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European National Libraries: a Review of the Year's Activities

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I. Introduction

This review of the activities of the National Libraries in membership of the Committee of European National Libraries during the past year has been compiled from the summary reports for 1996 submitted by the Directors to the CENL Secretariat at *Die Deutsche Bibliothek.* The reports varied enormously in both their length and their coverage and, inevitably, the highly selective nature of this review does less than full justice to most of the libraries. For this I apologise, as I do for any misinterpretation of the detail in the reports. I am aware also that where a library has reported the main events and activities with commendable brevity, it too has been highly selective and has therefore left unsung many of the achievements which others have thought worthy of inclusion. Whilst I have exercised my judgement in excluding a great deal, it has not of course been possible to include achievements which have not been reported to CENL! The review concentrates exclusively on a number of themes which seem to be at the heart of the work of the European National Libraries. I have not reported in detail on the normal every day work of the libraries and the fact that all seem to be more heavily used than ever. I deliberately leave out details of acquisitions

during the year, and the statistics that some libraries sent, not because these are unimportant, but simply because of lack of space, and because these can generally be acquired by those who need them directly from the libraries concerned. Nor have I given details of expenditure where these have been reported, since, unless I were to convert all expenditure to ECU, no comparative assessment could be made. It is however safe to say that while there are a small number of comparatively wealthy libraries, there are many poorly resourced ones, and whilst the rich do not seem to have got richer during the year, neither have those that are poor. Overall, European governments are under-investing in their National Libraries, and the libraries in their turn are seeking to do more with lower units of resource. What is also clear from all of the reports is that, whatever the resources available to a National Library, its greatest assets are its staff. The achievements reported by the Directors are evidence that their staffs are highly skilled, highly enterprising, highly enthusiastic and highly overworked!

II. Buildings

Planning for new facilities

Some 80% of the reports received from the National Libraries refer to building projects planned or in the course of completion. Anyone who has been involved with the planning of a new library building will be aware of the enormous effort that is required. This is not only so at the stage of briefing the architect, but at all stages of the planning process and during the preparations to make the building ready for occupation and for the relocation of staff, collections and services ready for its opening. Too often in the past, libraries have been more concerned with translating existing working practices lock, stock and barrel into a new building. They have briefed their architects to design a larger,

technically more sophisticated building modelled on what their needs appeared to be at the time without recognising that the way things were organised was not because that was the most effective way but because the constraints of the building had dictated that organisation, and familiarity and tradition had hallowed it. The changes which libraries are now facing in the way they work have led many to recognise that a far-sighted brief which encourages the architect to design a building which has the maximum flexibility for future use is essential, and that the architect must be dissuaded from creating a national shrine to the book. In recent years, many libraries have benefited from the experience of others in their preliminary planning and it is encouraging to find that, in general, libraries are now using the opportunity that planning a new building gives to remodel services and methods of working. The *National Library of Portugal*, for example, has been engaged in discussions on the best options for new services, and is seeking to incorporate new concepts of collection management and access in remodelling its plans for a new building and for the incorporation of new functions in its present one. The *National Library of Finland*, which is undertaking extensive renovation of its old building and an adjacent building, has been taking the opportunity afforded by its extended programme of work to introduce new services and modernise older ones. It is restructuring its staff to create a team of subject specialists, and developing networked services and telephone services to its users. In the reconstruction, the new building will be largely devoted to meeting the needs of researchers using its special collections. The building will also house an American Resource Centre, run as a joint service between the Library and the US Information Service.

Renewal and renovation

Many national libraries are working in old buildings, and are faced with the difficulties of adapting these to provide the services

demanded by their readers and the technical facilities to allow for the extensive use of computers and networking. Even some new libraries built in the last ten or twenty years are now in urgent need of extension or major renovation if they are to meet the demands of the next century. The changes in the ways libraries work as they embrace new technological methods have been rapid and far reaching. Many buildings designed to meet the needs of the traditional library are quite unsuited for current needs. Offices are too small and badly located, electrical circuits and telecommunication lines are inadequate, and to rewire complete buildings is not only expensive but can result in major disruption to the work of the Library over many months. Nor is it only the staff working areas of the library that are found to be out of date. Many libraries find that their reading rooms, often designed as grand halls to reflect the important status of the national library, with solid reading tables and fixed book stacks, are not easy to adapt for the new technology, with its need for 'work stations' (and greater space to accommodate them) and for electrical supplies and computer lines at a large number of desks. The modern library needs not only quiet reading space but areas for group work, and areas where those using equipment and machinery as part of their normal way of working in a library can do so without the noise of the machinery disturbing others. (The new *British Library* was designed with small enclosed typing rooms so that the comparatively few readers using portable typewriters at the time the building was planned would not disturb the great majority of readers using pencil and paper. It now seems that almost all readers use portable computers, and that the typing rooms might be more suitably used for those readers wanting to work in complete quietness!)

As the technical sophistication of library buildings increases, the cost of renewal and replacement is extremely high. In a number of libraries the limitations of buildings designed some years ago with high technical specifications are already becoming

apparent. In some, the technical facilities, plant and equipment, although perhaps 'state of the art' at the time of building, are already out of date or in urgent need of replacement and the costs of replacement may be more than the annual operating budget can afford. For example, the *Turkish National Library* which moved into its new building in 1983, reports that its conveyor system, installed when the building was constructed, no longer functions and that it is planning to install a new system to facilitate book circulation. It is also short of space for the provision of new services. However, the modular design of the building makes it possible to enlarge the main structure and new modules are being planned to house the printing house, data processing centre and the Cultural Centre.

The libraries of Central and Eastern Europe have particular problems to contend with as they seek to renovate older buildings or undertake repairs to the fabric with very limited resources. The *Czech National Library*, for example, has had to completely replace its heating systems, and in the summer of 1996 had to shut down the library's public services for six weeks to allow for the work associated with the first stage of this renovation. Perhaps the Albanian National Library's problems are not untypical, although one hopes that others are faring rather better. The Director reports that the lack of space in the stacks is most acute, and that 250 archive, book and periodical collections are lying on the floor, although money had been found to repair some 150 damaged stacks and to erect 70 new ones. During 1996, the whole ceiling of the old library building had to be repaired, and new electrical circuits installed. The water supply system also had to be renovated, but he reports that there is as yet no new water supply and that the problem must be urgently solved by the Administration Department. His comment is one that many directors must have made as they have struggled to get even the basic building repairs done: "I am of the opinion that the Ministry of Culture must support more powerfully this institution and not

hamper our problems by dragging them on and on. Since November 1996, we have sent the Ministry eight projects on the improvement of the whole Library!"

Many other building projects have been long drawn out and subject to many changes in completion date. Even with the best planning in the world such delays are not uncommon. Often, the starting date for building is postponed, or progress on completion is delayed, for financial reasons as is the case with the National Library of Russia's large new building in St. Petersburg. This has suffered many delays since work started in 1985, but it is hoped that the construction of the storage areas will at last be completed by the end of 1997. There are of course other reasons for postponements, which can be no less trying when the library is forced to make temporary arrangements to deal with the shortage of space and facilities. Problems relating to the site are increasingly common and it is these that have forced the *National Library of Slovenia* to delay the laying of its foundations until late autumn 1997. Not only have archaeological excavations to be undertaken, but the Library has also to deal with other problems connected with the moving of tenants in the buildings which have to be demolished before the site can be fully cleared.

Various libraries report major alterations that are in progress to provide new facilities and additional storage space. In the National Library of Austria, construction of new accommodation for the library training department and for the papyrus collections are in hand. The earlier phase of restoration and adaptation of the existing buildings to provide improved accommodation for the broadsheet, poster and ex libris collections has now been completed and planning is well advanced for a spacious new exhibition area beneath the Hall of State. In the *National Library of Ireland*, a separate building to house the Library's photographic collections has been completed and will be known as the National Photographic Archive. Another additional building to house the microfilming, conservation and binding services should be ready

for use in September 1997, and will allow the Library to proceed with a collaborative programme for the microfilming of newspapers as part of the Newsplan project. The National Central Library of Florence, also facing severe problems of space, is remodelling two of the stack towers in its main building in order to increase its storage capacity by a further 24 kms.

Planning to move.

Whilst a library may look forward to its new home with renewed excitement as the building starts to rise, there remains a great deal of planning work to be completed. The *Danish Royal Library* is presently in the midst of this work in preparation for its major new extension. The size of the extension in Copenhagen presents even more challenges than building on a completely separate site, since the building work requires areas of the existing building to be cleared. Thus, for the whole of the contract, there is inevitably a massive disruption to the normal working of the Library that affects both staff and readers. As the Library reports, "A total of almost 300 people have been moved in one way or another in 1995 and 1996, most of them once, a few twice, about 2,000 cubic metres office furniture and materials have been moved, 80 tons refuse has been removed and just over 30,000 running metres of books, periodicals, newspapers and microfilm have been reshuffled or moved. While the personnel have been under a lot of pressure from the construction work, with preparations, moves and reshuffling in both 1994 and 1995, the public did not really notice the inconvenience until July 1996, when service was curtailed. The library is in a serious dilemma; on the one hand, preparations for the new extended facilities have to be made; on the other hand, the public have to be served here and now. If the distribution of resources is changed in favour of better service to the public now, the consequence will be that work on the new facilities will not be ready in time, and a large

number of obstructive build-ups and backlogs will hamper library service and the re-establishment of normal conditions in the years after 1998."

Those looking for models to use in planning for their own new buildings will find much of value in the work of a group of libraries that have been involved in this challenging area of librarianship for a number of years. (They should also look at the planning undertaken by a number of University Librarians in recent years, much of which has been studied in some depth by the LIBER Library Architecture Group, and reported regularly in the LIBER Quarterly). Amongst those libraries which have now reached the stage of moving into completed libraries are: the *National Library of Sweden*, the *Bibliotheque Nationale de France*, *Die Deutsche Bibliothek*, and the *British Library*.

The *British Library* has now at last taken over its new building at St. Pancras, and is beginning to obtain the benefits of its immaculate planning for what is thought to be the largest book move in history. The first staff moved into the building in November 1996, and the library began to move the collections on schedule in December 1996. By early spring, some 26 km of material had been transferred to the 340 km of shelving now available in the new building, mainly in the deep basement storage areas. The Library will open the first of the new reading rooms in St. Pancras in November 1997, the Rare Books Reading Room in March 1998 and the Exhibition Galleries and other general areas in April of that year. The final stages of the book move will not be completed until May 1999. Whilst the move is continuing, books already transferred to new building are being made available to readers on request in the Bloomsbury buildings.

The good humoured race between the British and the French to open their services fully to the public in their new libraries is almost settled (and the cases of vintage champagne which each has promised the other if it is first are no doubt resting deep in the St. Pancras basement, or high in one of the towers at Tolbiac

ready for delivery). The *Bibliotheque Nationale de France* has formally opened the upper level reading rooms of the Tolbiac building, the 'haut-de-jardin', after three days of celebration following the inauguration by the President of the Republic on December 17 1996. Whilst it is still too early too evaluate the impact that the new general public reference library of the 'haut-de-jardin' will have, during the first months the number of visitors exceeded the number of readers, and the building is clearly a major addition to the tourist itinerary in Paris. Between December and March, 11,000 season tickets and 74,000 day-tickets had been sold. The majority of the users of the 'haut-de-jardin' are students, and the largest attendance is on Sundays. Whilst the opening of the 'haut-de-jardin' has been a major public event - the opening exhibition held in both the new building and at the Richelieu building, 'Tous les savoirs du Monde', attracted over 75,000 people - preparations continue for the opening of the research library in the 'rez de jardin'. The opening is scheduled for June 1998, and the main collections will begin to be moved into the building next December. The Versailles building, where most of the periodicals collections have been housed, closed at the end of March. The collections are being transferred to Tolbiac, and are also made accessible to readers at Richelieu. Planning for the organisation of the Richelieu building after the book collections have been moved to Tolbiac has already begun under a special team of planners commissioned by the Government.

For both *Die Deutsche Bibliothek* and its users, the most significant event of 1996 was the completion of the new library building in Frankfurt am Main. The keys to the new facility were officially turned over to the Director General by the Federal Building Ministry and the Construction Supervisor on December 12th, 1996. This ceremony marked the end of the building phase and signalled the official commencement of moving activities á which had already begun for the 6.5 million books in September á for the library as a whole. Although a new building was being

planned for the Frankfurt library in the 1980's, a thorough review of the possible alternatives for a national library representing the reunified Germany was conducted. The Bundestag gave final approval for the new building project for unified library in 1991. The foundations were laid in 1992; the topping-out ceremony held in 1994, and the building was ultimately completed on schedule. Thus the final cornerstone of the unification concept has been put in place. Formulated by the librarians of the *Deutsche Bücherei Leipzig* and the *Deutsche Bibliothek Frankfurt am Main* in April 1990, this concept has been implemented in a step-by-step process with the support of the German government as well as German publishers and book-traders. With its two book archives in Leipzig and Frankfurt am Main and its music archive in Berlin, *Die Deutsche Bibliothek* is now well equipped to collect, catalogue and make available all books published in the German-speaking countries of Europe. But more than that, the new building in Frankfurt am Main allows the Library to respond fully to the demands of society for digital information, and to the impact of information and communication technologies on publishing. In addition to meeting the new needs of users from the academic and business communities, it also offers a solution for problems relating to the long-term preservation and availability of digital publications.

Other national libraries reporting on matters relating to their buildings and facilities include the *Netherlands*, where a new entrance hall has been built which gives access to eleven other institutions housed in the KB premises. A new underground store is being planned for the National Library of Hungary, and in the *National Library of Switzerland* work is in progress on its new underground stacks. The *National Library of Spain* continues the remodelling of its 19th century building in line with its 1989 plan. The Library has opened new work and reading rooms for the Servicio de Bellas Artes, and moved the fine arts collections to new stacks in the remodelled building.

III.   Organisation and staff structures.

All libraries face the pressure of change as the century draws to a close and they seek to adapt to the needs of the twenty first century. Patterns of organisation that have developed over many years are often found to be inadequate in dealing with the new demands being made upon the library. They are too cumbersome and bureaucratic to allow for the effective management of change. The need to reduce the cost of staff and to replace staff intensive processes with automated routines often acts as the immediate spur to reorganising the structure of the library. Other factors may be no less significant. Changes of structure may be necessary because of new buildings, or severe financial constraints or the critical requirement of finding ways of becoming more efficient and effective as demand upon the library from an information hungry world increases. They are also frequently undertaken as a result of the appointment of a new Director who wishes to reshape the organisation of the library to reflect his own views of the most viable structure, or by other staff changes, such as the retirement of long serving heads of departments. Whatever the cause for the restructuring, it is often a painful and difficult time for the staff of a library, as the old certainties disappear to be replaced by a period of considerable instability as changes are brought into effect. One thing appears to be certain however. The old stability of organisational structure which has generally pertained in National Libraries, where hierarchical structures of departments have tended to reinforce the natural conservatism of large institutions, is disappearing. All libraries seem to be moving towards a more flexible, leaner structure, where the line of authority and responsibility is both short and clearly defined. The pace of change seems to demand more frequent reassessments of the adequacy of the library's structure to support that change.

During the year the *British Library* implemented a further phase of management re-structuring as part of a process begun in

1995. The new structure is based on function and incorporates all the major changes seen as necessary for effective development and management of the Library for the longer term as it centralises its work on two major sites - the new building at St. Pancras and the extensive northern estate at Boston Spa. The first phase saw a realignment of the Library's directorates into two broad functional groups, irrespective of location. This second phase makes particular provision for the structural changes identified in the Library's major strategic initiatives on Collection Development, Collection Management, Access Improvement and User Satisfaction. A managerial focus for Digital Library Developments has also been established. The opportunity has been taken to continue the process of removing the structural boundaries deriving from the Library's origin as a number of separate organisations and to introduce shorter and more efficient lines of communication. Restructuring has also been accompanied by a more flexible pay and grading system following the delegation of responsibility for pay and grading to the Library. The reorganisation of the staff has also led to modification of a number of the Advisory Committees as they have been realigned to represent more closely the new functional structure.

Merging formerly separate institutions, and re-identifying the functions of each part of the new organisation, has been of particular importance in Germany. *Die Deutsche Bibliothek*, with the completion of its new building at Frankfurt am Main (as noted previously in this review), has completed the formal structure for the reunification of the *Deutsche Bücherei Leipzig* and the *Deutsche Bibliothek Frankfurt am Main* based upon the equality of the two library locations. An essential contribution to the integration process was made by Dr. Gottfried Rost, Director of the *Deutsche Bücherei in Leipzig* and Permanent Deputy Director General since early 1991. At an impressive ceremony on November 14th, 1996, Gottfried Rost officially retired after 40 years of professional life. Summarising the unification process, he

remarked: "It is of historic interest to reflect that two similar cultural institutions have, in a forward-looking and systematic approach, accomplished the reunification of Germany in their own dimension not only without loss of substance, but that they have concentrated and intensified their activities, emerging from the process with the prospect of a shared future and a common purpose."

In *Denmark*, the new extension to the *Royal Library* has led to a reconsideration of the functions of the various parts of the Library. The IR project (Information and Reference project for The Royal Library) completed a total policy review in 1995. This states the general principles for the three service centres of the library, Slotsholmen, Fiolstræde and Amager when addressing the information and reference services and collections. In 1996, the work continued with more detailed stipulations about the contents of the single information and reference location. In addition to this, the selection of specific titles to support the service has begun in close co-operation with the subject specialists in the library.

Structural and organisational issues are also being addressed by the National Library of Hungary. It has commissioned a British firm of management consultants, Ernst & Young, to audit and analyse the organisation and work processes of the library and to make proposals for organisational changes which will result on the one hand in a reduction in the numbers employed and on the other will improve efficiency and service. The work is currently under way. M. Line and R. Heseltine of Great Britain are also working on this project as experts, with the support of the *British Council*.

Change, after a long period of stability, and conservatism can of course be stimulating and exciting and this is obviously so in the National Library of Sweden. The Library, after being without a Director for some time, has taken the opportunity provided by the appointment of a new Director and a major extension of its building to undertake a radical programme of reorganisation to

create a structure closely related to major functions. The staff are reported as being very enthusiastic about the project, which was the first major structural change for some eighteen years, and were very closely involved through working groups and a decision making board which included trade union representatives. The new organisational pattern began to be implemented in July 1996 and by December all staff had been assigned to their new positions and duties. The KB states with great and well placed confidence that it is now in a position to meet the new century and the challenges from the IT revolution.

