

## **Arrangement for depositing electronic publications at the Deposit of Netherlands Publications in the Koninklijke Bibliotheek**

*This arrangement was concluded by mutual agreement between the Dutch Publishers' Association and the Koninklijke Bibliotheek (KB) and accepted on 10 June 1999 by the general meeting of the Dutch Publishers' Association.*

### **Depositing of electronic publications**

The members of the Dutch Publishers' Association agree to deposit all electronic publications with a Dutch imprint at the KB, as described in the explanation below. Publications, both the first editions and, in principle, the following updates, should be delivered in the way they are marketed, i.e. - in so far as applicable - in the original packing and including the accompanying retrieval software and manual or documentation in printed or electronic form.

The content, not the carrier, is decisive for depositing. As in the case of printed material, the KB decides which categories of publications qualify for depositing. The publisher subsequently determines which specific publications meet the delivery criteria for depositing. The KB will make further arrangements with the publishers involved, if frequent new updates appear during a particular calendar year. If, because of different operating systems or equipment, more than one version is published from one and the same edition, it will be sufficient to deposit one version, to be chosen by the KB.

Depositing electronic publications at the KB implies storage in (the computer of) the KB. The KB may store the electronic publications immediately after they have been supplied by the publisher and store them in its own information network, with due observance of the restrictions laid down in the present arrangement. The KB itself is completely responsible for installing the electronic publications, managing the information network and making available the necessary software for the use of the electronic publications.

### **Recording**

The KB will record all deposited electronic publications within the framework of the Dutch National Bibliography (the 'Brinkman'). The records will be weekly published in *Boekblad* as part of the A-list and entered in the on line public catalogue of the KB, which is accessible via Internet. By fast disseminating bibliographical data the KB provides current information about Dutch electronic publications at home and abroad.

### **Storage**

The KB will store the publications in its stacks or in its computer systems respectively, in optimum material conditions. Permanent storage is guaranteed. In conjunction with other national libraries in Europe *et al.*, the KB will research methods and techniques for storing electronic publications for an indefinite time.

The KB will take the steps that are necessary for the conservation of the publications and the preservation of its possibility for long-term consultation, such as preserving the integrity of the publications' contents and taking care of the preservation of its proper action and the due right of correct attribution and quotation.

Only in so far as it is necessary for conservation is the KB allowed to copy publications, save them in another structure and undo technical security measures.

Whenever possible or necessary the KB will contact the publisher about specific conservation measures.

In publications that have been reproduced by the KB for conservation reasons it shall be clearly made known to the user that it is a KB version and that the original publisher does not

assume responsibility for possible deviations of the original.

### **Availability**

Making deposited electronic publications available is bound to stringent restrictions. The KB considers itself bound to the conditions attached to depositing by the individual publishers, both with regard to the consultation of publications as to the downloading of information contained in the deposited material. Deposited electronic publications may exclusively be consulted by authorized users via technical provisions which are operationally separated from the KB network which is publicly accessible.

Authorized users are:

- \* Staff members employed by the KB and authorized by the KB to make use of the deposited electronic publications
- \* Individual KB-pass holders: persons registered with the KB by name and authorized by the KB to use the deposited electronic publications.

Deposited material is not lent out. It is, however, permitted to print a small part of the work or of some articles for one's own use. The KB sees to it that no unfair advantage is taken from this permission. The present arrangement does not allow the use of deposited electronic publications for document delivery, unless the publisher concerned has explicitly given his approval.

With regard to downloading the terms of delivery of the publisher are decisive. The KB guarantees the publishers proper accessibility to their own publications.

### **Data usage**

For the periodical evaluation of this arrangement the KB will produce general statistical data on the use of the Deposit of Netherlands Publications to the Dutch Publishers' Association. This will not only provide an insight into the number of registered users, but - if possible - also into the development of the use and the actual use made by the registered users of the Deposit.

### **Financial aspects**

The KB takes care of the investments in the infrastructure for storage and consultation of electronic depository material and bears the costs of its conservation. The government's financing of the KB assumes that the publishers will, in principle, hand over their publications 'gratis'. Further building up and maintenance of the Deposit stands or falls with the willingness of the publishers to cooperate in accordance with this principle.

### **Safeguarding**

The publishers will safeguard the KB from any third-party claim against the publications provided within the framework of this arrangement.

### **Term of the arrangement**

This arrangement will take effect on 1 July 1998 and will apply for an indefinite period. In view of the experimental nature of the arrangement the Dutch Publishers' Association and the KB will evaluate the arrangement periodically and, where necessary, adjust it. The next evaluation will take place before 1 July 2002 at the latest and subsequently within every three years or so much more often and earlier as desired by one of the parties.

Each of the parties has the right to terminate the arrangement in writing with due observance of a term of notice of six months.

