

Digitized Contents Transmission Service for Libraries in Japan  
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## ● 1. A new method of providing digitized material

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The National Diet Library (NDL) is the sole national deposit library of Japan, and has been working steadily on the digitization of its collections since 2000. As of May 2015, the NDL provides access to nearly 2,485,000 digitized materials. In 2010, the [Copyright Law](#) of Japan was amended to allow the NDL to digitize its holdings without the permission of copyright holders. The goal of this initiative is to prevent wear or damage to original materials by digitizing materials while they are still in good shape and to provide access to the digitized version rather than the original copy.

Before this digitized content can be made available via the Internet, however, the copyrights must be cleared for each item. First, we check to see whether or not the material is in the public domain. If not, we contact the copyright holder to ask for permission to use the material. If the copyright holder cannot be identified or is unreachable, we request the Commissioner for Cultural Affairs<sup>1</sup> to issue a compulsory license in accordance with the Copyright Law, and deposit money for compensation. The procedures for clearing the copyright of materials require significant time, effort, and cost, so it remains difficult for the NDL to drastically increase the number of materials which are open to use via the Internet. Currently, only 20% of the materials digitized by the NDL is available via the Internet in full-text versions.

In 2010, the Japanese government established a committee for promoting the distribution and use of e-books, in which discussions were held of how to make the best possible use of materials digitized by the NDL. As a result, a proposal was made to enhance accessibility to knowledge nationwide by making materials digitized by the NDL available for use at other domestic libraries and thereby provide all Japanese people with equal access to a variety of materials.

Initially, the committee envisioned an ultimate goal of making digitized materials available to individual households via the Internet. But this approach was fraught with issues related to the rights of copyright holders and publishers. Thus, it was decided that providing access at public libraries, academic libraries, and similar facilities would be adequate. Additionally, the scope of materials to be made available was limited to out-of-print or otherwise difficult-to-obtain items. This arrangement was made in order to protect the interests of copyright holders and publishers.

At the suggestion of the committee, the Subdivision of Copyright of the Council for Cultural Affairs at the Agency for Cultural Affairs conducted a study of issues related to copyright, which led to the 2012 amendment of the Copyright Law. This enabled the NDL to conduct interactive transmission to domestic libraries of NDL holdings that are out-of-print or otherwise difficult to obtain.<sup>2</sup> Subsequently in January 2014, the NDL launched its Digitized Contents Transmission Service for Libraries (the Service). As of May 2015, access to 1,380,000 items is available at libraries throughout Japan. Before the Service was launched, these materials had been available to the public only on the premises at any of the three NDL facilities: the Tokyo Main Library, the Kansai-kan, or the International Library of Children's Literature. Thus, in addition to using the Internet and visiting the NDL premises, this new means of distributing library materials has vastly expanded opportunities for the general public in Japan to access digitized materials.<sup>3</sup>

## 2. Stakeholder Council for Digitization and Use of Library Materials

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The Service is provided per terms determined by the Stakeholder Council for Digitization and Use of Library Materials (the Council). The Council was established by the NDL and comprises representatives from libraries and associations of rights holders and publishers. The NDL works to accommodate the needs not only of libraries but also of associations of rights holders and publishers, in order to protect the commercial interests of these parties. In chapters 3 to 5, we will look at the terms agreed to by the Council.

## 3. Partner libraries

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Only libraries that fulfill the conditions stipulated in Clause 1, Article 31 of the Copyright Law, most of which are public or academic libraries, are able to become an NDL partner library and subscribe to the Service.

A library that wishes to become an NDL partner library must submit an application to the NDL. The library must also fulfill several other conditions, such as having computers and printers onsite as well as registering an IP address for use in accessing the Service.

The number of partner libraries as of May 18, 2015 is 507; including 282 public libraries,

210 academic libraries, and 15 libraries which are neither.

