

## 6 Research outcomes

### 6.1 *Introduction*

The research described in the previous chapter was conducted in two phases, each with its own purpose and methodology. Using semi-structured interviews the first phase of the project aimed to obtain in-depth information on the ideas, opinions, experiences and behaviour of publishers and legal deposit libraries with regard to issues surrounding legal deposit. Although the first part of the interviews consisted of set questions, they were loosely structured to allow for the introduction of additional topics by the interviewees. For analysis purposes, all the topics covered were grouped together into themes. Open-ended questions concluded the interviews. Formal thematic coding principles were applied to organise these responses. Phase two was a feasibility study conducted with the aim of obtaining figures that reflect the state of compliance with legal deposit. Existing sets of data within selected elements were identified, processed and subsequently analysed.

The analysis of the data gives a clear picture of the topics investigated. This chapter presents the findings of the research obtained by analysis and organisation of the data.

### 6.2 *Outcomes of interviews with publishers and libraries*

Here the content of the transcribed interview tapes is analysed with the various themes identified during the course of the interviews examined individually. The themes are grouped into the larger categories, some pre-

determined by the set questions and others that emerged during the open-ended questions. These themes were grouped and organised according to accepted coding principles. Where themes and issues coincide, the views of the publishers and of the libraries are provided together, to aid comparison. Where this juxtaposition was not possible or feasible, themes are dealt with separately for the two groups of participants.

### **6.2.1 General questions asked**

This first group of introductory questions were used to develop rapport between the interviewer and the participants (Berg, 1998: 66), and to gather some important background information for understanding the participants and the organisational environment in which they function and deal with legal deposit.

#### **6.2.1.1 *Awareness of legal deposit in the organization***

##### *Response of publishers*

A third of the managing directors of larger and medium-sized publishing houses said that they actually knew very little about legal deposit themselves and had therefore asked someone who was knowledgeable and/or responsible for legal deposit to be present for the interview. Owners of smaller publishers mostly knew what legal deposit entailed but at least half of them were unable to name all five of the legal deposit libraries and/or were unsure as to how many libraries there were. Ninety percent of the interviewees admitted that they did not think that anyone else in the organization was aware of the existence of legal deposit.

##### *Response of libraries*

According to the persons interviewed, legal deposit is never discussed in their library or at meetings in general. Only *ad hoc* discussions occur

between persons working with legal deposit when problems are encountered. One library admitted that they felt this was not good enough, as legal deposit was to some extent the reason for their existence. The libraries believe that publishers were generally well informed concerning legal deposit. Only one group mentioned that smaller publishers might be ignorant.

### ***6.2.1.2 Awareness of authors about legal deposit***

#### *Response of publishers*

Not one of the publishers thought that their authors knew about legal deposit, and all said the issue is never discussed with them. Three of the managing directors said that they can see no reason to inform authors as they bear no responsibility for legal deposit.

#### *Response of libraries*

The issue of informing authors about legal deposit arises only when individual authors apply for ISBNs, when they are automatically provided with information on all the institutions that have to receive copies of their publication.

### ***6.2.1.3 Administrative procedures with regard to legal deposit***

These questions were asked of publishers only; administrative and other similar questions concerning libraries specifically are dealt with later in section 6.2.5.

#### *i. Responsibility for delivering material*

Delivery of legal deposit material is mostly combined with and general procedures surrounding delivery of free or complementary copies of material for promotion and marketing, especially in the larger publishing

concerns. The more established and larger publishers could not give a definitive account of procedure around legal deposit, saying that it is part of the system, a habit, a duty, something “inherited” from a previous system, that “we just do it”. Medium-sized publishers usually had one administrative person responsible for legal deposit together with many other duties, as is the case with smaller publishers as well. In sixty percent of these medium and small publishers, delivery of legal deposit material is not part of the “system”; rather the person responsible has to “try and remember” to send the publications regularly.

ii. *Control mechanisms*

Half of the publishers have no specific mechanisms for checking that their legal deposit material is sent to the libraries, but at least seventy five percent keep lists of material sent as part of the general system of free copies. At two of the institutions that have a specific person working with legal deposit, lists of what is sent to the individual libraries are kept and so they can trace the information if necessary. Two publishers mentioned that they used to send publications by registered mail, which guaranteed delivery, but do not do so any more as it is too expensive.

## **6.2.2 Questions concerning the purpose of legal deposit**

Before the respondents were asked questions about specific issues covered in legislation, the core aims of legal deposit had to be touched upon, to both inform them of the aims of legal deposit and to find out what their opinions were concerning the purpose of legal deposit.

### **6.2.2.1 *Preservation of the nation's heritage***

#### *Response of publishers*

The idea of preserving publications elicited a general positive feeling from thirty percent of the publishers. They feel it is good for future generations,

and that the archival function is needed in a “civilized country”. The rest of the publishers, however, offered no comment on preservation, except for one who said it has a definitive “dusty feeling” to it.

