

National Library of New Zealand Act (Te Puna Mātauranga o Aotearoa) 2003

Consultation document on proposed National Library Requirement (Electronic Documents) Notice 2004

1. Invitation to comment

This Consultation document on the proposed National Library Requirement (Electronic Documents) Notice 2004 has been prepared by the National Library of New Zealand for comment by publishers¹ or representatives of publishers likely to be affected by the terms and conditions in the proposed notice. The following points may be of assistance in preparing comments:

- Whenever possible, comment should be specific to a particular section of the document. All sections are numbered and these numbers should be used to link comments to the document.
- Comments should be succinct and, where possible, reasons and data to support comments are requested.

Please include the following information in your submission²:

- Your name and title
- Your contact details
- Your organisation's name
- Your address
- And the numbers of the sections you are commenting on

Please note the deadline for submissions, **24 September 2004**.

Comments should be sent to:

Alison Elliott
Director, Collection Services
National Library of New Zealand
PO Box 1467
Wellington

Phone: 04 474 3026
Fax: 04 474 3060
E-mail: Alison.elliott@natlib.govt.nz

Please note that your submission is public information and subject to the Official Information Act 1982. Therefore if you consider that any or all information in your submission should be treated as confidential or is commercially sensitive, please state this clearly when making your submission.

¹ See Appendix 1: Glossary p. 11

² See Appendix 4: Submission form

2. Background

Legal Deposit is a statutory provision included in the National Library of New Zealand Act 2003 requiring publishers to provide copies of publications to the Library. The publications are added to its collections.

The purpose of Legal Deposit is to assist the Library in preserving New Zealand's documentary heritage so that it is available, subject to any applicable terms or conditions, for the benefit of New Zealanders.

One of the functions of the National Library is to develop and maintain collections of documents, including a comprehensive collection of documents relating to New Zealand, and to make these accessible for all the people of New Zealand. The Alexander Turnbull Library, a library within the National Library, has the world's pre-eminent research collection of New Zealand resources.

The new Act extends legal deposit to electronic documents³. A copy of "Part 4 Provision of copies of public documents to National Library" is included in Appendix 3. A copy of the entire National Library Act 2003 can be accessed on the Library's website at www.natlib.govt.nz/en/about/1corpinfo.html.

Under the National Library Act, the Minister is required to consult publishers or representatives of publishers likely to be affected by the proposed requirement for electronic documents about any terms and conditions relating to format, public access or other matters.⁴

The consultation process will take a minimum of three months, starting from 16 August 2004. At the conclusion of the consultation process the National Library Requirement (Electronic Documents) Notice 2004 will be issued. The notice cannot come into force until at least 3 months after the date of its publication in the *New Zealand Gazette*.⁵

³ See Appendix 1: Glossary p.10

⁴ See Appendix 3: National Library of New Zealand Act 2003, sections 36 (1), 31 (2) (b) and 31 (3)

⁵ See Appendix 3: National Library of New Zealand Act 2003, section 32 (1) (a)

3. Are you a publisher of electronic documents?

The deposit provisions in the National Library of New Zealand Act 2003 mean that in future the requirement to deposit will apply to publishers who have not previously needed to deposit publications.

The definition of electronic document in the Act is broad and includes both online and off-line documents⁶. An electronic document may include sound and/or video as well as text.

An organisation can be a publisher even though the organisation's primary purpose is not publishing. For example, the new legal deposit provisions will affect you if you maintain a website in New Zealand, or post documents to a website in New Zealand, that is made accessible to the public with or without any restriction.

If you publish an electronic document in an off-line format – for example a CD, a CD-ROM, a DVD, an audiotape, a videotape – the new legal deposit provisions will also affect you.

The form in which a document is made available to the public is the form to which the legal deposit provisions apply. Internal electronic documents that result in print publications are not subject to legal deposit. The legal deposit provisions do not permit the Library to digitise print material that is deposited without the express permission of the publisher or until copyright has expired.

⁶ See Appendix 1: Glossary p.10

4. What will the Library do with deposited electronic documents?

Electronic documents collected by the National Library will be permanently housed in its digital repository.

Internet documents that are dynamic will be archived at intervals to provide “snapshots in time”. The access records for these documents will link to both the current website maintained by the publisher and to the archived copy or copies in the digital repository. The Library will retain each copy that it archives as a separate entity.

Off-line electronic documents will be copied to the digital repository to avoid any loss of access through obsolescence of hardware and software. Although the Library will migrate electronic documents published in off-line formats, it will endeavour to maintain the content and look and feel as originally published.

