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Cooperation and Conflict Between Deposit Libraries and Publishers in the Czech Republic

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General Introduction

This paper describes the relationships between publishers and the national bibliographic agency in the Czech Republic. The Czech Republic is a small country in the centre of Europe. It is one of the countries that, after several decades of a totalitarian regime, regained freedom in the late 1980s. The existing situation in relationships between publishers and the national bibliographic agency, and the ensuing legal problems, need to be viewed from the historical point of view. As a general rule, after a long period of total control over everything it is necessary in many areas to go through a period of no (or minimum) regulations (and often of chaos) before mutually advantageous relationships of cooperation between publishers and libraries can be established. This is typical for the situation in a majority of post-totalitarian countries.

Monographs

Introduction

Although the publishing industry and libraries may be operating within the same socio-political environment, the two are diametrically different from the point of view of the processes they employ to create specific social values, and their representatives find it very difficult to communicate with each other. In the Czech Republic, the two sectors have been developing differently since 1989, and although

they may have basically the same goal; i.e., to mediate results of human intellectual endeavours to people at large, their starting points are fundamentally different. While publishers are primarily motivated and limited in their activities by economic motives, libraries operate on the "public benefits" principle. This is the main reason for the non-existence of joint projects, reluctance to cooperate, and also the reason for a degree of wariness on both sides. The two sectors basically co-exist without cooperating with each other in any particularly rational or effective way.

The transformation of the publishing sector after 1989 brought with it certain changes which, in their consequences, cannot be always considered as positive: it marked the end of a relatively well organized and functioning distribution network including a network of bookshops, of a unified system of introducing new books on the market (every Thursday), of a comprehensive and reliable information system about new books to be published, and of the system of controlled and fixed prices of publications, which has led to changes in pricing policies whereby pricing decisions became the exclusive right of individual publishers and distributors. (In 2001, for example, the book price was printed in only 28.9% of titles). Libraries have more or less been grappling with the consequences of these changes ever since.

The publishing sector has not yet developed tools for a systematic monitoring of its own professional activities. A number of long-term statistical indices, general as well as specific analytical and marketing studies, and theoretical and prognostic studies for the monitoring of developmental trends in individual areas are missing. For example, statistical data on the annual production of non-periodicals and periodicals in the Czech Republic are prepared only on the basis of legal deposits in the National Library of the CR; data on the growth and development of prices of publishers' products are only estimated; etc. And the Association of Czech Booksellers and Publishers does not seem even to have comprehensive data on publishers, distributors or booksellers.

Contact circuits

ISBN, ISMN

Compared with the situation prior to 1989, the 1990s marked a significant increase in the number of publishers, accompanied by a disappearance of well-known (previously state-owned) publishing houses, privatisation and the rapid development of private enterprises, mergers, bankruptcies, etc. Because information, addresses and contacts were difficult to get, it was next to impossible to orientate oneself in the ensuing situation.

The relatively most comprehensive directory of publishers in the country is systematically developed by the ISBN and ISMN National Agencies, which are specialized departments of the National Library of the Czech Republic. In 2001, a total of 5471 publishers were registered, of which 3081 were registered only in the ISBN system, 2351 were not registered in the ISBN system, and 43 were printed music publishers (about 1100 of the total are active in publishing). In its annual printed directory, the National Library of the CR publishes the "List of Participants in the System of International Standard Book Numbering – ISBN- in the Czech Republic" with Appendix "List of Participants in the System of International Standard Music Numbering –ISMN- in the Czech Republic". The trade association does not participate in the publishing or editorial work on the directory. The electronic version of the directory is of course available on the Internet pages of the Library.

The operation of the ISBN and ISMN systems in the CR is based on generally accepted international rules and regulations. The participation in the system is voluntary, and national agencies usually contact publishers directly. Important materials are available on the National Library websites. The ISBN and ISMN numbers are given in publications, in records of the Czech National Bibliography, and usually also

in materials of publishers and various newspapers and magazines carrying information on the latest publications.

Information on publications in print

There can be no doubt that the biggest problems for libraries stem from the continuing absence of an integrated information system on books being published. In this respect, cooperation between libraries and publishers is virtually nonexistent.

Before 1989, a centrally published weekly "New Books" listing had a "Just Published" section where it listed, with abstracts, and thematically classified, all titles to be published on a specific date (those were the regular Thursdays mentioned above), and another section "To Be Published Next Week", which announced titles to be published at the next date. Besides, publishing houses published their official plans of new publications (annual, quarterly) as a matter of course; those plans, however, needed an approval from appropriate government departments.