## 4. Available materials

Of the many different kinds of materials in the [NDL Digital Collections](#),<sup>4</sup> only books, historical materials, periodicals, and doctoral dissertations that are out of print or otherwise difficult to obtain are available via the Service. Here "difficult to obtain" means that there are no copies held by publishers or bookstores nor are e-book versions commercially available, and thus these items are generally difficult for libraries to purchase.

In order to restrict materials available via the Service to those that are difficult to obtain, the NDL has instituted three procedures, which are referred to as "exclusion procedures."

### (1) Research on availability

Every year from January to June, the NDL checks the title, authors, ISBN, and other attributes of digitized materials against databases of publications available in Japan. If a book, periodical, e-book, or other form of a material is found to be commercially available, the NDL will remove that material from its list of qualified materials to be made available via the Service from the beginning of the following calendar year.

### (2) Preliminary exclusion procedure

The NDL publishes this list of materials that were qualified under the procedure described in section (1) on its website every year from July to November. During this period, the NDL accepts requests from publishers and copyright holders to remove any material that satisfies the terms listed below.

- The material itself or other material with identical content (including those published on-demand or as e-books) is commercially available or is scheduled to be published within 3 months.
- The copyright of the material itself or other material with identical content is managed by collective management organizations.
- The author of the material has requested that the material not be made available via the Service.
- The publisher of the material has requested that the material not be made available via the Service to protect personal privacy or to prevent infringement of personal rights.

### (3) Postliminary exclusion procedure

The NDL publishes on its website the list of materials available via the Service. The NDL will, however, remove material from the Service upon request from a publisher, copyright holder, or other interested party whenever the material satisfies any of the terms described in section (2).

Following the exclusion procedures described in sections (1) to (3) above, about 1,380,000 materials shown as available at partner libraries in Figure 1 below also qualified as difficult to obtain. When materials already available via the Internet are included, about 75% of the

materials digitized by the NDL are now available at partner libraries across Japan.

Commercially available comics, picture books, periodicals, and similar materials are, however, only available for use on the NDL premises. This is done in consideration of the effect that wide-spread distribution of digitized versions of these materials by the NDL might have on the publishing industry.

<<Figure 1 Number of digitized materials provided (as of July 2015)>>

Type		Available Online	Available at partner libraries	Available only at the NDL	Totals
Books	Acquired prior to 1969	350,000	500,000	50,000	900,000
Periodicals	Published prior to 2001	8000	730,000	500,000	1,235,000
Rare Books & Old Materials	Mainly created during or prior to the Edo period (1868) or the Qing dynasty (1912)	70,000	20,000	-	90,000
Doctoral Dissertations	Acquired from FY1991 to FY2000	15,000	120,000	5,000	140,000
Others	Acquired prior to 1969	50,000	-	70,000	120,000
Totals		490,000	1,370,000	625,000	2,485,000

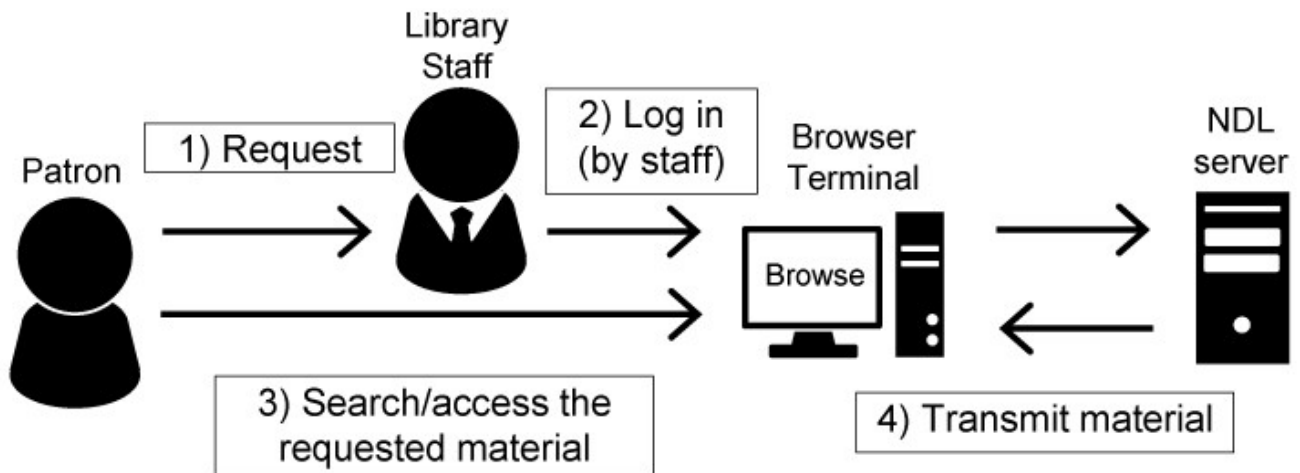
Note: These numbers are approximate, and the totals shown are not necessarily exact.

