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# Depósito legal de materiales audiovisuales: la situación latinoamericana

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# **SPEAKING TEXT**

I have been asked by Samira Sambaino to present this report on her behalf, as unforeseen circumstances mean that she has been unable to travel to Quebec City. Her paper is in the IFLANET conference proceedings in Spanish and in French, but I will summarize it here in English.

The objectives of the paper are to offer an overview of the state of legal deposit legislation for audiovisual materials and multimedia in Latin American countries, and an evaluation of the application of these regulations in practice.





- Legislation for audiovisual and multimedia materials varies from country to country throughout Latin America
- Topics:
- Coverage by type of material in each legal deposit legislation
- The institutions which collect the materials

  Dissemination of information about the material

Legal deposit of audiovisual materials: Latin American situation For many years, Legal Deposit has been a topic of interest for the Audiovisual and Multimedia Section of IFLA.

Legislation varies from country to country throughout Latin America, not only for the type of material covered by each legal deposit law, but in particular in the way they are applied.

Some of the things we wanted to know are: What are the objectives proposed by legal deposit legislation in each country? What is the real situation in practice? How do the agencies in charge of legal deposit to achieve their objectives? On the other hand, we do know that AVM legal deposit cannot on its own assure the preservation of our cultural and intellectual heritage: political will and sound procedures are also essential to achieve the conservation and preservation goals. Another issue is the type of access that these institutions provide to the general public. Are audiovisual materials readily available, or not? If not, is this due to the legislation, the characteristics of the material, or the infrastructure of the receiving agency?

The present investigation set out to explore these and other questions under three headings: Coverage, collecting institutions, and dissemination of information.

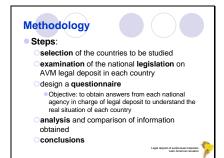
The Methodology we used involved a number of Steps:

- First we carried out a geographical delimitation of the study.
- Next, we examined the national legislation on legal deposit of audiovisual materials for each of the selected countries.
- Then, in the light of this legislation, we wanted to find out what
  was actually going on. So we designed a questionnaire with the
  objective of obtaining answers from the national agency in
  charge of legal deposit in each country.
- Finally, we analyzed the answers we had received, to provide a comparison of legislation and practices and a final summary of the state of the art of AVM legal deposit in Latin America.

Latin America is a geographical and socio-cultural region sharing the common characteristics of a romance language and a history of colonization by Latin countries such as Spain, Portugal or France.

For the current phase of the investigation we decided to limit the number of countries surveyed, in order to increase the scope of the initial survey. The selected countries, shown here in red, are: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela.

Here is a summary of our findings on the appropriate legislation. You can read more about the details of the legislation, in the full paper.







This slide shows you the Agencies in charge of Legal Deposit in each country. You will note that in the majority of cases, responsibility is concentrated in the National Library.

Argentinean legislation lists in detail the documents to be collected. But these can be summarized as: all scientific, literary, or artistic production or learning materials, whatever their reproduction procedure.

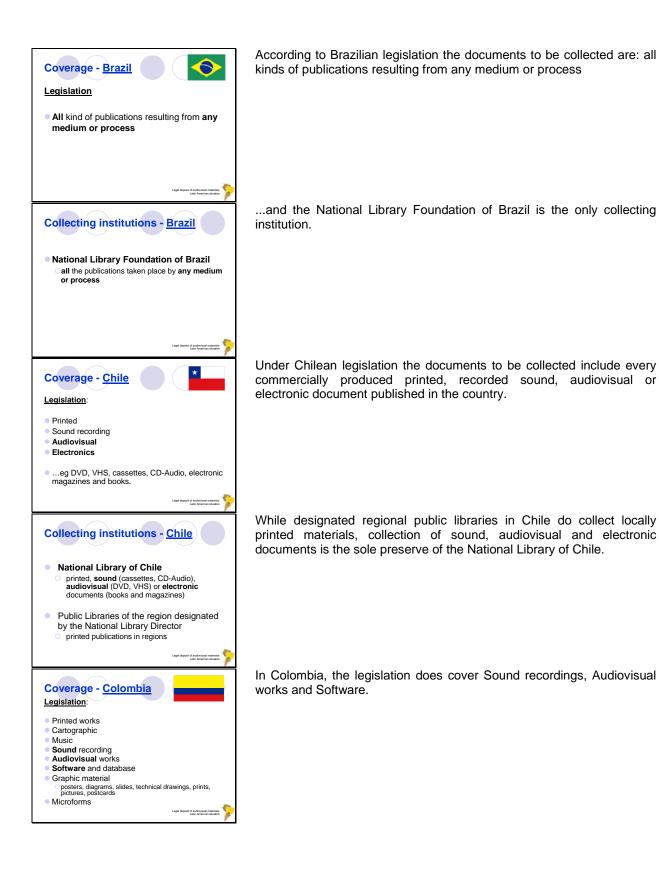
In Argentina, the collecting institution for sound, software, and moving images is the National Library.

Bolivian legislation lists all the types of document to be collected, including graphical images, sound recordings, audiovisual and electronic materials, and moving images

The situation in Bolivia is more complex, with several collecting institutions.

Depositary Libraries are regional outposts of the National Archive and Library of Bolivia, delegated to monitor the working of legal deposit within their region. To be designated as depositary libraries they have to demonstrate sufficient institutional stability, qualified personnel, budget, and infrastructure to collect and preserve graphical, sound, audiovisual and electronic documents.

