

Legal Deposits and Acquisitions in the Digital Environment

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ABSTRACT

Legal deposits and acquisitions are means of collecting the intellectual production of a nation. Legal deposit is a creation of law whereby creators of intellectual materials (authors, corporate bodies, government's agencies) and publishers are under obligation to submit to the National Library of Nigeria certain number of copies of their works free of charge. Acquisition of intellectual materials involves processes of identification of the materials, evaluation of the intellectual content, currency, library holdings and finance which has for long been a problem to librarians. Digital environment connotes the use and application of electronic devices such as computers, online data bases, websites, cloud servers, search engines, social media outlets, mobile apps, audio and video, and other web-based resources to carry out library functions. The paper used the conceptual framework to discuss the concepts of legal deposits and acquisitions in the digital environment. The paper noted the benefits of legal deposits and acquisitions in the digital environment to include documentation and preservation of the cultural heritage, publishing standards and resource sharing. It also noted that deposition of materials manually creates problems. Similarly, legal deposits and acquisitions in the digital environment are faced with problems such as identification of electronic publications, tracking the authors, publishers and their agents to comply with regulations. The paper posits that the revision of extant legal deposit regimes to provide for proper identification of online materials and mode of deposition, incentive to authors and publishers as well as provision of adequate penalties to defaulters will enhance legal deposits and acquisitions in the digital environment.

Keywords: *Legal deposit, Acquisition, Digital environment, Digital Libraries*

Introduction

The level of literary awareness and growth of any country depends so much on the intellectual output of the people. Such intellectual output must be documented, published, distributed, acquired and utilized

for the benefit of all. Legal deposit or deposit by law constitutes one of the various means of acquisition of library materials. Legal deposit, according to Akpabio, Abdulazeez, and Oye (2021) is a statutory provision, which usually is backed by law and legislation mandating the submission of every publication by every publisher to designated library or accredited institution in

a country. Lariviere (2010) defined legal deposit as a statutory obligation which requires that any organization, commercial or public, and any individual producing any type of documentation in multiple copies should deposit one or more copies with a recognized national institution. Legal deposit can also be defined as a statutory provision which obliges publishers to deposit copies of their publications in designated libraries in the country in which they are published. Legal deposit, per se, is legal requirement that a person, group, or government agency submit copies of their publications to a repository, usually a National library, in the case of Nigeria. Legal deposit is an obligation of publishers, authors and printers to place their publications with designated libraries to establish and maintain an archival record of nations published output. This has great advantages to authors, publishers, researchers and the general public, since through legal deposit, publications are made available to readers, preserved for the benefit of future generations and become part of the national heritage. Legal deposit enforcement started in France by King Francois I in the year 1537 (Akpabio, et al, 2021). The King outlawed the sale of any book which has not been deposited in the castle library in France. Legal deposit responsibility extends not only to commercial publishers but also to private individuals, clubs, churches, associations, societies and organizations.

Legal deposit obligation in Nigeria is governed by the National Library Act (Cap N56, LFN, 2004). Section 4 (2) of the Act states that every publisher in Nigeria shall within one month after publication deliver at his own expense to the National Library certain number of copies of the published books. The Act here expressly granted legal deposit obligations and bibliographic function to the National Library of Nigeria. However, the jurisdiction of the Act applied throughout the country with supremacy over any state or local government library laws and edicts. The Nigerian legal deposit law has no clear provision pertaining to electronic and online publications deposition

procedure. In some countries like, France and Japan, the legal deposit legislation has been modified to include electronic and online publications. (Akpabio, et al., 2021). The Nigerian legal deposit jurisprudence needs to be expanded to accommodate electronic, on-line and digital publications deposition as obtained in developed countries.