## 5. Procedures of providing materials to patrons

Partner libraries that utilize the Service generally have computer terminals available for use by patrons to browse the materials (browser terminals) as well as separate computer terminals for use by the library staff to access material for printout when requested by patrons (printout terminals).

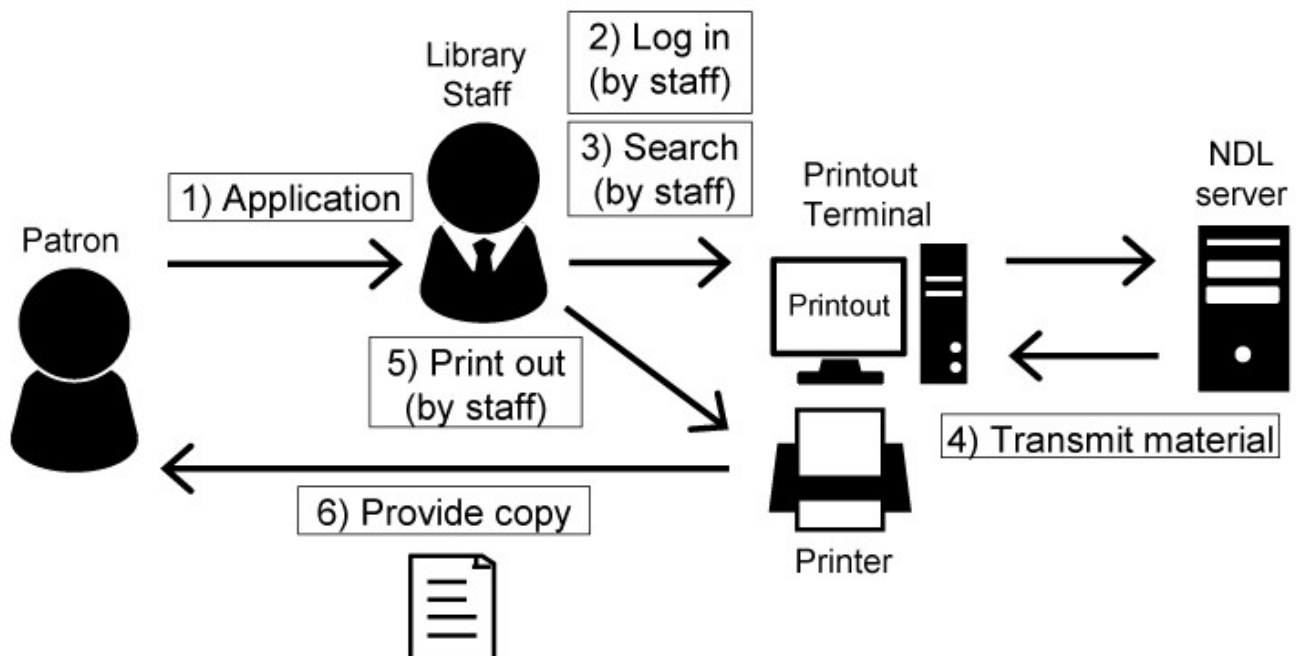
Materials in the NDL Digital Collections that are not protected by copyright can be browsed via the Internet by anyone with a computer. Copyrighted materials that are not available via the Internet, however, can only be seen on the premises at the NDL or via the Service at its partner libraries. Library patrons who wish to use the Service can browse the NDL Digital Collections from a browser terminal. But an ID and password granted only to partner libraries are required to access materials that are not provided via the Internet. Since only partner library staff members are permitted to log in to the Service, patrons who wish to browse materials available from the Service must request the help of a staff member. Patrons are only able to utilize the Service and browse materials at a partner library, because access is limited to registered IP addresses. Patrons are prohibited from accessing browser terminals from outside of the building or taking browser terminals outside the building.

