



# Summary: Analysis & Evidence

# Policy Option 1

Description: Publisher Archiving

## FULL ECONOMIC ASSESSMENT

Price Base Year 2009	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: 1.16	High: 2.02	Best Estimate: 1.59

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	Optional	Optional
High	0		Optional	Optional
Best Estimate	0		Optional	Optional

### Description and scale of key monetised costs by 'main affected groups'

As fewer items are being deposited, there are no additional costs other than those discussed in the evidence summary. Publishers that wish to maintain an archive will need to fund this but there will be no obligation for them to do so. This cost has been left as optional because there is no evidence for its size.

### Other key non-monetised costs by 'main affected groups'

Libraries would not seek to build a central archive, and the nation would rely entirely upon the private sector. The loss of access would have negative impact on humanistic, social, economic and scientific research, for use by the academic community, by business and industry, by the professions, by government and by private individuals. This would not facilitate long-term preservation, and cultural heritage as material may not be available to future generations

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0.1	1.2
High	0		0.2	2
Best Estimate			0.2	1.6

### Description and scale of key monetised benefits by 'main affected groups'

Publishers will deposit 9,862 fewer items than the base case (option 3), which would be a saving to the publisher; and the deposit libraries who are now dealing with fewer deposits. Saving have been calculated using the the average total cost per annum to the Legal Deposit Libraries. These include technology, staffing, access and preservation costs; and the average cost to publishers for producing and depositing content.

### Other key non-monetised benefits by 'main affected groups'

none

### Key assumptions/sensitivities/risks

Discount rate (%)

3.5

he major risks associated with Option 1 are:

- a) the lack of a comprehensive collection of off line publications
- b) the wider implications for preservation and cultural heritage.

## BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0	Yes	OUT
Benefits: 0.07		
Net: 0.07		

# Summary: Analysis & Evidence

# Policy Option 2

Description: Unregulated Voluntary Code of Practice, no active requesting by libraries

## FULL ECONOMIC ASSESSMENT

Price Base Year 2009	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: 0.66	High: 1.02	Best Estimate: 0.84

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0		Optional	Optional
High	0		Optional	Optional
Best Estimate	0		Optional	Optional

### Description and scale of key monetised costs by 'main affected groups'

none

### Other key non-monetised costs by 'main affected groups'

Fewer items are deposited compared to the base case, as this is voluntary and libraries are not actively requesting. The loss of access would have negative impact on humanistic, social, economic and scientific research, for use by the academic community, by business and industry, by the professions, by government and by private individuals. This would not facilitate long-term preservation, and cultural heritage as material may not be available to future generations

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0		0.1	0.7
High	0		0.1	1.0
Best Estimate	0		0.1	0.8

### Description and scale of key monetised benefits by 'main affected groups'

Publishers will deposit 4,151 fewer items than the base case (option 3), which would be a saving to the publisher, and the deposit libraries who are now dealing with fewer deposits

### Other key non-monetised benefits by 'main affected groups'

This option encourages publishers to deposit publications with the Legal Deposit Libraries and they can choose whether to deposit and how to deposit. Under this option the Code would become permanent, encouraging publishers to deposit off line and microform publications

### Key assumptions/sensitivities/risks:

Discount rate (%) 3.5

This approach does not give the legal protection against defamation etc that would be afforded to the Legal Deposit Libraries and the publishers if Regulations were put in place. There would be no governance or additional support from industry bodies apart from publicising the Code itself. This option would not afford the Legal Deposit Libraries and publishers protection against defamation and copyright infringement. In addition, the libraries would not actively identify or request publications

## BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0.0	Benefits: 0.03	Net: 0.03	Yes	OUT

# Summary: Analysis & Evidence

# Policy Option 3

Description: Self-Regulated Voluntary Scheme, with active requesting by libraries

## FULL ECONOMIC ASSESSMENT

Price Base Year 2009	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	0	0	0
High	0		0	
Best Estimate	0		0	

**Description and scale of key monetised costs by 'main affected groups'**

This scheme is currently in place so any benefits are already being captured by stakeholders. This is effectively the do nothing option.