The Library will not, without the express permission of the publisher, incorporate content from an electronic document, into another publication.

5. Purpose of this discussion paper

The purpose of this paper is to elicit responses from publishers or their representatives on two issues:

- Terms and conditions relating to public access that should be incorporated into the final form of the National Library Requirement (Electronic Documents) Notice 2004
- Any class or classes of documents that could be exempt from the requirement

The National Library Act 2003 provides that the purpose of legal deposit “is to assist in preserving New Zealand’s documentary heritage so that it is available, subject to any applicable terms or conditions, for the benefit of New Zealanders.”⁷

During discussions preceding the passing of the National Library of New Zealand Act 2003, it was noted that there was a potential loss of revenue to publishers if unfettered access was provided to documents that are produced for commercial purposes. The requirement to consult publishers about terms and condition of access to electronic documents was included in the legislation to ensure that these matters were carefully considered before the provisions in the Act came into force.

Under the current provisions of the Copyright Act 1994, the Library will maintain a balance between the wider public interest and the interests of creators and owners of copyright works. The nature and extent of the applicable terms and conditions provides the means to protect publishers’ commercial interests.

To assist this discussion a draft proposed National Library Requirement (Electronic Documents) Notice 2004 is attached as Appendix 2. Proposed terms and conditions have not been included in this draft notice, though the notes included in it make clear where these ultimately would be included.

After the consultation process, all feedback received will be collated and used to determine the provisions to be included in the National Library Requirement (Electronic Documents) Notice 2004.

⁷ See Appendix 3: National Library of New Zealand Act 2003, section 30

6. Use of public documents permitted by the National Library of New Zealand Act 2003.

The National Library of New Zealand Act 2003 specifies a minimum level of access to public documents, which includes electronic documents in all formats. These permitted uses are:

- National Library staff can access electronic documents at any time in order to undertake their day to day work;⁸
- The Library can make up to three copies of any electronic document accessible by members of the public but may not provide that access over the Internet without the publisher's agreement;⁹ *except that* the Library can provide immediate Internet access to an electronic document where its publisher has made the document available on the Internet without restriction on its access or use by members of the public.¹⁰

⁸ See Appendix 3: National Library of New Zealand Act 2003, section 34 (2)

⁹ See Appendix 3: National Library of New Zealand Act 2003, section 34 (3)

¹⁰ See Appendix 3: National Library of New Zealand Act 2003, section 34 (4)

7. Proposed terms and conditions

The applicable terms and conditions need to cover access to deposited documents not expressly covered in sections 34 (3) or 34 (4). Terms and conditions of access are required to determine when:

- Off-line documents can be made accessible by the Library to more than three people at a time
- Off-line documents can be made accessible by the Library via the Internet
- Online documents made publicly available on the Internet by the publisher with restrictions, can be made accessible by the Library without restriction

In proposing applicable terms and conditions the Library has taken into consideration the commercial interests of publishers while balancing that with New Zealanders' need for access. In addition, the Library has considered the need to minimise compliance costs of the proposed terms and conditions for both the publisher and the Library.

The proposed applicable terms and conditions are as follows:

The Library proposes that no distinction be made between the terms and conditions of access for off-line and online documents. Likewise it proposes that no distinction is made between documents made available remotely¹¹ and locally¹².

In addition to the minimum level of access provided for in Section 34 (3), and to freely accessible Internet documents¹³ in Section 34 (4) of the Act, the Library proposes that deposited off-line and online documents be made available to the public on the Internet at an agreed time yet to be determined, no earlier than three and no later than ten years after the year of publication. The time delay (number of years) will be established following consideration of feedback from interested parties. It should be noted that the Library would not propose to limit the number of concurrent users once material is made accessible online.

Where a new edition of an electronic document supersedes a previous edition, the Library proposes that the time delay that is established following the consultation would still apply to the original edition even though a later edition has been published.

