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INFORMAL CONSULTATION
ON THE PRESERVATION OF
MOVING IMAGES

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Note on four country studies

(prepared by the UNESCO Secretariat)

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Introduction

1. Since the different issues involved in preserving moving images and the way in which these different issues are inter-related can be more fully understood in national contexts, the Unesco Secretariat commissioned four country studies (Canada, France, German Democratic Republic and United Kingdom) which are to be found in the annexes to the present paper.

2. This note does not attempt to summarize these country studies. It merely sets out those points that are relevant to the question under discussion and indicates where the four countries have adopted similar policies and practices and where their policies and practices differ. It is hoped that this note will facilitate discussion of the general issues before the meeting.

Policy and practice of producers (film-makers and broadcasting organisations)

3. With few exceptions, producers in the four countries do not preserve moving images for purposes other than for their own use, immediate or potential. The preservation of moving images as archives is not normally in the mandate of public producers and private producers lack interest and/or funds.

4. Audio-visual works are often destroyed by producers ; the reasons given include the following :

- lack of space and funds ;
- to satisfy legal obligations ;
- because material is considered to be of little value ;
- if material is not used in the final version ;
- when material is of a technically inferior quality.

Material is also lost by accident and, it would seem, in some cases by negligence. Reference should be made in this context to the volume of films and videos held by the producers which is many times that held by the archives (the figures given in the Canadian study illustrate this particularly well).

5. The technical conditions under which producers store moving images vary, but are, on the whole, not considered ideal for permanent preservation, with some exceptions, notably in the public domain.

6. Material held by producers is in general not accessible to the general public and only sometimes to researchers.

Legal deposit and institutions designated to act as depositories

7. In two of the four systems described, legal deposit has been introduced :

- in France, the law providing for legal deposit was promulgated only recently with respect to cinematographic films (decree dated 23 May 1977) and in 1975 with respect to other audio-visual works ; legal deposit applies to works made by national film-makers or in coproduction with a foreign film-maker ;
- in the German Democratic Republic, legal deposit exists for cinema films and TV productions, with the right to apply selection.

Under the other two systems, legal deposit has not been introduced, although under one (Canada), the mandatory right to purchase material has been proposed in the revision of the Public Archives Act. Material is therefore acquired at the moment by archives in Canada and the United Kingdom through voluntary deposit or purchase.

8. In those countries where legal deposit is provided for, institutions have been designated - and created, where necessary - to act as official depositories. In the German Democratic Republic, one institution, the Staatliches Filmarchiv in Berlin, is now entrusted with the preservation of cinema films and TV productions subject to legal deposit. In France, two separate organisations exist : the Service des Archives du Film, part of the Centre national de la Cinématographie, which preserves films exclusively ; and the Département des Archives audiovisuelles of the Institut national de l'Audiovisuel which took over the audio-visual archives of the former ORTF (the national broadcasting company) and acts as depository for all audio-visual works other than cinematographic works. (These are the official public institutions established in France for the preservation of moving images ; there also exist a number of other institutions, known as "cinémathèques" which hold important collections of films - unfortunately, it was not possible to obtain relevant information on these institutions which perform rather different functions).

9. In both Canada and the United Kingdom, there are two main institutions which have, as their principal function, the preservation of moving images :

- in Canada, the Cinémathèque québécoise, a private non-profit making organisation with special responsibility for French-language recordings, and the National Film Archives, a division of the Public Archives of Canada which co-operate in carrying out their conservation programmes ;

- in the United Kingdom, the National Film Archive, part of the British Film Institute, is given the option of obtaining material before it is destroyed; the other institution, the Film Department of the Imperial War Museum, specializes in First and Second World War Films.

