Library</i>	<i>The fee applies only to the CD-ROM version even for private use</i>
<i>International Dunhuang Project / BL</i>	<i>Yes</i>	<i>Permission</i>	<i>No</i>	
<i>Collections / NLA</i>	<i>Vary</i>	<i>Permission</i>	<i>Owner+</i>	<i>Some categories of digitized material are only accessible for onsite use</i>
<i>Timeframes / NLNZ</i>	<i>Yes</i>	<i>Permission</i>	<i>Library* and owner</i>	
<i>Papers Past / NLNZ</i>	<i>Yes</i>	<i>No</i>	<i>No</i>	
<i>Ranfurly Collection / NLNZ</i>	<i>Yes</i>	<i>No</i>	<i>No</i>	<i>Some items are restricted during conservation</i>
<i>Oral History Project (Excerpts) / NLNZ</i>	<i>Yes</i>	<i>No</i>	<i>No</i>	<i>Access to the full content through conventional ILL</i>
<i>Electronic Collection / NLC</i>	<i>Some</i>	<i>No!</i>	<i>No</i>	
<i>Glen Gould Archive / NLC</i>	<i>Yes</i>	<i>No!</i>	<i>No</i>	
<i>Virtual Gramophone / NLC</i>	<i>Yes</i>	<i>No!</i>	<i>No</i>	
<i>Digital Library / NLS</i>	<i>Yes</i>	<i>License**</i>	<i>Library</i>	
<i>Images of Saint-Petersburg / NLR</i>	<i>Yes</i>	<i>Permission</i>	<i>Library</i>	

+ Depends on the collection.

\* The fees for the reproduction are not copyright fees but a contribution towards funds for the preservation of items in the collection of the Library. Any fee payable to a copyright holder other than the Library is additional to the reproduction fee. Usually, the Library does not charge a reproduction fee where a copyright fee is due.

! The user is asked to read the general notice concerning the reproduction of the material.

\*\* License is required for the digital images.

The access for the non-copyrighted digital material and for the metadata is free for onsite and offsite users. The access for the copyrighted digital material is usually free for onsite users and diversified for offsite users depending on the collection. Some National Libraries plan to charge offsite users for copyrighted digital material but they delay the implementation possibly because of the absence of candidate policies. In some cases, written permission is needed for the reproduction of the digital material usually for non-private use, but not for online access. This would be normal, to satisfy legal conditions. Also, fee for the reproduction can be given to the Library or the copyright owner. While, the fee given to the copyright owner is copyright fee, the fee given to the Library may refer to reproduction or conservation costs.

We classify the implemented access policies of the National Libraries according to their characteristics. At this moment, most libraries have only digitized or made digitally available, part of their material, the one that is simpler in accessing restrictions, which was simpler to implement and more appropriate to do first. As this process evolves and matures, the libraries want to make more material available and this will force them to handle material that is more complex in terms of copyright and access. The policies that will be applied for accessing this new material will necessarily be more detailed and complex. Thus, the new policy variations must be predicted and standardized.

In the proposed generalized access policy, we classify the users up to four groups that have non-increasing access abilities, as will be defined by the implemented policy. The groups of the users are the *onsite* only users, the users of *collaborated institutions*, the *individual* users and the *rest* of the users.

The *onsite* users are the staff and users from the buildings of the library such as reading rooms. The *collaborating institutions* are given high access to the library material and are governmental organizations or libraries that need remote access to the collections. The *individual* users are remote clients of the library, such as users with an annual subscription. The *rest* of the users can be users who search the digital library rarely, or one-time visitors etc.

The access to the digital material can be with or without charge. In most cases, the copyrighted digital material will be available for a fee. Charging is a method of resolving legal matters such as copyrights and other restrictions. Additionally, in some cases, charging ensures the viability of the digital library by covering some expenses.

Another policy parameter is the delivery method of the non-free digital material. The delivery method can be online, through ILL and through manual procedures, especially when written permission is involved. The free digital material is always delivered online by the system. The non-free digital material can be delivered online when the permission granting procedure is automatic or be sent through ILL or manually by the permission grander.

Another variation as expressed by a parameter is the permission for reproduction. Although in most cases it is required to be given in writing, this is not scalable, so we propose an automatic granting procedure: In most cases, the permission is finally granted. Thus, the digital library could inform the user for the terms of the permission and grant the permission when the user accepts them, informing the copyright owner for the new permission granted at the same time.

#### 4. Conclusions

There is an ongoing effort from these National Libraries to provide digital content. The digital content is either originally born digital or it is converted through the digitization of the conventional material.

There are multiple reasons that the National Libraries want more digital content. First, the digital material is easier searchable, retrievable and accessible than the conventional. Furthermore, the digital content helps the preservation of the important collections and materials. In addition, it is easier to update, revise and preserve it.

The National Libraries are the legal deposits for their printed material but not for the digital material, especially the online born-digital. Legal deposit legislation in many countries predates the current information age and requires a new legal framework in order to encompass digital publications. The complications associated with the collections and control of electronic materials, together with the lack of a comprehensive legal model, have made drafting appropriate legislation problematic and slow. In some countries (e.g. New Zealand), revised law requires the deposit of the digital material either it is in physical format or online. In other countries (e.g. Canada and United States), legal deposit obligations currently applied to some physical format digital information, but not to online material.

Internationally, voluntary deposit schemes – usually agreements between the libraries and the copyright owners (publishers etc.) – are being instituted as an interim method for collecting electronic publications until changes are made to the relevant legislation. Current trends suggest that in some instances, the voluntary codes will become permanent, especially where governments prove reluctant to change laws and if legal deposit is afforded a low priority for amendment. In some countries (United Kingdom, Australia, Wales, and Scotland), that they have applied voluntary codes, usually for the physical format digital information, their governments are willingness to change the legal deposit legislation and embodied these codes. The way that the libraries acquire their digital material, affects the access and reproduction policies used by the libraries.