#### *Response of libraries*

The libraries all agreed that preservation is a very important function of legal deposit, as the collections serve as a national heritage, are important for research, and it aids in making available publications not available anywhere else, are out of print, or unaffordable. The libraries furthermore felt that publishers should regard legal deposit and the preservation of publications as a social responsibility, and that they should be proud of giving their work. One library did suggest that publishers might think that legal deposit was a way of getting free copies for their own use.

#### **6.2.2.2 *Public access to the legal deposit collection***

##### *Response of publishers*

One publisher felt that access to publications delivered as legal deposit in the libraries was good, as availability generates sales. Another, who remarked that library users are also book buyers, underscored this feeling. Forty percent of the publishers offered no comment on the accessibility of the legal deposit collection to the general public. The rest were not optimistic about the issue, as they felt that access and free use of publications meant fewer people might buy the books. Access *via* interlending is felt to be another danger to sales. One publisher felt that access would be acceptable if it was also used as a form of marketing by the libraries.

##### *Response of libraries*

Excepting for the Library of Parliament, where access is limited to parliamentarians only, the public can make use of the collections of all the

deposit libraries in the reference section where books are not to be taken out, and through interlending facilities. In one library, however, legal deposit material and general library material was not strictly separated anymore due to lack of staff and finances. The general feeling in all the libraries is that interlending does not contribute to people or other libraries such as public libraries, not buying material.

### ***6.2.2.3 Creation of a national bibliography or other databases of legal deposit material***

#### *Response of publishers*

The majority of the publishers had no opinion about the function or compilation of a national bibliography, as they did not seem to know what such a thing is. The twenty percent who were informed believe that bibliographies must be Web-based and more up-to-date so as to possibly aid publishers themselves in checking and delivering their legal deposit material.

#### *Response of libraries*

The libraries said that their legal deposit material is catalogued for their individual library purposes and could be listed separately from other material in their collections if necessary. They all indicated that they would like the records of the legal deposit collections of all five libraries to be on one system. Pretoria, which is responsible for compiling the South African National Bibliography (SANB), expressed a concern that the SANB is not up-to-date.

### 6.2.3 Opinions on the major issues covered in legal deposit legislation

This section of the interviews consisted of questions on various issues covered by legislation, and issues from the literature that are important for both publishers and libraries in the practical execution of legal deposit.

#### 6.2.3.1 *Number of copies to be deposited*

##### *Response of publishers*

A quarter of the publishers said that delivering five copies of their publications as legal deposit is no problem. One said that delivering multiple copies is a good thing as it ensures safe preservation, and another supported this, although not enthusiastically. The rest of the publishers expressed varied, more negative, opinions on depositing, such as five copies being “too many”, “silly”, or “totally unnecessary”, and that “one place (for depositing) seems enough”.

##### *Response of libraries*

One library felt that there should be fewer deposit libraries; Pretoria and Cape Town would be enough, since Manguang and Msunduzi, being public libraries, are unnecessary. The other four libraries had no opinion as to the number of depositories. A consistent observation, however, was that publishers are very often confused about the number of copies to be delivered and thus send each individual legal deposit library five copies of each of their publications.

### 6.2.3.2 *Costs*

#### *Response of publishers*

Bigger and medium-sized publishers had no problems with the cost of delivering copies of their publications for legal deposit, as the cost of free copies is worked into their production and marketing costs. All believe that smaller publishers, smaller print runs or very expensive publications could present problems.

Three of the publishers in the educational sector did have a problem with costs, as they have to deliver many free demonstration copies to the Department of Education. These publishers say that “everyone” is always asking for free books and especially if a company publishes in various languages, a free legal deposit copy is lowest on a long list of priorities.

One smaller publisher admitted to having stopped sending legal deposit copies because of costs; their manager feels that the legal deposit libraries should bear the costs. This, he felt, would also encourage smaller publishers to get into the “business of depositing”. Only half of the other smaller publishers, however, have a problem with the costs associated with delivering five copies of their publications, with the rest being non-committal on the subject.

#### *Response of libraries*

One problem with costs from the libraries’ point of view arises when all five copies are sent to one library (very often to Pretoria) and the publishers then expect the library to reroute the copies to the other four libraries, which cannot be done. It often comes as a shock to the publisher to hear of this mistake and the unexpected cost-factor implied. Three of the libraries said that smaller publishers are often upset at the high cost of



postage and some sometimes became “downright rude” because they feel that they are losing money in the process.

### **6.2.3.3 *Time of delivery***

#### *Response of publishers*

Ninety percent of the publishers interviewed wait for a good number of books to accumulate before sending them to the legal deposit libraries. Or, when publishing many books at a time they send them “as soon as the boxes are full”. Other responses regarding time of delivery were: “as soon as the books are ready”; and “sort of when we remember”. With the exception of one publisher, nobody seemed to bother or even know about the directive as to the time of deposit set out in the Act. The majority of the publishers, after being informed about the 14-day delivery period stipulated in the Act, felt that the requirement was not acceptable.

