The Royal Irish Academy Library welcomes the opportunity to respond to the Department’s consultation on the extension of the Copyright and Related Rights Act 2000 to include digital publications and websites and we respectfully submit the following responses to the three questions posed:

1. Should the policy of collecting, preserving and making available the published output of the nation for the benefit of the public be extended to include all contemporary publication formats of Irish interest including online digital formats e.g., ie websites?

The proposed extension is necessary in order to capture the vast amount of data being placed on the internet by individual, groups, agencies and government departments; most of this content will survive no longer than twelve months. The rate of attrition in terms of content currently created and published digitally in Ireland is growing and if we continue to ignore this loss we are in danger of rendering the term ‘knowledge society’ meaningless. We urge our legislators to take responsibility for this threat to an important element of our patrimony.

When we engage with our history we do so by carrying out research on archives, manuscripts, newspapers, or on the material heritage such as buildings, stone monuments, metalwork and myriad other forms. Since the proliferation of print in Ireland during the eighteenth century in particular, the predominant outputs of research have been the monograph or journal article. Legal deposit of printed works has ensured that copies of works —often printed in short print runs or ephemeral in nature, or conversely, so popular that many households boasted a copy at some stage —have been preserved for the patrimony and for the purposes of access to future researchers. Now when content relating to our country is available via the internet or in other digital formats on a scale hitherto undreamt of, we have no adequate means of preserving this for future generations whom we shall fail if action is not taken urgently.
2. What issues arise if a policy extension on digital legal deposit is not provided for?

As librarians, we have a responsibility to ensure the continuity of preservation of content for the researchers and the public in ten, twenty, a hundred years hence. Unless legal deposit is extended we shall not be able to guarantee future access to a wide range of data, information and content currently published in digital formats or via the web, for the purposes of research, data mining or citizen information.

How will the individual find out about internet campaigns, referenda information, political news and events, or investigate the day-to-day picture of Ireland as presented via a plethora of websites hosting events, presenting programmes on topical issues, discussing problems connected with the economic downturn in online fora or on blogs, debating the issues around Brexit or the opportunities it might suggest? There is a consensus that solid information and content will be lost to posterity if legislation does not grasp the nettle now to stop the haemorrhage of digital content so important for our future. There is evidence that content produced in digital format only in the Irish language within the past twenty years has already been lost to researchers who needed to access these materials for the compilation of words in recent or current use.

Annual reports of agencies, societies and many high quality digital publications which the creators are unable to preserve themselves will disappear from the public record in the absence of mandatory legal deposit.

Researchers need the assurance that as a country we have policies ensuring that digital content will be preserved for future access, with inbuilt safeguards for the rights of content creators in the case of commercially produced digital publications, and that the future research resource will be balanced, i.e not delimited by printed works and the limited number of websites etc. which can be preserved by the National Library under voluntary schemes.

We risk Ireland being out-of-step with our fellow EU-member states if we fail to take account of the requirement to legislate for deposit of digital publications and websites.
3. What are the benefits if a policy extension on digital legal deposit is provided for?

Extending policy in this area will ensure that the national record is balanced, accurate and comprehensive. This is essential for historians, scientists, scholars and researchers in all disciplines, citizens, the diaspora, all those with an interest in our country. We cannot foresee all of the ways in which content will be used by researchers, those considering investing in our people and resources, innovators et al. But we can ensure that we have a resource which is robust and comprehensive and which we can stand over. The cultural, scientific and language content of today is the heritage content of the future — this has always been the case but we must recognise that ‘the medium is the message’ and messages in all media must be preserved.

In submitting this response we should like to reiterate our support for the submission sent by the Consortium of National & University Libraries (CONUL) of which we are a constituent member.

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