¹¹ See Appendix 1: Glossary p. 11

¹² See Appendix 1: Glossary p. 10

¹³ See Appendix 1: Glossary p. 10

- 7.1 What time-delay in making deposited off-line and online documents accessible on the Internet, within the three to ten year period, would you consider is sufficient to safeguard your commercial interests? Please specify the time delay in years. Please explain the time delay you have proposed.
- 7.2 If you consider the ten year period is insufficient, please indicate the likely impact you consider the proposed time delay would have on your commercial interests and propose a different time delay. Please explain the time delay you have proposed.
- 7.3 If you consider that your commercial interests would be better protected by a restriction on the number of simultaneous users once the material has undergone the agreed time delay and then been made accessible on the Internet, please give your reasons for this.
- 7.4 How long do you think such a restriction on the number of simultaneous users should remain in force?
- 7.5 If you consider that different access terms and conditions should be set for off-line documents than for online documents please indicate what you consider the terms and conditions should be for online and for off-line documents.
- 7.6 Please explain why you have requested different terms and conditions for these two classes of document?
- 7.7 If you consider that different access terms and conditions should be set for different formats of off-line documents, say CD-ROM and CD, please indicate what you propose the terms and conditions should be for each of the different formats. Please explain why you have requested different treatments of different formats.

8. Proposed classes of document to be exempt from the requirement to deposit

The National Library of New Zealand Act 2003 allows for the exclusion of classes of documents from the requirement to deposit. Exclusions could be made where warranted by circumstances including costs of compliance, or where alternative arrangements meet the purpose of legal deposit.

During consideration of the Bill it was suggested that broadcast material (television and radio), and motion pictures, might be excluded for so long as existing arrangements through institutions such as the New Zealand Television Archive, the New Zealand Sound Archive and the New Zealand Film Archive achieve the purpose of preservation of those formats. Existing and successful arrangements will not be duplicated.

8.1 Do you agree that broadcast material and motion pictures should be exempt from the requirement to deposit?

8.2 If not, on what grounds do you think that these classes of document should be deposited?

8.3 Are there other classes of document that should be exempt from the requirement?

8.4 On what grounds would you propose that this class of documents be exempt?

Appendix 1: Glossary

<i>Term</i>	<i>Means</i>
Electronic document ¹⁴	A public document in which information is stored or displayed by means of an electronic recording device, computer, or other electronic medium, and includes an internet document
Local	Delivered electronically within the Library to walk in customers, but not accessible outside the Library e.g. from home.
Internet document ¹⁵	A public document ¹⁶ that is published on the Internet, whether or not there is any restriction on access to the document; and includes the whole or part of a website
Off-line document ¹⁷	An electronic document that is not an Internet document; and includes an electronic document that is stored or used by means of – (a) magnetic media (for example, floppy disk, hard drive, audiotape, or videotape) (b) optical media (for example, CD-ROM, DVD or CD)
Public document ¹⁸	means a document- (a) of which 1 or more copies (whether or not there is any restriction on members of the public acquiring or accessing the document) are- (i) issued to the public; or (ii) available to the public upon request; or (iii) available to the public on the Internet; and (b) that is printed or produced by any other means in New Zealand, or is commissioned to be printed or otherwise produced outside New Zealand by a person who is resident in New Zealand or whose principal place of business is in New Zealand; and (c) in which copyright exists under the Copyright Act 1994 or that is a document of a kind referred to in section 27(1) of that Act; but (d) does not include- (i) a public record within the meaning of section 2 of the Archives Act 1957, except public records made available to the public (for example, public records that have an ISBN or ISSN number); or (ii) a reprint of a document whose content and form are identical to the content and form of a document already given to the National Librarian under this Act or any previous Act

¹⁴ See Appendix 3: National Library of New Zealand Act 2-003, Section 29 (1)

¹⁵ See Appendix 3: National Library of New Zealand Act 2-003, Section 29 (1)

¹⁶ See Appendix 1: Glossary p.10

¹⁷ See Appendix 2: Proposed National Library (Electronic Documents) Notice 2004, p. 1

¹⁸ See Appendix 2: Proposed National Library (Electronic Documents) Notice 2004, p. 1

Remote	Delivered outside the Library e.g. via the Internet
Publisher ¹⁹	<p>‘Publisher’ means,-</p> <p>(a) in relation to a printed public document, the publisher of that document; and</p> <p>(b) in relation to any other public document other than an internet document, the person who produced in New Zealand, or commissioned the production outside New Zealand of, the copies of the document issued to, or available on request by, the public; and</p> <p>(c) in relation to an internet document, the person who has control over the content of the website, or part of the website, on which the document is located</p>

¹⁹ See Appendix 3: National Library of New Zealand Act 2003, Section 29 (1)

Appendix 2: Proposed National Library (Electronic Documents) Notice

PCO 5343/3
Drafted by Parliamentary Counsel

National Library Requirement (Electronic Documents) Notice 2004

Pursuant to section 31 of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003, the Minister Responsible for the National Library of New Zealand Te Puna Mātauranga o Aotearoa gives the following notice.