#### *Response of libraries*

The libraries concurred that the 14-day period for delivery of books was very seldom adhered to. Smaller publishers send their publications every 6 months or so whilst larger publishers filled a box and then send. The general opinion was that “as long as they send” the libraries do not have a problem with time of delivery.

### **6.2.3.4 *Types of publications to be delivered***

#### *Response of publishers*

All the publishers are aware of their obligation to send not only print material, but also accompanying non-print material such as CDs accompanying books, for legal deposit. Educational publishers indicated that they regard everything that they produce as a “publication” which

means that posters and pamphlets are given individual ISBNs but that only in some cases is this type of material sent as legal deposit. Only one publisher admitted to sending copies of reprints to Pretoria as is stipulated in the Act. Reasons for not delivering reprints were stated as: “because it is not a new edition”, “because it does not have a new ISBN”, and educational publishers said that, because they are constantly reprinting on demand, it is impossible to send a copy of every reprint. Most of the publishers do not as a rule keep copies of reprints in their archive, as only one said they would be able to supply back copies of reprints if asked for by the libraries.

The majority of the publishers have never asked for exemption from depositing specific types of material, as the need had never arisen. Only one publisher could recall a case of an expensive leather-bound edition of a book for which exemption from delivering five copies was asked and granted. Two publishers said they would ask for exemption in the case of a luxury publication, but were not sure when a book would be regarded as an expensive or a luxury edition, or how “serious financial hardship” as stated in the Act, should be interpreted. Educational publishers mentioned that the Library of Parliament exempted their material from deposit.

#### *Response of libraries*

A problem mentioned by the libraries is how to decide whether a publication is actually a publication, especially if it has been given an ISBN though it is just a type of pamphlet. Similar problems are experienced with publications such as university calendars or diaries, which have ISBNs, and are received as legal deposit by the libraries. Music scores are a problem for one of the libraries, which is unsure whether these are seen as a publication that had to be deposited or not. Four of the libraries felt that there should be clearer guidelines in the Act

or at least consensus amongst the libraries themselves concerning the problems they experience with interpreting the regulations and delivery of types of documents.

Most of the libraries were happy with whatever other material they were receiving; videos, CDs, books with an accompanying CD, and so forth. All the libraries say that changes might come with delivery of videos and sound recordings with the National Film, Video and Sound Archives now also being a place of legal deposit, but were not sure how this is to be handled in future. Three of the libraries expressed concern about the delivery of official publications saying that there seem to be different interpretations of what a government/official publication is and how the provision of OPDs in the Legal Deposit Act is to be interpreted in practice. The National Library, Pretoria Campus, the library that is designated to receive reprints, made no specific mention of problems experienced with such publications.

The Library of Parliament is the only institution that makes regular exemptions from depositing in the case of schoolbooks, textbooks, religious material (excepting those with a political slant), “trashy” novels, popular journals etc. The other libraries could not provide any examples of guidelines or decisions regarding exemptions for specific types of material in their institutions, and on the whole could not remember many cases where a publisher asked to be exempted from delivering copies of a publication. Manguang Library mentioned that they contacted Msunduzi once or twice to verify a query. One case concerning a possible “luxury edition” of a book was referred to the Legal Deposit Committee by the Msunduzi Municipal Library. The libraries all say that it is very difficult to define what a luxury or expensive edition of a book entails as monetary values change year by year.

## 6.2.4 Questions asked about communication between publishers and libraries

Communication is identified in the literature as an important factor for the successful attainment of goals (Gordon, 2005: 114; Shockley-Zalabat, 1995: 6). It was therefore necessary to ascertain how satisfactory the communication channels are between publishers and libraries, for the publishers to be well informed about their legal deposit responsibilities and for the effective administration and enforcement of legal deposit by the libraries.

### 6.2.4.1 *General communication between legal deposit libraries and publishers*

#### *Response of publishers*

According to the publishers very little, if any, communication occurs with the libraries. Not one of the people interviewed knew the name of the person who was responsible for legal deposit in any of the libraries. Twenty percent of the publishers knew the name of the person responsible for ISBNs in Pretoria. One publisher complained that no acknowledgement of receipt of books is ever given.

#### *Response of libraries*

Libraries on the other hand, often find it difficult to find a consistent 'someone' with whom they can communicate at a publishing house. Libraries do not acknowledge receipt of publications unless specifically asked to do so by a publisher (which happens very rarely). The sending of receipts was discontinued, as it required too much time and money.

#### **6.2.4.2 *Communication between libraries and publishers regarding non-compliance***

##### *Response of publishers*

Only two publishers said that they had been contacted with regard to non-delivery of books. Both cases were resolved easily. Only one publisher was aware that legislation provides for the institution of proceedings and/or penalties for non-compliance. The other publishers had no idea of the possibility of such legal action.

