

Law No. 92-546 of June 20, 1992, on Legal Deposit

Article 1. Printed, graphic, photographic, sound, audiovisual and multimedia documents, whatever the technical process used for their production, publication or dissemination, shall be subject to a compulsory deposit, known as legal deposit, once they are made available to the public.

Software packages, data bases, expert systems and other artificial intelligence products shall be subject to the requirement of legal deposit once they are made available to the public by the dissemination of a physical medium, whatever the nature of such medium.

Article 2. Legal deposit is established in order to:

- 1) Collect and conserve the documents referred to in Article 1;
- 2) Compile and disseminate national bibliographies;
- 3) Consult documents, subject to secrets protected by law, under conditions that comply with the law on intellectual property and compatible with their conservation.

Article 3. Legal deposit shall be effected by handing the document to the depository authority or by posting it free of charge, in a limited number of copies.

The Council of State shall lay down by decree:

- 1) The conditions under which the requirements for statutory legal may be satisfied by other means, particularly by the recording of programs broadcast by radio or television;
- 2) The conditions of implementation specific to each category of person referred to in Article 4, as also the conditions under which certain of those persons may be exempted from the requirement of legal deposit;
- 3) The exceptions to the requirement of deposit for those categories of document whose collection and conservation are not of sufficient interest from the point of view of the aims set out in Article 2;
- 4) The conditions under which a selection may be made of the documents to be deposited where the aims set out in Article 2 can be satisfied without it being necessary to collect and conserve all the documents. Decisions on such selections shall be taken on a proposal made by a committee comprising, in particular, representatives of the professions concerned and of qualified persons, under the chairmanship of the Chairman of the Legal Deposit Scientific Council.

Article 4. The following persons shall be subject to the requirement of deposit referred to in Article 1:

- 1) Persons who publish or import printed, graphic or photographic documents;

- 2) Persons who print documents as referred to in item 1) above;
- 3) Persons who publish or, in the absence of a publisher, persons who produce and who import software packages, data bases, expert systems and other artificial intelligence products;
- 4) Persons who publish, or, in the absence of a publisher, who produce or commission or import phonograms;
- 5) Persons who produce cinematographic documents and, with respect to imported cinematographic documents, persons who distribute them, as also persons who publish and import cinematographic documents fixed on a medium other than a photochemical medium;
- 6) The national program companies, persons holding an authorization or a license in respect of a sound or television broadcasting service, persons who have concluded an agreement under Article 34—1 of Law No. 86-1067 of September 30, 1986, on the Freedom of Communication as also the European economic interest grouping responsible for the European cultural channel under the Treaty signed on October 2, 1990;
- 7) Persons who publish or, in the absence of a publisher, who produce or commission and those who import videograms other than those referred to under item 5) above and those that are telediffused without being otherwise subject to commercial exploitation;
- 8) Persons who publish or, in the absence of a publisher, those who produce and who import multimedia documents.

Persons who introduce into the national territory documents published or produced outside that territory shall be deemed importers within the meaning of this Article.

Article 5. The following depository authorities shall be responsible for legal deposit, which they shall manage on behalf of the State under conditions that the Council of State shall lay down by decree:

- 1) The National Library;
- 2) The National Center for Cinematography;
- 3) The National Audiovisual Institute;
- 4) The service responsible for legal deposit at the Ministry of the Interior.

That decree may entrust responsibility for legal deposit to other public establishments or services, whether national or local, on condition that they present the necessary assurances required by law and possess the necessary means, particularly scientific means, to ensure compliance with the aims set out in Article 2.

Article 6. The Legal Deposit Scientific Council shall comprise representatives of the depository authorities and shall be chaired by the General Administrator of the National Library.

It shall ensure that the legal deposit procedures are scientifically coherent and are uniform. It may give opinions and formulate recommendations on all matters relating to

legal deposit. It shall participate in defining the conditions for exercising consultation of the deposited documents, as laid down in Article 2 of this Law, in compliance with both the principles defined in Law No. 57-298 of March 11, 1957, on Literary and Artistic Property, and Law No. 85-660 of July 3, 1985, on Authors' Rights and on the Rights of Performers, Producers of Phonograms and Videograms and Audiovisual Communication Enterprises, and those implied by a researcher's right to have individual access, within the context of his research, and on the premises of the depository authority, to the documents held.

Article 7. Any of the persons referred to in Article 4 who voluntarily fails to comply with the requirement of legal deposit shall be punished by a fine of between 10,000 francs and 500,000 francs.

The Criminal Court may, after having found the accused person guilty, postpone announcement of the penalty by requiring the guilty party, subject to a daily fine where appropriate, to comply within a fixed time limit with the requirements the Court shall determine for the purpose of putting an end to the unlawful acts and to making good the consequences.

Where the Criminal Court makes postponement subject to a daily fine, it shall lay down the rate and the date as from which the liability to pay a fine shall begin. Postponement, which may only be afforded once, may be decided even if the accused person does not appear himself. The Court may order provisional execution of the injunction order.

At the adjournment hearing, which must take place within one year at the latest of the decision to adjourn, the Court shall give a decision on the penalty and determine the daily fines if appropriate. It may, as appropriate, remove that condition or reduce the amount thereof. The daily fines shall be paid to the Treasury accountant as a penal fine. They shall not be subject to attachment.

Article 8. There shall be inserted, after the fifth paragraph of Article 49 of the above-mentioned Law No. 86-1067 of September 30, 1986, a paragraph worded as follows:

“Pursuant to Law No. 92-546 of June 20, 1992, on Legal Deposit, the National Audiovisual Institute shall be entrusted with collecting and conserving sound and audiovisual documents broadcast by radio or television, participating in the compiling and dissemination of the corresponding national bibliographies and making those documents available to the public for consultation. Consultation of the documents shall be available, subject to secrets protected by law, under conditions that comply with the law on intellectual property and are compatible with their conservation. The National Audiovisual Institute shall carry out these tasks in accordance with the conditions that the Council of State shall lay down by decree.”

Article 9. There shall be inserted, after Article 2 of the Cinematographic Industry Code, an Article 2.—1 worded as follows:

“2.—1. Pursuant to Law No. 92-546 of June 20, 1992, on Legal Deposit, the Center shall be entrusted with collecting and conserving all videograms fixed on photochemical mediums, participating in the compiling and dissemination of the corresponding national bibliographies and making those documents available to the public for consultation.

Consultation of the documents shall be available, subject to secrets protected by law, under conditions that comply with the law on intellectual property and are compatible with their conservation. The Center shall carry out this task in accordance with the conditions that the Council of State shall lay down by decree.”

Article 10. This Law shall apply to the overseas territories and to the territorial entity of Mayotte.

Article 11. Law No. 43-341 of June 21, 1943, amending the legal deposit arrangements and Article 55 of Law No. 85-660 of July 3, 1985, referred to above, are repealed.

This Law shall be implemented as a law of the State.

Entry into force: June 24, 1992.

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