Chapter – 6

Legal Deposit in Context of Music and Music Libraries
6.1 Issues related to Music and Music Library

Music collections in National Libraries are viewed as one of the types of music libraries. National Libraries or Libraries which have been identified as National Libraries are supposed to be at the apex of the library system of the country. The major function of National Library is to act as the deposit library of the country and in some sense it becomes the repository of the national output.

The national library has the responsibility to acquire the published heritage of the country and preserve this for the use by all. This becomes possible because of legal deposit.

Legal deposit is the means by which a comprehensive national collection is gathered as a record of the nation’s published heritage and development. It is also a statutory provision, which enforces legal binding on publishers to deposit their works in designated institutions.

Legal deposit should be an efficient means for developing national collection of print and non-print material.

*It is also a means for a country to commit itself to article 19 of the Universal declaration of Human Rights, which gives everyone “the right to freedom and receive and impart information and ideas through any media regardless of frontiers”.* (1)

Thinkers like Maurice B Line and Dr. S. R. Ranganathan also stressed the deposit factor that characterizes library as national one.

It becomes the duty of the government to see that a library will be setup or a library will be identified as a depository of a national heritage.
6.2 Brief history of legal deposit

France is supposed to be the originator in this regard. In the year 1537 the legal deposit system was introduced there. On the 28th December 1537, the king introduced a new principle by royal decree, whereby all printers and booksellers were ordered to deposit copies of any printed book put on sale in the kingdom with Château de Blois Library. This obligation was known as the “Dépôt Légal” (legal or copyright deposit) and its creation, marks a fundamental date in the history of the library.

Later, many European countries were the followed suit and now many countries from other parts of the world are advocating the policy of legal deposits through legislation.

6.3 Need for legal deposit

A library collects, organizes, disseminates and preserves the information and knowledge. The national library or the library which carries out the function of repository library safeguards the interest of the country by preserving the literary property of the country which is in variety of forms. Any published material in the country must be preserved and made available to the public and that too free of cost. Hence the need for legal deposit arises. Legal deposit should be a statutory binding and national responsibility. The legislation should be clear in matters such as depositor, depository, and copies to be deposited, users, how they will use the deposited material etc. The legislation could be a separate legal deposit law or a part of another law such as National Library Act or Copyright Act.
6.4 Objectives of the legal deposit

a. To preserve for posterity

b. To protect the human right for information

c. To advocate the National Public Policy of freedom and access to information

d. Contribution to the UAP (Universal Availability of Publication) Program

e. To achieve Bibliographic control

Countries where legal deposit appears in the form of a Legal Deposit Act

- France
- Greece
- Indonesia
- Norway
- Peru
- South Africa
- Sweden

Countries in which legal deposit is part of another Act, such as the Copyright Act or the National Library Act

- Australia
- Canada
- Great Britain
- India
- Japan
Chapter 6 - Legal Deposit

- Nigeria
- United States
- Venezuela

The legal deposit in modern days is becoming a complex issue due to a variety of reasons viz. the variety of the forms carrying information, variation in its types, and the channels through which it is reaching to its user:

- Books
- Music scores
- Serials
- Pamphlets & off prints
- Government Publications
- Maps
- Microforms
- Audio-visual materials, Networked multimedia materials, Radio & TV Broadcasting

Legal provisions in any Act of legislation cannot be time invariant. It is both necessary and desirable to make necessary and desirable changes in the same to ensure that they are contemporary.

Thus, the tremendous change in the form of information and information carriers has to be incorporated in the appropriately amended legal deposit legislation.
Accordingly many countries have amended their Legal Deposit Acts as shown in the table given below:

<table>
<thead>
<tr>
<th>Name of the Country</th>
<th>Year of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>1990</td>
</tr>
<tr>
<td>Indonesia</td>
<td>1990</td>
</tr>
<tr>
<td>Norway</td>
<td>1992</td>
</tr>
<tr>
<td>France</td>
<td>1994</td>
</tr>
<tr>
<td>Sweden</td>
<td>1995</td>
</tr>
<tr>
<td>Canada</td>
<td>1997</td>
</tr>
<tr>
<td>South Africa</td>
<td>1998</td>
</tr>
<tr>
<td>Denmark</td>
<td>2000</td>
</tr>
<tr>
<td>Japan</td>
<td>2003</td>
</tr>
<tr>
<td>Finland</td>
<td>2003</td>
</tr>
<tr>
<td>UK</td>
<td>2003</td>
</tr>
</tbody>
</table>

Table No 14: Countries which have amended their Legal Deposit Acts

Australia, Slovenia, Spain, Switzerland are in the process of modifying the Act.

Since the present study focuses on music library factor, the current chapter will be focusing on music aspects in perspective of Legal Deposit Act. Music data is available as sound data and print format of music. The review will be taken here in a nutshell about the Legal Deposit Acts which have incorporated music both as
print music and sound recordings in them. But the concept of “Publishing of music” may be clarified.