In the early 1990s, the publishing sector underwent two fundamental changes: the new arrival of the market economy marked the beginning of its rapid and dynamic development, and, at the same time, the state relinquished its financial and supervisory role. The number of publications increased dramatically while the total number of copies of individual titles issued at one time decreased significantly; book prices grew rapidly and significantly, and were further increased by VAT (depending on the type of document, the VAT may be zero, 22% (basic rate), or 5% (reduced rate)). The commercial nature of the publishing completely disrupted the mechanisms on which the comprehensive information system had been structured.

Information on recently published books (sometimes also about editors' plans) is published in specialized periodicals of various publishers (e.g. the New Books supplement of the Literary Papers weekly, the Book News of the Association of Czech Booksellers and Publishers, the K Revue monthly). Then there are various commercial printed materials with offers of publishers, booksellers and distributors. And last but not least, information is also provided on the Internet where many publishers, distributors and booksellers have their own sites. All the above sources have one shortcoming in common – they are incomplete and overlapping; they only contain those titles that publishers, distributors and booksellers submit for publishing; so while some titles are listed in all of the materials, others, particularly regional and less commercially attractive titles, are not listed at all. Besides, the materials differ in the scope of data they provide, in their reliability, and in their topicality. All the above sources are clearly commercial in their character.

The relatively most comprehensive source of information in the Czech Republic on new publications is the Czech National Bibliography <http://aip.nkp.cz/index.htm> prepared on the basis of legal deposits received, which accounts for its "books-registration" character. The National Library also publishes its O.K. http://www.nkp.cz/baze_dat/ok/ok.html biweekly – Books Announced to the National ISBN Agency and the National Agency ISMN in the Czech Republic. Because those titles have only been announced, it is not clear when they would really be published.

The growth in the number of books published since the 1990s is illustrated in the table below. The data have been taken from official annual statistical surveys of non-periodical publications for the Statistical Year Book of the Czech Republic published by the Czech Bureau of Statistics (the same data are sent to the UNESCO Statistics Year Book). The statistical survey is prepared by the National Library of the CR based on legal deposits received. The methods of data processing are based on the revised

recommendations on production and distribution of books, newspapers and magazines adopted by the 23rd General Conference of the UNESCO in 1985.

| Year | No. of titles |
|-------------|----------------------|
| 1990 | 5 459 |
| 1991 | 6 057 |
| 1992 | 6 743 |
| 1993 | 8 203 |
| 1994 | 9 309 |
| 1995 | 8 994 |
| 1996 | 10 244 |
| 1997 | 11 519 |
| 1998 | 11 738 |
| 1999 | 12 551 |
| 2000 | 11 965 |
| 2001 | 14 321 |

Legal deposit

Legal deposit is a subject of disagreement in both opinion and practice between publishers and libraries. Publishers believe they are the economically injured party because they must hand over, free of charge and at their own cost, a certain number of copies of each non-periodical publication they publish. Legal deposit provisions receive practically no support from the publishers' trade association (Association of Czech Booksellers and Publishers).

The pertinent legal regulation, that is the “Non-periodical Publications Act 37/1995 Sb.”, refers to national legal deposits (4 copies), regional legal deposits (1 copy) and the "first right to purchase" option. At the same time, it specifies which libraries are the authorized recipients of legal deposits, and which libraries may claim the "first right to purchase" option for books published and must be contacted by publishers in this respect. This new law reduced the number of legal deposit copies to 5 from the previous 27. However, this reduction did not prevent the publishers from trying to avoid this duty.

The Act "negatively" defines the extent of the legal deposit provisions; i.e., it lists the documents that do not fall within the category of "non-periodical publications" and are therefore exempt from legal deposit obligations. All other documents, i.e. books, cartographic documents, printed music, graphical documents (posters, picture postcards, picture calendars), sound recordings and electronic documents stored on "material" media (and of them only those that have the characteristics of a non-periodical publication), fall automatically within the category of obligatory legal deposits. The Act also sets deadlines by legal deposits reach the libraries, deadlines for complying with the "first right to purchase" provision, obligatory data that have to be present in the publication, and penalties, including the maximum fines, for not complying with these statutory obligations.

The Act is not burdened by any superfluous provisions, and it is, generally speaking, clearly and unambiguously worded. It does have one major shortcoming, though: it is based on the assumption that the date of the publication's first public distribution is known or that can be ascertained, and all other deadlines, including penalties, refer to it. In everyday practice, however, that date is unfortunately almost impossible to ascertain through common publicly available means.

In order to avoid complications related to legal deposits, the National Library publishes relevant information for publishers on its websites, provides one-to-one consultations, and distributes copies of relevant legal regulations and addresses of authorized recipients of legal deposits.