<<Figure 2 Using a browser terminal>>



When a patron wishes a copy of the material, the library staff prepares copies from the printout terminal and hands them to the patron. The NDL does not allow patrons to print out material by themselves. Screen capture is also disabled on browser terminals. Just like printed material, the extent to which digital material may be copied is in accordance with the Copyright Law. Patrons are entitled to copy a part of these materials for research or study purposes.

<<Figure 3 Using copy services>>

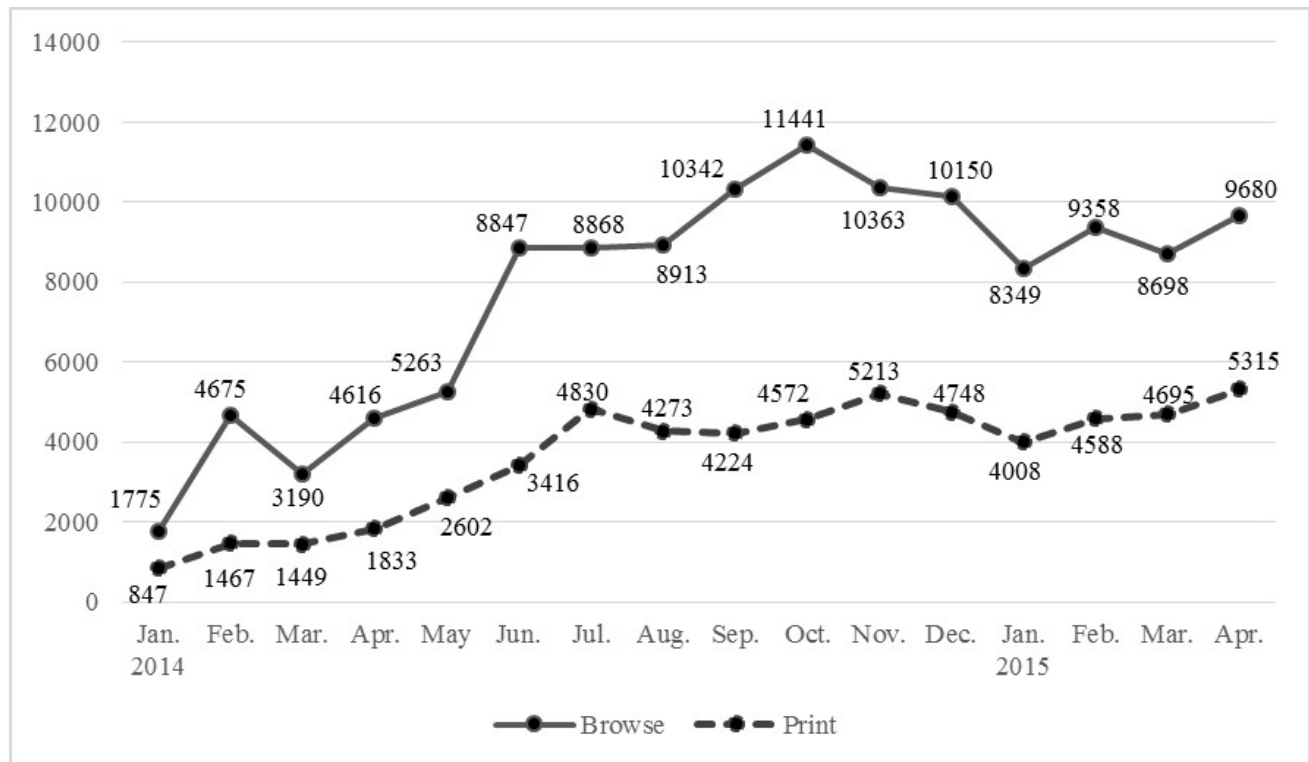


6. Current utilization

Figure 4 indicates the number of digitized materials which have been either browsed or printed out at all partner libraries during the period from January 2014 to April 2015. About

9,000 to 10,000 materials are browsed every month, which is equivalent to the number of materials loaned by libraries using ILL services each year. This means that these digital materials are constantly being used in greater quantities.

<<Figure 4 Number of materials used from January 2014 to April 2015>>



Looking closely at the statistics, we see that nearly half the materials are used at public libraries located in prefectural capitals, where there are large populations. As for the genre of materials accessed, books on literature, history, and geography are the most commonly used. There seem to be many patrons who wish to read literary works and study the history of their hometowns.

In the past, library patrons had to visit an NDL facility to make full use of materials digitized by the NDL. Since the launch of the Service, however, patrons are able to access these materials at nearby partner libraries near their homes. Many of our partner libraries and their patrons have expressed their approval of this improved convenience.

We have also seen changes in the quality of reference services provided by the NDL partner libraries. When reference librarians receive questions from their patrons, they now have access to both materials held by their library and materials digitized by the NDL. This enables librarians to provide more information to their patrons and enhances the accuracy of their reference services. There have been many cases where librarians answered to their patrons' inquiries using materials digitized by the NDL reported in the [Collaborative Reference Database](#)<sup>5</sup> (in Japanese).

## 7. Future prospects

In order to provide large populations with access to publications via telecommunication networks, it is necessary to gain the understanding of all interested parties, including rights holders and publishers. In making the Digitized Contents Transmission Service a reality, the NDL has devoted great efforts to collaborate with and obtain a consensus from these interested parties. The importance of maintaining these cooperative relationships in the future cannot be overstated.