Contents

Notice

- 1 Title**
This notice is the National Library Requirement (Electronic Documents) Notice 2004.
- 2 Commencement**
This notice comes into force on [Q:date to be advised] 2004.
- 3 Interpretation**
In this notice, unless the context otherwise requires,—
Act means the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003
off-line document means an electronic document that is not an Internet document; and includes an electronic document that is stored or used by means of—
 - (a) magnetic media (for example, floppy disk, hard drive, audiotape, or videotape):
 - (b) optical media (for example, CD-ROM, DVD, or CD)**publish**, in the case of an off-line document, means making publicly available by issuing copies of the public document to, or making copies of the public document available on request by, a member of the public, whether or not there is any restriction on the acquisition of the document by members of the public (as by payment of a price or fee).
- 4 Application of this notice**
This notice applies to—
 - (a) every class of electronic document; and
 - (b) all publishers of electronic documents.

5 Authorisation to make copy of Internet document

The National Librarian is authorised to make copies of Internet documents.

Q: Note: Terms and conditions (if any) are to be included in this clause after Ministerial consultation period.

6 Requirement to provide copies of off-line documents

Every publisher of an off-line document must, at the publisher's own expense, give to the National Librarian, within 20 working days after the date when the document is first published, 2 copies of the floppy disk, videotape, or other medium that contains the document.

Q: Note: Terms and conditions (if any) are to be included in this clause after Ministerial consultation period.

7 Condition applying to requirement

If an off-line document is published in more than 1 language, the number of copies required under clause 6 must be given to the National Librarian in each language version.

8 Delivery of copies required under this notice

The copies of an off-line document required by clause 6 must be delivered to the National Librarian at the Legal Deposit Office, National Library of New Zealand Te Puna Mātauranga o Aotearoa, PO Box 12 340, Wellington.

Dated at Wellington this day of 2004.

Minister Responsible for the National Library of New Zealand Te Puna Mātauranga o Aotearoa.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice comes into force on [date to be advised], after a 3-month ministerial consultation period, and a further 3-month lead-in period as required by section 32(1)(a), of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003.

The notice defines the key term **off-line document** as the media on which such documents are stored, recorded, or used. Internet documents are not included in the definition of off-line documents.

An off-line document includes documents stored by various means, such as magnetic media and optical media.

The notice applies to every class of electronic document and to all publishers of electronic documents.

The notice authorises the National Librarian to copy Internet documents, subject to any stated conditions. It also requires publishers of off-line documents to provide to the National Librarian 2 copies of the medium containing the document within 20 working days after the date when the document is first published. If such documents are published in more than 1 language, the publisher must supply 2 copies of each language version.

The obligation is on a publisher to deliver the required number of copies of the off-line document to the National Librarian, at the publisher's own expense.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

This notice is administered in the National Library of New Zealand Te Puna Mātauranga o Aotearoa.

Appendix 3: Part 4 Provision of copies of public documents to National Library

29. Interpretation relating to this Part—

(1) In this Part, unless the context otherwise requires,—

authorisation, in relation to an internet document, means an authorisation notified under section 31(3)

electronic document means a public document in which information is stored or displayed by means of an electronic recording device, computer, or other electronic medium, and includes an internet document

internet document means a public document that is published on the Internet, whether or not there is any restriction on access to the document; and includes the whole or part of a website

make a copy, in relation to an internet document, means to make a copy of the document for the purpose of storing and using it in accordance with this Part; and includes circumventing any technological protection measures which otherwise would prevent or hinder the copying, storage, or use of the document

printer, in relation to any printed public document, means the owner of the undertaking by which the document is printed or otherwise produced

public document means a document-

(a) of which 1 or more copies (whether or not there is any restriction on members of the public acquiring or accessing the document) are-

(i) issued to the public; or

(ii) available to the public upon request; or

(iii) available to the public on the Internet; and

(b) that is printed or produced by any other means in New Zealand, or is commissioned to be printed or otherwise produced outside New Zealand by a person who is resident in New Zealand or whose principal place of business is in New Zealand; and

(c) in which copyright exists under the Copyright Act 1994 or that is a document of a kind referred to in section 27(1) of that Act; but

(d) does not include-

(i) a public record within the meaning of section 2 of the Archives Act 1957, except public records made available to the public (for example, public records that have an ISBN or ISSN number); or