**Other key non-monetised costs by 'main affected groups'**

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0	0
High	0		0	
Best Estimate	0		0	

**Description and scale of key monetised benefits by 'main affected groups'**

This option would enhance the Voluntary Code in Option Two by establishing a formal, lasting agreement and governance structure via LDAP, to include Memoranda of Understanding signed by libraries and publishers, a monitoring and annual reporting scheme, and five-yearly reviews both of effectiveness of the scheme and of the trend in the number of relevant publications.

**Other key non-monetised benefits by 'main affected groups'**

None

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
<p>This approach does not give the legal protection against defamation etc that would be afforded to the Legal Deposit Libraries and the publishers if Regulations were put in place such as protection against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liability, such as defamation and libel.</p> <p>Legal Deposit Libraries need to gain the permission from publishers to allow access to the content and the conditions that go with that.</p>		

### BUSINESS ASSESSMENT (Option 3)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0	Yes	Zero net cost
Benefits: 0		
Net: 0		

# Summary: Analysis & Evidence

# Policy Option 4

Description: Statutory Regulations

## FULL ECONOMIC ASSESSMENT

Price Base Year 2009	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -0.42	High: -0.24	Best Estimate: -0.33

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0		0.03	0.2
High	0		0.05	0.4
Best Estimate	0		0.04	0.3

### Description and scale of key monetised costs by 'main affected groups'

1,286 more items are deposited, which is a cost to publishers and to the deposit libraries.

These costs are made up of:

- The average total cost per annum to the Legal Deposit Libraries. These include technology, staffing, access and preservation costs; and
- The average cost to publishers for producing and depositing content.

### Other key non-monetised costs by 'main affected groups'

To ensure that the impact on publishers' business models is kept to a minimum, the draft Regulations include some general provisions about embargoes. These are intended to protect the commercial interests of those publishers who may be unreasonably prejudiced if readers are allowed access to their works in a Legal Deposit Library, albeit on the limited basis prescribed under the draft Regulations.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0		0	0
High	0		0	0
Best Estimate	0		0	0

### Description and scale of key monetised benefits by 'main affected groups'

Increase in the number of articles represents a benefit to soci

### Other key non-monetised benefits by 'main affected groups'

This would ensure we get as comprehensive an archive as possible, while not significantly increasing the burden on the Legal Deposit Libraries or publishers compared to option 3. It would also offer the Legal Deposit Libraries and publishers the protections afforded by the Legal Deposit Libraries Act 2003 such as protection against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liability, such as defamation and libel.

Key assumptions/sensitivities/risks

Discount rate (%) 13.5

While calculations presented here produce a net cost, this does not take account of the positive impact on humanistic, social, economic and scientific research, use of material by the academic community, business and industry, government and by private individuals. This option would facilitate the long-term preservation, of material compared to option 1 and 2, and collect additional material which would not have been collected under option 3.

## BUSINESS ASSESSMENT (Option 4)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0.015	Benefits: 0	Net: 0.015	Yes	IN

## Evidence Base (for summary sheets)

### Problem under consideration;

- The disappearance of published heritage in whatever form constitutes a loss of value and nations aim to maintain, increase and diffuse knowledge by assuring the conservation and protection of their documentary inheritance of books, papers, works of art and monuments of history and science.
- Heritage in this form is a positive externality as it produces improvements in mental wellbeing, education, and local/national identity. Other positive externalities include 'bequest value' that stems from preserving the heritage for future generations. Therefore heritage provision provides benefits to society that go beyond that of the individual, but the market may only see the private benefits, so in order to attain the social optimum we need to overcome this asymmetric information failure. There is also a coordination failure, in that society could potentially gain from the upkeep of published material it is unlikely to do this collectively. As a result of the market failures individuals and organisations will systematically undersupply these materials.
- For printed (non-digital) publications this issue is normally addressed by national libraries and archives, sometimes together with selected research libraries; systematically building and preserving a comprehensive collection of their nation's published output. Typically this activity is supported by a legal framework which requires publishers, at their own cost, to deposit a copy of each work with the specified library or libraries—known as "legal deposit". This helps to ensure there is a single archive, overcoming potential coordination issues within a large and diverse sector. The benefit of published heritage can be found in a study commissioned by the British Library, which found the total value each year of the British Library to the UK economy was £363m, with £59m going directly to users of the services and £304m to wider society. (British Library (2004) Measuring Our Value, London, British Library)
- A statutory legal deposit system has existed in the UK for more than 300 years for printed works. However resources of information and creative expression are increasingly being produced, distributed, accessed and maintained in non-print form. Without appropriate legal, technical and institutional frameworks to secure the protection of this non-print heritage, it is at risk of being lost forever.
- This risk is recognised by the research community and by many publishers, especially those producing publications of scholarly or historical interest. It is also common to most nations and governments; for example on 15 October 2003 the UNESCO member states adopted a Charter on the Preservation of the Digital Heritage and there are, or have been, initiatives in many countries to extend the legal deposit system to include digital publications. This Impact Assessment considers options for addressing it in the UK, in relation to digital content which is published via the internet for download or viewing on line.