Planning for new management practices and a revised internal organisation has also produced a number of important results in the *National Library of Finland*. The aim has been to replace the traditional vertical hierarchical organisation by a flatter more flexible organisation where relationships are mainly horizontal. The Library is remodelling its internal processes in such a way that processes are not split up by internal organisational 'walls'. The Library intends to change from being a process driven organisation into a user-driven organisation, a task which although it may sound simple and self-evident, in practice requires a complete rethinking of the way in which the library works. It requires the creation of new relationships between the readers' services and internal processes. The goal is to make the Library function like a service company with emphasis upon meeting its users needs. Achieving an understanding of cost-benefit is an essential part of these efforts. The Library considers it to be essential to get the organisation to accept activity-based budgeting and to recognise that goals can be revised and the tasks of the staff can change. The reorganisation is based on the principle that responsibility and decision making is devolved to the right level and that staff must accept that responsibility and not seek to delegate difficult or unpleasant issues upwards.

IV. Information Technology.

Almost without exception the European National Libraries report new and rapid developments in the way that they exploit information technology. Information technology and data processing now underpin all of the work of the library, from straightforward housekeeping routines, through to highly sophisticated services to readers. In Western Europe the larger libraries have had many years experience with the automated systems they use. Some of those with the earliest systems are now having to consider seriously the level of re-investment that they can currently afford to take advantage of the latest hardware and software. Unfortunately, when a library has built up complex integrated systems over many years, the cost of renewal can be extremely high, and the process of change can be very disruptive. Libraries that have adopted automated systems more recently have often the clear advantage of being able to invest in hardware and software that reflects the present state of the art. They can also benefit from the experience of others, learning both from their mistakes and their successes. As a result they can often make very rapid progress in developing their automated services, and 'leapfrog' over the intermediate stages and the first and second generation systems that others are still using. Notwithstanding the problems of funding, the progress made in modernising library processes to take advantage of automated systems has been particularly impressive in Central and Eastern European countries. There, a number of libraries have moved straight into the latest generation of software and hardware, although there remains much to be done in converting existing data. One hopes that as these developments proceed, libraries that are implementing the new technology will not hesitate to re-assess their methods of working to take full advantage of the information retrieval capacity of the technology. Too often in the past libraries have sought to impose all the overheads attached to

their existing manual systems on to the computer system, and often, as a result, they make their systems somewhat idiosyncratic and create difficulties in communicating data to other libraries.

Standards

Even without this extra complexity, the various national cataloguing rules and standards and the different communication formats used frequently cause interference in the transfer of data between libraries. These make the goal of a 'virtual' European library, where catalogues from various sources can be commonly accessed by readers in a remote library, even more difficult to realise. The importance of compatibility between systems has been stressed in the work of COBRA (Computerised Bibliographic Record Actions), the European Union funded project involving eight of the national libraries in promoting research on sharing bibliographic data. Activities under the COBRA programme have included work on standards for character sets and exchanging data between national and public libraries. Good progress is also being made in developing the concept of each national library holding responsibility for the development and promotion of national authority files. An important step has been the recognition that it is not simply a matter for European libraries. World wide co-operation between libraries is required if we are to achieve the compatibility necessary for records exchange and common access to catalogues. It is therefore encouraging to find that the number of European Libraries collaborating with the Library of Congress in the area of authority work is growing steadily. The *British Library* has been collaborating closely with it for some years with the in the development of a common standard name authority file, as well as more recently discussing ways of harmonising US/UK MARC. *Die Deutsche Bibliothek* is also currently conducting negotiations with other national libraries, but most notably with the Library of

Congress, for the purpose of establishing procedures for the mutual exchange of authority files. While the title data published by *Die Deutsche Bibliothek* are not authority files in the strict sense of the term, their widespread use in libraries and affiliate systems gives them the character of de facto standards. The *National Library of Lithuania* has now also joined the ranks, being confirmed as a member for the co-operative cataloguing programme with the Library of Congress and thus obtaining a right to participate in the compilation of the Library of Congress Subject Headings. This work of establishing authority files is of course equally important to libraries of all types as derived and shared cataloguing develops through the use of machine readable records.

The virtual library

The expansion, control, and linking of on-line authority files including subject authority files are among the key pre-requisites for the development of the 'virtual' European library, not only for cataloguing purposes but also for inter-system networking and precise search entries by users of the Internet. The dream of a virtual library is brought closer to realisation by the CENL GABRIEL Project. GABRIEL, a world wide web service launched last year, allows European libraries to pool news and service information and provides access to their on line services. GABRIEL began routine operation on the Internet on September 30th, 1996, offering the services of 38 national libraries under a single Internet address and thus representing a virtual European library. The computer at the Royal Library in The Hague functions as the master server. It is supplemented by three mirror servers in London, Helsinki and Frankfurt am Main.

The development of Web Sites is proceeding rapidly in a number of libraries. The sites not only provide access to on-line catalogues and bibliographic record data bases, but increasingly to

a range of library services and special data bases, including digital texts. The *British Library*'s Portico server provides a good example of the developments now taking place. Portico (www http://portico.bl.uk) provides a range of information about the Library, its reading rooms and its general programmes, including publications, events and exhibitions and also now provides access to a wide range of on-line catalogues, as well as to its bibliographic services and document delivery services. BLAISE-LINE, the Library's priced information retrieval service, was made available on the World Wide Web in May 1996. At the end of the year, work was continuing on plans to make the Library's OPAC available over the Internet from May 1997. INSIDE, a new and innovative integrated current awareness and document delivery service has been successfully launched. The INSIDE database contains bibliographic information of the 20,000 most requested journals from the *British Library* Document Supply Centre including 14,000 in the STM field as well as 15,000 conferences. It can be browsed to article level using interfaces designed with end-users in mind, thus recognising the varying levels of searching experience and expertise possessed by members of the user community. Document delivery includes a range of fax options depending on customer urgency and budget as well as the slower forms of delivery by courier or post. The success of INSIDE owes much to its flexibility and comprehensiveness. Most importantly it gives publishers a revenue stream. For every item supplied this way the publisher of that item will receive a royalty; in other words, it is a copyright paid service. Recognising this, Elsevier Science has signed an agreement with the *British Library* on the use of electronic versions of STM material. The agreement will allow the *British Library* to incorporate bibliographic data into INSIDE and, on an experimental basis, to use the electronic full text of some of these journals as a source of satisfying document delivery requests.

The power of the World Wide Web servers and the Internet to gain new and highly sophisticated access to a library's services is only now beginning to be fully appreciated and exploited. Through the *British Library*'s Portico gateway a remote user can move from consulting the catalogues of the lending collections through to requesting the supply of a particular document via its ARTEL service. He can access the records of the reference collections and undertake bibliographic research or verify that an edition or title exists from a PC at home or in the office. The user can also see selected colour images from the treasures of the library, and hear appropriate sound recordings. Future developments include the facility to browse through an electronic picture library containing photographs of images in the collections which have been created over a large number of years to meet requests from readers for photographic images. The concept is to allow the user a single point of access from any remote location to the full services of the Library, and, where documents can be supplied by electronic delivery, fax, or photocopy, to allow these to be ordered through this single gateway. In the first year of the pilot Portico service (1995-6), over a million user transactions were logged.

Other libraries are following the same concept. The *Danish National Library*, for example, is developing a wider national information web. It has gained extra resources for its networking developments from the Ministry of Research and the Ministry of Culture in return for advanced web services. The Library has already operated the cultural IT initiative central server for Culture Net Denmark, and has been the WebHotel for State cultural institutes and information technology projects. The benefits of this form of collaboration are considerable: the Library can gain access to a wide range of data bases supported by other institutions and can also get additional support for its programmes of digitisation. Although the contract with the Ministry of Research expired, and "http://www.fsk.dk" was moved to

TeleDanmark, the Research Councils and the Ministry of Culture came on the web permanently. The project Dansk Kulturtidsskrifter 1917-1945 (*Danish Cultural Periodicals 1917 - 1945*) was launched with money from Culture Net Denmark, and just under 1,000 pages of Clarté and Kritisk Revy were put on the net, "double digitised", both as graphics and as full text. Part of the Library's service has also been to provide help so that institutes and projects can come on the server with home-page and information. It is generous in the hospitality it gives to others on its site, including such European organisations as LIBER and CERL. It is an impressive and efficient gateway to a wide range of information, catalogues and services. In all, the servers operated by the Danish project have some 10,000 referrals per day.

The National Library of Sweden is also expanding and widening its network. For a number of years the Library has been responsible for the national bibliographic network LIBRIS, which serves as a union catalogue for Swedish research libraries. It has recently had the approval of the Ministry of Education to reconstruct and expand the network to fulfil new IT demands. It intends to make the system more user friendly and to host catalogues of all the Swedish public and research library collections. The Libris services will be available free of charge throughout Sweden.

National Libraries are increasingly acting as network providers to a range of libraries within their countries either as a central service from the national library or through co-operative agreements and the creation of consortia led by the national library. In 1995 seven major *Estonian* research libraries, including the National Library, signed an agreement to form the *Consortium of Estonian Libraries Network (ELNET)*. The Consortium is not, however, permanently limited to its present membership; its current structure and statutory duties will form a solid basis for the all-Estonian library network in the future. Its aims are the co-

ordination of the design, implementation, development and financing of the Information System of Estonian Libraries. One of the first tasks of the Consortium was the selection of the information system's software, and in April, 1996 it chose ILS INNOPAC. The implementation of the INNOPAC system in Estonia in 1997 will be the first use of the system in the Baltic republics. A significant milestone in the development of electronic access for the whole country took place at the end of February 1997, when the National Library opened the first public Internet Centre in the Republic. The Centre provides eight working places, making electronic information accessible free of charge. The facility is understandably highly popular.

The *National Library of Finland* also runs the centralised network services for all Finnish university libraries and makes a number of databases available, one of them being the union catalogue of the major public libraries. The library is now preparing for a migration to the next generation of software based on a client-server architecture. The immediate task is to reach agreement among all university libraries to use the same software. It is recognised that this will require a major effort on the part of the Library as well as discussions with the participating libraries. In Russia, such discussions have already taken place between the Russian National Library and the Russian State Library and they have reached agreement to introduce a common technology and shared network. They are jointly tendering for a common integrated automation system to provide the opportunity to share resources and to establish a bibliographic network in Russia. The *Czech National Library* is collaborating with others in *CASLIN (Czech And Slovak Library Information Network)*. A Union catalogue has been created comprising 210,000 records. The co-operation is based on contracts binding the libraries involved to adhere to UNIMARC or CS Exchange standards, as well as to a minimum structured record recommended by the National Library. In addition, a catalogue of some 40,000 foreign and

Czech serials for the period since 1965 is available. In *Iceland*, the National Library's Libertas system, known as Gegnir in Icelandic, is used also for seven other Icelandic libraries, and a database of 44,000 records has been built indexing articles in Icelandic journals. The system holds a union catalogue of books and foreign serials in more than 60 Icelandic libraries and research institutions. Many of the bibliographic records in the system have been obtained by derived cataloguing using OCLC as the main source.

Strategic Planning for IT

The development of automation systems and networks calls for considerable resources. Finding these either by obtaining new funds or by switching resources becomes a major task for the library and calls for good strategic planning. A number of libraries have either put in place or are creating strategic plans for Information Technology. The *British Library*'s developments have been based upon an Information Systems Strategy published and widely circulated in 1995. This sought to place the *British Library* strategy for systems development centrally within the development of the Library as a whole, and took account of the broad aims set out in the Library's strategic plan. It placed particular emphasis upon the service developments required for its new building at St. Pancras, and its policy of widening access to the collections. Even more importantly, it sought to identify the role that the library should be playing in the national and international provision of networked information services in the digital age and how it should collaborate with others to provide a seamless web of services. The Information Systems Strategy was generally warmly welcomed by other United Kingdom libraries, who appreciated the opportunity this gave for closer collaboration between libraries in the development of a national information strategy. The *National Library of the Netherlands* in its new IT

Strategic Plan for 1997-99 has set as its aims the consolidation of office automation, a programme of innovation to improve services to the public, and the development and maintenance of a technical infrastructure to support innovative projects. The *National Library of Portugal* strategic plan also sets a number of ambitious goals. The first, the acquisition of new equipment to allow the use of new software and to facilitate multimedia access, internal network and Internet services, was completed in 1996. A new set of access services is now available in the reference rooms. This includes networked access to databases in CD-ROM (national bibliographies and other reference works), selected access to Internet available databases and, of course, the National Union Catalogue - PORBASE. Secondly, it sought to establish a local area network throughout the building in order to complete the access to the PORBASE database and to provide the facilities indicated above; and thirdly, it called for the study and preparation of a tender to acquire a new automation system to host PORBASE. This work has also been completed and the call for tender is about to be issued. The change of automation system (to a GEAC 9000) provides the National Library with "state-of-the-art" technology to manage information in a networked environment. It will also the enhance the production and/or use of electronic information resources thus contributing to promoting the National Library as the country's widest information provider.

Catalogue conversion and retrospective cataloguing

If Libraries are to provide networked access to their collections, it is obviously of critical importance that their collections are well represented in their automated catalogues. As automation has been introduced to libraries, priority has normally been given to recording current acquisitions in machine readable form and only in recent years have resources been found for the retrospective conversion of older records. A number of

libraries have already completed major retrospective cataloguing and conversion programmes and now make their comprehensive on-line catalogues available for public access. Others report substantial efforts to undertake this work. In the National Library of Austria the retro-conversion project started in Autumn 1995 on the Austrian central catalogue of foreign monographs 1981-1991. Some 300,000 records have been entered into the Austrian Library Associations Network System. In a second project, the Library is converting the main catalogues for printed books: the name catalogues covering works published between 1501 and 1991 together with their subject index catalogues. The first phase of the project plans to scan all four card catalogues (totalling over 6 million catalogue cards) by the end of 1997. A new software programme developed at the Austrian National Library will allow graphic images to be retrieved on WWW. Scanning began in May 1996 and is scheduled to end later this year. The printed book holdings will then become available on INTERNET.

In the *Czech National Library*, more than 3 million cards of the general catalogue have been scanned as the first step of a three stage programme for retrospective conversion. The Library is preparing to make this graphic image form of the catalogue available to readers whilst the second stage, inputting records requiring either OCR or manual retyping, and the third stage of converting the record structure into UNIMARC format, are being undertaken. (A new version of the Library's graphic home page is available on http://www.nkp.cz). The *Slovenian National Library* has benefited from a grant from the Open Society Foundation's Regional Library Programme in Budapest for its retrospective programme. It has completed the scanning of 110,000 catalogue cards, a method chosen because it wished to save the image of the cards, and is now transcribing the data into a structured electronic format. Ten students of librarianship were trained to undertake the work. Like several other National Libraries, the library is a member of the Consortium of European Research

Libraries (CERL) and intends to send records for the period 1450 to 1830 for inclusion in the Consortium's Hand Printed Book Database. It will also use records from the retro programme to assist with the preparation of the National Bibliography for the period 1911 to 1945. Conversion of card catalogues into electronic format is also making good progress in the *National Library of Finland* where about 85 per cent of the catalogues are already available on the network. Two special projects are being undertaken. The remaining elements of the National Bibliography will be fully converted by the summer of 1998 and the catalogues of the Slavonic Library and its internationally well-known Russian collections will be also completed by the summer of 1998. Services are being partly bought from the *National Library of Estonia* in Tallinn.

The *Danish National Library*'s on-line catalogue, REX, contained over 2 million bibliographic records at the end of 1996 but not all the card catalogues have yet been converted. The Royal Library's Retro section over the years has gained great experience in using the method it developed for the semi-automatic conversion of card catalogues to records in MARC format. By the end of 1996, almost one million retrievable records had been created by this process. During the year, the Retro Section converted a further 300,000 records, of which over a third have been added to REX, while some 200,000 are accessible in a newly-developed database on the library Web. This database contains the Manuscript Department's letter index, one of the most heavily used catalogues in the department. The *Bibliotheque Nationale de France* has also been preparing its catalogues for some years to create the information system upon which the new library will be so dependent. Its retrospective cataloguing programme is now almost completed. The first version of the single on-line catalogue, created by merging the various separate databases now in use in the reading rooms, should be available in March 1998. The *National Library of*

Switzerland has also completed the first phase of the conversion of its catalogues, and has now started to convert the Swiss Union Catalogue containing of 6 million records.

The database of the *National Library of Spain*, ARIADNA, has migrated from a mainframe to a UNIX system. Two new software developments have been integrated in ARIADNA that permit the quality control of bibliographic records before they are loaded in the database. The acquisitions module includes EDI software, which has been developed under the EDILIBE project financed by the European Commission. Another new service in ARIADNA generates tapes in IBERMARC, UNIMARC or USMARC format, which simplifies the process related to the publishing or exchange of tapes. During this year two sub-databases were developed and included in ARIADNA: the Union Catalogue of Periodical Publications and the database of Spanish libraries. Whilst more than 50,000 new bibliographic items were catalogued on-line from January to December, retro-conversion of the card catalogue added another 69.000 records to ARIADNA. The database now holds 814,000 bibliographic records, 1,500,000 authority records and 1,400,000 holdings statements.

Digitisation of the collections

In line with their policies for developing improved access to their collections, and particularly in making texts available to readers by remote access, national libraries are increasingly undertaking programmes of digitisation.

The *Bibliotheque Nationale de France*'s programme for digitising the collection of 100,000 books, is probably the most comprehensive programme to be followed in Europe to date. The Library estimates that it will have digitised some 30,000,000 pages by the time the project is completed. The work is now almost finished and the questions of how the documents will be used and

what restrictions may be imposed by copyright are now being addressed. The library signed an important agreement with the French national union of publishers in March 1997. This allows the library to use, but only within its building, the digitised versions of documents that are in copyright (about 45% of the collection) for an experimental period of two years. After this period, new agreements will be negotiated in the light of the use made of the material. Whilst the publishers have agreed to in-house use of the digitised documents, it has not been possible to achieve agreement on their remote use, and further discussions with the publishers will be required. However, in spite of the limited and provisional nature of the agreement, the Library believes it represents an important milestone in co-operation between the Library and the copyright holders, marking the end of years of mutual suspicion. The Library is now preparing to make some 3000 titles that are not restricted by copyright available on an experimental basis in the French regions and on the Internet. This project, known as ARCOLE, will go live in the autumn of 1997. It will be seeking to assess how much use is made of the digitised titles by remote access, and whether digitised texts have the same attraction as the digitised pictures which are now so heavily used in the highly successful Audio-visual room at Tolbiac.