(ii) a reprint of a document whose content and form are identical to the content and form of a document already given to the National Librarian under this Act or any previous Act

publication means making publicly available in the manner specified in a requirement, whether or not there is any restriction on the acquisition or use of the document by members of the public

publisher means,-

(a) in relation to a printed public document, the publisher of that document; and

(b) in relation to any other public document other than an internet document, the person who produced in New Zealand, or commissioned the production outside New Zealand of, the copies of the document issued to, or available on request by, the public; and

(c) in relation to an internet document, the person who has control over the content of the website, or part of the website, on which the document is located

requirement means a requirement notified by the Minister under section 31(1); and includes-

(a) an authorisation notified under section 31(3); and

(b) an amendment notified under section 31(4)

restriction, in relation to the acquisition, use, or availability of, or access to, a public document of any kind,—

(a) means a physical, technical, or mechanical restriction such as a requirement to pay a fee or price, or to use a password or other requirement that prevents or restricts free public access to the document; but

(b) does not mean any legal restriction recorded in or claimed for the public document.

(2) For the avoidance of doubt, a public document that has been made available on the Internet is the document at a particular time and, if that document is changed in any respect, it becomes a different public document for the purposes of this Part.

30. Purpose of this Part—

The purpose of this Part is to assist in preserving New Zealand's documentary heritage so that it is available, subject to any applicable terms or conditions, for the benefit of New Zealanders.

31. Notice of requirement for public documents—

(1) The Minister may, by notice in the *Gazette*, require a publisher of a public document (other than an internet document) to give to the National Librarian, at the publisher's own expense, a specified number of copies (not exceeding 3) of—

(a) the public document in printed form; and

(b) if the document is an electronic document, the medium that contains the document.

(2) The copies of the public document referred to in subsection (1) must be provided—

(a) within 20 working days from the date of first publication of the document (or a longer period, if any, that is specified in the notice); and

(b) on, or in accordance with, any terms and conditions as to format, public access, or other matters that are specified in the notice.

(3) The Minister may, by notice in the *Gazette*, authorise the National Librarian to make a copy, at any time or times and at his or her discretion, of public documents that are internet documents in accordance with any terms and conditions as to format, public access, or other matters that are specified in the notice.

(4) The Minister may, by notice in the *Gazette*, amend or revoke a requirement notified under subsection (1) or subsection (3).

32. Contents of requirement—

(1) A requirement must specify—

(a) the date on which it comes into force, which, subject to subsection (2), must be at least 3 months after the date on which the notice is published in the *Gazette*; and

(b) whether it applies to all classes of public documents or only to a specified class or classes of public documents; and

(c) in the case of a requirement notified under section 31(1), whether it applies to all publishers of those public documents or only to a specified class or classes of publishers of those documents.

(2) Despite subsection (1)(a), a requirement that relates to books to which section 30A of the National Library Act 1965 would have applied if that Act had not been repealed by this Act is not subject to the minimum period of 3 months specified in subsection (1)(a).

33. Publishers to assist National Librarian to store and use documents—

(1) If, at any time, the National Librarian makes a written request for assistance, a publisher of an electronic document to which a requirement relates must, at the publisher's own expense, provide reasonable assistance within 20 working days of receiving the request to enable the National Librarian to store and use an identical copy of the document.

(2) A written request under subsection (1) may relate to—

(a) 1 or more electronic documents; or

(b) 1 or more classes of electronic documents.

34. Use of public documents in National Library—

(1) In this section, deposited document means a public document of which 1 or more copies have been given to, or made by, the National Librarian under a requirement.

(2) For the purposes of carrying out his or her duties, the National Librarian and any employee, contractor, or agent of the National Library may possess, copy, store in electronic form (whether off-line or on-line), and use any copy of a deposited document.

(3) The National Librarian may provide not more than 3 copies of a deposited document for use by members of the public (whether at the premises of the National Library or elsewhere) but, except as provided in subsection (4) or with the publisher's agreement, must not make the document available on the Internet.

(4) If a deposited document is made publicly available on the Internet by the publisher without restriction on its access or use by members of the public, the National Librarian may make the document available for access and use by members of the public on the Internet (as well as in the manner permitted by subsection (3)).

(5) Except as provided in subsections (2) to (4), the law relating to copyright applies to every deposited document.

35. Status of requirement as regulation—

A requirement is a regulation for the purposes of the Regulations (Disallowance) Act 1989.

36. Consultation—

(1) Before the Minister notifies a requirement, the Minister must consult the publishers or representatives of the publishers likely to be affected by the proposed requirement about the terms and conditions referred to in section 31(2)(b) or (3).