### • Rationale for intervention;

The UK's legal deposit system has evolved over the centuries but can be traced back to statutes for England and Wales in 1662 and for the whole United Kingdom in 1710. The current Legal Deposit Libraries Act 2003 obliges publishers to deposit, at their own cost, one copy of every printed publication that is published or distributed in the UK with the British Library and upon request, with up to five other libraries. Hereinafter these are referred to as the "Legal Deposit Libraries":

- British Library ("BL")
- Bodleian Library, Oxford ("Bodleian")
- National Library of Scotland ("NLS"). Note: the Act also confers rights for access to legal works deposited with NLS upon the Library of the Faculty of Advocates ("FoA")
- National Library of Wales ("NLW")
- University Library, Cambridge ("CUL")
- Library of Trinity College, Dublin ("TCD")

The Legal Deposit Libraries Act 2003 extends existing legal deposit provisions for printed material to cover non-print works. The 2003 Act gives the Secretary of State for Culture, Olympics, Media and Sport the powers to make secondary legislation bringing new and emerging publishing media under its scope. Such regulations must be approved by the affirmative resolution of each House of Parliament and may not be made unless both the Legal Deposit Libraries and publishers likely to be affected have been consulted and unless the Secretary of State is satisfied that the regulations do not unreasonably prejudice the interests of persons who publish works to which the regulations relate and there are not disproportionate costs to publishers. In 2005, the Department for Culture Media and Sport set up the Legal Deposit Advisory Panel as an independent advisory non-departmental public body, working at arms length from the Government to advise and make recommendations upon the content of such regulations or other options.

The Legal Deposit Advisory Panel submitted their recommendations to the Secretary of State for Culture Media and Sport and a public consultation exercise was undertaken at the beginning of 2009 on the Panel's recommendations.

- Policy objectives;
  1. To ensure a national archive of non-print publications;
  2. To enable an efficient system in which material is archived and preserved in the Legal Deposit Libraries;
  3. To govern how the deposited copies may be used, balancing the needs of libraries and researchers with the interests of publishers and rights holders;
  4. To facilitate long-term preservation, so that the material may continue to be used in future;
  5. To ensure long term viability by requiring both Legal Deposit Libraries and publishers to share part of the responsibility for archiving without imposing an unreasonable burden on any institution.

This proposal is one part of a linked proposal. Proposals around on line content go hand in hand with this proposal and provide an overall benefit when taking in the context of the wider policy area.

- Description of options considered (including do nothing);

#### Publisher Archiving. (Option One)

Under this option the Legal Deposit Libraries would not seek to build a central archive of works published in digital format, and the nation would rely entirely upon the private sector. Publishers would retain copies of their own publications specifically for archival purposes, with various access and cost arrangements, resulting in several archives behind multiple commercial barriers. There would be no legal basis on which researchers could obtain access to the publications.