The *British Library* also reports good progress with its digitisation programme established under its Initiatives for Access Strategy, although it has had to modify the original programme because of Government funding cuts. The Library's electronic Beowulf project, which began with the digitisation of this remarkable Anglo-Saxon manuscript, has continued to attract much attention on the Internet, and an electronic facsimile has now been published on CD ROM. The Library continues to seek partnership arrangements under the Government's Private Finance Initiative (PFI). Under the PFI, the library looks to the private sector to share in the provision of the resources it needs to develop and manage digital collections to meet its statutory

obligations. In return, the private sector is given the opportunity to develop and exploit the market for content-based digital services and products. Over one hundred companies have responded to the Library's announcement that it was seeking private sector partnerships to develop its digital plans, and among them have been the key players in software, hardware, telecomms and multi-media developments. At the same time, the Library is working with publishers and with its legal advisers to ensure that rights holders of any material which the library might make available for digital supply are fairly treated in accordance with the copyright legislation. A senior member of staff has been appointed to lead these developments.

The *National Library of Finland* has launched two major projects to develop new full-text services. The projects are, so far, financed by the Ministry of Education in the framework of its information strategy programme and involve a number of other institutions. The first, project Elektra, will develop a production environment for a service offering current journal articles in electronic format from those held in the Library's bibliographic database of journal articles. Among the issues addressed by this project will be copyright and royalty payments and the Library is collaborating with the Finnish collecting agency, Kopiosto, to find practical solutions to the difficult problems in these areas. The second, project Muisti (Memory), will develop facilities for the digitisation of printed collections and pictures. The *National Library of Iceland* has now completed the digitisation of about 220 historical maps of Iceland from 1500-1900. They are accessible on the Internet with cataloguing records and a description of each map (http://egla.bok.hi.is/kort). The project has been funded by a special grant from NORDINFO supplemented by Icelandic grants, and with technical assistance from the Nordic Digital Library Centre (NDLC) in the Norwegian National Library Department in Mo i Rana.

Further financial support for digitisation of the Library's Old Icelandic literature collections has been offered by the Trustees of the Andrew W. Mellon Foundation. They approved a grant of US$ 600,000 to the Library over a period of approximately three years to create, in collaboration with Cornell University, the Icelandic National Digital Library (INDL). The project consists of the digitisation of approximately 500,000 pages of manuscripts and printed material á old Icelandic literature, and the Icelandic sagas in particular á to make them accessible through the Internet. As the Fiske Icelandic Collection at Cornell is the second largest collection of Icelandic printed material outside Iceland, this co-operation is of great importance. The *Arnamagnæan Institute in Iceland* also participates in the project and is contributing about 40,000 manuscript pages. The Mellon grant is conditional on the Library finding matching funds of US $700,000. This has been secured by contributions from the Icelandic Government, the Icelandic Research Council, Cornell University, the National Library and private enterprise.

On line information services

Most libraries are now offering their readers access to on-line information services from Internet connections and, as is most frequently the case, from CD ROMs. The *National Library of Turkey* is not untypical in seeking to expand the range of information it can offer from CD ROMs and also from the Internet which it accesses through the X29 Turkish Packet Switching Data Network, and a leased line. The National Central Library of Florence, which offers a wide range of information services, has joined the many libraries that now make use of juke box facilities for accessing CD ROMs, whilst the National Library of Austria has, like a number of others, established a CD ROM network within the library for users and staff offering a selection of the most heavily used CD ROMs.

V. Legal deposit

Two major issues have continued to dominate the discussions in respect of the legal deposit of materials in the national libraries: the practical application of the right of libraries to receive publications under legal deposit legislation and the extension of legal deposit to include non-print materials.

A number of libraries, particularly in Central and Eastern Europe, still have considerable difficulty in ensuring the deposit of published materials even when the law provides for this. A major cause of this difficulty has been the breakdown of highly centralised state control of publishing. This breakdown has led to the growth of commercial publishing houses that either do not know of the law of deposit or choose to ignore it. The libraries themselves may have little authority to compel publishers to deposit and the penalties for failure to deposit, where these exist, may be quite inadequate. It is only too often the case that the library itself may be unaware of the existence of a large number of publications as no agencies now exist to regulate publishing and no trade organisation exists or takes the responsibility for listing new publications. (Even in Western Europe the growth of desk top publishing has meant that many new publications are not deposited and libraries may have difficulty in either knowing of the publication or of obtaining a copy if the print run is very short.)

The problems faced by the National Library of Albania, although very severe, are not untypical. Much of its collection development is based on material received under Legal Deposit Decree 6703, but this has never been full implemented. A number of large publishing houses have not deposited all their publications. Matters are made worse by the newly established publishing houses, of which there are over 40, either not recognising the legal deposit decree, or neglecting to ensure all publications are sent. This creates major gaps in the holdings of

the national imprint. Further gaps result from the lack of deposit by the many Albanian publishing houses who publish their work abroad and by the large number of small scale desk top publishers whose work is not always known about. The Library is seeking to publicise widely the need for legal deposit and to use a variety of means for obtaining information on what has been published. Meanwhile, the Library is also seeking to complete a definitive national bibliography. Its Department of Bibliography is seeking to complete a retrospective bibliography of books published in Albania and of Albanian books published abroad. Material has been gathered for the years 1929-1934, but has yet to be collected for 1935-1936 because of shortages of staff. The department has published the bibliography of Albanian books printed abroad for the years 1990-1995. The work in compiling the definitive national bibliography has been assisted by the grants made from the Open Society Foundation and from the Ministry of Culture to acquire Albanian publications from England, whilst a number of staff or university researchers are helping to compile lists of books relating to Albania in a number of European Libraries. The Library has also obtained sponsorship from the Pro Helvetia Foundation for the publication of the latest volume of the National Bibliography listing books and periodicals published in 1992.

The lack of completeness of the national collection of imprints under legal deposit is reported also from the *Czech National Library*, which despite the new legal deposit legislation of 1996 estimated that it fails to obtain some 30% of all items known to have been published.

The need to extend legal deposit to cover non-print publications is now generally recognised. In those countries where legal deposit only applies to printed material, there is a growing concern that they are failing to acquire important material that is now only published in electronic formats, and that the national published archive is increasingly less than complete.

The case for receiving material published in tangible non-print formats, such as CD-ROM's, microforms, and sound recordings, is recognised as being a much clearer one to establish. It is based upon identifying and claiming physical objects and can be regarded as a close parallel to the case for obtaining books or journals, although there are particular problems relating to the legality of downloading material from a CD-ROM or networking the data it contains. The extension of legal deposit to electronic journals and other information which only exists in non tangible electronic formats is much more problematic. Whilst the need to preserve electronic data is widely recognised, defining a legal framework for its deposit is difficult, and it is not altogether clear whether the permanent preservation of electronic texts and images should be primarily the task of a national library or some other agency.

Among the several libraries reviewing their existing legislation are the *National Library of Turkey* (which in addition to extending the coverage of the Legal Deposit Act of 1934 wishes to increase its enforcement powers), the National Central Library of Florence, the *National Library of Hungary* (which is seeking both a new Library Act and a new legal deposit act), and the *National Library of Portugal* (where a working group has been established to draft a new law). Revision of the legal deposit law is still awaiting decision from the Ministry of Education in Finland, but the National Library is already receiving electronic publications, and in particular those on CD-ROM, from publishers on a voluntary basis. In *Ireland*, where at present the National Library is administratively part of a government department, the National Cultural Institutions Bill which gives the Library greater autonomy under a Board of Management received parliamentary approval in March 1997. The legislation includes, for the purposes of legal deposit, an extension of the definition of 'published materials' to include photographs, play scripts, film, microfilms, videos, diskettes, and magnetic tapes. Legislative orders can,

however, be made allowing the National Library to transfer some of these materials to other institutions. New controls on the export of library materials will also be introduced under the same legislation. In *Slovenia*, progress in preparing new texts of the Library Act and Legal Deposit Act has been slow because of the Parliamentary elections which were held in December 1996. A new government has been formed and new ministers for Culture Education and Science, the three ministries whose work covers libraries, have been nominated. New negotiations will now have to take place with all three ministries. The National Library has the additional task of finding solutions for some unresolved problems arising from the new Act on Municipalities regarding the funding of public libraries. It is also preparing the regulations for the Library and Information System in the light of the changes resulting from the new Copyright Act.

The *National Library of Spain* has also proposed new legislation but this too has been delayed by the new government which in order to reduce the cost of the Spanish administration has merged the Ministries of Education and Culture and has created the *Ministerio de Educación y Cultura*, with a Secretary of State for Culture and a Secretary of State for Education. The Biblioteca Nacional continues to be an autonomous institution of the Secretaria de Estado de Cultural of the Ministerio de Educación y Cultura. Under the Library's new director, Mr. Luis Alberto de Cuenca, one of the main objectives will be to submit a new legal deposit law to parliament based upon a proposal made in 1994. The Library hopes that the bill will be passed in 1999.

The *British Library* had also hoped to achieve new legislation in the lifetime of the last UK Parliament, but with the change of government must now queue for a new place in the legislative timetable. With the support of the other four UK legal deposit libraries, the Library submitted a proposal to the Government in January 1996 for the extension of legal deposit legislation to non-print publications. The Ministry wished to consider the proposal

in the wider context of a review of the existing arrangements for legal deposit. The review of the Library's policies towards the legal deposit arrangements for printed materials was undertaken by Dr. JM Smethurst, the Library's former Deputy Chief Executive. It recommended establishing the six UK legal deposit collections more formally as a national published archive and the creation of a distributed National Bibliographic Resource which would include records relating to British and foreign publications held by a range of libraries. It proposed greater collaboration between the *British Library's Legal Deposit Office* and the Copyright Libraries Agent (who is responsible for the arrangements for claiming material for the other UK legal deposit libraries), a greater measure of selectivity at the point of receipt of legal deposit material by the *British Library*; and the establishment of clear disposal policies. In February 1997, the UK Government published "Legal deposit of publications: a consultation paper" seeking respondents' views on a number of specific questions relating to legal deposit of all types of published materials. The Consultation Paper stated: "The Government's view is that it is essential to the United Kingdom's continuing pre-eminence in the field of information provision that some means should be found of providing for comprehensive deposit in our national published archive of material published in forms other than print".

In Denmark, the main basis for the building up of the collection in the Danish Department is the *Lov om Pligtaflevering* (Act on Legal Deposit) from 1927. This Act covers everything that is printed in Denmark but excludes electronic and audio-visual media. The Royal Library therefore attaches great importance to the work of the Committee on Libraries in the Information Society (UBIS), set up by the Ministry of Culture. This committee submitted (in June 1996) its report Delbetænkning 1: Pligtaflevering (Partial report 1: Legal Deposit). This contains proposals for a new bill under which all works that are issued, irrespective of the media or content, must be deposited in the

Royal Library, so that the complete *Danish* cultural heritage is safeguarded and preserved. The building up of a retrospective national bibliography meanwhile continues with work on Danske Provinstryk 1482-1830 (Bibliography of local imprints).

Although the *National Library of the Netherlands* relies entirely upon voluntary deposit for printed materials, it too recognises the importance of building a deposit collection of electronic publications. Research and preparations for this continued. Research included a market survey concerning the production of electronic publications (online and off-line) in the next five years, and criteria for the selection of deposit material. As a follow-up to the recommendations of the *Dutch Publishers Association* a substantial number of publishers were requested to deposit CD-ROM's and other off-line publications. The response of the publishers is promising and more publishers will be approached in the coming months. On the basis of a national deposit licence, journals published by *Elsevier Science* and *Kluwer Academic Publishers* with a Dutch imprint were deposited as electronic files. These will be available for on-site online access. A survey of the coverage of the deposit collection of printed material showed the success of the voluntary arrangements in the Netherlands. Nearly 97% of the Dutch books with ISBN, 90% of the periodicals and 70% of Dutch grey literature can be found in the national library.

Die Deutsche Bibliothek which has not yet mandatory right of deposit for networked publications, has proposed postponing new legislation in order to gain experience in handling and archiving the data in co-operation with the publishers and to pursue the long term preservation of electronic data as a project. The Publishers' Committee of the *Börsenverein des Deutschen Buchhandels* has since recommended that all publishers submit a complimentary archive copy of their networked publications to *Die Deutsche Bibliothek*.

Publishing and the National Bibliographic Services

Whilst the resolution of legal deposit issues continues to occupy the attention of a number of national libraries, the important work of establishing and developing national bibliographies and promoting national bibliographic services continues. The *Icelandic National Bibliography* 1995 was published in July 1996. A total of 1522 volumes was listed. The *Bibliography of Icelandic Sound Recordings* is published as a supplement to the Icelandic National Bibliography. The number of Icelandic sound recordings published in 1995 showed a considerable increase on previous years whilst book production in Iceland has remained stable over recent years. This stability seems to be exceptional, for most countries report a substantial increase in the number of books being published each year. In France, the number of books deposited and entered into the national collections for the first time in 1996, reached 50,000 titles. This record figure increased the work load for the bibliographic services considerably but the work has been reorganised and the delay between deposit of the book and its registration and cataloguing has been reduced. It is quite clear that the paperless society, forecast with the advent of information technology in the 1960's, is no nearer arriving, and that libraries have no need to fear the death of the book. Nevertheless the number of electronic publications as a proportion of total publications is increasing, and in Germany *Die Deutsche Bibliothek* estimates that digital publications on physical data media account for 2% of all accessions. The 227,935 publications cited in the *Deutsche Nationalbibliographie* provide the foundation for a variety of bibliographic user services. The Title Card Service comprised 3.1 million title cards. An extremely high rate of growth was recorded in the sale of bibliographic records in machine readable formats: a 60 % increase over 1995 resulting in a total of 16.7 million bibliographic records being supplied. The total number of available bibliographic records

includes those of the *Deutsche Nationalbibliographie* in the MAB and UNIMARC formats, records from the *British National Bibliography* and *Casalini* redistributed by *Die Deutsche Bibliothek* and the SWD and PND authority files. Among the major reasons for the growth in sales were the large number of records ordered by libraries converting their catalogues and seeking retrospective data, the expansion of the floppy disc service and the intensified use of authority files. It is now possible to retrieve title and authority data online via FTP using the WEB-Z.39.50 gateway. Significant work was also accomplished in preparation for the integration of the *Deutsches Musikarchiv* into the online system of *Die Deutsche Bibliothek (ILTIS)* during the reporting year. Full integration is scheduled to take place during the first six months of 1997.

The importance all libraries attach to the work of improving the bibliographic control of their national literature is clear, and nowhere is this felt more strongly than in some of the smaller countries and new republics where the national literature is a very important element in the confirmation of their distinct national culture. Two examples serve to illustrate this. In San Marino, one of smallest nation states of Europe, the National Library has, under its automation project, created a National Bibliographic Centre and begun the work of creating the San Marino bibliography in machine readable formats using ISBD. The work will include monographs, periodical and manuscripts relating to the history of the country. In *Slovakia*, the Parliament of the newly independent republic has passed a new law which defines the National Library as a legal body in Matica slovenska, and allows a much more independent role for the National Library. This independence has allowed it to co-operate with a commercial company in the publication of the *Slovak National Bibliography* on CD-ROM. It contains some 63,000 records of books published since 1977.

VI.   Preservation and conservation

Despite the lack of funding for preservation reported by a number of libraries, much has been accomplished by the European National Libraries as part of a renewed effort to preserve the written heritage. A number of libraries have extended or developed their conservation laboratories, or opened new facilities. The *Bibliotheque Nationale de France* has, for example, concentrated its preservation work in its purpose built new preservation centre at Marne-la-Vallee, although shortages of staff have unfortunately limited the extent of its work during the year. (The *British Library*, like the *BNF*, has also had to reduce the resources available for conservation and preservation as part of the overall cut-back necessary to provide adequate funding for its move into the new building, and *Die Deutsche Bibliothek* reports that it cannot turn temporarily approved posts into permanent staff posts in the Leipzig Zentrum für Bucherhaltung. It is seriously considering privatisation as a possible solution to this dilemma. It is a cause for great concern that three of the largest libraries in Europe, with between them a very high level of expertise in library conservation work and, of course, some of the richest collections of European books and manuscripts, are having to make cut backs in staffing and in resources for conservation. Highly skilled staff are essential if the technical processes are to be undertaken to a high standard and new methods introduced. Once lost by a library they can rarely be won back).

The increased awareness in Europe of the need for active conservation policies is most welcome and it is encouraging to report considerable co-operation between European libraries in this important work. Some of this co-operation has undoubtedly been stimulated by the programmes of work that the new Preservation Division of LIBER has been planning, by the continued efforts of IFLA, by the UNESCO Memory of the World Project and by the European Commission on Preservation and

Access. Among the important conferences and seminars arranged during the year, the large international conference jointly sponsored by *Die Deutsche Bibliothek* and the European Commission on Preservation and Access was particularly valuable. Held in Leipzig at the same time as the 1996 Book Fair, the Conference was attended by more than 200 delegates from 30 different countries. Under the theme Choosing to Preserve: towards a strategy for long-term access to the intellectual heritage, it focused on the massive problem of the long term preservation of printed and written materials in archives and libraries, with a particular emphasis upon the problems faced by European libraries and the need for a collaborative approach to their resolution.[1]

The *Dutch Royal Library*, which has received a grant of NLG 18 million from the government for the implementation of a four year programme of conservation of literary works, newspapers and Dutch imprints, organised a European Meeting on Paper Preservation in March. The recommendations of the meeting will be presented to the Council of European Ministers of Culture later in the year. Three international seminars were also held in the *Lithuanian National Library*, which in May became the headquarters of the UNESCO programme "Memory of the World". These covered a wide range of technical issues: the preservation of library materials, the restoration of leather covers and the restoration of 16th - 19th Century French books.

A number of libraries report that they are actively participating in the UNESCO "Memory of the World" programme, either in preservation projects or in its technical sub-committee concerned with international standards. The *Czech*

[1]   The proceedings have been published: *Choosing to preserve: towards a co-operative strategy for long term access to the intellectual heritage. Papers of the international conference.*[Leipzig], March 29-30, 1996. Edited by Yola de Lusenet. Amsterdam, European Committee on Preservation and Access, 1997.

National Library is involved in the Series Bohemica programme and has presented a report to UNESCO on the structure of digitised old books and manuscripts with the aim of promoting standards for unified access to electronic documents. (See URL: http: //www. nkp.cz/ externi/digit/digit.htm). It draws upon its experience in digitising older materials, including some twenty valuable and frequently used Jesuit manuscripts.