The Nigerian legal deposit Act in section 4 (7) defines a “book” as All literary works such as books, pamphlets, sheet of music, maps, charts and compilation of dramatic works, collective works such as encyclopedia, dictionaries, yearbooks, newspapers, magazines and periodicals. Others include CD-ROMs, gazettes, postcards, and microfilm (Akpabio, et al, 2021). All forms in which documentary or oral records are published may therefore include books and non-books materials. The act provides that private publishers, which may be commercial or individual publishers deposit three (3copies) each of their publications to the National Library of Nigeria; State government publishers ten copies (10) and Federal government publishing houses owned by Federal government ministries, departments, and agencies twenty-five (25 copies). Such materials to be deposited shall be perfect copies of the whole book with all maps and illustration belonging thereto; finished and coloured in the same manner as the best copies of the book are published and shall be bound, sewed or stitched together and on the best paper on which the book is printed.

The Benefits of Legal Deposit

Akpabio, Abdulazeez and Oye (2021) highlighted the benefits of legal deposit as an internationally recognized practice within the global library community, which ensures that the documentary or cultural heritage of a nation is collected, accessioned, stored, protected, preserved and made accessible for the benefit of its citizens and future generation. Oyadonghan and Kakiri (2019) also noted that legal deposit is beneficial to publishers in that deposited

titles appear in the National Bibliography which is used by librarians and those in the book trade for selection and acquisition. Further, (Akpabio, et. al.) enumerated the benefits of legal deposit to include:

- (i) Preservation: Legal deposit has a substantial cultural role in establishing its continuity to ensure the availability of knowledge on a national and international level through exchange of bibliographic control.
- (ii) Publicity: The National Library of Nigeria compiles and produces the National Bibliography of Nigeria (NBN), which serves as a selection tools for library and information centres across the globe
- (iii) Litigation: The legal deposit copy is the only authentic copy accepted by law courts in cases of litigation.
- (iv) Publishing Standard: Publishers who deposit their works with National Library of Nigeria stand a chance of partaking in the Universal Bibliographic Control (UBC) aimed at encouraging international conformity in the exchange of bibliographic data.
- (v) Resource Sharing and Access: The publishers/authors that deposit its works will have its work compiled and listed out on the online national union catalogue database of National Library of Nigeria which also enhances bibliographic control services towards Universal Availability of Publication (UAP). The aim of UAP is to improve access to published materials.

Similarly, Oyadonghan and Kakiri (2019) agreed that the National Libraries and other deposit libraries have the legal right to preserve all information materials deposited with them, in other words, legal deposit ensures that works of authors and publishers survive for the use of future generation. Information materials deposited are made available through National Bibliography. Commercial and self-published works receive wide exposures. Librarians can access and order bibliographic records for published works. Titles are included in

online indexing databases. The National Library provides the cataloguing in publication (CIP) services free of charge to publishers.

The Concept of Acquisition

Acquisition in library is a process that involves the identification, evaluation, selection, ordering, processing, and management of resources to meet the needs and objectives of a library's clientele. Acquisition in library is an intricate process, be it in a traditional manual way or the digital environment. As a key function of library management, acquisition ensures that libraries remain relevant and invaluable information hubs, offering an array of materials ranging from traditional print to cutting-edge digital resources Ashikuzzaman (2023). Library acquisitions is the process of selecting and acquiring selected materials for library and information centers in all formats including digital items and maintaining the necessary records related to acquisitions, (Calvo et al 2023). Selections of library materials are done according to the collection development policy of the library. Acquisition process involves pre-order bibliographic searching of the library catalogue to avoid duplication of materials, then the selected materials are acquired by ordering them for purchase, exchange, or gift, this is followed by receiving the materials, checking their quality, processing invoices, making payment to vendors or individuals, and maintaining the necessary records related to acquisitions. Acquisition is a fundamental process in establishing and maintaining any library and information system (Ango and Adeyemi 2021). Abdulsalami and Arowolo (2019), defined acquisition as the process of securing materials for the library's collection; this may be through purchase, gifts, exchange, and legal deposit, with the goal of developing and maintaining a comprehensive and relevant collection to support the informational needs of library users. The term "acquisition" according to Mahadevan and Vadivel (2023) means in library parlance the process of acquiring books and

periodicals and other reading materials in a systematic manner, the necessary task of acquisition involves careful selection, methodical ordering and regular procurement of materials by means of purchase, gift, exchange or deposit. Muhammad, Ahmed, and Gusau (2020) noted that acquisitions decisions were done by the chief librarian and the actual ordering done by the clerical staff and this is still true for small libraries, whereas for large libraries with big collections as well as sufficient budgets, acquisitions functions are performed by a separate unit known as acquisitions unit or acquisitions department. This process is critical to the success of a library, as the materials and resources acquired will determine the quality of the library's collections and services.