##### *Response of libraries*

Claim forms are sent to publishers asking for outstanding books when a library becomes aware of missing material. On the forms used by all the libraries, it is clearly stated that copies must be sent to the four other libraries as well. In addition, the ISBN forms from the National Library in Pretoria also state how many copies must be delivered and where they must be sent. In spite of having received ISBNs (and the accompanying information), many smaller publishers, say the libraries, claim not to know about legal deposit when approached by library staff regarding their depositing of material.

#### **6.2.5 *Issues concerning the libraries specifically***

Some aspects concerning the implementation of a legal deposit system in the country pertain to legal deposit institutions specifically. The following set of questions was therefore asked of the libraries only.

### **6.2.5.1 Mechanisms to trace publications subject to legal deposit but not in the collection**

In all five libraries this issue seemed to be very *ad hoc*. No regular procedures are in place and no one person is assigned the task of making sure that material subject to legal deposit is traced. Responses when queried about procedures varied e.g.: subject librarians would become aware of books not in the collection; or someone becomes aware of something in other sections of the library; scrutinizing advertisements, pamphlets, newspapers, catalogues from publishers, and book reviews can highlight gaps; walking around in bookshops randomly “checking” for unknown titles, is also very popular. All the libraries admitted that none of this is done as part of a regular routine at regular intervals. Not one library uses the SANB to check for deposited material against their own collections. The Publishers Directory compiled by the National Library is used only to get the addresses of publishers. ISBN duplicate lists are “sometimes, but not really often” used in Pretoria as a means of monitoring legal deposit.

### **6.2.5.2 Procedures in cases of non-compliance**

Procedures around this issue are the following: some of the persons interviewed discuss problem cases with their head of department; all the libraries send claim forms; others in addition to the form send a letter or e-mail reminder, with all the libraries following these actions up after about a month. Up to three follow-ups is the norm; “never give up” seems to be the motto. The letters/claim forms do contain the “compliance threat”, but not one person knew of a case where a fine was actually levied.

One of the complaints around procedure was that a lack of staff means that follow-up on non-compliance is done in existing staff’s “spare time”, hoping that “stuff would trickle in”. In Pretoria the backlog in processing

the material has resulted in staff being unable to do any checking, but this is being addressed.

The main problem raised by the libraries regarding enforcement of compliance was that they do not really know what to do in cases of publishers not depositing the required material (apart from sending reminders). No one was aware of specific prescribed procedures to follow. One person mentioned that she would love to take a particular publisher to court, but with the system as it is, she can only keep on sending reminders however frustrating this is.

### **6.2.5.3 *Problems surrounding delivery of books***

According to the libraries publishers give many different excuses for not delivering their publications, but in the case of smaller publishers, it is usually just that they “forgot”. Larger publishers on the other hand tend to assume their systems are in place and do not believe that a book has not been received. One of the libraries expects publishers to prove that a publication has been sent or they have to send another copy. Another library believes publishers if they say that books have been sent, and gets missing items on interlending to make photocopies as allowed for by the Act.

Other problems mentioned are that smaller publishers often complain about the costs of postage, that many are ignorant of the Legal Deposit Act, and that government departments specifically create many problems for the libraries when it comes to delivering material. The lack of communication (mentioned under section 6.2.4.2) is a recurring complaint especially when libraries try to contact publishers about non-compliance.

#### **6.2.5.4 *Communication between legal deposit libraries***

All five libraries regard communication with the other libraries as being practically non-existent on their levels though they think that communication on higher level probably takes place. Only Manguang and Msunduzi mentioned that they are in contact on a fairly regular basis. All the libraries mentioned this lack of communication as a problem for the successful implementation of legal deposit legislation, as each institution was “doing its own thing in total isolation”.

#### **6.2.5.5 *Communication with the Legal Deposit Committee***

The legal deposit libraries all said that their communication with the Committee is most unsatisfactory. The following points were raised:

- The libraries know very little about how communication with the Committee works as this was done on “higher level” only.
- Very little feedback is given to the “ordinary workers”; persons working with legal deposit report problems to the head of department but they then get no feedback.
- The library staff have very little “clout” with the Committee and do not know why things are not followed up. Lack of follow-up was mentioned often.
- No directions or guidelines are given on problem issues.
- The Committee meets and discusses policy and so forth, but does not seem to discuss smaller issues as well. Individual libraries question whether the Committee pays any attention to their



problems as they cannot see that Committee members would actually go through lists of problems at the meetings.

- The opinion was offered that the individuals such as library directors who attend committee meetings, have either never worked with legal deposit or did so very long ago and thus do not really know what is going on.

### **6.2.6 Responses to general open-ended questions**

The following themes emerged from general open-ended queries on i) what actions could be undertaken to trace the “untraceable” publishers, and ii) any further opinions on aspects of legal deposit that may not have been covered during the interview. To facilitate responses it was occasionally necessary to ask probing questions to draw out more complete information from the participants (Berg, 1998: 67).