The preservation of manuscripts and older materials is given a high priority by most libraries. The restoration department in the National Library of Albania has been giving special attention the preservation of a number of badly damaged manuscripts from Shkodra. The *Slovak National Library* has restored some 50 volumes printed in the 15th and 16th century, as well as a large number of documents for the Literary Archive of Matica Slovenska.. It too has been closely involved with the UNESCO programme and with digitising early texts. In co-operation with a commercial company, it has produced a CD-ROM of the Chronica Hungarorum by Johannes de Thurocz (1488) and has also prepared Antiphonarium Bratisvalense II- Codex of Haan for digitising. However, it requires further external funding to complete the work.

Almost all libraries report substantial programmes of microfilming for rare books, manuscripts and periodicals, although reader resistance to microfilm remains strong. (The *National Library of Spain*, however, reports that almost 3 million orders were placed during the year by the public for microfilm and photographic copies following its systematic plan for microfilming its special collections and newspapers.) The National Library of Liechtenstein, as a small library with considerable accommodation problems, decided to pursue a long term project to film all its titles of Liechtenstein literature as safeguard against a disaster, and has already completed the filming of its national newspapers. Whilst these microfilming programmes remain the dominant means of creating surrogate texts, there is currently a

great deal of interest in digitisation as a method of conservation. A large number of experiments and projects to digitise texts are already in place, or being planned as libraries review their conservation and preservation policies. The *National Library of Portugal*, for example, in remodelling its Preservation Department, lays considerable stress upon launching a digitisation programme. It will promote this with a collection development and disaster plan in order to co-ordinate preservation, conservation and access strategies. There remains, however, a general uncertainty of the value of digitisation as a method of long term preservation of text in a surrogate form and microfilming is still the preferred method for long term preservation of content. Much of the uncertainty regarding digitisation is related to the longevity of digital material, the risk of corruption of the digitised text, the problems of standardisation, and the adequacy of hardware and software. There is nevertheless a growing recognition of the benefits that can be gained by improving access to rare documents and texts through CD-ROM 'facsimiles' and in reducing the wear and tear caused by frequent handling of the original. The distinction between using digitisation to conserve the original artefact by reducing access to it, and using digitisation to create a surrogate copy for preservation of the text of a document that is already badly damaged or at grave risk of destruction is not always generally understood. The issue is further complicated by the need to preserve that information which is only available in digital formats, whether they are CD ROMs or non tangible formats, such as electronic documents. A number of strategies and policies are being considered and it is already clear that there must be a common international standard relating to the long term preservation of what are sometimes called 'transitory' digital publications. Conversion, refreshing and migration of data seem to be the preferred solutions and a great deal of valuable work is being done both in Europe and in America on these strategies. *Die Deutsche Bibliothek*, in

collaboration with a commercial firm has developed a multi-media provider system (MMB) which offers a variety of conversion and migration options. The library is also involved with others in the European Union's Telematic Program to establish the technical requirements for a virtual European deposit library for digital material.

Whilst the technical issues relating to conservation of new media are still being defined, the technology relating to the preservation of printed materials is much more highly developed, and it is now reaching the stage where mass processing of books can be undertaken as a routine matter. In terms of process technology, the Leipzig Zentrum für Bucherhaltung, has become a genuine success story for *Die Deutsche Bibliothek*. The process of mass book de-acidification, developed in co-operation with Battelle, has successfully introduced industrial-scale capacity which allows as many as 200,000 volumes to be processed annually. The quality of the process is high, and the rate at which a large number of books can be treated can be appreciated when one sees the trolley loads of books which have been processed during a normal day's work. The capacities which can be handled by the processing chamber can be further increased in the future without loss of quality. Leipzig has also pioneered the technique of mechanical paper-splitting to stabilise and strengthen heavily damaged single pages. Currently, about 2,000 sheets can be treated per day á ten times more than could be processed manually. The process is well suited to unbound newspaper sheets. Eventually, it is hoped that the process developed by the Becker company will be able to handle 10,000 sheets per day.

Despite the general shortage of funds for conservation work, a number of libraries have been able to invest in new equipment. The *Danish Royal Library*'s Bookbinding and Conservation Workshop has for example procured a CMI Box Machine from the USA. The machine can make four different types of boxes and tied files according to individual measurements, so the library

can now "custom-tailor" boxes for the particularly fragile material, without entailing unnecessary waste of space in the stacks. The *Slovak National Library* has installed a new computer-controlled paper leaf casting machine. The machine was a gift from the Bayerisches Staatsministerium für Arbeit in Munich, and the installation was arranged by the good offices of the Munich Institut für Buch und Handschrifftenrestauriereung.

Work on other technical innovations is reported by a number of libraries. The Preservation Department of National Library of Denmark has two projects: one, examining the effects of freeze-drying on paper is expected to be finished in 1997; the other is a pilot project for sound and sound tape conservation. The results of these projects will be incorporated in the future plans of the library for handling large-scale water damage, for example after a fire, and for ensuring that the extensive sound-tape collections in the library can be preserved. The National Library of Russia, as one of the major scientific centres for preservation in the country, is carrying out research in paper ageing and paper strengthening. It has a well developed technology and a skilled staff that includes chemists and microbiologists as well as conservators and binders. A research programme for testing mass deacidification treatment of books is continuing also at the *National Library of Switzerland*.

Sponsorship

Sponsorship continues to be of great assistance to a number of libraries in undertaking preservation and conservation work. The *Slovenian National Library* is the latest to follow an Adopt a Book Programme, and a substantial sum raised under this programme, together with a special grant from the Ministry of Culture, has allowed it to microfilm older Slovenian newspapers and current volumes of two of the most important daily newspapers. The Austrian National Library has almost completed its major project to assess the condition of its older collections and to clean the

books in the Hall of State under a book sponsorship programme financed entirely by donations. Joint partnerships with commercial firms and with other institutions also assist in the development of microfilming and digitisation programmes. The *National Library of Lithuania*, which already has a substantial microfilming programme for Lithuanian periodicals and Judaic materials, has signed a new agreement with the University of Osnabrück with the intention of microfilming selected literature in its collections. This is the Library's third joint microfilming project with foreign partners.

The European Register of Microform Masters, (EROMM), a joint project sponsored by a number of National Libraries, has been widely supported and the automated files are now growing quite rapidly as more libraries inform the register of their holdings. The Register is available on line and is also incorporated in RLIN, which holds the US Register developed by the Commission on Preservation and Access.

VII. International Co-operation

Developing international co-operation at a practical level continues to be a strong feature of the work of the European National Libraries. The work of COBRA (Computerised Bibliographic Record Actions) in the European Commission's Telematics for Libraries programme has continued. The COBRA Forum consists of the National Librarians of eight European countries and is chaired by the *British Library*'s Chief Executive, Dr. Brian Lang. COBRA's life has recently been extended and it is now known as COBRA+. The Forum has been responsible for proposing a number of projects for which the Commission has provided funding. These include: AUTHOR, for networking national name authority files; BIBLINK, linking publishers and national bibliographic services for electronic publications; CHASE, which has been looking into standardisation of character

sets; DELICAT, for automatic error detection in bibliographic records; and FLEX, on file labelling. Other European Union projects gaining a range of support from the National Libraries include MALWINE, (Manuscripts and Letters via integrated Networks in Europe), which aims to establish a joint network of European Literary Archives, DANCER (Digital Archive for Network Communication and Electronic Research) for the digitisation of picture documents through a joint network, and EPOC which involves the cataloguing and digitisation of holdings of posters and the publication of a catalogue on CD-ROM.

Discussions with the Federation of European Publishers (FEP) on matters relating to copyright issues and networked access to electronic data and CD ROM publications continue under the FEP/CENL Joint Committee on Electronic Publications. During a year in which electronic publications have been increasingly acquired by European libraries and when interest in obtaining and using them through the legal deposit privilege has been high, considerable efforts have been made to prepare a new project for submission to DGXIII for the joint development of a generic demonstrator for a Networked European Deposit Library(NEDLIB).

The Open Society Foundation (SOROS) has given considerable support to libraries in Central and Eastern Europe under its various European Regional Library Programmes. It has provided a number of grants to individual libraries and the range of projects to which it gives assistance remains wide. It has, for example, supported the working visits of younger librarians from Central and Eastern Europe to the *British Library* under the programme funded jointly by the *British Library* and the Foundation. The programme, now in its third year, has been very successful. Each year, three librarians have been selected in open competition to work for a period of several weeks in the *British Library*, attached to different departments according to their skills.. The Foundation has also supported an international project

for the supply of periodicals from the University of New York, and the Albanian National Library records with gratitude that it received some 80 British and American titles free of charge. Other libraries have received grants for the retrospective conversion of catalogues and other automation programmes.

The commitment of a number of libraries to the UNESCO Memory of the World programme is noted earlier in this review. The CENL also continues to support the UNESCO programme for the Rehabilitation of the Russian State Library.

In addition to these more formal collaborations and joint projects, the national libraries continue to develop informal co-operative arrangements between themselves for sharing resources, and for closer collaboration. The links often provide for the exchange of publications, and this has been particularly important for a number of libraries in countries that do not have strong currencies and that are severely limited in their purchase of foreign books and serials. It is encouraging to note that under various 'friendship' or cultural exchange programmes considerable support is given for acquisition programmes, for automation projects and for staff exchanges or visits. In particular, the British, French, German and Scandinavian Cultural Programmes have been greatly helpful in assisting and supporting libraries in less favoured European states. But more can always be done and many directors are seeking to establish new links. The *National Library of Estonia*, for example, has now established relations with institutions in over 60 countries, although the closest contacts are with the increasingly important regional grouping of Scandinavian and Baltic National Libraries. Other libraries are signing more formal agreements with 'partner' libraries, for particular aspects of collaborative work. The *National Library of Russia* has now completed such agreements with the *British, Canadian, Czech, Hungarian and Polish National Libraries* as well as with the University Library of Bremen and New York Public Library. It is

also undertaking joint projects with the *National Library of Finland* and *Israel*.

The CENL obviously plays an important role in the overall high level of co-operation between European libraries, and it continues to attract new members. Other European associations are also promoting close co-operation with the support of the national libraries. The Consortium of European Libraries, engaged in a major project to create a database of the hand printed book in Europe, continues to grow and includes many National Libraries among its members. LIBER, which in recent years has done much to revitalise itself and to encourage the closest co-operation between European research libraries through its access, collection development, preservation and management programmes is rapidly gaining respect as an organisation which offers valuable opportunities to European research libraries to work together at all levels.

VIII. Conclusion

It is not possible to record here in any detail the many major acquisitions of the libraries, and the importance of these in preserving our European printed and written heritage. Even though libraries throughout Europe are generally short of resources, the acquisition of important manuscripts, maps and printed books is still given high priority. Collection development for the real, as well as the virtual, library continues to be at the heart of the work of National Libraries. Nor is it possible to list the very many important exhibitions staged by the national libraries during the year often drawing upon the treasures and rarities in their collections. A number of these have been linked to important commemorative events such as centenary or bi-centenary celebrations. Very many fine catalogues and facsimiles have been produced as a result of these exhibitions and of the

publications programmes that are now being so actively undertaken to exploit the collections. These exhibitions and publications are important celebrations of the wisdom and energy of the librarians of previous generations in acquiring, and preserving the European book and manuscript. They also underline the cultural significance of the national library in Europe at the end of the twentieth century. The reports of the work of the 26 European National Libraries which have informed this review suggest we can be confident that future generations will also be able to celebrate the cultural significance of the National Libraries of Europe in the years to come.

International Copyright - New Perspectives Evolution in the System[1]

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INTRODUCTION

The history of copyright, both internationally and on the level of national legislations, reflects the phenomena of the technological development. Classical examples are such innovations as printing, photography, cinematography and broadcasting. More recent examples are photocopying, cassette recording, cable distribution, satellite transmissions, computers, telecommunication, and to add to all of these, the converging digital environment with all its components.

Many other factors, in addition to technological development as such, affect the international development of copyright. Firstly, copyright is one of the most international fields of law. Its ground rules have been established in international treaties. Its economic

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[1] Paper presented at LIBER Annual General Pre-Conference 1997, Bern:"The Berne Convention in the Digital Age: What will happen after the WIPO Conference December 1996?"

importance is remarkable and continues to grow. As a result of this, copyright has become an object of growing political interest in recent years. In industrialized countries and in world trade, development has moved on from societies based on material goods to societies that produce services and non-material values. Innovativity-based intellectual values, to which copyright is related, become ever more important for the welfare of nations. In fact, technology is in many cases the moving force behind these seemingly non-technological trends.

Copyright has also become a subject of negotiation in trade policy fora, where it is part of a wider entity, intellectual property rights, which constitutes one of the many sectors of international trade.

Also, the fact that copyright is connected with culture has its own effect on the trends along which copyright develops. In the areas of culture and cultural policy, there are factors whose evaluation does not always follow strict legal thinking or economic realities.

Intellectual property rights, especially copyright, are significant because of their multi-faceted nature. Some of their functions are direct and some of them are indirect. Copyright stimulates creativity by ensuring a reward for the author's individual and intellectual contributions. A stable legal framework promotes availability of the creative work; authors and publishers are able to put works into circulation having the proper means to combat illegal exploitation. Copyright also safeguards investments in production, stimulates economic activities in general, and thus contributes to the creation of jobs throughout the whole chain of production and trade. In addition to all these economic implications, copyright guarantees an author protection of his honour and reputation.

The development of digital infrastructures has made the marketplace for literature, music, images, computer programs, databases etc. a genuinely global one. Protection of works of the

mind must be a part of this new digital environment. Harmonisation of national laws is vital in order to avoid unacceptable market distortions. One example of a global phenomenon which has established a new environment is the Internet. Global phenomena can only be dealt with by a global approach and, when necessary, by global rules. This is why international treaties are an absolute necessity.

Globally, the extent of economic activity in the construction of the digital environment is huge. At the moment the construction of infrastructures represents the major sector of development. One research institute has estimated that the value of the core economy directly linked to the Internet amounted in 1996 to 2.2 billion USD in the U.S. alone. The same institute forecasts that by the year 2000, this figure will have risen to USD 45.5 billion.

The financial basis of the production and distribution of information services, audiovisual services, computer programs, music, entertainment etc. is ever more dependent on the existence of a clear and stable underlying legal framework. Authors, producers, publishers and other rightholders are unlikely to make their productions available in the networked environment unless they are accorded sufficient legal security.

The purpose of international treaties in the field of intellectual property is to enable the market to perform its proper function. It has been said that each article in a treaty in the copyright field has a value measured in billions of dollars on the world market. But purely commercial values do not provide any reasonable basis for a balanced regulatory system. It must be possible to provide for limitations to rights at national level. Such limitations are introduced in order to serve crucial sectors in society - science, education, culture - and other important common interests.

One of the most important effects of the evolution moved by the treaty making is the harmonization of copyright law. In this paper, the focus is on two perspectives. The one is the ongoing

harmonization speeded up by the recent results of international work within the framework of WIPO during the last few years. The other are issues already identified and crystallized and now being analyzed and possibly launched by the international community.

RECENT HISTORY OF INTERNATIONAL HARMONIZATION

Copyright is an a priori territorial right. States give protection according to their legislation to persons belonging to the field of application of their laws as regards the relevant acts performed in their territory. By international agreements, states are bound also to give protection to copyright holders coming from other countries.

On December 20th, 1996, a Diplomatic Conference organised by the World Intellectual Property Organization (WIPO) ended in Geneva. The concluding plenary session lasted only 20 minutes but it was at this session, after three weeks of intensive and often tough negotiations, that delegates of 128 governments, in the presence of representatives of about 100 international organizations, adopted the results of five years' preparatory work by WIPO Expert Committees.

The main purpose of the Diplomatic Conference was to update the international regime of copyright established by the 1886 Berne Convention for the Protection of Literary and Artistic works. To date, some 120 states have joined the Berne Convention. Since its conclusion, the Berne Convention has been revised every twenty years but more than quarter of a century has now elapsed since the 1967-1971 twin revision conferences. In this period, information technology has made staggering progress. The capabilities of current digital technology mean that we are on the verge of the all-time deepest and broadest convergence of the media and content industries. The need to update the

international norms of copyright was therefore generally recognised.

In addition to the updating the copyright regime, the need to update the international protection of performers and producers of phonograms was also clear. The basic convention on these so-called neighbouring rights, the Rome Convention, was done in 1960, thirty-six years ago. Joined so far by some 50 states, the Rome Convention has never been revised. It is a complex piece of international law and it seems that it does not have the potential to become a truly international basis for the protection of these groups of rightholders.

The TRIPS Agreement concluded in 1994 at the Uruguay Round of GATT negotiations remedied some of the defects in the system of conventions. It addressed, however, many of the inadequacies only at a very basic level and touched on only a limited number of the problems resulting from technological progress. Even though it greatly reinforced the law on international intellectual property, it left unanswered many questions which have been waiting to be settled. Some of the questions which are topical today were not even identified during the Uruguay Round.

It was seen that a revision of the body of the Berne Convention would be either impossible or extremely difficult because of the requirement for unanimity. This led to the idea of a new instrument, nicknamed "the Protocol", which would be attached to the Berne Convention. In addition, another "New Instrument" was prepared to protect performers and producers of phonograms.

Conclusion of the GATT Uruguay Round resulted in an intensification of the preparatory work. The new pace was primarily set by the recognition of the profound impact of digital technology throughout the world. In 1993, the Clinton Administration gave the National Information Infrastructure high political priority. On the basis of the Bangemann Report,

European heads of state accepted an Action Plan at their Corfu summit in June 1994 to stimulate activity in the market. In Geneva, as part of the preparations for the updating of the international copyright regime, "a digital agenda" was established to run alongside the "traditional issues".

The road to the Diplomatic Conference 1989 - 1996

Eight years ago, in 1989, the Assembly and the Conference of Representatives of the Berne Union adopted the program of WIPO making a provision for convening a Committee of Experts to examine questions concerning a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works. The objective of convening the Committee of Experts was to examine whether the preparation of a protocol to the Berne Convention should commence. According to the WIPO program for the 1990-91 biennium "[t]he protocol would be mainly destined to clarify the existing, or establish new, international norms where, under the present text of the Berne Convention, doubts may exist as to the extent to which that Convention applies".

The Committee of Experts was convened in two sessions, the first in November 1991 and the second in February 1992. The sessions were started on the basis of working documents covering a broad range of topic areas including the subject matter of copyright, certain particular rights, the applicability of minima, and the obligation of granting national treatment. Among the questions concerning subject matter was the desirability of covering the rights of producers of sound recordings in the protocol.