6.5 Publishing of Music

Publishing is one the stages in the process of communication. Publishing of a document means letting the generated knowledge, idea, information known to the users of the document. The generator generates ideas, concepts and theories. It reaches to its destination or user. Publisher ensures that the generated knowledge reaches its destination or user in a systematic and sophisticated manner.

Music is one of the forms of the ideas, expressions, feelings generated by the creator of the music. Basically music is associated with sounds and melodies. Later on, this came to be duplicated in form of notation / musical scores which are prevalent in few parts of world. Recording of music in its sound format also emerged which evolved and underwent changes of physical formats like LP Records, audio cassettes, compact discs, digitally produced compact discs, I-pods.

Music publication is the distribution of music may be print music (generated in print format) or sound form. But unfortunately bibliographic control of sound recordings has not been given due attention in the field of Library and information Science.

Music librarianship is beyond collection and organization of library materials. It does this. Along with it is based on the perception of the nature of music in society. It performs both education and support function. Its support function is from the view of it supplies music as a part of group’s sub-culture.
Chapter 6 - Legal Deposit

This social function can be supported by inclusion of music both in print and sound form in Legal Deposit Acts of various countries.

Presentation of music as cultural heritage will become systematic and much organized only when music will become the subject of legal deposit legislation.

6.6 Country wise survey of Legal Deposit Acts

6.6.1 USA

In the USA legal deposit requirements and items to be deposited have been incorporated in the Act related US copyright Registration Scheme. Music and sound records are included in the US Copyright Act. The said Act was enacted in the year 1976 and came into force since 1978. The same is being constantly modified. The latest modification is in 2006. Punishment for the publisher failing to deposit copies under copyright act is liable for penalty in monetary terms. (3)

6.6.2 Canada

Canada's National Library came into being in 1953 and renamed in 2004 as Library and Archives, Canada. It compels publishers of Canada by Library and Archives of Canada Act (renamed as National Library Book Deposit Regulations, 1995) to deposit the copies of publications like sound recordings (as per amendment of 1969) multimedia kits (amendment in 1978), CD ROMs and Video Recording (amendment in 1993) (13)
6.6.3 United Kingdom

The UK’s 1911 Copyright Act Compelled publishers to deposit one copy of every publication to the British Library and 5 other to other designated deposit libraries. Here the definition of publication was made in which sheet of music was incorporated in scope of term “publication”. In 1996 British Library sought legal deposit extended towards non-print material. This impacted into the appointment of group which suggested / recommended voluntary deposit of electronic publications. This came into practice in 2000. The said group but insisted on the fact that in the longer term statutory deposit would be required. In September 2003 Legal Deposit Libraries Act was modified. This came in effect from 2004. This includes many media formats including offline electronic information and sound records. (2)

Punishment – Publisher who fails to deposit the required copies is entitled for punishment of payment of certain amount as per the specified procedure.

6.6.4 Germany

The present German National Library Deutsche Nationale Bibliothek is an outcome of Deutsche Buecherei, Leipizig; Deutsche Bibliothek Frankfurt and Deutsche Musikarchiv. The German Music Archives Berlin collects sheet music and sound recordings in Germany on basis of legal deposit Act. According to the Act of 1969 every publisher may be commercial or non-commercial is obliged to deposit 2 copies of each
publication to German National Library. The term publication includes conventional print works, microforms sound recordings and others. Sound recordings were included in 1973 Amendment. (as amended in 1972).

In Germany also the punishment, for the publishers those who do not deposit requisites, is in term of monetary fine like UK and USA. (4)

6.6.5 France

It is the pioneering country in the field of legal deposit. The country makes it obligatory for the publishers that they deposit 4 copies with Bibliotheque Nationale and for printers to deposit two copies with each of 3 regional libraries. In 1992 the Act was revised and it included sound data then. In 1994 CD ROM was included. (5)

6.6.6 Denmark

In Denmark Legal Deposit was introduced in 1697 by which all printers were ordered to deposit five copies of every printed work with Royal Library. This Act was modified or succeeded by new laws many times viz 1781, 1902, 1927, and 1997. The latest law appeared in 2005. This includes all published works in physical form regardless of medium, materials through and television programmes and films produced for public show. This indicates the inclusion of music both in print and sound form. (6)
6.6.7 Norway

The National Library of Norway collects and preserves the heritage of the country through Legal Deposit Act 1989. This came into force in 1990. The Act first appeared in 1697. The Act covers books and printed materials, sound recordings, music collections and radio broadcasts from 1930, films and videos, and some digital publications. (7)

6.6.8 Spain

The 1971 Act of Spain covers sound recordings along with books, periodicals and motion pictures as a part of national repository. Along with it a few provinces have enacted supplementary legislations. (8)

6.6.9 South Africa

South Africa has enacted its Legal Deposit Act in 1997. The Act defines term document pervasive of any object that is intended to store or convey information in textual, graphic, visual, auditory intelligible form of any medium. It indicates that music is inclusive in Act also includes or online electronic publications. (9)

6.6.10 Singapore

Singapore’s National Library Board Act of 1995 covers the legal deposit aspect. All print and non-print materials published in Singapore are to be deposited. This indicates inclusion of music.

