

Questionnaire part B : answers from Norway (part A is not relevant for Norway as we do not have a registration system)

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

A Yes.

28. Please list relevant national legislation regulating the legal deposit.

A Act relating to the legal deposit of generally available documents No. 32 of 9 June 1989 with regulations.

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

A The legal deposit is mandatory in Norway.

A The obligation to deposit pursuant to provisions laid in or pursuant to the Legal Deposit Act is legally enforceable, cf. the Legal Deposit Act *Section 8*. Any person who willfully or negligently contravenes any provision laid down in or pursuant to the Legal Deposit Act is liable to fines, cf. the Legal Deposit Act *Section 9*.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

A The purpose of the Legal Deposit Act is to ensure that documents containing generally available information are deposited so that these records of Norwegian cultural and social life may be preserved and made available as source for purposes of research and documentation, cf. the Legal Deposit Act *Section 1*.

31. Is there any connection or interaction among legal deposit and copyright protection?

A Yes. Legally deposited material may be preserved and “made available for purposes of research and documentation”, cf. the Legal Deposit Act *Section 1*. However, this provision should not be regarded as an exception to the Norwegian copyright law *Section 2*, as it is stated in the “Instruction for institutions which administer documents deposited pursuant to act no 32. of 9 June 1989 relating to the legal deposit of generally available documents”, section VIII, that “all the institutions which administer copies of deposited documents have an obligation to ensure that all use take place within the limits of the copyright rules in force at any given time”.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

A Yes. Legally deposited material may be adapted for preservation purposes under the same conditions as other material subject to preservation in the depository institutions. According to regulations relating to the Norwegian Copyright Act, The National Library of Norway may adapt any legally deposited work, and also digitise it, for preservation purposes. All other depository institutions may only reproduce a work in the same format as the original copy. Such institutions may however digitise works that can no longer be bought/found on the market (i.e. “out of print”).

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

A The following categories of material are subject to legal deposit (cf. the legal deposit Act *Section 4*):

- i. Documents of paper or paper-like medium, microforms and photographs (in seven copies).
- ii. Sound fixations, films, videograms, electronic documents and combinations of these types of documents (in two copies),
- iii. Recordings of broadcasting programmes (in one copy).

34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

A The legal deposit applies from the moment of which the document is made available to the public.

A A document is not subject to legal deposit if it is produced in Norway but only distributed abroad.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

A No, although the depository may modify or grant total exemption from the obligation to deposit “when special reasons so warrant”, cf. the Legal Deposit Act *Section 7*, second paragraph.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

A Yes. In the regulations relating to the legal deposit of generally available documents chapter 9, all electronic documents shall be deposited. Chapter 9, Section 30 *Scope*, reads as follows:

Electronic documents of which at least 50 copies have been made or imported as hard disks, floppy disks, diskettes, magnetic tapes, tape cassettes and the like shall be deposited in two copies.

Electronic documents which are available by means of on-line transmission on a telecommunications, television, data communications network or the like shall be deposited in two copies at the specific request on the depository in each individual case.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

A The number of copies the depositor has to deposit is indicated in the above answer to question 33.

A There are no special conditions for limited or *de luxe* editions as such.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

A The obligation to deposit may be imposed on the publisher, producer and importer of a document that has been made available to the public, as well as on any person who is entitled by law or by licence to engage in broadcasting, cf. the Legal Deposit Act *Section 5*.

39. What are the time requirements for legal deposit?

A The publisher and the importer shall send a deposit copy at the latest when the document is made available to the public. The producer shall send in a deposit copy no later than one month after the document was produced.

The depository may make an agreement with the depositor regarding another time for sending in the deposit copy.

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

A No. The cost of sending the document to the depository shall be borne by the depositor. There is however special conditions regarding certain expensive copies, e.g. master copies of film captured on an expensive storage medium. In such cases the depository may on application refund all or a part of such production costs, cf. the Legal Deposit Act *Section 5*, second paragraph.

41. What is/are the entity/entities responsible for acting as legal depository?

A The National Library of Norway. Of documents of which seven copies are deposited, (mostly books, see question nr. 33) the National Library of Norway forward copies to the university libraries in Oslo, Bergen, Trondheim and Tromsø, as well as to the Sami Library in Karasjok when a substantial portion of the contents are in the Sami language.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

A Yes, as long as the deposited material is used for research and documentation purposes. The public can consult the material on the Library's premises or lend the material for a short period of time. Material that is digitized by the National Library for preservation purposes can be consulted on terminals placed within the Library's premises.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

A Yes, the National Library provides publicly available search facilities on the Library's premises. In addition, the Library's catalogues and bibliographies are accessible on-line.

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

A In principle there are no direct link between standard numbers such as ISSN and ISBN and legal deposit. All generally available documents are subject to legal deposit, regardless of whether the documents have been allocated a standard number. On the other hand, most documents with ISBN and other standard numbers, are generally available documents and thus subject to legal deposit. The National Library is responsible for assigning ISBN, ISSN, ISMN and URNs in Norway.

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

	2005	2006	2007	2008	2009
a) Print material					
Books	10 106	11 463	10 835	10 710	10 458
Maps	317	153	373	268	325
Ephemera	21 600	30 939	23 818	24 750	21 478
Postcards	2 890	2 606	3 781	3 694	2 420
Posters	704	550	703	1 432	2 176
Music sheets	480	498	443	440	467
Journals (titles)	13 451	12 917	12 249	12 216	11 962
Newspapers (titles)	240	253	253	256	254
b) Musikal works					
Music recordings	665	542	958	1 218	2 210
c) Audiovisual works					
Videos (DVDs etc.)	186	257	264	289	325
Films*	-	-	-	105	110
Audiobooks	486	435	459	513	451

Broadcasting (tapes)	23 783	21 486	20 071	13 313	7 774
Digital radio (files)	35 833	36 096	72 272	116 327	116 327
Digital television (files)	-	-	-	11 088	11 088

* Legal deposit of films to the National Library started in 2008