The Assembly and the Conference of Representatives of the Berne Union determined in 1992 that the work of the Committee of Experts would be most effectively advanced by the formation of two Committees of Experts, one for the preparation of a possible protocol to the Berne Convention and the other for the

preparation of a possible new instrument on the protection of the rights of performers and producers of phonograms.

The Committee of Experts on a Possible Protocol to the Berne Convention then held five further sessions between June 1993 and May 1996. The Committee of Experts on a Possible Instrument for the Protection of the Rights of the Performers and Producers of Phonograms held six sessions in the period June-July 1993 to May 1996. The last three sessions of the two Committees were convened on the same dates, and parts of the sessions were held jointly.

The work of the Committees of Experts was based on memoranda prepared by the International Bureau of WIPO until December 1994. Following the recommendation of the Committees of Experts, the Director General of WIPO invited Government members of the Committees and the European Commission to submit proposals for discussion at the September 1995 and February 1996 sessions.

As a result of these invitations WIPO received a great number of proposals from governments on matters concerning the draft treaties. The issue of a *sui generis* protection of databases was launched at this stage. In February 1996 the European Union presented a proposal which was based on a new Community Directive related to such protection. In May 1996, the U.S. presented a similar but not identical proposal.

The Committees of Experts recommended at the February 1996 sessions that a Diplomatic Conference for the conclusion of appropriate treaties be held in December 1996. In May 1996 the Preparatory Committee of the Diplomatic Conference, the General Assembly of WIPO and the Assembly of the Berne Union met in Geneva. It was decided that the Diplomatic Conference would be convened from December 2 to 20, 1996.

The Chairman of the Committees of Experts was entrusted at the February 1996 sessions with the task of preparing the draft texts ("the basic proposals") for the Diplomatic Conference. The

WIPO International Bureau published the texts so prepared at the beginning of September 1996. The Director General of WIPO prepared the draft of the final clauses of the treaties.

Before the event there was no decision on the number of treaties to be proposed for adoption by the Diplomatic Conference in December 1996. Three draft treaties were tabled at last December's Diplomatic Conference in Geneva - one concerning copyright, one concerning the protection of performers and producers of phonograms, and one concerning sui generis rights for databases.

On the conference floor, two spectacular issues dominated the scene: arm-wrestling over the audiovisual question - the protection of the rights of actors, dancers and musicians in movies and in television productions - and the battle about the right of reproduction. Negotiations over the audiovisual question came to nought, the issue was deferred. Further discussion of the draft treaty on the protection of databases was also deferred. After three weeks of very hard work, two treaties were concluded - the WIPO Copyright Treaty (the "WCT") and the WIPO Performances and Phonograms Treaty (the "WPPT").

In addition to the two Treaties a series of Agreed Statements on the interpretation of different provisions of the Treaties was adopted by the Conference. This is a new feature in the history of the WIPO Conferences. All the Agreed Statements, except one on the right of reproduction, were adopted unanimously.

HARMONIZING EFFECTS OF THE NEW TREATIES

The following is a short presentation of the substantive provisions of the two treaties. First, some remarks are made on issues that are specific to the WCT or the WPPT. After these are presented some items which were called "cluster issues" at the Diplomatic Conference. These matters are found in both treaties.

WIPO COPYRIGHT TREATY

There are 25 Articles in the WCT out of which 14 contain substantive provisions. The Treaty complements the Berne Convention. There is, however, no formal link between the new Treaty and the Convention: states may choose to join one, or the other, or both.

Article 1 contains general provisions on the relationship of the new Treaty to the Berne Convention. The new Treaty is a special agreement within the meaning of Article 20 of the Berne Convention. It may not derogate from existing obligations that contracting parties have to each other under the Berne Convention. In fact, the Berne Convention has been included in the new Treaty: contracting parties shall, according to the provision of Article 1(4), comply with Articles 1 to 21 of the Berne Convention.

The proposed article on the notion and place of publication as well as the article on the abolition of certain non-voluntary licences were deleted from the draft Treaty during the Conference. A completely new Article 2 concerning the scope of copyright protection was added. Modelled after Article 9.2 of the TRIPS Agreement the new Article 2 states that copyright protection does not extend to ideas, procedures or methods of operation.

. The provisions concerning international application and application in time were borrowed from Articles 2 to 6 and Article 18 of the Berne Convention. These provisions are applicable by reference without reproducing the language of the Articles concerned.

Computer programs

Concerning Article 4 on computer programs it was discussed whether the phrase "Computer programs *are* protected as literary

works" should remain as it was proposed or whether it should be formulated as "*shall be* protected". The TRIPS Agreement limits protection to computer programs which are only in source code or object code form. In the draft Treaty it was proposed that the protection should apply to the expression of a computer program in any form. After negotiations the are form was adopted and a phrase concerning the scope of protection ("whatever may be the mode or form of their expression"), borrowed from Article 2 of the Berne Convention, was inserted into the relevant provision. In addition, an Agreed Statement was adopted; this states that the provision adopted is consistent with the Berne Convention and on a par with the TRIPS Agreement.

Databases

Compared to the provisions in the Draft Copyright Treaty, some minor changes were made to the Article concerning the protection of databases. Instead of the word "collection" used in the Berne Convention, the word "compilation" was adopted. This underlines the unique and specific nature of databases as objects for protection when compared to traditional categories of works. A similar agreed statement to that concerning computer programs was also adopted for databases.

Right of communication

Perhaps the most important Article of the new Treaty is Article 8 concerning the right of communication to the public. The provisions of the Berne Convention do not provide full certainty when they are applied to the interactive on-demand transmission of protected works over information networks. In international discussions, it was suggested that the "solution" should be based on rights already well established such as the right of reproduction, the right of public performance or the right

of communication to the public, or alternatively on a completely new "right of transmission".

The actual solution adopted in the WCT was based on the concept of the right of communication. "Communication" means transmission other than broadcasting to a public not present in the place where the communication originates. Good examples of communication are cable television and transmissions over networks.

The right of communication has now been updated and adapted to operation in the digital environment. Regulated in the Berne Convention in only a fragmented manner, the right of communication as there defined covers only certain categories of works such as musical and dramatic works, recitations of literary works and cinematographic works. Article 8 of the new Copyright Treaty extends the right of communication to all categories of works including literary works in written form (including computer programs), photographic works and works of pictorial art.

The WCT also makes it clear that the right of communication is without doubt applicable to interactive on-demand deliveries over digital networks. The actual wording of the provision in Article 8 is that the right of communication includes "the making available to the public of their works, by wire or wireless means, in such a way that members of the public may access these works from a place and at a time individually chosen by them". This provision will now function as the basic rule for digital department stores, digital bookstores, and digital record and video shops. Providing access to protected works is covered by authors' rights. The provision links national legislations which use different concepts to describe the same transaction. Contracting parties can fulfil the requirements of the treaty by granting authors a right of communication, "a right of transmission", or "a right of distribution by transmission" or some other right.

The concept of this provision gave rise to some dispute before the Conference. Telecommunications companies were concerned they might be held liable for activities which merely constituted the act of providing a conduit for transmissions of copyrighted material. In his notes for the Diplomatic Conference on the proposal, the Chairman of the Expert Committees explained: "The relevant act is the making available of the work by providing access to it. What counts is the initial act of making the work available, not the mere provision of server space, communication connections, or facilities for the carriage and routing of signals". Legal security for on-line service providers and telecommunications companies was assured by adopting an agreed statement along the same lines. The precise wording is "The mere provision of physical facilities for enabling or making a communication does not itself amount to communication within the meaning of this treaty or the Berne Convention". It seemed that all parties were satisfied with this outcome.

It is worth mentioning that the general rules taken into the new treaties allowing exceptions to rights do not preclude reasonable solutions in contracting parties' national legislation. The conditions already established in the Berne Convention concerning exceptions to the right of reproduction were generalised in Article 10 of the WCT to govern any limitations to the rights. Also the right of communication may be subject to limitations or exceptions. Any limitations imposed must be in accordance with the provisions of the said Article. A reference to the so-called "minor reservations" that traditionally are accepted should also be made here.

A reference should also be made to the important Agreed Statement on reservations adopted unanimously by the Conference. This statement declares that in their national legislation contracting parties may carry forward and extend appropriately into the digital environment limitations which are

acceptable under the Berne Convention, and even devise new exceptions.

Duration of the Protection of Photographic Works

Presently, the minimum term of protection for photographic works according to Article 7(4) of the Berne Convention is 25 years counted from the year of the making of the photograph. According to Article 9 of the WCT contracting parties undertake not to apply the said provision and thus "normalize" the minimum duration of the protection of photographic works which will now therefore be regulated by the general terms of the Berne Convention.

WIPO PERFORMANCES AND PHONOGRAMS TREATY

In the WIPO Performances and Phonograms Treaty there are 33 Articles; of which 23 contain substantive provisions. The WPPT is intended to be an independent and comprehensive Treaty covering all the relevant aspects of the protection of performers and producers of phonograms. The WPPT is not linked to the Rome Convention (International Convention for the Protection of Performers and Producers of Phonograms and Broadcasting Organizations done in Rome, October 26, 1961). Article 1 of the WPPT contains safeguard clauses concerning existing obligations under the Rome Convention and the protection of copyright in literary and artistic works. The solution found in Article 1.3 of the TRIPS Agreement on the international application of TRIPS, which is itself based on the provisions of the Rome Convention, has been repeated in Article 3(2) of the WPPT. The provision in Article 22 of the WPPT on application in time makes Article 18 of the Berne Convention applicable by reference.

The method of expression used in the WPPT follows the language of the Berne Convention and the WCT. In the WPPT performers are granted genuine exclusive rights instead of the Rome Convention-style "possibility of preventing".

Definitions

In the same way as the Rome Convention, the WPPT contains an important article on definitions. Such articles are not found in the Berne Convention or in the WCT. Compared to the Rome Convention the definitions in the WPPT are updated with respect to technological development and some other aspects. The definition of 'performers' is broader than the corresponding definition in the Rome Convention: it includes performers of expressions of folklore. The definitions of 'phonogram' and 'producer of a phonogram' have been modernized so that, in addition to the fixation of sounds, they also cover fixation of a representation of sounds. In many cases the whole or part of a phonogram is produced without fixing "real" audible sounds but by writing the digital signs representing sounds directly into the memory of a computer. The definition of 'broadcasting' now explicitly covers transmission by satellite and transmission of encrypted signals. The definition of 'communication to the public' has been tailored to fit the relevant operative provisions of the Treaty.

Moral rights of performers

In Article 5 of the WPPT, performers are granted moral rights in their live aural performances and performances which are fixed in phonograms. These provisions represent an important breakthrough in principle, even if their scope is narrow and the language used differs somewhat from that of Article 6bis of the Berne Convention. Rightholders' organisations and many

delegations at the Diplomatic Conference supported the inclusion of moral rights for performers by referring to the new possibilities for use offered by digital technology.

Unfixed performances

According to Article 6 of the WPPT, performers enjoy exclusive rights in respect of their live performances. It is worth noting that this Article has a degree of audiovisual coverage: television broadcasts of performances are included.

Right of reproduction

The Articles in the WPPT concerning the right of reproduction of performers and producers of phonograms are a mixture of the provisions in Article 9(1) of the Berne Convention and Article 10 of the Rome Convention. The right of reproduction covers direct and indirect reproduction in any manner or form.

Right of making available to the public

In Articles 10 and 14 of the WPPT, performers and producers of phonograms are accorded a new exclusive right concerning the making available to the public of their performances fixed in phonograms, or of their phonograms, by interactive on-demand delivery methods. This right corresponds to the interactive part of the right of communication granted to authors in the WCT. The founding of a digital record shop operating over networks is subject to authorization by both performers and producers.

Right to remuneration for broadcasting and communication to the public

The right to remuneration which corresponds to Article 12 of the Rome Convention has been modernized in Article 15 of the WPPT. It now applies to both direct and indirect use of phonograms published for commercial purposes for broadcasting, or for any communication to the public. This right must be granted to both performers and producers. It was, however, necessary to introduce the possibility of making a reservation in respect to this right. The reservations may be as far-reaching as the reservations permitted in Article 16 of the Rome Convention: a contracting party may declare that it does not apply the provisions of Article 15 of the WPPT at all.

"CLUSTER ISSUES" - PROVISIONS IN BOTH TREATIES

Right of distribution

Before the conclusion of the new treaties there were no general provisions in the international conventions on the right of distribution in the field of copyright and neighbouring rights. In both new treaties the right of distribution has been introduced. Concerning the concept of exhaustion there were two alternative solutions presented in the Basic Proposals. One of these was based on the national or regional exhaustion of the right: according to this it would only be permissible to distribute further copies that have been sold in the territory of a contracting party. This solution was strongly supported by the U.S. and many other industrialized nations. The alternative solution was based on the so-called international exhaustion of the right of distribution. According to this, copies sold anywhere in the world with the authorization of the rightholder could be lawfully distributed further. International exhaustion was supported by the Asian

group of developing countries, China, some Latin American and some industrialized countries.

International exhaustion was the solution chosen by the Conference. Contracting parties are free to determine the conditions, if any, under which the exhaustion applies. Recognition of the right of distribution is an important step in the light of the international distribution of copies of phonograms, videograms, books, copies of computer programs etc. Distribution of copies that have been sold without authorization is therefore illegal and may be prevented.

Right of rental

In the WCT an exclusive right of rental has been accorded to computer programs, cinematographic works and works embodied in phonograms. In the case of cinematographic works there is no obligation to grant this right if widespread copying does not materially impair the right of reproduction. In the WPPT the exclusive right of rental has been fully recognized with the exception of contracting parties who, on April 15, 1994, had and continue to have in force a system of equitable remuneration. In negotiations at the Diplomatic Conference it was made clear that the right of rental has been included in the new treaties at the TRIPS level.

Limitations and exceptions

The WCT extends the application of the three-step test of Article 9(2) of the Berne Convention to the rights in both the WCT and the Berne Convention. With regard to the rights in the WPPT the same kinds of limitations or exceptions can be made to performers' and producers' rights as the contracting parties provide for authors' rights in their national legislation. This

corresponds to the provisions of Article 15.1 of the Rome Convention. The three-step test also applies.

Concerning limitations and exceptions, an important statement was unanimously adopted. This declares that in their national legislation, contracting parties may carry forward and extend into the digital environment, as appropriate, limitations which are acceptable under the Berne Convention. The treaties also permit contracting parties to devise new exceptions which are appropriate in the digital network environment. This statement applies *mutatis mutandis* to the WPPT.

Technological measures

Before the Conference, the legal treatment of technological protection measures had become a matter of international dispute. The provisions on this matter in the Basic Proposals were modelled after the prototype provision in UK law and the corresponding provision in the U.S. NII Copyright Bill of 1995. The telecommunications and hardware industry criticized the proposal heavily while the rightholders' organizations defended it. At the Conference it became evident that the proposal was too detailed: there was a risk that some general-purpose devices, such as PCs, would have fallen within the field of application of the draft proposal. Intensive negotiation between interested parties led to a simplified draft provision which was officially proposed by the African group of countries. This proposal was adopted, virtually unchanged. Emphasis of the provision was moved from sanctioning the manufacture or importation of the protection-defeating devices to remedies against the circumvention of effective technological measures used by rightholders.

Rights management information

Fresh provisions on obligations concerning rights management information was taken into both Treaties. An element requiring connection to an infringement was added to these provisions by the Conference: the legal remedies provided for shall be applicable against any person who performs the acts concerned, knowing that it will induce, enable, facilitate or conceal an infringement.

THE BATTLE OVER THE RIGHT OF REPRODUCTION

The right of reproduction is one of the core elements of copyright. The basic provisions on this right are found in Article 9 of the Berne Convention. According to this provision, the exclusive right of authorising the reproduction of their works *in any manner or form* is vested in the authors of literary and artistic works. The scope of this right is therefore already very broad, but there remains some room for interpretation. One example of this is in respect to the lifespan of a copy established by an act of reproduction.

In the computer and network environment many economically relevant uses of protected works are based on temporary copies in the memory devices of computers. Such uses should not be outside of the scope of copyright rules. It was therefore proposed in Article 7 of the Draft Copyright Treaty that the scope of the right of reproduction would be harmonised. Paragraph 1 of the proposed Article 7 established that the scope of the reproduction right in Article 9 of the Berne Convention includes both permanent and temporary reproduction. Paragraph 2 of the proposed Article 7 allowed contracting parties to legislate for provisions limiting the reproduction right in the case of transient or incidental reproductions. These exceptions were to cover reproductions made in the working memory of a computer while

browsing material from the Internet, and auxiliary, technologically-indispensable reproductions which are part of the transmission process across the Internet. Exceptions under the proposed Paragraph 2 were intended to allow the exclusion from the field of operation of copyright of acts of reproduction that have no economic relevance. As is usual in these matters, the proposed Paragraph 2 allowed contracting parties to introduce the exceptions in their national legislation.

In general, representatives of the contents industries and rightholders were comfortable with Article 7 as proposed, but the Internet industry resisted the proposal strongly. The hardware industry joined the opposition. The coalitions and associations lobbying on behalf of the telecommunications industry and library institutions found common interests. Fears held by the former group centred around the risk of excessive liabilities, while the latter evinced their genuine concern that the public's access to information would be in jeopardy. The critics demanded either mandatory exceptions for certain types of incidental reproduction, or deletion of the whole of Article 7 as proposed.

Lobbying was very intense. The African group of countries and many Asian countries took the view that both the browsing and telecommunication exceptions to the right of reproduction should be mandatory. Negotiations became very complex with the EU and U.S. delegations working intensively to keep the proposed Article 7 in the treaty with the rule about exceptions being optional.

In the end, time ran out. The conflict over the rule about specific exceptions sank the whole of Article 7. The U.S. accepted its deletion on the condition that a statement on the right of reproduction was adopted. After long and difficult deliberations and roll-call voting an agreed statement was adopted. This important statement declares that the reproduction right, as set out in the Berne Convention, "fully applies in the digital environment". The statement also confirms that the storage of a

protected work in digital form in an electronic medium constitutes a reproduction.

The result of the battle over Article 7 was a disappointment to some, but satisfactory to most parties. The detailed functioning of the reproduction right was subjected to a very high degree of analysis. The right is already very broad (*"in any manner or form"*) and the agreed statement further clarifies its application. It is probable that in most countries of the world the proposals in Article 7 concerning the reproduction right would not have implied anything new. Legislation in numerous countries, e.g. in all member states of the EU, already covers temporary reproduction. Deletion of the proposed article from the treaty means that the question of reproduction in the context of browsing and transmitting over networks is still a matter to be dealt with by each contracting party.