But the practice of legal deposit is far from the automatic process envisaged by lawmakers. The National Library has been forced to keep up voluminous correspondence with publishers asking them for missing legal deposits and reminding them of their obligations. Reminders are needed in the case of about one-third of all legal deposits received. Reminders are sent to publishers who

- send only one copy (the National Library is entitled to two copies of each edition),
- fail, for various reasons, to submit legal deposits, or are not aware of their legal obligations,
- usually wait until they are reminded of their obligation (and then send legal deposits with a long delay),
- send legal deposits only after they have received the second reminder with the warning of the risk of administrative procedure against them carrying a fine of up to 50,000 Czech Crowns (some 1,500 USD),
- have ceased to send legal deposits to the Library, cannot be contacted and letters are returned undelivered (the missing titles are registered as temporary desiderata),
- do not respond as a matter of principle (or claim that the Act does not affect them), and demonstrably publish more and more new titles; in such cases, the full use of legal provisions about penalties is made use of.

Although the use of administrative procedures carrying a fine for the failure to provide legal deposits is considered as a last resort measure, in some cases it may well be the only way to make sure that legal provisions are implemented. Everyday practice has shown that publishers cannot be expected to become more accommodating. The National Library as well as other authorized recipients of legal deposits have certain obligations that stem from their positions and roles that they must fulfil. That is the reason why they must deal with defaulting publishers and missing documents on an individual basis, and with perseverance, making full use of all legal instruments available.

Serials

Before 1989:

Newspapers and journals had to register with the authorities for publications and information (federal, Czech, and Slovak), and with Regional National Committees. The publishing sector was very small (50 Czech and Slovak publishers of newspapers and journals). Each year, a “Catalogue of Newspapers and Journals in the CSSR” was published for official use by the Federal Office for Publications and Information). The question of legal deposits and copies for professional purposes was regulated by Legal Deposits Decree 140 of 1964 issued by the Ministry of Education and Culture. The NL of the CR was entitled to 2 legal deposits.

After 1990:

The situation developed along the same lines as in the publishing of monographs. The rapid growth in the number of newspapers and journals is shown in the table below:

| Year | No. of titles |
|------|---------------|
| 1990 | 1939 |
| 1991 | 1863 |
| 1992 | 2057 |
| 1993 | 2128 |
| 1994 | 1919 |
| 1995 | 2 291 |

| | |
|------|-------|
| 1996 | 2 076 |
| 1997 | 2 476 |
| 1998 | 2 528 |
| 1999 | 3 113 |
| 2000 | 3 295 |
| 2001 | 3 364 |

The situation in the publishing sector became very confused, circulation of periodicals dwindled and their prices increased. The distribution network began to crumble, and new distributors appeared. The number of publishers of periodicals increased to about 1,600 – 1,700. The 1964 decree became obsolete, and work on a new legal deposits bill dragged on. The duty for publishers to register with the Ministry of Culture still exists, and thanks to voluntary cooperation between the NL and the Ministry and some district authorities, the NL receives copies of the publishers' registration forms (albeit not from all and not regularly). The registration can be used to send out reminders if legal deposits are not received.

The NL of the CR cooperates with A.L.L.Production, a private company, which publishes the "Complete Catalogue of Periodicals Published in the CR" (<http://www.predplatne-tisku.cz>, published once a year in the printed form and on the CD-ROM, but having no role in the acquisition of new titles by the NL). The NL also cooperates with the Union of Publishers of Periodicals (UVDT), see <http://www.uvdt.cz>. The Union monitors professional activities of publishers, circulation figures, advertisements, it carries out various readership surveys, etc. It has 52 members covering 100% of dailies and 50% magazines, and 108 independent on-line products. The cooperation has no role in the acquisition of new titles for the NL.

A new Publishing Act 46/2000 Sb. came into force in February 2000, which:

- specifies the publishers' rights and obligations
- introduces registration of periodicals at the Ministry of Culture, and declares their public accessibility
- defines data that must appear in periodicals
- defines recipients of legal deposits (16 libraries)
- sets fines for the failure to deliver legal deposits by specified deadlines

The National Library of the CR receives 2 legal deposit copies. Based on the titles received as legal deposits, records for the Czech National Bibliography – Periodicals and statistical reports for the IPOS and UNESCO are prepared. Data from the ISSN database are used for the work (<http://www.issn.cz/issn.htm>).

Information on publishers' obligations and the titles that the NL received over a certain period are made available for publishers and other interested parties at <http://www.nkp.cz/start/knihcin/periodika/pv.htm>. Reminders are sent out as a part of continuous monitoring of titles received.

A simple access to the Ministry of Culture register is needed to facilitate access to information on the titles registered and their publishers. This would help identify legal deposits not delivered and made it possible to send out reminders. The publishers should also be made more aware of their obligations towards libraries.