#### Unregulated Voluntary Code of Practice, no active requesting by libraries (Option Two)

In 2000, representatives from the Legal Deposit Libraries and the publishing Trade Associations drew up a Code of Practice for the Voluntary Deposit of Microform and off line publications. This encouraged publishers to deposit with libraries; however, they could choose whether and how to deposit. Under this option the Code would become permanent, encouraging publishers to deposit off line and microform publications. However, there would be no governance or additional support from industry bodies apart from publicising the Code itself. In addition, the libraries would not actively identify or request publications. There would be no legal basis on which researchers could obtain access to the publications. Also, this approach does not give the legal protection that would be afforded to the Legal Deposit Libraries and publishers if Regulations are put in place against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liability, such as defamation and libel.

#### Self-Regulated Voluntary Scheme, with active requesting by libraries (Option Three)

This option would enhance the Voluntary Code of Practice for Voluntary Deposit of Microform off line publications in Option Two by establishing a formal, lasting agreement and governance structure. This would include Memoranda of Understanding signed by the Legal Deposit Libraries and publishers, a monitoring and annual reporting scheme, and five-yearly reviews both of the effectiveness of the scheme and of the trend in the number of relevant publications. Publishers would be actively encouraged to deposit by their Trade Association representatives; the Legal Deposit Libraries would actively identify relevant publications and request deposit when necessary. There would be no legal basis on which researchers could obtain access to the publications. Also, this approach does not give the legal protection that would be afforded to the Legal Deposit Libraries and publishers if Regulations are put in place against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liability, such as defamation and libel.

No extra cost to business would be incurred as this option is currently in place so is effectively the do nothing option.

#### Statutory Regulation (Option Four)

Government regulation, under the Legal Deposit Libraries Act 2003, would oblige publishers to deposit, free of charge, one copy of their off line and on line publications with the British Library and upon request, up to five additional copies for the remaining Legal Deposit Libraries, on the same basis as the legal deposit of printed publications under the Legal Deposit Libraries Act 2003.

For each option, the benefits to stakeholders - including publishers, libraries, and members of the public - have been assessed against the overall administrative costs (and, to a certain extent, impact on publishers' revenue). In addition, other impacts, such as potential risks, were considered. Taken together, these form the evidence base for determining the most appropriate option for deposit.

#### Monetised and non-monetised costs and benefits of each option (including administrative burden);

The Legal Deposit Libraries Act 2003 recognises the benefit of collecting and preserving a comprehensive collection of UK electronic publications, including off line and microform publications. A permanent comprehensive collection, centrally located and freely available to such public stakeholders as researchers, educators, and students, is of benefit to UK research and scholarship.

For Option One, we are not aware of publishers routinely maintaining an archive of either print or off line publications, which is available to the public; this is unlikely to change in future. Moreover, maintaining such an archive would involve publishers taking on some of the lifecycle costs of a permanent archive; there might also be access costs for public stakeholders.

The Legal Deposit Libraries have no mechanism for requesting off line publications that are not deposited. In this instance, Option Two is likely to fall far short of providing a comprehensive collection of off line publications. It is estimated that around 6,000 off line publications have already been lost.

Only Options Three and Four can ensure levels of deposit comparable with those currently achieved for print publications, guaranteeing a comprehensive collection.

Importantly Option 4 is the only option that gives a legal basis on which researchers could obtain access to the publications. And offers legal protection against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liability, such as defamation and libel.

- Benefits to research and scholarship

A general benefit of extending legal deposit to non-print includes the availability and continued maintenance of a national and accessible archive of UK published materials for humanistic, social, economic and scientific research, for use by the academic community, by business and industry, by the professions, by government and by private individuals. Users will benefit from a geographically



distributed national published archive of national and international importance on multiple sites, saving time, costs of travel and subsistence.

- Benefits to the UK

Extension of legal deposit will allow for the maintenance of a comprehensive archive and record of the UK's intellectual and scientific achievement. This in turn will benefit communities in the UK of key importance for its future well-being and prosperity: researchers and educators; wealth creators in current and emerging sectors of business and industry; and the scientific community. The nation also benefits from the international renown of the BL and the LDLs and their collections and from the economic activity generated by the significant number of foreign researchers who use them.