#### **6.2.6.1 *Specific suggestions for tracing non-compliant publishers***

- i. The role of PASA (Publishers Association of South Africa)

##### *Publishers*

One of the first things mentioned by forty percent of the publishers during the open-ended question session was the possibility of PASA playing a role in legal deposit. They felt that legal deposit could be actively promoted through the association, that books and publishers could be traced through them, and that they could play a significant role especially in to guiding and informing upcoming publishers about their legal deposit obligations.

### *Libraries*

The libraries also believe that PASA could play a significant role in the legal deposit system. They felt that they as legal deposit libraries should become involved with publishers at all levels, specifically in becoming members of PASA, and going to PASA conferences.

- ii. Use of ISBNs (International Standard Book Numbers)

### *Publishers*

Half of the publishers interviewed mentioned the role that ISBNs could play in monitoring legal deposit. Publishers not complying could be traced easily through ISBNs provided by the National Library in Pretoria: as one interviewee put it, “they give us the numbers, they should check”. In addition publishers regard it as an automatic form of control, mainly because no book can be sold without an ISBN in major bookshops. One publisher did venture the (critical) opinion that even though the legal deposit libraries do have access to the numbers, no control seems visible.

### *Libraries*

That ISBN lists should be used for tracking publications was the general opinion of all five the libraries, although they admit that this is not done in practice. Better communication about legal deposit compliance is possible, if it could be established between the libraries that the ISBN lists from Pretoria were distributed to all the libraries to serve as a control mechanism.

- iii. Back-of-title-page and similar type of information

### *Publishers*

One of the publishers suggested that every book published should contain a statement on the back of the title page that a copy of the title has been

sent as legal deposit. This would have the added advantage of creating awareness of legal deposit among readers.

#### *Libraries*

The libraries on the other hand proposed CIP (Cataloguing in Publication) as a possible tracing mechanism of errant publishers, also saying that a “pre-cataloguing” (i.e. CIP) service would add overall value for publishers.

### **6.2.6.2 Further general suggestions for tracing errant publishers**

#### *Publishers*

Thirty percent of the publishers mentioned that it would be a good idea to target printers to provide legal deposit information to the smaller publishers, and one publisher suggested that printers should provide publications as legal deposit, by law, as publishers have to.

Three educational publishers felt that books could be traced through the Department of Education as they would have lists of the books used in the schools all over the country.

Another opinion was that “someone” needs to create a common database of all the publishers in the country; this would be not only of publishers belonging to PASA but a type of compulsory association representing everyone in the book as well as journal publishing business, which could then also serve as a control and tracing system for legal deposit.

#### *Libraries*

Three of the libraries suggested establishing a type of inter-library sub-committee (of the official Legal Deposit Committee) of legal deposit

librarians that could serve as a forum for handling legal deposit problems. This sub-committee would not necessarily have to meet regularly, as this would involve extra costs, but could communicate via e-mail on a regular basis.

A further suggestion was that an outside legal person could be employed, as is done in Hungary, to track missing material.

The most common “wishes” expressed by the libraries are that a system for following-up non-compliance, and for the Legal Deposit Committee to take a stronger stand against non-complying publishers; as one library put it, to “make an example of them”.

### **6.2.6.3** *Other issues emerging from the open-ended questions*

- i. Creating awareness of legal deposit among publishers

#### *Publishers*

About sixty percent of the publishers agree that publishers should be made more aware of legal deposit, because even established publishers are ignorant, and especially smaller businesses need “to come aboard”. As staff changes occur regularly, new staff members have to be informed about legal deposit on a regular basis.

#### *Libraries*

The libraries felt that publishers should not only be educated in legal deposit but also made aware of the practical functions of the legal deposit libraries, for example archiving books. One suggestion was that the libraries should have information on their Web sites about legal deposit, in the form of a call to publishers, not “legalese”. Another library had the

idea that there should be a central place, e.g. Pretoria, where a new publisher should be registered as a business and provided with an information package explaining legal deposit and the Act.

ii. Staying informed and up-to-date

*Publishers*

The publishers suggested that the legal deposit libraries should produce regular updated lists of new publications received as legal deposit. Such a “new books” list would carry a positive message to publishers. The lists could also help the publishers to check their “own stuff”. As an added-value initiative, the lists could be distributed to other libraries, specifically provincial/public libraries, who could then buy the books.