The National Libraries have implemented access policies of the digital content. The most common access policy of the seven National Libraries is that the digital content (text, image, audio, video e.g.) can be freely accessible for onsite and offsite users through the

Internet. However, in some cases the digital material is accessible only for onsite users or is not accessible for anyone because of the copyrights or other restrictions.

In addition, the reproduction of the digital material may need the permission of the Library or of the copyright holder depending on who is the copyright holder. Also, fee for the reproduction can be given to the Library or the copyright owner. While, the fee given to the copyright owner is copyright fee, the fee given to the Library may refer to reproduction or conservation costs.

The access policies used by the National Libraries differ in various aspects. We generalize them into one unified policy, which can implement the specific policies by varying some of its parameters. We study these parameters and explain their most useful alternative values and their semantics. We also foresee new policy parameters that will be appropriate to more complex policies that will be needed soon. The more complex access and reproduction policies will be needed because of the increased and different needs of the users and the digitization of material that will be more complex in terms of copyright and access.

Furthermore, the trends are: a) increase of the digital material, b) free access policy when there are resources available, or c) payment access policy in order to ensure the viability of the digital library when there are not resources available.

In conclusion, the digital content is increasing. However, the selection of the access policies is crucial for the acceptance and maintenance of the digital libraries. The success of any conventional or digital library depends on the usage of its material from the users, which is connected with the access policy.

## References

- [1] Acquisitions (Library of Congress FAQ), 1999. <http://lcweb.loc.gov/faq/acqfaq.html>.
- [2] Agreement for depositing electronic publications at the Deposit of Netherlands Publications in the Koninklijke Bibliotheek, 1999. <http://www.kb.nl/kb/dnp/overeenkomst-nuv-kb-en.pdf>.
- [3] American Memory, Copyright and Other Restrictions, 1998. <http://memory.loc.gov/ammem/copyrit2.html>.
- [4] Barysheva, Olga, A brief overview of projects in the National Library of Russia in the field of digital resources creations, 2000. <http://www.nlr.ru:8101/eng/line/ppt.html>.
- [5] Code of practice for the voluntary deposit of non-print publications, 1999. <http://www.bl.uk/cgi-bin/print.cgi?url=/about/policies/codeprac.html>.
- [6] Copyright and reproduction information – Timeframes, 2000. <http://timeframes1.natlib.govt.nz/copyright.html>.
- [7] Copyright Statement, 2000. <http://www.nlr.ru:8101/eng/ser/edd/copy.htm>
- [8] Crossing the Threshold: the National Library of Wales's Digitisation Strategy, 2001 – 2004, 2002. [http://www.llgc.org.uk/drych/digido\\_s01.htm](http://www.llgc.org.uk/drych/digido_s01.htm).
- [9] Digital Collections and Programs, 2003. <http://www.loc.gov/library/libarch-digital.html>.
- [10] Digital Collections. <http://www.nla.gov.au/digicoll/>.
- [11] Digitisation. <http://www.bl.uk/about/policies/digital.html>.
- [12] Digitization of traditional format library materials, 2003. <http://www.nla.gov.au/digital/program.html>.
- [13] Images of Saint Petersburg, 2003. <http://www.nlr.ru:8101/eng/line/spbpcards/index.html>.
- [14] Kilbirnie-Lyall Bay Community Centre Oral History Project. <http://kilbirnie.natlib.govt.nz/>.
- [15] Legal deposit in the British Library. <http://www.bl.uk/cgi-bin/print.cgi?url=/about/policies/legaldeposit.html>.
- [16] Legal Deposit, Electronic Publications and Digital Archiving: the National Library of Australia's Experience, 2002. <http://www.nla.gov.au/nla/staffpaper/2002/gatenby1.html>.
- [17] Mandatory Deposit of Copies or Phonorecords for the Library of Congress, 2003. <http://www.copyright.gov/circs/circ7b.html>.
- [18] MetaLib. <http://www.exlibris-usa.com/Metalib/index.html>.
- [19] N. Meyyappan, G. G. Chowdhury, and Schubert Foo, A review of the status of 20 digital libraries, *Journal of Information Science*, volume 26, issue 5, 2000, pages 337 – 355.
- [20] National Library of Australia Digitisation Policy 2000 – 2004, 2003. <http://www.nla.gov.au/policy/digitisation.html>.
- [21] National Library of New Zealand Act 2003. <http://www.natlib.govt.nz/files/Act03-19.pdf>.
- [22] Networked Electronic Publications Policy and Guidelines, 1998. <http://www.nlc-bnc.ca/9/8/index-e.html>.
- [23] PADI – Legal deposit. <http://www.nla.gov.au/padi/topics/67.html>.
- [24] Policy on the Use of Australian CD-ROMs & Other Electronic Materials Acquired by Deposit, 2002. <http://www.nla.gov.au/policy/cdrom.html>.
- [25] Print & Photographs (P&P) Online Catalog. <http://lcweb.loc.gov/rr/print/catalog.html>.
- [26] Ranfurly Collection. <http://ranfurly.natlib.govt.nz/>.
- [27] The Description of resources Internet Dublin Core, 1998. [http://dc.rsl.ru/dc\\_bib.htm](http://dc.rsl.ru/dc_bib.htm).
- [28] Various artists, 2000. <http://ead.natlib.govt.nz/ranfurly/E-567-f.html>.
- [29] Voluntary Deposit Scheme for Physical Format Electronic Publications, 2002. <http://www.nla.gov.au/policy/vdelec.html>.