- Financial Implications of Deposit to Publishers and Libraries

The benefit of a comprehensive collection of off line publications for the Legal Deposit Libraries must be balanced against the administrative and other costs for the major stakeholders, i.e. libraries and especially publishers. If the cost per transaction is combined with the actual rate of deposit for the voluntary code and print deposit, the potential overall administrative costs for each of the deposit options can be calculated as follows:

Table 1: Financial Implications by Option

Deposit Option	Estimated no. of publications deposited by publishers (per annum) <sup>1</sup>	Publishers Costs p.a. (low £2 Per item) <sup>2</sup>	Publishers Costs p.a. (High £12 per item) <sup>2</sup>	Deposit Libraries (cost per annum) <sup>3</sup>
(Option One)	-9,862	19,724	118,344	114,749
Voluntary Code (Option Two)	-4,151	8,302	49,812	67,985
Self-Regulated Voluntary Scheme (Option Three)	0	0	0	0
Statutory Regulation (Option Four)	2,100	-4,200	-25,200	-23,349

(Negative numbers for publications represent from the publishers perspective, so less items are deposited with deposit libraries. Negative numbers in other columns represent cost to publishers and deposit libraries).

Source:

1. Number of publications derives from Legal Deposit Advisory Panel, this assumes that the 6 deposit libraries each receive a copy.
2. Costs derived from the Legal Deposit Advisory Panel recommendation paper. These have been rebased to 2009 prices, £2.03 and £12.17.

Impact on publishers and deposit libraries are calculated relative to the base case, Option 3. Publisher costs for Options Two, Three and Four assume that deposits are made as part of the normal distribution process upon publication. The cost to deposit libraries is based on evidence from Lifecycle Information for E-literature (LIFE) (a Joint Information Systems Committee funded project analysing lifecycle costs for archived publications) which had looked specifically at Voluntary Deposit of Electronic Publications in the British Library off line publications.<sup>1</sup> Publisher's costs derive from the Legal Deposit Advisory Panel recommendation paper, which gathered evidence on the impact of the current scheme through case studies of a range of publishers, informal interviews, and informal publisher interaction. The total costs they quoted (materials, production and distribution costs) varied between about £2 and £12 per item, this is used for the low and high estimate for publisher costs. Estimated number of publications is based on maximum total number of copies deposited per annum (i.e. up to six copies, one for each legal deposit library, per publication) and includes both monographs and serials parts.

With Option One, while administrative costs are relatively low, publishers that maintain an archive must assume some lifecycle costs for preserving, cataloguing and providing access. As there would be no obligation to deposit off line publications, the Legal Deposit Libraries would need to purchase publications at a cost to the public purse (although benefiting publishers' revenue), this has not been calculated here as it is difficult to estimate the number of publications publishers would choose to archive, what manner of preservation they would undertake, and what access arrangements would be negotiated with libraries, furthermore only savings to Legal deposits have been calculated as they process less deposits in Option 1 to 3. Therefore the savings from Option 1 and 2 are probably overestimated. Furthermore, Option 4 does not include the cost of any income forgone by publishers from depositing more items and therefore options 1 and 2 does not make any assumptions of the income-gained from no longer depositing with deposit libraries.

The impact is as follows excluding cost described in the previous paragraph: In Option 1, publishers will deposit 9,862 fewer items than the base case (Option 3), which would be a saving to the publisher, and the deposit libraries who are now dealing with fewer deposits. In Option 2, publishers deposit 4,151 less items than the base case Option 3, a saving to the publishers and a saving to deposit libraries. In Option 3 we have no change in deposits and this is the base case. Finally in Option 4 1,286 more items are deposited, which is a cost to publishers and to the deposit libraries.

To ensure that the impact on publishers' business models is kept to a minimum, the drafts Regulations include some general provisions about embargoes: These are intended to protect the commercial interests of those publishers who may be unreasonably prejudiced if readers are allowed access to their works in a Legal Deposit Library, albeit on the limited basis prescribed under the draft Regulations. Although the possibility of an embargo does not remove the obligation to deposit the publication with a Legal Deposit Library, readers will not be given access for a specified period of time.