The National Archive and Library of Bolivia also collects these, in addition to printed materials, as does the National Repository in La Paz, while the Bolivian Cinema Library Foundation concentrates on moving images as well as related audiovisual and electronic documents, whatever their format or carrier.





The National Library of Colombia collects graphics, microforms, music, audiovisual material, and sound recordings. It also collects software, along with the Library of Congress, the Library of the National University, and the State Library.

According to Peruvian legislation the documents to be collected include "special material", which covers what we would generally define as  $\Delta VM$ 

...and the National Library of Peru collects all the AVM material deposited.

According to Uruguayan legislation the documents to be collected include graphics, plus any video material either commercially published or notified to the Copyright Registry

The National Library of Uruguay collects graphical material, but videos are collected by SODRE, the broadcasting service of Uruguay.



Like Argentina, Venezuela has an all-embracing definition of the coverage of its legislation

AVM is described as "non-bibliographical productions", and includes compact discs, gramophone records, sound tapes, CD-ROMs, pictures, slides, audiovisual works fixed in video grams, film works, electromagnetic recordings of images or sounds, radio and television broadcasts recorded on sound or audiovisual support; and the impressions and recordings obtained by mechanical, chemical, electromagnetic systems or procedures or others in general that are used at the present time or in the future.

...and finally on this topic, the collecting institution in Venezuela is also the National Library.

One of the objectives of legal deposit is the dissemination of information about what has been published. The material collected by legal deposit is in most cases the basis of a country's National Bibliography.

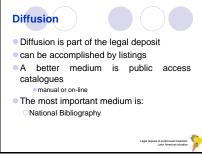


For example, the legal deposit legislation of *Bolivia* lays down that the collecting libraries have to publish biannual bulletins on their Legal Deposit, including up-to-date statistics of the movement of the collection and organize the documents for their conservation and diffusion.

The National Library of *Colombia* must remit to the "Caro y Cuervo Institute" a listing of the deposited works, including the author, editor and printer, edition, publication date and other data necessary for the production of the annual National Bibliography.

Legislation determines that the National Library of *Peru* should maintain an up-to-date National Registry of Legal Deposit to control, maintain and disseminate information about the national bibliographical production. It should also publish annually the Peruvian Bibliographic Catalog.

The National Library of **Venezuela** has to publish periodically, informative bulletins on those works, products or productions which are object of Legal Deposit.





To summarize, dissemination of information is part of legal deposit and can be accomplished using different media, such as listings, but without a doubt the fundamental form of dissemination is through the creation of manual or on-line catalogs for public access, and the most important form of this is the creation of a national bibliography for every country.

Although the means of dissemination is not always specified in national legal deposit legislation, dissemination is intrinsic to the functions of a National Library, and they are the main collecting institutions of every country we have analyzed.

In conclusion we can say that every country studied possesses some kind of legislation about legal deposit. Not all the countries have a dedicated legal deposit law: sometimes legislation is part of copyright laws or more general laws.

The specific legal deposit legislation of Bolivia, Brazil, Peru and Venezuela, is of more recent date with the result that it covers new types of documents, new carriers, and new practices adapted to international standards. Specific legal deposit laws detail coverage, objectives, regulations, etc., in an undoubtedly clearer way than is possible as part of other legislation.

We can also conclude that the coverage of types of documents for deposit ranges from simple print, all the way to moving images and broadcast radio and television programs.

#### **Conclusions - Coverage**



- as books, pamphlets and serial publications like newspapers
- including graphic and cartographic material
- To moving images and broadcast radio and television programmes

Legal deposit of audiovisual materials:

## **Conclusions – Collecting institutions**

- Collecting institutions National Library
- Agencies in charge of legal deposit –
   National Library
- National Library = function of gathering, preserving and diffusion of the memory of the country

Legal deposit of audiovisual materials: Latin American situation

## **Conclusions - Diffusion**

- Catalogs
- National Bibliography
- Institutional web pages
- Give access to National Bibliography
- Publicize legal deposit obligations
- OBolivia, Brazil, Colombia, Chile, Peru and Venezuela offer a link to the legislation text

Legal deposit of audiovisual materials: Latin American situation In most of the cases the collecting institution in charge of legal deposit is the National Library. In some cases the documents are deposited in first instance in the National Library, which is charged with distributing to other institutions according to the specific regulations.

The fact that the national libraries are the collecting institutions coincides with the function of these to gather, preserve and disseminate information about the memory of the country.

We can say that the main means of dissemination of information about deposited documents are catalogs and national bibliographies. Nowadays, institutional web pages are an important way of giving access to these. The web is also a good way of publicizing legal deposit obligations in a clear and accessible manner, and some National Libraries (Bolivia, Brazil, Colombia, Chile, Peru and Venezuela) also offer a link so that the actual text of the legislation can be consulted.



Help others establish best practice in their countries



This study constitutes an initial overview of AVM legal deposit in some Latin American countries. There is no doubt that a lot of research remains to be done, for example about preservation and conservation practices, access to and use of deposited materials, and the effectiveness of legal deposit on the ground.

We hope that this study of the situation in Latin America, in combination with reports of other experience around the world, and in the light of the IFLA Guidelines, will help colleagues to establish best practice, and achieve success in establishing the optimum legal deposit system in their own countries.

Finally, I would like to thank you for listening to, Samira for writing, and the Latin American National Libraries who took part in, this study