

## Estonian electronic legal deposit

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The mission of the National Library of Estonia is to protect the country's cultural heritage. As we value openness and innovativeness, we have to understand how the changes in digital world affect our legal deposit principles, ecosystem, workflows and e-solutions. Collecting and preserving legal deposit is connected with the national library's strategic goals, as the digital transformation not only means developing e-services, it also means that we must understand how the changes and possibilities of digital society affect our services and processes. We have to understand the relevance of the services we offer to publishers, the touchpoints and key challenges which are mainly connected with rapidly evolving AI solutions.

The topic of archiving online publications has been on the table in Estonia since 1997 when the National Library started to collect information about Estonian online publications. At the beginning of 2000, Estonian publishers started to actively publish online and it became obvious that the National Library of Estonia had to expand its activities from monitoring and selecting web resources to archiving web publications. The test project of archiving online publications was carried out from 2000 to 2005. This project created a basis for building a test environment to collect, register and archive online publications important for Estonian culture.

In 2006, the Legal Deposit Copy Act was updated to cover the collecting of online publications that are made accessible to the public on the Internet and contain information important for Estonian culture. As the receiver of legal deposit copies of web publications, the National Library of Estonia had the right to make a copy of the online publication. The depositor of the legal deposit copy was required to enable the making of a copy. So in Estonia, the archiving of online publications has been regulated by law since 2006. In 2009, the Estonian Ministry of Culture initiated another review and updating of the Legal Deposit Copy Act. The new act was adopted on 15 June 2016 and entered into force on 1 January 2017.

With the Legal Deposit Copy Act, the *Riigikogu* (Estonian Parliament) updated the arrangement of collecting legal deposit copies, and gave digital publications an equal importance along with the previously listed printed publications, sound recordings and DVDs. The new law regulates also web archiving and collecting of the output-ready files of films. There are four main changes in the legal deposit system: creation of a legal deposit centre at the National Library; the number of printed publications reduced from 8 to 4 copies; the number of deposit libraries reduced from 10 to 4; and starting the collection of output-ready files of printed publications and films as legal deposits.

The most significant change introduced by the new Act is related to digital publications. The Act updated the collection and storage of publications important for Estonian culture and enabled the National Library to collect all output-ready files of Estonian printed publications

into our digital archive. So Estonia became the first country in the world to legislate the collection and storage of output-ready files of publications and films. The new Act ensures that it is no longer necessary to separately digitise publications and films that are published since 2017. Output-ready files of films are deposited and preserved in the National Archives.

To fulfill our obligation, the National Library created the **Publisher Portal**, an environment that assembles all e-services that the National Library provides to publishers. We opened the Publisher Portal in January 2017, now the environment is under development and the new version will open at the beginning of 2025. Via the portal our publishers can inform the National Library of their new publications, and apply for the international standard numbers ISBN, ISSN and ISMN. The portal also makes it easy for publishers to submit their e-books and the output-ready files of books for archiving, manage the legal rights of their publications, and view the statistics on the use of their publications.

The files received from publishers are safely stored and accessible in the National Library's digital archive DIGAR. Our digital archive has three interfaces for end-users: one for monographs, online and preprint files, containing books, maps, sheet music, photos, and postcards. Digitally born or digitised periodicals are available in another environment where all periodicals are accessible at the article level. The third environment is for web archive: we collect and preserve online publications that have been made available to the public (1) via the domain .ee or other top-level domain geographically linked with Estonia; (2) via another top domain, being important for Estonian culture; (3) by any citizen or a legal person registered in the Republic of Estonia, or by a natural person residing in Estonia, and being essential for Estonian culture. Today, the web crawling of Estonian sites is carried on at three levels - Selective Crawl: we collect websites of state institutions, local governments, etc.; we create Special Collections: Estonian Republic 100, Olympics, Song Festivals; Broad Crawl: sites ending with .ee are collected once a year.

The primary objective of the National Library of Estonia today is to unify three access environments into one unified DIGAR portal. The new environment will open at the beginning of 2025.

In terms of access, **the main rule is that publishers will decide about access rights**. By law legal deposit copies may be used at an authorised workplace/computer. These workplaces are located in five legal deposit libraries. It is a computer workstation where digital legal copies are made available while at the same time disabling the copying to external media. If the copyright holder gives us permission for the publication, it will be made available to everybody, freely accessible. Cooperation and collaboration with publishers were not easy at the beginning. But we decided that the most important issue was communication. We organised information days for printing houses and publishers, had a lot of seminars. Today all the necessary information for publishers is available on our website, and we also have a small group of publishers who are, for example, testing Publishers Portal developments.

Good cooperation guarantees that we are able to develop new and additional services. For instance, we are currently discussing how to legally make e-books and audiobooks available for lending services, as well as whether or not our e-book lending programme can serve as a sales channel for publishers. Our main objective is to give end users options, including the option to purchase the same book after the free license expires. As since 2023 the National Library also works as the Library for the Blind, we opened for publishers audio files that we make available to the readers of the Library for the Blind, to produce more audiobooks for Estonian people. In this way, we avoid duplication in our book market, and the National Library will also have an additional budget to buy more audiobooks.

Considering digital transformation and the e-legal deposit ecosystem, we see that the changing world is impacting also on our workflows and challenging our traditional principles. As we all know, AI is developing in all spheres and the meaning of national cultural heritage and national bibliography is being reinterpreted. Publishers who are creating AI-generated books can be given Estonian ISBNs, provided that all the other criteria for ISBN assignment are met and the AI-generated book can be considered national cultural heritage. We see that the number of such creations is growing, and by initial analysis we guess that 12% of Estonian book market in 2023 was produced by AI. In the digital world, it is quite easy to produce different formats of e-books. Is it still in force that we have to collect all of them: online pdf, preprint pdf, epub, mp3, etc. Maybe it is time to think more about the content, not the digital format.

The digital world brings us new content and raises new questions, for example - what is the best way to collect video games? What about Estonian e-residents whose only connection with our country is digital registration to use our e-services – do the works created by them belong to our country's heritage? And as our obligation is to make legal deposit also accessible for research as Estonian language corpus, we have to find a solution to make the hitherto quite closed e-legal deposit more accessible to researchers.

As the world is rapidly changing we think it is time to re-start negotiations – not only for the need to amend the law but with a broader aim – to discuss what is a legal deposit collection in the digital world.