THE NEW AGENDA

A protocol concerning audiovisual performances

According to the Rome Convention, performers i.e. actors, musicians, dancers, and others, do not enjoy any rights in their fixed audiovisual performances. Article 19 of the Rome Convention clearly excludes such protection: "once a performer has consented to the incorporation of his performance in a visual or audio-visual fixation, Article 7 shall have no further application".

The Basic Proposal prepared for the Conference included alternative possible solutions for the audiovisual question. Before the Conference there was no international understanding of whether protection should extend to audiovisual fixations of performers' performances or whether protection should be confined to aural fixations and phonograms only. Tough negotiations proved that it was not possible to extend the

protection of performers to cover audiovisual productions. The U.S. and the European Community were the most active parties in negotiations on this matter. The U.S. made a very interesting proposal according to which it was ready to accord statutory rights in line with the WPPT to performers in foreign audiovisual productions. This was subject to (1) the acceptance of an irrebuttable presumption on the transfer of rights from the performer to the producer, (2) full national treatment, and (3) on freedom to implement rights through any means, including the application of collective bargaining agreements. The proposal was studied sympathetically by many delegations.

At the Conference, the European Community and its Member States introduced a proposed amendment to Article 25 of the Draft Treaty that would have made it possible for Contracting Parties to apply reservations as regards audiovisual performances. The Draft Treaty offered a possibility to make a total reservation concerning the application of the Treaty to the audiovisual performances. The European proposal was based on a pragmatic solution allowing countries the "à la carte" possibility of making reservations. Countries could have declared that they would apply one or several of the relevant provisions of the WPPT to sound performances fixed in phonograms only.

In the end, the time, the energy and the will to solve the audiovisual question ran out. The international federations of actors and musicians could not endorse the U.S. proposal, and some key delegations turned against the proposal. The U.S. was not able to accept the European proposal. Negotiations on the whole audiovisual question thus came to nought.

The Diplomatic Conference adopted a resolution that work on the subject be continued. In this resolution the Conference stressed the urgent need to agree new norms for the adequate legal international protection of audiovisual performances. The resolution called for the convocation of an extraordinary session of the competent WIPO Governing Bodies during the first quarter

of 1997 to decide on the schedule of the preparatory work on a protocol to the WPPT, concerning audiovisual performances, with a view to the adoption of such a protocol not later than in 1998.

At their March 20 and 21, 1997 sessions, the relevant Governing Bodies of WIPO, the WIPO General Assembly and the Berne Union Assembly discussed and decided on the methods and timetable for handling the audiovisual question.

The Governing Bodies decided that a Committee of Experts on the protocol concerning audiovisual performances will be convened for September 15 and 16, 1997. The International Bureau of WIPO will, according to the decisions made, prepare a document on the existing national and regional laws and regulations. Furthermore, the International Bureau has invited Governments and the European Community to communicate to it, in writing, information on the de facto situation, particularly in regard to contractual practices, existing in their respective countries, as well as any official statistics.

Treaty on Intellectual Property in Respect of Databases

No precipitate action concerning the *sui generis* protection of databases took place at the Conference. The Draft Treaty on databases, which was the third in a series of three draft treaties prepared for the Diplomatic Conference, was in actual fact not discussed at all. Because of the time constraints priority was placed on the two first treaties. The Conference adopted a recommendation on the continuation of the work on this issue.

The draft treaty on the protection of databases prepared for the Diplomatic Conference defined a database as a "collection of independent works, data or other materials arranged in a systematic or methodical way and capable of being individually accessed by electronic or other means". As proposed, the Draft Treaty would extend sui generis protection to any database if the collection, verification or other steps in its production are the

subject of substantial investment. Such investment might consist of the use of human or financial resources or both.

The maker of a database would enjoy an exclusive right to authorize, or to prohibit, the extraction or utilization of the contents of his database. Protection provided by the proposed treaty would cover only the extraction or utilization of all or a substantial part of a database. A part is substantial if it is of qualitative or quantitative significance to the value of the database. Protection would therefore in no case extend to any insubstantial parts of a database. Is "substantiality" too vague a term to determine the borderline between the protected and unprotected? A decision on this can be made by considering current practice in different fields of legislation. For instance the system of copyright is largely based on flexible norms which in practice delimit protection satisfactorily.

According to the Draft Treaty a database has to be a "collection" of "independent" works, data, or other materials. Consequently, that which is not collected by the maker of the database, and which does not consist of items which were independent at the time they were collected by the maker of the database remains outside the scope of protection. A data file which consists of a notation representing a natural phenomenon in which the elements or qualities are a priori in a given order, e.g. sequence data for the human genome or data in a digital recording would not be protected as such. On the other hand, a compilation of several such data files would fall within the definition of a database in the Draft Treaty and could therefore be protected if other requirements are met.

The Draft Treaty would allow contracting parties to leave databases made by government entities outside the scope of protection. The term of protection would be a fixed number of years: the United States has proposed 25 years and the EU 15 years counted from the date of making of the database, or the date on which the database was made available to the public. It

has been pointed out that "dynamic", i.e. continuously-updated databases would appear to enjoy perpetual protection. This would not in fact be so. Each version made or published would enjoy its own protection and become public domain according to the general rule.

Internationally, the production and distribution of databases has become an extensive commercial activity requiring significant levels of investment. On the other hand, identical copies of existing databases can be made and distributed further at practically no cost at all. Once established, protection would function as an incentive for investments in the production of, and trade in, databases. It would also provide protection against outright piracy and the misappropriation of the labour and effort of others. The clear target here is commercial activity. Rights granted under the proposed Draft Database treaty would be in addition to any copyright protection already available, and would not affect other legal rights or obligations. In the United States, the kind of protection proposed would, to a great extent, restore the "sweat of the brow" principle rejected by the Supreme Court in 1991 in a case in which a regional telephone company wanted to make use of the white pages in a telephone book which had been generated by a local telephone company.

At the Geneva Conference, there was insufficient time to begin negotiations about this new form of database protection. Consultations with regional groups from the developing countries showed only limited readiness to discuss the matter. Scientific and library communities, governmental and other institutions handling large volumes of data had adopted a critical view, some of them urging that no action at all should be taken.

The fact that the matter was left open has given both governments and interested circles time to further consider this new form of protection. The Diplomatic Conference in Geneva adopted a recommendation that work on the subject be continued. The Conference recommended the convocation of an

extraordinary session of the Competent WIPO Governing Bodies during the first quarter of 1997 to decide on the schedule of further preparatory work on a Treaty on Intellectual Property in Respect of Databases.

This does not mean that a vacuum in this area currently exists. Provided that they meet the requirements for protection, databases are protected by copyright and the new WIPO Copyright Treaty actually contains a provision that removes any uncertainty about this, since Article 5 confirms that copyright extends to databases. Protection does not extend to the actual data or material contained in the database. A database is protected as such, if, by reason of the selection or arrangement of its contents, it constitutes an intellectual creation. Although the actual data is not protected, a database may also consist of works that are themselves, as such, protected.

Before the Diplomatic Conference in Geneva, one persistent element of "misinformation" was that there would be no place under the proposed treaty for appropriate exceptions to rights in recognition of the particular needs of scientific research or education to use and freely exchange information. In fact, the provisions on exceptions in the Draft Database Treaty were modelled on the Article concerning the right of reproduction in the Berne Convention. This clearly allows exceptions which correspond e.g. the 'fair use' exemption in United States legislation or more specific limitations of rights in other legislations. By way of illustration it can be mentioned that in the Nordic Countries legal provisions on the *sui generis* protection of collections of data have existed for 35 years. The protection provided has been limited by making all the relevant exceptions to traditional copyright applicable.

Another topic much discussed before the Conference was the assertion that protection would break the principle of full and open exchange of scientific and other data between scientific institutions. In reality, no form of protection precludes the

compilers of databases from exchanging their data. The protection proposed in the Draft Database Treaty provides for the possibility of making a database available against payment of a fee. Another fact of life is that irrespective of legal protection for compilations of data, there is a tendency (at least in Europe) to start charging for the services produced by public bodies such as national statistical organizations or meteorological institutes. This is a development fostered both by technological developments and the harsh laws of economics.

In the same way as concerning the audiovisual question, the Governing Bodies of WIPO discussed and decided at their sessions of March 20 and 21, 1997 about the methods and timetable for handling the *sui generis* database right. According to the decisions an Information Meeting concerning intellectual property in databases will be convened for September 17 and 18, 1997. The International Bureau of WIPO will take similar preparatory steps in respect to the audiovisual question.

Legal protection of expressions of folklore

Folklore is a part of cultural heritage, and it has a great economic and social significance. Folklore may be a very important expression of the cultural and social identity of a community, or even a nation. Folklore may have been created by ethnic communities or by unidentified individual authors. The forms of folklore include language, literature, music, dance, games, mythology, rituals, handicrafts, arts and maybe even other forms of expression.

Folklore may be used commercially in many ways outside its original context. Expressions of folklore may be objects for industrial mass production, and many forms of folklore can be used in mass-media - audiovisual productions, broadcasting etc. - as such, modified or arranged, or used as a well recognizable source for a new work or performance. Such uses can be lucrative

business. Seen from the folklore-carrying community's point of view folklore is often the subject of distortion or mutilation.

The idea of extending intellectual property type protection to folklore is an old one. Some of the classical arguments for this kind of protection are: intellectual efforts that result in original creations, the usefulness of folklore for the purposes of profit, and the ease with which folklore can be used and modified by technological means.

More than thirty developing countries have legislated on this matter during the last 30 years. Most of these countries are African countries, but a number of Latin American, Caribbean, and Asian countries are included in this figure.

The present conventions in the field of copyright do not include any general obligations to protect expressions of folklore. The explanation for this is clear: expressions of folklore are results of creative activities within a community over a long period of time. There is no single author or, if there is, she or he cannot be recognized.

Reference should, however, be made to Article 15(4) of the Berne Convention. This Article is a result of an attempt to extend protection to folklore. It includes a provision concerning unpublished works, in cases where the identity of the author is unknown but where there is every ground to presume that he is a national of a country of the Union. According to this provision it is "a matter for legislation in that country to designate the competent authority which shall represent the author and shall be entitled to protect and enforce his rights in the countries of the Union".

Reference should also be made to Article 9 of the Rome Convention and Article 2(a) of the WPPT. These provisions deal with the protection of the performances of expressions of folklore. The definition of 'performers' in Article 3 of the Rome Convention does not include performers who perform expressions of folklore. According to Article 9, any State which is party to the

Convention may, by its domestic law, extend the protection provided for in the Convention to artists who do not perform literary or artistic works. This provision makes it possible to extend protection to performers of forms of folklore which do not involve works. Article 2(a) of the WPPT makes it obligatory to extend protection to these performers.

In 1978, the International Bureau of WIPO, as a result of discussions at the meeting of the Governing Bodies, prepared a draft of model provisions for *sui generis* protection of folklore. After preparatory work in two meetings of a working group convened by WIPO and Unesco, a Committee of Governmental Experts convened by WIPO and Unesco in 1982 adopted a set of model provisions for national laws.

The model provisions include a definition for the term "expressions of folklore" and the basic principles of the protection: protection is targeted against "illicit exploitation" and "other prejudicial actions". The model provisions suggest that the law would determine the entity entitled to authorize the utilization of expressions of folklore. This entity could be a designated "competent authority" or the "community concerned" i.e. the source of the folklore.

Most of the national legislation mentioned above has emerged after the preparation of the model provisions.

During the preparation of the model provisions there was a clear understanding that protection for folklore is also needed in countries other than in the country where a given expression of folklore originated. This led to a consideration whether international rules should be introduced in the form of a treaty. A Group of Experts was convened in 1984, again by WIPO and Unesco, to consider a draft treaty.

The need for international protection was recognized in the discussions of the Expert Group but it was held premature to start negotiating a treaty on this matter. There were fresh model provisions available as a guideline. It was felt to be a major

problem that there were no good sources for the identification of the expressions of folklore that should be protected. Another serious problem was considered to be the fact that expressions of folklore may be regional, and found in several countries.

Political discussion on the need for international arrangements for the protection of expressions of folklore has been revived over the course of the last few years and during the preparation of the WCT and the WPPT. In February 1996 the Committees of Experts preparing the said instruments, taking into account the suggestions made during the discussions, adopted a recommendation that an international forum should be organized to explore *inter alia* issues concerning the intellectual property aspects of folklore.

Unesco and WIPO organised a World Forum on the protection of folklore in Phuket, Thailand, from April 8 to 10, 1997. According to the reports available from the meeting, the prevailing opinion amongst most of the participants was that WIPO and Unesco should pursue their efforts to ensure an effective and appropriate international regime for the protection of folklore. In the context of the meeting a draft set of conclusions including an action plan was prepared and discussed.

There is every reason to expect that a proposal or proposals on the protection of folklore will be presented to the next series of the Governing Bodies of WIPO in September/October, 1997.

The broadcasters' neighbouring right

The question of developing the level of the broadcasting organizations' rights in their broadcasts is a topic of present international discussion.

Broadcasters enjoy protection in respect of their broadcasts in accordance with the Rome Convention. The Rome Convention was intended to be the basic international instrument for the protection of its three categories of rightholders. The protection

that this Convention accords to broadcasters is, however, considered to have been out of date for a long time.

Some other treaties - the Brussels Satellite Convention of 1974 and the European Agreement on the Protection of Television Broadcasts - not to speak about European directives - offer protection for different aspects for transmitted signals or broadcasts, but the protection they provide is limited as far as both elements of protection and the territorial coverage are concerned.

The TRIPS Agreement accords to broadcasters a series of rights in a rather peculiar way: it leaves to the Member States a faculty not to grant any rights to broadcasters, provided that owners of copyright in the subject matter of broadcasts are given the possibility of preventing the acts listed as possible elements of the broadcasters' exclusive rights.

It cannot be denied that the role of the principle of national treatment granted in both the Rome Convention and the TRIPS Agreement may play a very important role in guaranteeing adequate treatment for broadcasters in some international situations. This effect is strengthened if the adherence to these treaties continue and if the contracting parties choose an adequate level of protection.

There is no need to repeat here all the reasons for the protection of broadcasters' activities through an own neighbouring right. A broadcast may nowadays represent an added-value of billions in almost any currency units in Europe. The technological methods available offer a range of economically relevant possibilities to exploit the results of the broadcasters' investments and efforts.

When the question of the level of protection of the neighbouring right of broadcasters is revisited, one of the objects of consideration should be the object of protection. Should it, in the style of the Rome Convention, be the "broadcast", the transmission of sounds or images by wireless means for the

reception of the public? This object of protection, with certain reservations, is in many cases equal to the signal which someone has decided to introduce into the transmission chain. Or should the object of protection be something more, should it imply, or perhaps be, the programme output that the signal carries?

The most obvious missing right for broadcasters is the right of retransmission by cable of their broadcasts. It is totally absent from the existing treaties (other than the European Convention). Another obviously necessary non-existing right at international level is the right to broadcast or transmit by cable a broadcast which was recorded from the air. The significance of the right of fixation or recording should be emphasized.

The broadcasters' organizations have presented a lists of desiderata which include the aforementioned rights and many other rights. Special reference should be made here to the presentation of the broadcasters_ positions offered by the representatives of the European Broadcasting Union.

When the preparation of a Protocol to the Berne Convention started, and when the work was reorganized in 1992, the political discussions did not for a variety of reasons extend to the rights of broadcasting organizations.

In 1995, the broadcasters' organizations intensified their activities to promote an awareness of their need for international protection. Claims began to be posed in a more persuasive manner and some governments started to express opinions in favour of launching exploratory work on this matter.

From April 28 to 30, 1997, WIPO organised a World Symposium on broadcasting, new communication technologies and intellectual property in Manila, the Philippines. The issues important for the broadcasters were discussed thoroughly. The concluding remarks made by the chairman of the final panel indicated that the the matter of broadcasters' rights should be dealt with at expert level under the aegis of WIPO.

This matter will also be clearer after the next series of meetings of the Governing Bodies of WIPO in September/October, 1997. Governments and other participants will have an opportunity to discuss the matter on the basis of the analysis of the discussions in Manila, and possibly on the basis of some of the proposals emerging from those discussions.

CONCLUDING REMARKS

The two new treaties finalised in Geneva are a great deal more than just another two international agreements. The fact that they were concluded proves that it is possible to come to terms on new and complex issues in WIPO, a community comprising 160 member nations. The new treaties are not only clear evidence of a new dynamism. They also hold a promise for the future: further agreements on new rules should be possible.

At the Diplomatic Conference, both the developing countries and the industrialised countries discovered that they do have a degree of common interest. Many developing countries in Africa, Asia and Latin America favour high levels of protection, something previously considered to be more in the interests of the developed countries. The political climate in this field has undergone radical change. With only a single exception (the agreed statement on the right of reproduction) decisions at the conference, including the adoption of the new treaties, were made by consensus.

The new treaties are the first step in updating the international regime of copyright and neighbouring rights to meet the challenges of the digital development. They are a concrete beginning of a new evolution of this branch of law. The proposed treaties were in the basic proposals for the Diplomatic Conference characterised as "global information infrastructure treaties" in the field of copyright and rights related to copyright, and they have also been referred to as "the Internet Treaties".

The two new treaties represent the level of protection at which global harmonisation of authors', performers' and phonogram producers' rights is possible today. This harmonisation will not take place automatically. WIPO member states must join the treaties and amend their national legislation. Only time will show the pace at which these events take place. By mid-April 1997, 23 states had signed the two treaties. Political consideration on the ratification and the implementing legislation has started in many countries and within the relevant bodies of the European Community.

The clauses on the entry into force of the treaties were debated intensively both before and during the Conference. The three regional groups of developing countries claimed that instead of the customary five or seven states, a higher number of states should deposit their instruments of ratification or accession before the entry into force the treaties. The figure of 30 was adopted. One effect of this higher number is that some time may pass before the entry into force of the treaties. On the other hand, when that time comes the treaties will immediately cover a significant geographical area of the world.

The present round of updating the international system of copyright and neighbouring rights cannot be closed before the discussion on the audiovisual question and on the sui generis protection of databases is concluded. Also, the present round of updating will not be complete before the need for new standards of protection for broadcasters' rights have been analyzed to the very end and any necessary steps have been taken. Dozens of governments are claiming that international standard for the legal protection of folklore should be created. This claim deserves fair attention.

The main focus of attention in the development of international norms in the field of copyright and neighbouring rights will now be these four items which form a possible new

agenda. Such an agenda does not yet exist in administrative terms, but may, for some, already exist in political terms.