## EXPLANATION

### **Deposit and the Netherlands Bibliographic Centre**

Collecting, bibliographical recording, and storing of Dutch publications is a task of national cultural and scientific importance. This national task is accomplished by the Deposit of Netherlands Publications in the KB. On a national level agreements were made in 1983 on the deposition of books under the umbrella of the Netherlands Bibliographic Centre. This is a joint venture of the State of the Netherlands (represented by *inter alios* the Chief Executive of the KB), the Royal Netherlands Booktrade Association (KVB), the Royal Dutch Publishers' Association (KNUB), the Dutch Booksellers' Association (NBB), the 'Centraal Boekhuis', the NBLC Centre for Libraries, the Netherlands Library Service Foundation (NBD), and the Association for the Flemish Booktrade. Agreements were also made with the NOTU (1994) and the NDP (1998) about (gratis) delivery of Dutch periodicals and dailies.

Following the existing depository task the KB has also collected, bibliographically recorded, and stored electronic publications, as a reflection of the national cultural heritage for the benefit of science and study. To this end a separate arrangement has been made with the Netherlands Publishers' Association which, on behalf of the member companies involved, accepted the arrangement in the general meeting of the Netherlands Publishers' association on 10 June 1999. The arrangement is of an experimental nature and will therefore be periodically evaluated.

### **On depositing**

This arrangement refers to off line as well as on line electronic publications with a Dutch imprint. For all electronic publications a computer is necessary in order to 'read' them.

- \* Off line publications are publications released in a medium that can be distributed and stored separately from a computer or network, e.g. all forms of the compact disk (such as CD-ROM, CD-Video, DVD), diskettes, tapes etc. Off line publications are mostly used only in a stand-alone configuration, although sometimes a network version of the same product is also released.
- \* On line publications are publications meant to be used in a network; this may be a local network, but also, for instance, the Internet.

Except for application programmes and games all electronic publications qualify, in principle, for deposit: electronic publications with *full-text* (usually complemented by graphic representations, visual material, etc., such as in electronic periodicals), but also multimedia (integrated presentation of image, sound, speech and text) and databases. Dynamic databases, whose contents are very frequently changing, fall in principle within the arrangement, but the KB will as yet not collect them, for practical reasons. Depositing dynamic databases requires a separate approach. In consultation with publishers the KB will do research into the possibility to store these databases in some form or other and keep them accessible for research.

### **On storage**

Storage of electronic publications involves various problems: the carrier becomes obsolete, and the software as well as the necessary operating systems fall into disuse. Another storage problem is software which can only be used for a limited period of time. The arrangement involves clear agreements on the KB seeing to it that the electronic publications will always be consultable. This means that the KB will be given the possibilities to do so, for instance by having permission to convert, but that the publishers will be assured that the resulting changes will not detract from the original product. If conservation is not possible without considerable erosion of the original product, the KB will contact the publisher in question for advice, if

he/she can still be traced. For the rest the KB will implement conservation treatment on its own responsibility.

### **On availability**

The Deposit of Netherlands Electronic Publications is only accessible to authorized persons for use on site. Within the framework of this arrangement remote access is ruled out.

In order to be admitted to the deposited electronic files individual KB-pass holders should use the work stations in the appropriate public areas of the KB. Authorized users will be informed by the KB on the accessibility rules governing the deposited material.

With reference to downloading the publisher's conditions are decisive, since the point of departure is that the publishers in question will apply the same conditions for depository use as for other use. By means of a standard form the publisher is given the opportunity to make special conditions. This approach prevents the publisher from having to form new conditions over and over again. Allowing someone to print for his/her own use will be allowed within the same conditions as for making photocopies for one's own use (section 16b of the Copyright Act 1912). To get an indication of these conditions the standards may be referred to which apply to the copying of short passages in educational publications, such as readers. 'Short' here is never more than 10,000 words from the same publication, which is *c.*25 sheets of A4 paper. The user will owe the KB a costing consideration for the making of a print. In this way the KB can check excessive usage and if necessary - through their user regulations - deny admission to this deposit to the users.

### **On data usage**

The present situation is the starting point of parties for this arrangement, where the KB has some 10,000 registered users, who only make restricted use of the KB, mostly as a last resort.

### **On the financial aspects**

The KB takes care of the retrieval of deposited publications, the investments in the infrastructure for storage and consultation and bears the cost for their conservation.

The publishers put their publications at the disposal of the Deposit, gratis, as prescribed by the laws in many countries. This has also been agreed on in the binding arrangement for the deposition of books, although that has a price limit of NLG 350; above that amount the publisher may claim the actual price, reduced by a 25% discount. This exception notably involves books with a relatively low print run and relatively high reproduction costs. For electronic products, on the other hand, there are usually relatively low reproduction costs, so that here no price limit has been applied.

### **On evaluation**

Periodical evaluation will focus on the use of data. The KB will also report on the conservation techniques used, the research into that area, and their results for the integrity of publications.