The acquisition process typically begins with the identification of the library's needs considering the research and information needs of the library's users, as well as the current collections and holdings of the library. Once the resources have been selected, the library staff then places an order for the materials, either directly from the vendor or through a library consortia or other purchasing organization. The final step in the acquisition process is the ongoing management of the collections, which involves maintaining the accuracy and currency of the materials and ensuring that they are accessible to the library's users Ashikuzzaman (2023). This may involve updating the catalog records, replacing lost or damaged materials, and conducting collection assessments to determine if additional resources are needed to meet the changing needs of the library's users. Ashikuzzaman (2020) noted that there are three distinct operations in acquisition realm -The highest executive authority holds the financial and administrative power, often overseen by a library authority committee. The second level involves the book selection committee, comprised of subject specialists responsible for making informed decisions on resource acquisitions. Lastly, the librarian

and staff constitute the third level, managing and organizing the acquired materials.

Acquisition Policy in Libraries

Acquisition policies form the bedrock of a library's collection development efforts, guiding the selection, acquisition, and management of materials in the library. Acquisition policy is a strategic framework that guides librarians in selecting and acquiring materials that align with the library's mission, user needs, and available resources Ashikuzzaman (2023). Acquisition policy refers to selecting items, their maintenance, and evaluating the information resources in the libraries (Nirnimesh and Manoj, 2021). The goal of acquisition policy in a library is to guide the professionals in their efforts to build and maintain a collection of resources that reflects the philosophy and educational mission of the parent institution. This policy is necessary to ensure systematic and balanced collection growth. This document serves not only as a mechanism for establishing funding priorities, but also recognizes that adequate provision of library resources and services now involves both local ownership and access to resources and services elsewhere (Nirnimesh et al.2021). As libraries continue to evolve in the digital age, acquisition policies will play a pivotal role in shaping collections that adapt to changing user preferences, embrace emerging formats, and uphold the values of intellectual freedom and inclusivity.

Significance of library acquisition policies according to Ashikuzzaman (2023) include: Setting clear collection development goals: At the core of an acquisition policy lays the establishment of collection development goals. These goals help libraries define their focus areas, whether academic, public, specialized, or corporate. By clearly delineating subject areas, formats, and user needs, libraries can ensure a well-rounded collection that serves the interests of their community and supports their educational and research goals. A well-defined acquisition policy outlines selection

criteria for evaluating potential acquisitions. These criteria include relevance, accuracy, authority, currency, and anticipated demand. Libraries also consider elements like quality of content, cultural diversity, and literary merit to provide users with a comprehensive range of resources that reflect diverse perspectives and support critical thinking.

Effective budget allocation: Acquisition policies are crucial in budget allocation; ensuring financial resources are strategically distributed across various subject areas and formats. By assessing user needs and considering trends in the publishing industry, libraries can allocate their budget to procure materials that are in high demand or fill gaps in their collection. Balancing investments in physical and digital resources and leveraging cooperative purchasing agreements enables libraries to optimize their acquisitions within their financial means.

Safeguarding intellectual freedom and diversity: An acquisition policy should uphold principles of intellectual freedom and promote access to diverse viewpoints. Libraries are custodians of knowledge, and their acquisition policies should reflect a commitment to providing resources that represent a wide range of perspectives, even when controversial or challenging. Libraries foster an environment that encourages open dialogue and critical engagement by maintaining collections that reflect diverse voices and respecting users' rights to access information.