6.6.11 Malaysia

Malaysia’s Deposit of Library Material Act of 1986 authorises National Library to be repository of publications in form printed, graphic, audio
and electronic form or in any other format. Sound recordings, phonographic records, audio recordings have been mentioned. (10)

6.6.12 Japan

Legal Deposit in Japan is part of National Diet Library Law of 1948. It covers music scores, phonographic records, sounds recorded by electronic, magnetic or other methods along with other materials to be deposited at Japanese Parliamentary Library. (11)

6.6.13 Australia

In Australia legal deposit is the feature of Copyright Act of 1986. Simultaneously various State Acts also have right to procure deposit copies of publication published in their jurisdiction. National Library of Australia is the central legal depot if the country where publishers have to deposit sheet music and other specified documents.

In Australia other deposit Libraries at New South Wales, Northern Territory, Queensland South Australia, Tasmania, Victoria and Western Australia are the state level deposit libraries. Some of these have specified additionally their mandates for publishers regarding deposits under legal deposition. New South Wales has New South Wales Copyright Act 1879-1952 including sheet music, audio-video cassettes, CDs, DVDs and others.


South Australia, acc to Act of 1982 (Amended in 1989) is responsible to have copies of printed music, records, cassettes, audio tapes. Tasmania
collects print music along with sound recordings and Video records by Tasmania Libraries Act, 1984. Victorian Libraries Act 1988 forces the publishers to deposit music scores. Legal deposit is essential for printed music in Western Australia vide its copyright Act of 1895. (12)

6.6.14 New Zealand

New Zealand’s National library is legal deposit for sheet music and music sound recordings according legal deposit provisions are in existence since 1903. They were supported by Act giving right to National Library of New Zealand since 2003.

Some countries like Belgium, India and Finland have legal deposit under mandate of law but they do not cover music. At the same time there are also countries where the provision for legal deposit by law does not exist, like Sweden, Switzerland (No Federal Legal Deposit Scheme, state level may be there) and Netherlands. (14)

6.6.15 India

In India depositing of books was initiated since 1867 when the Press and Registration of Books Act was enacted. Being a regulatory Act it enabled Government to regulate printing presses and newspapers. Along with this copies of printed books and other printed material of India were preserved. After independence the Act was modified from time to time.

For published material of India, Legal Deposit Act was enacted in 1954 known as “The Delivery of Books 'and Newspapers' (Public Libraries)
Chapter 6 - Legal Deposit


Indian National Library at is the official legal depository of the India. By this law the National Library, Calcutta is entitled to receive a copy of every publication brought out by anyone anywhere in the country. By the amendments the newspaper was incorporated in the documents to be deposited. (15) After that no amendment has been witnessed so far. Consequently non print material along with sound music has not been incorporated in the said act.

India has a very rich musical heritage. Indian music is as old as Vedic period. Samved is supposed to be the originator of the Indian Classical Music. Sharangdeo, Bharatmuni from the ancient India are the greatest thinkers who have made tremendous contributions to Indian Music and consequently to the development of the music. Since then Indian music has developed in leaps and bounds. Pure classical, Dhrupad and Damar music, folk music, film music, Sufi music, Ravindra music have emerged and have fused tremendously. North Indian Music and South Indian Music are prevalent in the country claiming to be very rich. Many agencies like All India Radio, Television centers private Institutes, Music Training Institutes, Commercial Companies, Private supporters of Music and many others like them promote the music generation constantly. The generation of music is enormous and at high speed.
Chapter 6 - Legal Deposit

There is a large number of libraries and private collectors of music collecting very rare recordings but at the same time there is no organized effort to preserve this musical heritage. Considering the nature of the Indian Music, library system is badly required in the country.

To establish a proper music library system in the country many steps have to be taken. One of them will be to amend the Delivery of Books Act and to start the National Music Archives.

6.7 Conclusion

There are multiple ways and means to establish, develop and maintain formal library system. One of them is through enactment of Legal Deposit Act and establishment of the mechanism to implement the same. In the development and evolutionary growth in recording of knowledge, documents in varied media (other than print media) got generated. The same has affected the function of libraries especially the National Libraries who have been traditionally identified as legal repositories. At the end of a comprehensive review of Legal Deposit Act of various countries vis-à-vis India, it is observed that Indian Legal Deposit Act falls well short of the provisions for non-print material including sound music.

Thus, a model amendment to the Indian Legal Deposit Act is suggested by the researcher in Chapter no 6.

Reference

2. http://www.bl.uk as accessed on February 2005
11. ibid.