It is worth noting that a Committee of Experts was established at the March 1997 meeetings of the Governing Bodies of WIPO to deal with the audiovisual question. At the same time it was decided that an information meeting concerning intellectual property in databases will be convened. These decisions were not fully balanced from the point of view of many industrialised countries. To hold a seminar on the protection of databases is a step backwards. The matter was already being discussed on the level of a Committee of Experts and, in principle, of the Diplomatic Conference. It should also be recalled that the recommendation adopted by the Diplomatic Conference speaks about "the schedule of further preparatory work on a Treaty on Intellectual Property in Respect of Databases". This refers to something more concrete and structured than "an information meeting".

All the subjects now on the agenda and the future work on them will be discussed at the next series of meetings of the Governing Bodies of WIPO in September 1997.

Position on User Rights in Electronic Publications

I. Introduction

The Position Paper is a result of the discussions by the Steering Group of the European Copyright User Platform (ECUP) regarding the user rights in electronic copyright. The European Copyright User Platform consists of the 37 Library Associations which are full members of the European Bureau of Library, Information and Documentation Associations (EBLIDA).

The purpose of this document is to outline and justify the lawful uses of copyrighted works by individuals and libraries in the electronic environment. It is intended to open the discussion with copyright owners and serve as a reference document for information professionals.

A balance should be preserved

Each year, libraries in Europe provide a range of services to millions of researchers, students and members of the public. These services are performed in conformity with the national copyright laws. The new technologies have made it possible to provide these services even more efficiently. Libraries recognise that the new technologies and especially the possibility to copy copyrighted materials with such an ease, poses uncertainties for an economic return to the copyright owners.

The uncontrollabity of electronic information is a fear which libraries share with the copyright owners. However, this should

not mean that the reaction of these uncertainties lead to an overly restricted use of electronic information by users and information professionals. It should not be forgotten that libraries provide an uniquely controllable environment through which publishers make their products available to the public at large.

The nightmare future for libraries is one in which nothing can be looked at, read, used or copied without permission or payments. When one takes into account that the cost of scientific books and journals have increased by 10 percent or more annually, this does seem unreasonable. Also the fees charged for electronic information licences are generally higher than prices for the equivalent books or periodicals and most of the time these are only provided under the condition that the hard copy is being purchased as well. In an evolving electronic environment this could mean that information resources are purchased and accessible only to those libraries and members of the public who are able to pay. This public information systems that libraries have developed would be replaced by commercial information vendors and a diminished scope pf public rights would lead to an increasingly polarised society of information have's and have-not's.

Since the last century carefully constructed copyright guidelines and practices have emerged for the print environment to ensure a balance between the rights of the users and the rights of the rights owners in copyrighted material. This balance should remain in the digital environment. As more information becomes available only in electronic formats, the user's legitimate rights to use copyrighted material must be protected. The benefits of new technologies should be available for all - the public, libraries and the copyright owners.

II. Principles

The following principles have served as a point of departure for drawing up this Position.

Guiding principle

The user has the right to have access to copyrighted material and to make a copy for private use and research of educational purposes. It is the duty of the library to provide access to copyrighted material and the library should have the possibility to do so without infringing the principle of the 'normal exploitation of a work'.

In an electronic environment this means that:

Without infringing copyright, the public has a right to expect

- to read or view publicly marketed copyrighted material, on-site or remotely;
- to copy a limited number of pages electronically or on paper for private use and research or educational purposes.

Without infringing copyright, libraries should be able

- to use electronic technologies top preserve copyrighted materials in their collections;
- to provide on-site access to electronic copyrighted material;
- to provide off-site access to registered users;
- to provide on-site copies of copyrighted material in electronic form or in paper form.

Users and libraries have a right to expect

- that government publications and public domain material in electronic format is available without copyright restrictions;
- that the digitisation of public domain material can be performed without copyright restrictions;

- that the terms of the licences for copyrighted laws concerning the lawful activities by libraries and users;
- that copyright control systems are able to differentiate between legitimate and illegitimate usage;
- that the licensors put a licensing system in place which will enable the library to manage its collections of licences efficiently.

Rights owners can expect

Libraries will strive to ensure:
- the implementation of legal and technical safeguards to comply with contractual limitations;
- the notification to rights owners of infringements by users, although they cannot be held responsible for the intentions of the end-users once they have acquired the informantion;
- that their users are informed abouth the copyright restrictions in electronic information.

III. Lawful library activities concerning copyrighted material

The point of departure is by four types of library, open or closed user groups, registered or unregistered users and on-site or off-site access. Matrices of the activities have been enclosed.

1. Definitions

Libraries
        National library
        University library
        Public library
        Other libraries (special libraries)
Internal library activities

Activities necessary in order to preserve and organise information and publications in printed or electronic format efficiently.

Open user group

An open user group is defined as a group of unidentifiable individuals: the general public.

Closed user group

A closed user group is defined as a clearly defined group of individuals who have a formal relationship with the organisation.

Registered users

A registered user is defined as an individual who is a member of a library or who has received as password.

Unregistered users

An unregistered user is defined as an individual who is not known to the library.

On-site access

An on-site activity is defined as every activity within the premises of the building that provides the information or within a controllable environment.

Off-site access

An off-site activity is defined as every other activity outside the premises of the library or outside a controllable environment.

Allowed

An activity is allowed when it is not perceived as a copyright infringement. This means that the library does not have to ask for permission for the activity from the copyright owner i. e. it does not require a licence.

Licensed

The use of material which is obtained in electronic format from the publisher.

Viewing

This activity includes accessing, browsing, searching, retrieving.

2. Activities

Internal library activities

> To meet the demands of the users, libraries should be allowed to digitise, permanently store and index material which cannot be obtained in electronic format from the publisher. Libraries should also be allowed to permanently store, index and make an archival copy of the electronic publications provided by the publisher.

Open user group registered on-site

> This user group refers to an unidentiable group of people who become identiable once they have registered themselves with a library and who are accessing the library electronic collection from the premises of the library or from within a controllable environment.
>
> National, University and Public libraries should be allowed to provide these users with the possibility to view full text electronic material and to copy a limited number of pages electronically or on paper of material, digitised by the library, or material obtained in electronic format from the publisher. The "Other libraries" category is perceived as not giving access to persons other than their staff or a defined group of people.

Open user group unregistered on-site

> This user group applies to a library with a public library function where people can walk in and out without identifying themselves. These libraries should be allowed to provide this user group the possibility to view full text electronic material and to copy a limited number of pages on paper of material digitised by the library and material obtained from the publisher.

Open user group registered off-site

This user group refers to an unidentifiable group of people who become indentifiable once they have registered themselves via a password or by signing an electronic form and who are able to access the library collection from outside the library premises or outside a controllable environment.

Libraries should be allowed to provide these users with the possibility to view full lext, copy a limited number of pages electronically or on paper of the material they digitised themselves. Royalties should be paid to the rights owners for Electronic Document Delivery services. These services should be provided on a pay-per-use basis.

For the electronic products obtained from the publisher, libraries should be allowed to provide this user group with the possibility to view one page of the requested copyrighted material. Under licence, the library should be able to provide this user group with the possibility to view full text and copy the material electronically or on paper. For Electronic Document Delivery services, libraries should pay on a pay-per-use basis and forward the royalties to the rights owners.

Open user group unregistered off-site

Libraries will not provide access to the electronic copyrighted collection to remote unregistered users.

Closed user group on-site/off-site

Libraries should be allowed to provide these users with the possibility to view full text and to copy a limited number of pages electronically or on paper of the material that they have digitised themselves. For the electronic product obtained from the publisher, University and Other libraries should be able to provide to users under licence the possibility to view full text and copy electronically and on paper on-site and off-site and

to make use of the Electronic Document Delivery service of the library.

IV. Legal arguments

The legal justification for ECUP Position can be found in Article 9 (2) of the Berne Convention. The Berne Convention serves as the world-wide framework for international copyright protection. All EU member states are signatories of the Berne Convention. The Berne Convention sets certain minimum standards of copyright protection. For the purpose of this paper, the most important exclusive right under the Berne Convention is the right of reproduction under Article 9 (1).

"Authors of literary and artistic works protected by this Convention shall have the exclusive right of authorising the reproduction of these works, in any manner or form."

Article 9 (1) refers to "the reproduction of these works, in any manner or form." According to the WIPO Guide to the Berne Convention these words are wide enough to cover all kinds of methods or reproduction, including all other processes known or yet to be discovered. The ECUP Steering Group believes that this includes the making of an electronic copy.

This reproduction right in Article 9 (1) may be limited "in certain special cases", in accordance with Article 9 (2) of the Berne Convention.

"It shall be matter for legislation in the countries of the Union to permit the reproduction of such works in certain special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author."

The national legal provisions which permit the photocopying for private use and research or educational purposes are based on Article 9 (2). The most important part of this Article are the words "normal exploitation of a work". The minutes of the

Stockholm conference (1967) give no guidance on what "normal exploitation" is. According to the report of the Drafting Committee, the making of a "very large number of copies" for a particular purpose would conflict with the normal exploitation.

The ECUP Steering Group recognises that the term "normal exploitation of a work" must be interpreted, when in an electronic environment, as permitting a library service which does not compete with a similar service or product obtainable from the publisher. In this case, the "user rights" under copyright must apply. But, for instance, if a library wants to digitise material which is already obtainable in electronic form from the publishers, this activity conflicts with the normal exploitation of the work. It also applies in the case where the library delivers to a remote user an article which the user could have obtained from the publisher. Being in conflict with the normal exploitation of a work should not imply that libraries cannot provide the service. The library should pay royalties to the copyright owners for the material sent to the users.

At the moment, publishers are experimenting with new technologies to satisfy the needs of the market. The trend in publishing is for "on demand delivery" of articles to individual users. Libraries have conducted this service for several years and have delivered articles to individual users by mail, fax and electronically. The conflict with the "normal exploitation of the work" starts once the same service for the same material is being offered by the publisher. If it is not, the service can be continued and should be seen as making a copy on demand for private use or research/educational purposes.

V. Conclusions

The ECUP Steering Group believes that the new technologies and its services do not require a major revision of international and national copyright law at this time. Existing copyright laws

provide for a baisis in which users, libraries and copyright owners continue to be well served. The uncertain times ahead should be used by libraries and publishers to experiment, within the controllable environment of the library, with new products and new technologies by way of pilot projects. Moreover, it is perceived as vitally important that libraries and copyrights owners continue to discuss the challenges of the electronic society.

„Ein Jahrtausendwerk"

Dietmar Henze

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The Role of Collection Development in a Teaching Library[1]

DORA BIBLARZ
Associate Dean, Arizona State University

Definition: The "teaching library" is one whose programs and collection support and enrich the curriculum of the academic institution of which it is a part. The library's mission statement should clearly state this relationship.

COLLECTION DEVELOPMENT POLICY - WHAT IS IT?

The Collection Development Policy is a formal document which states the philosophy, mission, and goals of the institution as they apply to the library collections. Specific governing policies, collection traditions and historical strengths of the collections, and any other information that helps to describe the library and distinguish it from others are also included.

The document generally contains five sections

I. Introduction

The mission statement of the library (can also include or refer to the mission of the academic institution); a brief description of the community or user groups served; a brief general statement about the collection such as size, formats covered, including electronic resources, number of journal titles, growth rate, and languages represented. Any formal or informal cooperative agreements that affect the collection policy or practices are also mentioned.

II. General Statements

This section is used to list special characteristics or other elements that determine the direction of the development of the collection, for instance, is the focus on current materials only, or does it include historical (retrospective) materials? Are there different formats, such as print, nonprint, electronic? Are textbooks collected? Special sources of funding, such as a grant or gift from a donor can be noted here. The policy regarding gifts and any special policies treating the preservation needs, discarding, and weeding are included. Are there any limitations, subjects or areas intentionally not collected?

III. Narrative Statements

Special subject or format collections that represent unique materials, and for which special guidelines apply can be included here or referred to.

Formats such as electronic resources may be governed by special guidelines which should be included here.

IV. Details of Subject areas, languages and formats collected

This section includes specific information on the actual strengths and weaknesses of the collection, going into the level of detail desired to suit the size and needs of the library. The collection assessment data is generally placed here.

The following information is usually included, organized by classification or subject categories:

1. Subject: organized by broad subject categories, such as the standard 24 Conspectus Divisions, or by classification.

2. Quantitative Measures: including number of titles, number of serials, periodicals. Material in non-print formats (microfilm, video, sound recordings, maps, CDs, other electronic materials) by division. The median age of the materials or other indication of the currency of the collection, language (if other than the predominant language(s) used), and summaries of use statistics, if available, may also be included to indicate collection strengths and weaknesses.

3. Qualitative Measures: these could include a comparison of titles to standard lists, percent of serials titles in major indexes, comparisons to peer institutions.

4. Levels of Existing Collection: the code that most appropriately describes the nature, quantity and quality of the collection segment as it now exists.

5. Acquisition Commitment Levels: a code that summarizes the extent of recent acquisitions (past 3-5 years), either by purchase or gift, the budget allocation and collection growth of the segment or division.

6. Goal Level: this code is used to reflect the direction or future of the development of this area of the collection.

7. Programs that may need enhanced or specific levels of support, including information about specific degrees, graduate or research programs that the institution specializes in.

8. Assignment of responsibility for specific areas of the collection: this section is used to describe the assignment of responsibility for shaping or developing the collection. It is especially useful in a large library where responsibilities are divided among several specialists.

9. Documentation of the assessment process: details about the steps taken during the assessment process, especially who, when, and how it was done, and the collection code definitions used.

V. Policy implementation, evaluation, and revision

Details concerning how, when and by whom the policy will be reviewed and updated. The record of the official action taken by the library to adopt this policy is included. If possible, cite the minutes of the official meeting during which this policy was adopted.

WHY IS THE COLLECTION DEVELOPMENT POLICY NECESSARY?

The Collection Development Policy *communicates*:
- selection responsibilities and priorities are assigned in a rational and effective manner;
- historical information regarding practice is recorded over time, thereby supplying an external and objective measure of consistency whenever there are changes in selection personnel;

- helps to identify academic areas not adequately covered, as well as areas in which the focus or depth have changed but the collection has not;
- library staff and users clearly see the strengths and weaknesses of the collection in a methodical and systematic manner;
- demonstrates the library's effective analysis of the needs of clientele and their translation into meaningful policies and practices - a key factor when communicating with administrators and funding entities;
- specialized reports produced from conspectus data can be disseminated to target audiences, e.g., all the subjects or classes in the collection that can be consulted for the study of inter-disciplinary subjects;
- consistency in selection and management of the collection leads to predictability so that faculty and students will know if the collection can be expected to contain information at the desired level, or in a specific subject.

It *provides direction*:
- serves as a planning tool for the direction and growth of the collection by recording strengths and weaknesses at the time of the assessment and the corresponding goal level for future development;
- identifies areas of the collection needing special protection, preservation, or conservation measures;
- identifies areas of high priority requiring either development or weeding, or both;

- when it is updated regularly, it reflects new academic directions, changes in programs, and shifts in library or institutional priorities;
- informs planning for resource sharing or consortial agreements.

It helps provide *justification*:
- data collected for the Conspectus may be used for budget request justification for short or long-range development projects;
- during times of budget cuts, helps identify which areas need protection and which need further examination.

It enables *management of the collection*:
- provides the context for making weeding, replacement, preservation, and other types of management decisions regarding the collection;
- data from the Conspectus can be used with other management reports to analyze the status of specific segments of the collection, giving, for example, distribution, growth and use patterns;
- indicates areas of actual or potential high use, e.g., where several courses depend on the same subject area for support, resulting in the need to purchase multiple copies of materials;
- provides the opportunity to use consistency in selection strategy and specific choices;
- is a rationale for decision making;

-      defines the framework and provides guidelines for action (a policy never selects a specific title - selection is the implementation of policy).

WHEN SHOULD A COLLECTION DEVELOPMENT POLICY BE WRITTEN?

Every academic library should have a Collection Development Policy and it should be updated on a regular basis, e.g., every five years; but it is especially valuable in certain circumstances:
-      when entering ˙ new consortial or resource sharing agreements;
-      anytime there are substantial changes in curricula or academic programs;
-      in anticipation of budget cuts or increases;
-      when the institution plans to go into new academic directions;
-      when planning to institute a new automated library system.

WHAT IS COLLECTION ASSESSMENT?

Collection assessment is an organized process used to systematically analyze and describe a library collection, using both quantitative and qualitative measures. It is based on a descriptive approach to the subject information levels and formats available in the collection. This is not a judgement about how "good" or "bad" a collection is, but a description of the extent, age, scope, language, formats, etc. This description may be represented statistically or with a code.

Collection evaluation, by contrast, is the process used by librarians to judge the appropriateness of a collection for the library's user population and for the mission of the library and the academic institution. It is the step that follows an assessment and uses the data from it to make informed management decisions.

HOW IS COLLECTION ASSESSMENT CONDUCTED?

The larger the library, the more time consuming and complex a collection assessment project becomes. It is therefore important to plan the project and communicate with everyone involved. First, the commitment of library and university administrators and key players must be secured. They must be able to anticipate the benefits and costs of the project in order to gain confidence in the process and be motivated to allocate staff time and institutional resources to it. Key players, such as library staff, must be involved from the outset in order to gain their support and benefit from their knowledge and experience.

Academic libraries, like other types of libraries, need to respond to the actual and anticipated needs of their users and become an active player in the teaching enterprise, helping students attain their educational goals and also helping them to become lifelong learners. With sound principles of collection management, including assessment, the library can achieve responsiveness to its clients and accountability to the administration and funding sources.

Just as development of a collection requires professional judgement on issues like what materials to collect, how much, and in what subjects, the assessment process also requires a careful examination of the data that is possible to collect, and decisions on how much data is enough for each subject area. The resources

required to complete the assessment will depend to a large extent on how complex it becomes. Generally, the more information gathered, the more costly and labor intensive the process will be. Staff time is usually the greatest cost. The persons in charge must be firm and set limits on data gathering to avoid extending the project indefinitely.

As the project planning gets under way, certain questions must be answered so that a cost effective plan for collection assessment is designed:

- How much time, money, and resources will it take to gather data? Can automation be used in the process? Are there supplementary software packages available that would reduce the amount of staff time required?

- How will the data be used? How much information will be. required to verify and support what is already suspected regarding the detailed strengths and weaknesses of the collection?