As a statutory duty, Option 4 costs would be the highest of all options for both Legal Deposit Libraries and publishers. However, a comprehensive collection of off line publications would exist in the Legal Deposit Libraries, ensuring that publishers would not need to keep a private collection

- Costs and Impacts on Other Stakeholders

With Options 1 and 2, cost burdens spread to include other stakeholder groups, namely business and academic researchers; students; educators; and other members of the public. Both options impose a direct cost to the public, not just because they fall short of ensuring a comprehensive collection of off line publications, but also in the case of Option 1 because archives are spread over a range of publishers

<sup>1</sup> <http://eprints.ucl.ac.uk/1854/1/LifeProjMaster.pdf>

with differing access arrangements. These factors could cost public stakeholders in terms of time, travel, and subsistence.

Option 4 creates savings for researchers in that the publications will be collected in a comprehensive way, at designated sites. In the case of Option 4, they would be made publicly and freely available within the terms of the proposed Regulations.

- Rationale and evidence that justify the level of analysis used in the IA (proportionality approach);

Cost data collect for this IA derives from work carried out by the LDAP and the British Library. Other costs, such as revenue forgone by publishers and number of materials that publishers would archive have not been calculated due to the lack evidence around these areas.

- Risks and assumptions;

Most of the risks are associated (a) with the lack of a comprehensive collection of off line publications and (b) with the financial implications for each option. However, there is an additional major risk for any voluntary option: the lack of statutory protection against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liability, such as defamation and libel. The proposed Regulations would ensure these risks are covered.

Defamation Risk — a person who has been defamed in archived material may have cause for claim in respect of the archived copy, typically because its continued availability to readers perpetuates the defamation. For example the complainant might have obtained a decision (whether via the court or by a separate settlement with the publisher) for all copies to be withdrawn or for an apology or retraction to be published, but the archived copy remains as first published. Under case law (*Loutchansky v Times Newspapers Ltd and Others No 2*) it may be argued that creating a temporary screen copy of a digital work, which happens each time that a person accesses a digital work, constitutes a form of re-publishing and therefore the deposit library might arguably be creating a new defamation. The Legal Deposit Libraries will put in place procedures to take down any defamatory material of which they are informed, i.e. embargo access for a period of years, and will consider other mitigating actions. However such procedures would typically depend upon the Legal Deposit Libraries being made aware of the defamation by the original publisher, who might also therefore bear some responsibility if there is any failure in communications.

- Direct costs and benefits to business calculations (following OIOO methodology);

Options 1 and 2 have positive impacts on business because publishers are depositing less at libraries. Option 4 increases the burden on business, with a £0.01 in EANCB terms, as publishers must legally deposit items with the deposit libraries. However this increase in cost is small given the wider benefits the policy will achieve, and positive net benefit from regulations on online deposits.

Micro business are not excluded from this regulation, while the burden of this proposal will also fall on them they are likely benefit from deposit library material which is free for them to access.

- Wider Impacts

Deposit libraries have a long history of providing skills and education, a comprehensive collection is a key part of making this an effective offer. This regulation stimulates research and development by ensuring and increasing the amount of materials that are freely accessible to researchers, business and the general public, this helps stimulate innovation, the key driver in long-term growth. While these impacts cannot be directly connected to off line deposits there is good evidence for these impacts from the work carried by deposit libraries as a whole, for example the British Library provides many different services to business and learning and educational programmes.

The regulations will also allow the Legal Deposit libraries to shift the format of material to make it more accessible to visually impaired people, improving their access to published material.

- Summary and preferred option with description of implementation plan.

As Regulations for non-print works are no longer being introduced incrementally the drafting of the Regulations for off line publications will not add any significant cost to the drafting of the Regulations as a whole. The inclusion of off line publications in the Regulations will ensure that the Legal Deposit Libraries and publishers are afforded the legal protection under the Legal Deposit Libraries Act 2003 which offers protection against third party copyright infringement, licence infringement (e.g. for software), and other potential legal liabilities, such as defamation and libel.

By including off line publications in the Regulations we will not be significantly increasing the costs to business above those which already occur (Option 3 is currently in place) and a more comprehensive archive of non-print works will be collected. It is expected that those publishers who publish in both print and off line formats the same publication will be able to make savings by depositing off line versions only.