Collaboration and resource sharing: Acquisition policies can foster library collaboration through resource sharing initiatives, consortia, and cooperative collection development. By pooling resources, libraries can expand their collections, increase access to specialized materials, and benefit from cost-sharing opportunities. Collaborative acquisition strategies strengthen libraries' overall capacity to meet their users' needs and ensure a broader reach for diverse resources.

Periodic evaluation and collection maintenance: An acquisition policy includes periodic evaluation and collection maintenance provisions. Libraries review their collections to identify materials that may have become outdated, damaged, or no longer aligned with their collection development goals. This process, known as weeding or deselection allows libraries to make space for new acquisitions while ensuring the relevance and quality of their collections over time.

Libraries acquire a wide range of materials to build and maintain their collections, catering to the diverse informational needs of their users. They include printed books, e-books, and audio books covering various subjects and genres, from fiction and non-fiction to academic and reference works; journals and periodicals, audiovisual materials.

Electronic resources: Libraries acquire access to online databases, digital repositories, e-journals, e-books, and other digital resources, providing users with electronic access to scholarly and informational content.

The Digital Environment

UNESCO in Wikipedia (2024) noted that a digital environment is an integrated communications environment where digital devices communicate and manage the content and activities within it. The concept is based on digital electronic systems which are integrated and implemented for a global community. Major components of a digital environment generally include websites, cloud servers, search engines, social media outlets, mobile apps, audio and video, and other web-based resources. Also, Igi-Global Dictionary (2024) defined the digital environment as a virtual or cyber-generated environment accessed or created through the use of one or more digital devices such as a computer, tablet, or a cellular phone. Digital library therefore connotes a collection of information resources and associated services, where information is stored in

digital format and accessed using electronic devices. It is an online databases of texts,, still images, audio, video and other documents in digital media format. Legal deposit and acquisition in the digital environment presuppose that activities related therein are done using electronic gadgets and devices.

Acquisition of E-books, E-journals, Databases in the Digital Environment

The purpose of acquisitions is traditionally to build local collections, and increasingly to control access to library materials; the role of acquisitions is changing as a result of current developments in automation and electronic communication. The digital revolution brought by ICTs has significantly changed the methods in which libraries acquire information resources and the way in which information can be packaged; information resources can now be transmitted from producer to publisher and to end user electronically. Most libraries, however, need to acquire published information in many formats: books, serials, microforms, CD-ROM and networked data. New technology supplements printed collections - it does not replace them (Agyeiku and Odei, 2022). Nuru and Tukur (2023) stated that libraries use different methods depending upon the type of e-resources need to be acquired such as through purchases, subscription or consortia. Subscription of e-resource is the commonly used method to acquire electronic books/journals as well as online databases in university libraries,

Constraints of Legal Deposit and Acquisition in the Digital Environment

Akpabio, et al (2021) noted that despite the trend in information and communication technology, analysis of records of legal deposit materials deposited with National Library of Nigeria shows that most of the materials deposited are mainly print materials, while the non-print materials such as e-resources, audio and video recordings are scarcely deposited. According to the authors, the following are some of the

constraints: lack of cooperation from authors, publishers, and government agencies; non-adherence to the submission of perfect copies as stipulated in the Act; late submission of publications by the publishers or authors contrary to the one month time frame in the legislation; The problem of inadequacy of fund for enforcement of legal deposit, publicity and sensitization.

Oyadonghan and Kakiri (2019) also reported that some publishers who claimed ignorance of the deposit law showed outright refusal to comply; while the majority of the publishers comply only when they are visited by National Library taskforce, during book fair or when demand letters are served. A major constraint is in section 4(4) of the Act which provides for the penalty of N100 fine clause for non-compliance which is so meager and has never been reviewed upwards or enforced in a more stringent way by prosecuting defaulters to serve as deterrent to others. This is to say that the low level of compliance to legal deposit law in Nigeria is caused by the non-enforcement of penalty on publishers and authors non-chalant attitude about the legal deposit provision of the Act.