*Libraries*

Libraries also mentioned regular lists of new publications for distribution to publishers and the public. The wish was expressed that Pretoria had a system to let everyone know on a regular basis what they received. The ideal would be if all the libraries were on one list and their web pages were linked which would, in addition, facilitate comparison and tracking. Other suggestions included sending distribution lists to publishers with “witty reminders” of their legal deposit obligations, and having a form on the libraries’ Web sites that publishers could complete to indicate their own new publications. Pamphlets could also be sent out on a regular basis as general reminders to all publishers to deposit their new publications.

iii. Use of the SANB (South African National Bibliography)

*Publishers*

Eighty percent of the publishers interviewed were not aware of the national bibliography (see section 6.2.2.3 of this chapter). It was therefore

significant that one of those who did know said that it is imperative that the bibliography be kept up-to-date as it could serve as an important means of communicating with publishers and with the other libraries with regard to legal deposit acquisitions.

#### *Libraries*

The overall wish expressed by the libraries was that, instead of each library compiling its individual list of legal deposit acquisitions, the legal deposit collections of all five libraries be on one list, on the Web. Such a joint catalogue would not only serve as a valuable control and communication mechanism, but would also mean that cataloguing was not done “five times over”. That Pretoria is finding it difficult to keep the SANB up-to-date is a possible current constraint on implementing the idea.

#### iv. Marketing and promotion

#### *Publishers*

The publishers were convinced that if any marketing campaign is to be successful, the benefits of legal deposit must be promoted and “sold”. The general public and publishers must be made aware of their “vested interest” in the preservation of the nation’s heritage. Suggestions for marketing included publishing articles on legal deposit, advertising in newspapers, and television promotion, which “would be wonderful” as a wide spectrum of people could be reached.

#### *Libraries*

The libraries believe that the Legal Deposit Committee must become involved in actively promoting legal deposit. They stressed that the libraries should not pay for any marketing, which should be a government responsibility. Radio, newspapers and television were

mentioned as possible vehicles for marketing. The libraries furthermore suggested that library schools should become involved in legal deposit and that there should be more active contact between the Legal Deposit Committee, the libraries, PASA, printers and bookshops. The general consensus is that marketing and promotion must be an ongoing process and not a “once-off” exercise.

#### **6.2.6.4 *Final opinions about legal deposit***

##### *Publishers*

When prompted on the issue, about a third of the publishers said that they can see no benefit in legal deposit for them or for the public. However, other publishers did mention that legal deposit serves the following (beneficial) functions; it ensures a record of what is available, is a form of free advertising, exposes the name of a publisher, helps with availability of out-of-prints, is important for research and reference purposes, and has copyright advantages. Two of the larger publishers admitted to not having archives of any of their material and one publisher in Cape Town said that they relied on the National Library’s having a copy of their publication if the publisher needed it.

##### *Libraries*

Libraries were generally convinced of the need for a legal deposit system, but some negative emotions can be detected in the following verbatim remarks by different people in four of the libraries: “Considering how casual the approach to legal deposit is, it is a wonder the system works as well as it does”; “Why does legal deposit have such a low priority here in South Africa?”; “The system very obviously does not work – perhaps changes in the Act are needed”; “The Act is vague on many issues e.g. the

problem of disposal of material “; and “How necessary is legal deposit really in the bigger picture in South Africa?”

### ***6.3 Results obtained from the feasibility study***

The final results obtained from the feasibility study are summarised and presented in the form of tables, bar charts and pie charts. This provides for easy comparison between the compliance figures obtained for the different categories of publishers from the various sources used in the study.

#### **6.3.1 Analysis procedures**

Data for this phase of the research, as was discussed in chapter 5, was obtained from the 2000 and 2001 lists of ISBNs with a 620 prefix, from weekly book reviews that appeared in the 2001 editions of an Afrikaans and English daily newspaper, and from books with a 2001 publication date featured in collections of academic libraries belonging to the GAELIC Consortium on the SACat database. These items were all individually checked against the PTD to ascertain whether they had been received as legal deposit. The items received as legal deposit were calculated as a percentage of the total sum of items checked within each of the above-mentioned categories of data elements used in the study.

As a further exercise, the publishers whose books appeared in the book reviews and on the SACat lists were divided into categories of small, medium and large publishers to correspond with the categorisation of publishers in the first phase of the study. For the purpose of comparison, percentages of items received as legal deposit were then individually calculated for these groupings.



Finally it was decided to look at the compliance percentages of smaller publishers specifically as they were identified as a possible problematic area (see Chapter 3, section 3.2.4.3 and Chapter 4, section 4.2.4). Percentages obtained for the smaller publishers from the book reviews in the two newspapers and the SACat database were compared to the results obtained from the 620 ISBN lists that included private and once-off publishers.

### 6.3.2 Findings

Analysis of the data indicated that:

- Medium-sized publishers showed the highest compliance figure of 76%.
- Large publishers followed with a very similar average of 73%.
- Smaller (commercial) publishers lagged behind quite significantly with a compliance figure of 51%, with the average for the 620 ISBN lists only reaching an average of 29%.
- When this latter 620 figure is included in the overall calculation, the average compliance figure for small publishers comes to 40%.

For ease of comparison the data obtained from the above analysis is summarised in the tables and figures presented below.