- What will the data prove? What inferences can be drawn from it? It is not necessary to collect data to provide proof for everything, or data that does not contribute to the actual goals of the project. Additional data can be gathered later, if the need for further validation arises.

COLLECTION ASSESSMENT MEASURES AND TECHNIQUES

Descriptions of methods for gathering assessment information about a collection are available in library science literature. One of the standard sources is the *ALA Guide to the Evaluation of Library Collections*, produced by the American Library Association, Resources & Technical Services Division, Collection Management

and Development Committee, Subcommittee on Guidelines for Collection Development, Barbara Lockett, ed. Chicago, ALA, 1989.

There are many different techniques for evaluating and assessing collections, but they can all be considered as either collection-centered or client-centered. Collection management is most effective when an assessment is based on both quantitative and qualitative data used in combination with both collection-centered and client-centered techniques.

Client-centered techniques measure how the collection is used by patrons. Examples of these techniques include user surveys, availability and accessibility measures, use statitistics such as circulation data, interlibrary loan statistics, and in-library use measures.

Collection-centered techniques examine the content and characteristics of the collection to determine the size, scope, and/or depth of a collection, often in comparison to an external standard. Examples of these techniques include checking lists, counting holdings, and expert evaluation. Much of this work can be done by WLN with its Collection Analysis Service. A list of collection assessment quantitative and qualitative measures can be found in Appendix 1.

THE TEACHING LIBRARY

Academic libraries, whose mission is to support the teaching within the institution, need to define and keep up to date with curriculum emphases and trends. The data gathered for a collection assessment should include a method of collecting and incorporating curriculum offerings. One technique which has been used is course analysis (classification of courses described in the university catalog),

producing a database used in the assignment of collection depth indicators (levels). See Palais, Elliot, "Use of Course Analysis in Compiling a Collection Development Policy Statement for a University Library," *Journal of Academic Librarianship*, vol. 13, no. 1, p.8-13.

Another method, used by Georgetown University, uses of the "comments" section of the assessment worksheets to note:

1. general objectives of that segment of the collection;
2. scope of coverage, including language, geographical and chronological coverage;
3. type of materials, i.e., formats; and
4. interdisciplinary relations with other areas of the collection.

Regardless of the method selected, the advantage of using such data is that the level assigned to the Current Collection, which reflects the actual status of the collection, can be compared to the Goal Level, which is based on the curriculum via the assessment data (systematically gathered and updated) and support changes in the allocation of budget, acquisition commitment, and other long-term planning and collection management decisions. Actual linkage to the needs of the teaching library with such methods adds to the credibility of library administrators when justifying budget, personnel, or space increases or defending programs or areas from cuts. Collection management decisions, such as planning for change or increased support of new curriculum directions, can be guided with the assessment data. As a teaching tool, assessment data from the library can be used to give a unique overview of the collection: guiding students to areas related to their studies, but classified elsewhere; showing at a glance the strengths and weaknesses of the collection in the areas of primary interest for new faculty; and passing

on valuable historical information to new library staff with collection management responsibilities.

CONSPECTUS: AN ASSESSMENT TOOL

The word *conspectus* means a general survey of a subject or a synopsis. As applied to libraries, it is primarily a way to collect, record and display information about the collection. The conspectus methodology was originally developed by the Research Libraries Group (RLG) as an instrument that could facilitate coordinated collection activity among large academic libraries. The RLG Conspectus is based on the Library of Congress classification scheme. The conspectus approach has been used by others, notably the Association of Research Libraries, North American Collections Inventory Project and the Alaska Statewide Collection Development Steering Committee.

Initially developed as a means by which large research libraries in North America could effectively use comparable data in describing their collections for cooperative collection development, conspectus has become a tool equally suited to the needs of libraries of all types and size. In addition, over the past dozen years improvements in automated systems and services which are capable of providing statistical support information, the increased use of the conspectus divisions for reporting publishing and related data, improved validation studies and growing experience with the process - both in North America as well as internationally - have made it easier for libraries to successfully implement collection assessment.

The WLN Conspectus provides an organized process for systematically analyzing and describing a library collection using standardized definitions. Assessment worksheets, training materials,

and report formats have been developed for assessing and profiling collections cataloged in either Dewey or LC Classification schemes. The results, when added to a database, provide a profile of collections and locations of collections.

CONSPECTUS METHODOLOGY

The steps in the conspectus methodology are:
1. Plan and prepare for the assessment.
2. Examine the collection subject by subject.
3. Record the data gathered, including concise comments that describe important or unique characteristics of the collection for a subject area, and number of titles for all formats (books, serials, electronic sources, etc.)
4. Analyze the data collected to determine collection and acquisition level.
5. Assign to each subject a numeric rating for the collection level.
6. Assign to each subject a numeric rating for the acquisition level.
7. Assign to each subject a numeric rating for the collection goal.
8. Assign a language code for areas in which foreign language materials (other than the primary language of the country) predominate.
9. Record the ratings and the comments on the conspectus worksheets.
10. Use the reports to describe collection strengths and weaknesses and make collection management decisions.
11. Enter the information into the library's database.

These steps are in approximate chronological order. Some are more complex, such as planning and preparing for the assessment, organizing the personnel required to carry it out, analyzing the data gathered for assignment of levels, and using all the information for effective collection management.

STRUCTURE OF THE CONSPECTUS

The WLN Conspectus includes worksheets to be used as tools for recording assessment information. The conspectus worksheets are arranged in hierarchical order, from broad divisions to very specific subjects. Libraries may assess their collections at one or any combination of these tiers.

The three assessment tiers in the WLN Conspectus are:

DIVISIONS: The first and broadest breakdown. There are 24 Divisions, which are not tied to a specific classification scheme.

CATEGORIES: The second tier within a Division. There are approximately 500 Categories which are identified with specific classification numbers depending upon the use of either LC (Library of Congress) or Dewey worksheets.

SUBJECTS: The third and most detailed tier. There are approximately 4,000 Subjects.

STANDARD COLLECTION DEPTH INDICATORS

The conspectus uses a numerical code to provide an overview or summary of a library's Current Collection (CL), Acquisition

Commitment (AC), and Collection Goal (GL); in addition, a code can be assigned to reflect Preservation Commitment (PC).

Current Collection reflects the strength of the collection currently held and available for use compared to what is available worldwide. Acquisition Commitment, or growth rate, is the *current* level of activity at which the collection is being developed and is normally based on recent acquisition information, including both new titles purchased and additions to the collection from donations or gifts. Collection Goal represents a target level to which a library plans to build its collection in order to meet user needs. Preservation Commitment reflects a library's level of commitment to preserving the intellectual content of the material and/or including a commitment to the conservation of the physical artifact in a particular subject area.

The numeric ratings used for reporting collection depth are derived from a ten-point scale ranging from 0 "Out of Scope" to 5 "Comprehensive." They represent a continuum from the Basic Information level through the Research level. These are not incremental steps, however, since the difference from one level to the next may be measured both in terms of quantity and quality, and the amount of materials necessary to move from one level to the next greatly increases - perhaps best described as an exponential increase - as one moves up the scale. In most instances, each successive level includes the characteristics of the previous levels. The teaching library collection goal generally falls in category 3 "Study or Instructional Support Level" and can be broken down into 3a "Basic Study or Instructional Support Level" which supports undergraduate courses; 3b "Intermediate Study or Instructional Support Level" which is adequate for upper division undergraduate courses and professional education programs; or 3c "Advanced Study or

Instructional Support Level" which supports master's degree level programs. Level 4 "Research Level" is used for collections that contain the major published source materials required for doctoral study and independent research. Detailed definitions are included in Appendix 2.

CONCLUSION

The Collection Development Policy which is constructed in a systematic, methodical manner, using the WLN Conspectus tools and techniques of collection assessment serves the teaching library well by communicating with university and library administrators, faculty, students, and library staff; by providing a medium- and long-range plan for collection management; by supporting justification for budget, space, or personnel requests; and by providing the context for a variety of other decisions regarding the collection. The library personnel who participate in the assessment gain a better understanding of the resources available within the collection and how they support the teaching programs, as well as the priorities for building, weeding, preserving, or changing the direction of particular segments of the collection. The overview provided by the assessment brings a new perspective to students and faculty wishing to understand and maximize the library resources in an academic environment. Collection assessment is an important tool in the era of resource sharing, access vs. ownership, and fiscal accountability of libraries.

Appendix 1

COLLECTION ASSESSMENT MEASURES

QUANTITATIVE MEASURES

1. Number of titles (size of the collection)
- shelflist count (automated or manual)
- physical count or estimate of titles from the shelves
- count of acquisition and expenditures
- percentage of growth per year, by subject
- percent of acquisitions compared to published titles
2. Age and timeliness of materials
- median age
- range and distribution of publishing dates
- other age comparisons, e.g., mode
3. Use statistics
- circulation statistics by type/subject
- interlibrary borrowing statistics
- reshelving (use within the library)
4. Per capita or per program measures
- titles or items per student
- titles or items per faculty member
- titles or items in support of specific programs

QUALITATIVE MEASURES

1. Percent of standard titles or items
- list checking
- citation analysis

2. Evaluation by individual or group

- observation by librarian (shelf scanning)
- observation by outside expert (faculty member, consultant)
- observation by committee

Appendix 2

COLLECTION DEPTH INDICATORS

(ALSO KNOWN AS COLLECTION CODES OR COLLECTION LEVELS)

The following codes are used to characterize three different aspects of collection management at the division, category, and subject levels. The three aspects to be characterized are: current collection level, acquisition commitment, and collection goal. The codes, or collection depth indicators, were revised in 1996 and 1997 under the auspices of the Association of Research Libraries and WLN. The revisions reflect the comments of more than 30 active conspectus users in North America and around the world; changes were made to improve the use of the definitions while not diminishing or changing the sense of codes applied during assessments carried out under the previous definitions. The revised definitions are intended to apply uniformly to all subjects. They also reflect the changing nature of collections in an electronic environment with improved access options.

STRUCTURE OF THE COLLECTION DEPTH INDICATORS

The collection depth indicators represent a continuum from the Basic Information level through the Research level. These are not equal incremental steps, however, since the difference from one level to the next may be measured both in terms of quantity and quality and the amount of materials necessary to move from one level to the next greatly increases as one moves up the scale. In most instances, each successive level includes the elements, formats and characteristics of the previous levels. This means that a Research level collection contains not only those elements in the Research level (4) definition but also those elements in each of the previous levels-Basic Information (1), Study (2) and Instruction Support (3).

The RLG conspectus definitions include only 5 collection depth indicators for collection description. The WLN conspectus definitions have been subdivided to provide a total of 10 collection depth indicators in an attempt to provide further distinction and clarity for small and medium-sized libraries. The basic collection depth indicators provide the general umbrella definitions and the WLN subdivisions make further distinctions that fit into the larger structure. However, libraries wishing to use conspectus information in a cooperative project must determine ahead of time to use either the 5 point scale or the expanded 10 point scale.

COLLECTION DEPTH INDICATOR DEFINITIONS

0 OUT OF SCOPE
Library does not intentionally collect materials in any format for this subject.

1 MINIMAL INFORMATION LEVEL

Collections that support minimal inquiries about this subject and include a very limited collection of general materials primarily in monographs and reference works. Periodicals directly dealing with this topic and in-depth electronic information resources are not collected. The collection should be frequently and systematically reviewed for currency of information. Superseded editions and titles containing outdated information should be withdrawn. Classic or standard retrospective materials may be retained.

1a MINIMAL INFORMATION LEVEL, UNEVEN COVERAGE
* Few selections and an unsystematic representation of the subject
* Materials are chosen to support limited, specific service needs
* Consistently maintained

1b MINIMAL INFORMATION LEVEL, FOCUSED COVERAGE
* Few selections, but a systematic representation of the subject
* Includes basic authors, some core works and a spectrum of ideological views
* Consistently maintained

2 BASIC INFORMATION LEVEL
Collections that serve to introduce and define a subject, to indicate the varieties of information available elsewhere, and to support the needs of general library users through the first two years of college instruction.

Such collections include:
* A limited collection of monographs and reference tools
* A limited collection of representative general periodicals
* Defined access to a limited collection of owned or remotely-accessed electronic bibliographic tools, texts, data sets, journals, etc.

The collection should be frequently and systematically reviewed for currency of information. Superseded editions and titles containing outdated information should be withdrawn. Classic or standard retrospective materials may be retained.

2a BASIC INFORMATION LEVEL, INTRODUCTORY
The limited collection of introductory monographs and reference tools includes:
* Basic explanatory works
* Histories of the development of the topic
* General works about the field and the important personages associated with it
* General encyclopedias, periodical indexes, and statistical sources

This collection is sufficient to support the inquiries of patrons and students through high school attempting to locate general information about a subject.

2b BASIC INFORMATION LEVEL, ADVANCED
The broader and more in-depth array of introductory monographs and reference tools includes:
* Basic explanatory works
* Histories of the development of the topic
* General works about the field and the important personages associated with it
* Some subject specific periodicals, indexes, and statistical sources
* Defined access to a limited collection of owned or remotely accessed electronic bibliographic tools, texts, data sets, journals, etc.

This collection is sufficient to support the basic informational and recreational reading needs of an educated general public or students through the first two years of college.

3 STUDY OR INSTRUCTIONAL SUPPORT LEVEL
Collections that provide information about a subject in a systematic way, but at a level of less than research intensity, and support the needs of general library users through college and beginning graduate instruction include:
* An extensive collection of general monographs and reference works and selected specialized monographs and reference works
* An extensive collection of general periodicals and a representative collection of specialized periodicals

* Limited collections of appropriate materials in languages other than the primary language of the collection and the country, e.g.,materials to aid in learning a language for non-native speakers or literature in the original language, such as German poetry in German or Spanish history in Spanish
* Extensive collections of the works of well-known authors and selections from the works of lesser-known authors
* Defined access to a broader collection of owned or remotely-accessed electronic bibliographic tools, texts, data sets, journals, etc.

The collection should be systematically reviewed for currency of information and for assurance that essential and important information is retained, including significant numbers of classic retrospective materials.

3a BASIC STUDY OR INSTRUCTIONAL SUPPORT LEVEL

The basic subdivision provides resources adequate for imparting and maintaining knowledge about the primary topics of a subject area. The collection includes:
* A high percentage of the most important literature or core works in the field
* A selection of more specialized monographs
* The fundamental reference and bibliographic tools pertaining to the subject
* A selection of representative specialized periodicals and subject-based indexes
* Other than the primary collection language, materials are limited to learning materials for non-native speakers and representative well-known authors in the original language literature
* Defined access to appropriate electronic resources

This collection supports undergraduate courses, as well as the independent study needs of the lifelong learner.

3b INTERMEDIATE STUDY OR INSTRUCTIONAL SUPPORT LEVEL

The intermediate subdivision provides resources adequate for imparting and maintaining knowledge about more specialized subject areas. It provides more comprehensive coverage of the subject with broader and more in-depth materials including:
* A high percentage of the most important literature or core works in the field including retrospective materials
* A larger selection of specialized monographs and sources in other formats
* A broader selection of reference and bibliographic tools pertaining to the subject
* Seminal works on secondary topics
* A broader selection of materials in other languages
* A wider selection of specialized periodicals and subject-based indexes
* Defined access to a broad range of specialized electronic resources

This collection supports upper division undergraduate courses and professional education programs.

3c ADVANCED STUDY OR INSTRUCTIONAL SUPPORT LEVEL

The advanced subdivision provides resources adequate for imparting and maintaining knowledge about all aspects of the topic and is more extensive than the intermediate level but less than that needed for doctoral and independent research. It includes:
* An almost complete collection of core works including significant numbers of retrospective materials
* An extensive collection of specialized reference works and subject periodicals
* A broader collection of specialized works by lesser-known, as well as well-known authors
* Works that provide in-depth discussion of research, techniques, and evaluation
* Defined access to a broad range of specialized electronic resources

This collection supports master's degree level programs as well as other specialized inquiries such as those of subject professionals within special libraries.

4 RESEARCH LEVEL

Collections that contain the major published source materials
required for doctoral study and independent research include:
* A very extensive collection of general and specialized monographs
and reference works
* A very extensive collection of general and specialized periodicals
* Extensive collections of appropriate materials in languages other
than the primary language of the country and collection
* Extensive collections of the works of both well-known and
lesser-known authors
* Defined access to a very extensive collection of owned or remotely
accessed electronic resources, including bibliographic tools, texts,
data sets, journals, etc.

Older material is retained and systematically preserved to serve the
needs of historical research.

5 COMPREHENSIVE LEVEL

Collections in a specifically defined field of knowledge that strive to
be exhaustive in all applicable languages include:
* Exhaustive collections of published materials
* Very extensive manuscript collections
* Very extensive collections in all pertinent formats

Older material is retained and systematically preserved to serve the
needs of historical research. A comprehensive level collection may
serve as a national or international resource.

LANGUAGE COVERAGE INDICATORS

Language coverage is closely linked to collection indicator levels. The
extent of the collection in the primary language of the country and
library, as well as the extent of other languages within the collection
helps to determine the collection level indicator for each segment.
Language coverage qualifies and amplifies collection levels. In

addition to the primary or predominant language, other language coverage is essential for collections at the 3, 4 or 5 level. Generally, the broader or more extensive the additional language coverage is, the higher the assessment level is likely to be. The language codes have been revised to make them more easily adaptable for use in other countries and cultures.

Language codes may be added to the collection level indicators for collection level, acquisition commitment, and collection goals when appropriate. In the WLN software, "P" for the primary or predominant language of the country and library is the default code. When no code has been assigned, the primary language is assumed to predominate.

P = Primary language of the country predominates-little or no other-language material

S = Selected other-language material included in addition to the primary language

W = Wide selection of languages represented

X = Material is mainly in one language other than the primary language of the collections and country

While the above language indicators may be adapted to fit most circumstances, there are instances when further adaptation of the conspectus tool is necessary. Countries such as Canada and New Zealand have dual official national or regional languages. Other countries may also have two languages that predominate, either officially or unofficially. The following additional code is suggested

for use in such circumstances. The collection management policy statement will serve to explain any unique circumstances for language as for other collection characteristics.

D = Dual languages or two primary languages predominant with little or no other-language material

The Canadian Association of Research Libraries has used a special language code since 1986 to accommodate their unique language issues. The WLN Conspectus software was modified to reflect these special codes.

The assessment comments field should be utilized to indicate which language(s) is represented in addition to the primary or dual languages for a subject, category, or division. The use of the comments field for this purpose provides specific information to explain the use of a language code beyond "P" (primary) or "D" (dual) and allows for the report function to generate a list of all subjects supported by any language of interest.