There are now about 500 NDL partner libraries of about 5,000 libraries in Japan which actually qualify to use the Service. The NDL will continue to promote the Service as part of its efforts to afford an even larger population with access to materials digitized by the NDL. NDL staff members are already starting to visit libraries in areas where there are few partner libraries to convey face to face the advantages of becoming a partner library of this Service.

Digitized materials are now available only as images. There are many patrons, however, who wish these materials could be provided as text data. Although there are technical difficulties, including the need to improve accuracy of Japanese-language OCR, we are now exploring ways to provide materials in text data in the future.

Since partner libraries are able to provide to their patrons with both their own holdings as well as the 1,380,000 materials digitized by the NDL, the Service offers a remarkable opportunity to enhance their services. By taking advantage of this new means of providing digitized materials, we expect that many libraries will be able to enhance their role as centers for information activities, providing a greater variety of materials and enhancing their significance to a wider community.

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<sup>1</sup> The Commissioner for Cultural Affairs is head of the [Agency for Cultural Affairs](#), a government agency under the Japanese Ministry of Education, Culture, Sports, Science and Technology. The Commissioner is responsible for matters related to copyright.

<sup>2</sup> The current Copyright Law qualifies the transmission only to libraries in Japan, and does not include libraries overseas.

<sup>3</sup> In this paper, we will use the term "via the Internet" to refer to unrestricted access to information that has been made available to the public and the term "digitized contents transmission" to refer to restricted access provided under specific conditions.

<sup>4</sup> A database containing all materials that have been digitized by the NDL. Refer to Figure 1 for an explanation of the NDL Digital Collections content.

<sup>5</sup> A database which accumulates cases of reference services (inquiries and answers) from public libraries, academic libraries, special libraries, etc. and search guides on various subjects. It is aimed to provide support for libraries in their reference services and patrons in their research activities.