



Legal deposits of electronic materials in Sweden

FOR INDIVIDUAL SUPPLIERS



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The Legal Deposit Act for Electronic Materials/Documents (2012:492), which serves as a complement to the Legal Deposit Act (1993:1392), has been in effect since July 1, 2012.

The act stipulates guidelines for the submission of electronic documents as well as articulates the three major criteria for documents which are subject to this act – their public accessibility, their uniqueness and their distribution through electronic networks.

The publishers of such shall submit all documents drafted after December 31, 2014 to Kungl. biblioteket (KB).

About 60 specially selected publishers, however, are under obligation to submit their publicly accessible documents drafted after March 31, 2013.

The stipulations of this act are binding for individual suppliers – agents, producers, publishers, distributors, federal and municipal authorities under governmental auspices. Government agencies are subject to other regulations than individual suppliers.

Subject to legal deposit are:

1. documents publicly accessible in Sweden on electronic networks
2. documents available exclusively in web-, not analog form
3. documents that have a defined electronic file format and are comprised of any combination of text, sound, and image
4. documents with an abiding, not a transient form altered each and every time they are accessed
5. documents regarded as Swedish. Materials fall under this category if
 - a. significant portions of them are in Swedish
 - b. they can be attributed to a Swedish author or artist
 - c. the intention is to make them available to the general public in Sweden

Examples:

- edited materials e.g. articles consisting of text and image (journalistic entries, op-eds, blogs, reviews)

- extra-materials (interviews, backstage footage)
- sound bites and video clips, as well as entire programs from web television and play services
- music and film files
- images, i.e. photographs
- advertisements for the legal deposit suppliers themselves
- podcasts
- brochures and pamphlets
- transcribed electronic records
- Really Simple Syndication feeds (RSS)
- bulk e-mails
- blogs (if they can be regarded as articles and are not altered for three months).

N.B.

Provided that the suppliers use RSS for submissions, KB shall download updates every day.

Not subject to legal deposit

Examples:

1. entire websites
2. entire databases
3. coding for these databases
4. computer programs and other software
5. live streams which do not comprise a file (these materials are subject to the stipulations of 1993:1392)
6. materials updated continually (for example, wikis)
7. materials without an official publisher or not under copyright (privately published images, music, films, blogs and commentaries)
8. copyrighted materials which grant the creator exclusive use and distribution rights
9. content of the internal networks of companies
10. online games
11. apps (subject to submission if the content differs from that which is available publicly or in analog form).

Liabile to exception/exemption

Certain items can be subject to the Legal Deposit Act, but liable to exception/exemption. These include

1. content deemed to be trivial in the context in which it has been published electronically – for instance, files and fields of a database which consist of a name or a number or has a purely decorative function – menu headlines such as News, Sports, the Arts.
2. material which is or can be regarded as a part of an advertisement published for commercial purposes and is not part of a document otherwise subject to submission. If the advertisement has been commissioned by someone subject to submit his/her materials electronically, it, too, has to be submitted – such as publicly accessible advertisements or advertisements that serve as web TV trailers.
3. parallel editions, the content of which does not significantly differ from already submitted electronic material or is subject to the constraints of Legal Deposit Act 1993:1392. If the material has been secured in such a way rendering it impossible or difficult to save it in its original form, a later version without such security and authorization in place shall be submitted.

Who is compelled under law to submit materials?

1. all who are guaranteed freedom of speech and press by Chapter 1, paragraphs 6 and 9 of the Swedish Constitution (Freedom of Press Act)
2. business enterprises which create or distribute electronic materials and or other pronouncements
3. all municipal and federal authorities

To whom shall the materials be delivered?

To KB within three months of the date of publication.

How shall legal deposit be delivered?

Each electronic item shall be delivered on a physical carrier in its original form. The library does, however, in special cases allow for network deliveries.

Each item shall be accompanied by information

1. about the place and time of publication
2. about the material's format
3. regarding passwords necessary to access these materials
4. as to how this particular material is related to other material under compulsion to be submitted either by the Legal Deposit Act for Electronic Materials or the Legal Deposit Act (1993:1392).

For further information please consult the following site:

www.kb.se/plikt/eplikt

For further questions
e-plikt@kb.se