### 6.3.2.1 Average compliance percentages: Table 6.1

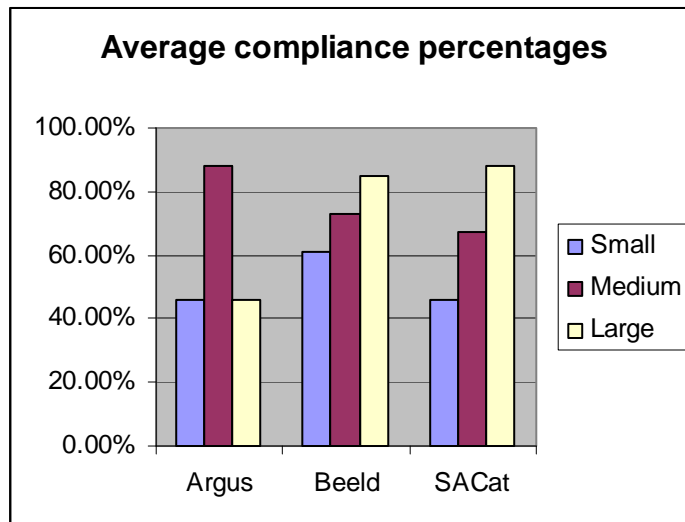
This table shows the percentages of publications received as legal deposit for the year 2001, with the exception of the ISBN lists which reflect percentages for 2000 and 2001, for small, medium and large publishers.

**Table 6.1: Average percentages of publications received as legal deposit**

	Small publishers	Medium publishers	Large publishers
Afrikaans newspaper book reviews	61%	73%	85%
English newspaper book reviews	46%	88%	46%
Sabinet SACat database	46%	67%	88%
Average compliance % 620s excluded	51%	76%	73%
620 ISBN lists	2000=30% 2001=28% <i>Average 29%</i>		
Average compliance % 620s included	40%		

### 6.3.2.2 Comparative compliance figures: Figure 6.1

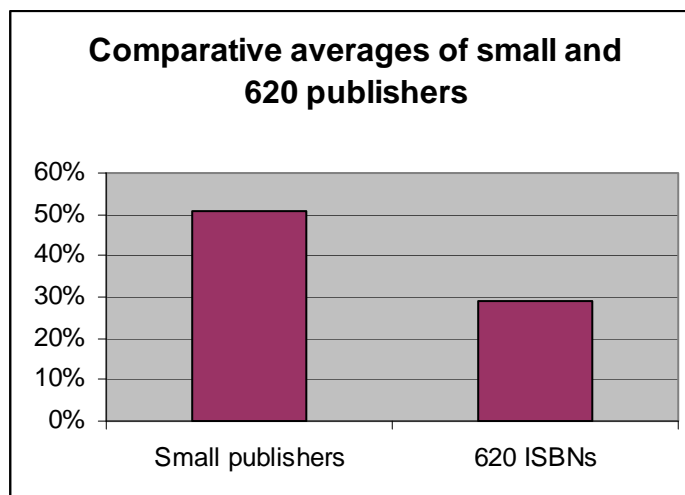
The bar chart in figure 6.1 offers a visual comparison of the differences in compliance levels between the small, medium and large publishers as obtained from the studies involving the two daily newspapers and the SACat database. The ISBN lists are excluded here as they represent only the one category of small publishers.



**Figure 6.1: Comparative average percentages of the three categories of publication lists used in the feasibility studies (excluding the 620 ISBNs)**

**6.3.2.3 Comparative compliance levels of smaller publishers: Figure 6.2**

This chart demonstrates the significant differences in compliance percentages between the small (commercial) publishers listed in the two newspapers and on the SACat database i.e. 51%, and that of the publishers found on the 620 ISBN lists i.e. 29%.



**Figure 6.2: Comparison of compliance averages of small commercial publishers and small/private publishers with 620 ISBNs**

#### 6.3.2.4 Comparative distribution of compliance averages: Figure 6.3

In figure 6.3, the pie chart clearly shows the low (40%) compliance level of all the small and/or private publishers (including those with 620 ISBNs), compared to that of medium publishers (76%) and large publishers (73%).