(2) Subsection (1) does not apply in respect of a requirement that relates to books to which section 30A of the National Library Act 1965 would have applied if that Act had not been repealed by this Act.

37. Copies of document—

Except as otherwise expressly provided in a requirement, copies of a public document given to the National Librarian in accordance with a requirement notified under section 31(1) must be-

(a) identical copies of the document; and

(b) of the same standard as the best copy of the document that has been published in New Zealand.

38. Exemption from requirement—

(1) A requirement may authorise the Minister to exempt, by notice in the *Gazette*, a public document or class of public documents from the requirement on the basis of criteria set out in the requirement.

(2) The Minister may, by notice in the *Gazette*, exempt a public document or class of public documents from a requirement if—

(a) the requirement authorises the Minister to grant exemptions from it; and

(b) a written application for the exemption has been made to the Minister; and

(c) the Minister is satisfied that the criteria for exemptions set out in the requirements are met and that it is appropriate to grant the exemption in the circumstances.

(3) An exemption may be granted on the terms and conditions that the Minister thinks fit.

(4) An exemption takes effect on the date, and on the terms and conditions, specified in the notice.

39. Obligations to comply with requirement—

(1) A publisher to whom a requirement applies must comply with that requirement.

(2) A publisher to whom a requirement notified under section 31(3) applies must permit the National Librarian to make a copy of that document in accordance with that requirement.

(3) If the name of the publisher does not appear on a printed public document and the printer of that document is resident in New Zealand or has its principal place of business in New Zealand,-

(a) the printer is under the same duty to comply with a requirement as the publisher; and

(b) if the printer complies with a requirement, the printer is entitled to recover the cost of doing so from the publisher.

40. Offence and penalty—

A publisher or printer who, without reasonable excuse, fails to comply with section 39 commits an offence and, on summary conviction, is liable to a fine not exceeding \$5,000.

41. Savings—

(1) Despite section 46(1), section 30A of the National Library Act 1965 continues to apply in relation to a book if its date of publication (as defined in section 30A of that Act) is a date before the commencement of this Act.

(2) Subsection (1) applies in relation to a book whether the 30-day period referred to in section 30A of the National Library Act 1965 expires before, on, or after the commencement of this Act.

42. Transitional provision—

Despite section 46(1), section 30A of the National Library Act 1965 applies in relation to a book if-

(a) its date of publication (as defined in section 30A of that Act) is a date on or after the commencement of this Act; and

(b) no requirement is in force in relation to the book.

43. National Librarian's other powers and rights not limited—

This Part does not limit any power or right that the National Librarian has in relation to a public document, other than under this Part.

Appendix 4: Submission form

If mailing or faxing a submission please attach a copy of this submission form to the front of your submission. An electronic copy of the submission form is on the National Library's website www.natlib.govt.nz

Thank you for your submission.

Name:	Title:
Organisation:	Mailing Address:
e-mail address:	

Section 7 – questions:

- 7.1 What time-delay in making deposited off-line and online documents accessible on the Internet, within the three to ten year period, would you consider is sufficient to safeguard your commercial interests? Please specify the time delay in years. Please explain the time delay you have proposed.
- 7.2 If you consider the ten year period is insufficient, please indicate the likely impact you consider the proposed time delay would have on your commercial interests and propose a different time delay. Please explain the time delay you have proposed.
- 7.3 If you consider that your commercial interests would be better protected by a restriction on the number of simultaneous users once the material has undergone the agreed time delay and then been made accessible on the Internet, please give your reasons for this.
- 7.4 How long do you think such a restriction on the number of simultaneous users should remain in force?
- 7.5 If you consider that different access terms and conditions should be set for off-line documents than for online documents please indicate what you consider the terms and conditions should be for online and for off-line documents.
- 7.6 Please explain why you have requested different terms and conditions for these two classes of document?

7.7 If you consider that different access terms and conditions should be set for different formats of off-line documents, say CD-ROM and CD, please indicate what you propose the terms and conditions should be for each of the different formats. Please explain why you have requested different treatments of different formats.

Section 8 – questions:

- 8.1 Do you agree that broadcast material and motion pictures should be exempt from the requirement to deposit?
- 8.2 If not, on what grounds do you think that these classes of document should be deposited?
- 8.3 Are there other classes of document that should be exempt from the requirement?
- 8.4 On what grounds would you propose that this class of documents be exempt?