Conclusion

There is no cooperation between publishers and libraries worth mentioning. Book publishers complain of the large number of legal deposits they are requested to submit. Cooperation with the Union of Publishers of Periodicals is very good, and there are no problems with legal deposits from its members.

Cataloguing in Publication

Cataloguing in Publication (CIP) was introduced in the Czech Republic in 1992 on the initiative of the National Library of the Czech Republic, which found its inspiration in CIP records in foreign publication. The primary objective was to help library cataloguers in their work. In the early 1990s, nobody in the Czech Republic had any experience with CIP. Based on surveys of printed materials of other institutions, foreign computer databases and a study of CIP recommendations by IFLA, the basic descriptive level for CIP records and conditions for publishers was set up. It was decided that the time necessary for CIP processing should be 48 hours.

When the theoretical definition of the CIP record and its content were developed, the discussion turned to what limitations should be set for the selection of potential candidates for CIP. Purely commercially oriented production (Zelezny, Harlequin), and possibly also textbooks, were to have been excluded. The majority of books processed today are non-fiction, but there are some textbooks and novels also.

Advertising was limited to what was available, and included mainly ads in papers and trade journals, together with personal contacts in publishing houses. At present, of course, much more flexible methods, e-mails and the Internet, are used.

The benefit for publishers is not only the cataloguing record in the publication, CIP records are regularly published in the O.K. (New Books) bi-weekly of the NL, and are also posted on NL's www pages.

The quantitative and qualitative aspects of resource materials changed in accordance with the changing situation. Some data proved irrelevant and were no longer requested; others, on the other hand, were newly introduced. The format soon stabilized and has remained practically unchanged until the present day: proofsheets lent for a minimum period of time or the minimum amount of essential data made available through summaries, Xerox copies of title pages, colophons, etc. The publishers' requests are much more modest than their original interest suggested, and for some publishers and editors even a minimum effort and summarization of necessary information seems to be an insurmountable obstacle for various reasons; today, we produce CIP records for about 15 – 20 publishing houses, with an annual average of publications processed between 300 to 400. This of course is very little (about 3 per cent) compared with the total volume of legal deposits. Most of the cooperating publishing houses are small and medium-sized companies with a limited output, sometimes only a few publications a year.

There are a number of reasons for the lack of interest on the part of publishers: there are many factors of different character, both objective and subjective, in play. (Note: the representative of the Publishers' Association believes that CIP is good for nothing and rejected our cooperation offer; on the other hand, he wants to build their own database of books to be published). Just a few comments:

- Publishers send reports to the ISBN Agency of the National Library of the CR on books to be published, and then they send a legal copy. They consider it superfluous to send information to yet another department of the same institution.
- Publishers think that cooperation is not obligatory and the decision to do so, which is not linked to the legal copyrights or tax exemptions, is entirely at their discretion. In spite of advertising efforts and the fact that the "service" is free, only publishers themselves will decide whether they want to send in the data or not.
- The O.K. biweekly, which gives publicity to CIP contributors, mostly includes only records provided by the ISBN Agency. The difference in the quality and scope of records does not mean any significant increase in value.

- The Czech Republic has traditional sources of information for booksellers, libraries and readers (journals New Books and Book News), which at present are a more attractive advertising tool for publishers. There are some other commercial tools trying to establish themselves on the market.

In spite of the above problems, cooperation in CIP remains a way of achieving a closer cooperation with publishers and, last but not least, of quickly producing good-quality records that libraries could take up. There are several ways the agenda could be broadened in the future. Giving some advantages to contributors (e.g. tax exemptions) would be the ideal solution, and a closer connection with the ISBN (to include information on CIP in the ISBN material) or with the publishers the "first right to purchase" option would also be useful. Another option is an offer of a more effective promotion (e.g. including excerpts of texts in the database). In this case, however, the National Library would find itself in a keenly competitive environment where its position as a state institution would not be an easy one. Short-term objectives might include starting discussion to see whether the original limits were not set too narrow, and whether it would not be wise to stop selecting publications for CIP and make it possible for all the publications to be included.

Conclusion

After analysing the "cooperation" of publishers and the national bibliographic agency in the area of monographs, serials and the CIP, it is obvious, that our situation is far from ideal. It is necessary in many areas to go through a period of no (or minimum) regulations (and of chaos in many times) before mutually advantageous relationships of cooperation between publishers and libraries can be established. Nowadays we have technical tools for integration of different resources (at <http://www.jib.cz>), provided that they are available via the Internet and adhere to standards. However, we need mainly to establish mutually advantageous relationships of cooperation between publishers and libraries as soon as possible.