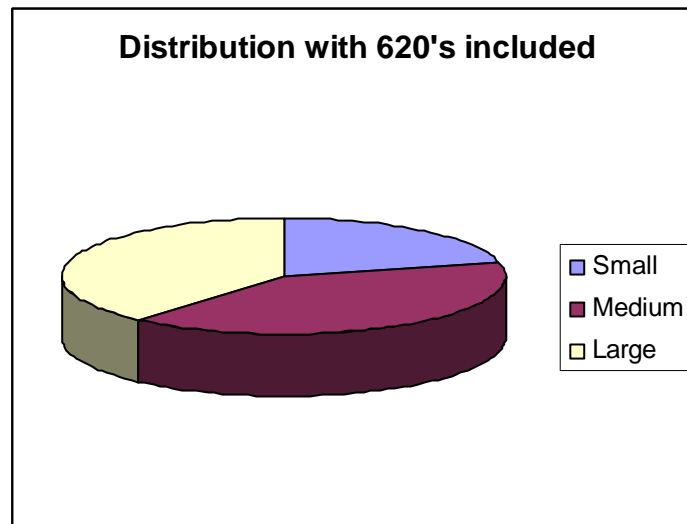


Figure 6.3: Comparative representation of the averages of compliance of large, medium and small publishers in the overall sample of records that were checked

#### 6.4 Discussion of outcomes

Interpretation and assessment of the empirical results are presented in the next chapter (chapter 7), which offers guidelines and future recommendations for legal deposit implementation. However, to draw together the outcomes of the research, to highlight significant data and, in some cases, to find meaning for the results obtained, the following points are highlighted:

### 6.4.1 Interviews

The qualitative interviews conducted with publishers and legal deposit libraries provided valuable insight into their unique views regarding the legal deposit system and implementation. Some of the main problem areas highlighted were the following:

- Uncertainty regarding certain issues covered by legal deposit legislation.
- Lack of procedures for delivering legal deposit material by the publishers.
- General lack of policies and procedures for monitoring and enforcing compliance.
- Lack of communication between libraries and publishers, between the legal deposit libraries, and between the libraries and the Legal Deposit Committee
- Need for creating greater awareness of the value of the legal deposit system for publishers and the general public.
- Perceived lack of state support for legal deposit manifested in insufficient attention and action by the Legal Deposit Committee, and also felt in insufficient funding for resources such as dedicated legal deposit staff.

### **6.4.2 Feasibility study**

The results of the feasibility study clearly show that the legal deposit compliance figures of medium and large publishers are relatively good, although not as high as comparative figures provided by other countries (see chapter 3, section 3.3.4). The exceptionally low compliance figures of the smaller publishers are a cause for concern and merit serious attention.

The reason for the low percentage of delivery by the large publishers for the English newspaper (46%) in comparison with the other two lists (Afrikaans newspaper 85%, and SACat 88%) is not clear. It does illustrate, however, the need and opportunity for investigation if this type of phenomenon is noticed in a “real life” legal deposit exercise.

The differences in compliance levels between the smaller commercial publishers and the small and/or private publishers with 620 ISBNs can be attributed to various possible reasons. Publishers obtaining 620 numbers may be less aware or knowledgeable of their legal deposit obligations. Some aspiring publishers might obtain ISBNs with the aim of publishing a book, but the endeavour may not come to fruition. It is also possible that a number of these individuals only publish two, three or even more years after obtaining an ISBN. The need for continuous follow-up in this regard is thus obvious.

### **6.4.3 Remarks on other efforts to obtain compliance information**

Although the unsuccessful attempts at obtaining compliance figures described in the previous chapter (see chapter 5 section 5.4.5) have not been discussed in this present chapter, as there were no outcomes

formally documented, some observations could be of value especially in the light of recommendations for future use of similar methods.

When the publishers and printers were contacted asking for lists of publications (chapter 5, section 5.4.5.2), it was explained to them that this was for the purpose of an investigation into legal deposit. Perhaps the fear of being “caught” for not delivering may have deterred them from sending their lists. In comparison, the researchers who conducted a project without the (initial) legal deposit slant (chapter 5, section 5.4.5.4) were readily supplied with publications lists, even from one publisher who, as it turned out, had not delivered a single publication as legal deposit! This experience demonstrates the importance of good, trusting relationships for future cooperation with publishers regarding legal deposit.

However, in the case of the Garden Route venture (chapter 5, section 5.4.5.3), in contrast to the above, legal deposit was never mentioned. The dearth of responses can perhaps be attributed to a total lack of interest, or to weak management or ineffective staff.

## **6.5 Summary**

This chapter provided a comprehensive overview of the results obtained from the two phases of empirical research conducted for this study. The chapter concludes by highlighting specific observations about the results obtained. A few brief observations on the unsuccessful endeavours discussed in chapter 5, section 5.4.5, were also included.

The first phase of the research involved semi-structured qualitative interviews with publishers and the legal deposit libraries. The results of

these interviews were presented according to the categories and themes identified either by the topics set for discussion or those from the open-ended questions. Where it was possible, the views of the publishers and the libraries were provided together to facilitate comparison, but where necessary, their responses were presented under separate headings.

In the second phase of the research project, lists of book titles obtained from various sources were checked against the PTD database to see whether they had been received as legal deposit. The results of this feasibility study were provided in the form of tables and figures indicating the levels of compliance with legal deposit for small, medium and large publishers.

The outcomes from all of these are used to identify gaps and areas of weakness in the current legal deposit system, and to make recommendations for improved and more effective services, all of which are dealt with in the next chapter.