Similarly, electronic resources present a number of challenges not encountered with the selection and acquisition of traditional analog material. Okogwu and Achebe (2018) noted that e-resources such as electronic books, electronic journals, reference sources, and full-text databases, each is unique and is considered separately during selection and acquisition. Such e-resource pose challenges to the acquisition librarians such as assessing its subject relevance, the authenticity of information, its usage and accessibility, pricing, vendor reputation, and many more technical factors. Again challenges of information overload, data explosion coupled with increasing user demands driven by specialization, pose significant hurdles to resources acquisition, Ashikuzzaman (2020). Other challenges that impede acquisition of e-resources include budget constraints,

licensing and renewals within time frames as well as changing content formats of the e-resources.

Way Forward

The presentation above has provided insight into the nature, benefit and constraints of legal deposit in Nigeria. Some fundamental steps that will enhance legal deposit compliance in Nigeria as highlighted by Akpabio, et al, (2021) include funding of legal deposit taskforce activities; regular consultation with publishers associations and authors; implementation of effective monitoring and evaluation plan; publicity for readership promotion campaign; establishment of Intelligence unit to monitor developments in the publishing industry, especially during book launch, book-fair, book-exhibition, and book-review on radio and television; and provision of grants for research work on legal deposit and allied matters. Similarly, amendment of the legal deposit provisions in Nigeria is advocated and may include the following: electronic and printed copies of published materials must be clearly specified and submitted by authors and publishers; upward review of penalty, punishment and amount stipulated as fine for infraction on the provisions; provision for the establishment of National Digital Archive for electronic deposits; establishment of special fund that will provide for would-be authors and established authors to get their work published after careful selection and registration with relevant bodies.

However, the National Library of Nigeria in ensuring legal deposit compliance has taken some measures such as: establishment of legal deposit department, regular sensitization and awareness programmes; reactivation of legal deposit annual award to deserving persons and organizations; evidence of legal deposit of previous publications before issuance of International Standard Serial Number (ISSN) and International Standard Book Number (ISBN) numbers; prompt production of National Bibliography of Nigeria and

Embarking on aggressive legal deposit drive (Akpabio, et. al. 2021)

Conclusions and Recommendations

The uncooperative attitudes of some publishers and government agencies need to change as non-adherence to time-limit; submission of imperfect and inadequate copies impacted negatively on the timely production and cost effectiveness of the National Bibliography of Nigeria. Availability of reliable data gathered from monitoring and evaluation plan and research work will help to keep National Library of Nigeria's goals on track and deviation easily detected and corrected. Compliance to legal deposit law will increase productivity, easy access to information and prompt production of the National Bibliography of Nigeria.

Similarly, in enhancing acquisition in the digital environment, librarians and researchers should explore various resources allocation strategies, such as cost-sharing agreements, consortia purchasing, Library consortia and collaborations: collaborative initiatives and library consortia should be explored as mechanisms for leveraging collective purchasing power and sharing resources among institutions, helping libraries maximize their budgets. Other measures include: user-centered collection development whereby libraries should embrace a user-centered approach to collection development, combining digital and print resources to meet diverse user preferences, and continually assess and adapt to changing needs; innovative acquisition strategies: acquisition librarians should explore innovative strategies such as demand-driven acquisitions (DDA), patron-driven acquisition (PDA), and inclusive open educational resource (OER) integration to enhance collection relevance; user education and promotion: there should be promotion awareness among library users about the full range of resources available, both print and digital, and provide training to optimize their use of these resources; accessibility and inclusivity: those concerns should ensure that digital resources are accessible to all users,

including those with disabilities, and investing assistive technologies to enhance inclusivity and professional development whereby heads of libraries should invest in professional development for library staff to stay current with emerging trends, technologies, and best practices in collection development and acquisitions.

These measures offer practical guidance for libraries to navigate the constraints and capitalize on the opportunities presented by the evolving a new landscape in legal deposits and acquisitions in the digital environment.

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