10. Turning now to questions concerning the type of material acquired by these official institutions, the timing of the deposit acquisition and the responsibility for the deposit, the following principles and practices are adopted :

a) As to the timing and form of the deposit :

- according to French law, one negative or one standard positive copy of a film is to be deposited within a period of two years as from the date on which exploitation commences ; a copy of other audio-visual works is to be deposited before exploitation starts ;
- in the German Democratic Republic, one positive print of a cinema film is deposited prior to the first public performance and a negative after one year ; TV productions are deposited after the first transmission and re-transmission (material is at the moment not held on videotape in the official archive) ; in addition, the archive endeavours to acquire the original negative ;
- in Canada, material is generally acquired by the archives at the end of the commercial exploitation period - i.e. for videotapes and TV films, after broadcast and re-broadcast and for films when they are no longer actively distributed ; the archives seek to acquire the original negative for conservation purposes and a positive print for reference ; 3/4" videotape copies are increasingly being acquired or manufactured for reference ;
- in the United Kingdom, the archives acquire material, as far as films are concerned, when distribution demand has diminished and for TV productions, after transmission.

b) Responsibility for the deposit

- under French law, responsibility rests with the maker, in the case of cinematographic films and with the maker and the publisher of other audio-visual works ;
- in the German Democratic Republic, material acquired by the archive under legal deposit is free of charge ; in cases where positive prints are deposited prior to public release, costs are borne by the distributors.

c) Origin of the material :

- as mentioned above, under French law, legal deposit applies to works made by national film-makers or in coproduction with a foreign maker ;
- the official archive in the German Democratic Republic acquires copies of nationally produced films and foreign films exhibited in the country, as well as national TV productions and foreign productions adapted for transmission on national TV ;
- in Canada and in the United Kingdom, the institutions concerned with the preservation of moving images seek to acquire national and foreign material.

Selection of material for preservation

11. As to the question of selection of material for preservation, some mechanism has been adopted, or is on the point of being adopted, by all the archives in the four countries. In France, the Film Archive can reject material that is not of a good technical quality, but it does not seem to have the right to reject material subject to legal deposit. The situation in the GDR is interesting in that until recently all material deposited in the official archive was retained but, with the addition of TV productions, it is realized that this will no longer be possible "for economic reasons" and it is estimated that 30 % of the total production (cinema and TV) will in future be retained ; as mentioned above, the archive has the right to select material. Participants are referred to the preliminary suggestions on selection criteria that are set out on page 7 of the GDR study. In the two countries where legal deposit has not been introduced, selection methods and criteria have been established, responsibility for selection lying either with advisory committees, as in the case of the National Film Archive in the United Kingdom, or with the staff of the archive, with the advice of the occasional outside expert.

Questions of use

12. The use made of deposited material depends, of course on national legislation and on the agreements concluded between the archives and the depositors. As will be seen below, the use that official archives in Canada, France and the United Kingdom are allowed to make of material seems to be more restricted than in the GDR.

a) Projection to the public :

- Canada : exhibition programmes are carried out through the Canadian Film Institutes' National Film Theatre and by

the Cinemathèque québécoise (annual audience of the latter institution estimated at 25.000) subject to permission from copyright owners and against a modest entrance fee (roughly one-third of normal commercial cinema prices);

- France : films are not exhibited by the official archive itself ; it has not been possible to obtain information on the conditions under which the Cinemathèque exhibit ;
- GDR : the official archive exhibits films to members of film clubs or "visitor organisations" ; these are not considered as public performances. Such non-commercial performances do not require permission from the copyright owner, according to GDR copyright laws ; permission is sought in the case of foreign films as necessary ; estimated annual audience is 100.000 to 120.000 spectators ; entrance fee of 1.50 M charged ;
- UK : subject to permission of producer, films are exhibited on approved premises (e.g. national film theatres) against an entrance fee.

b) Access for research purposes :

Material is accessible to bona fide students and researchers, often free of charge, on the premises of all the archives : in the United Kingdom and Canada, this provision is expressly mentioned in the Standard Agreement between the archive and the depositor ; in France, however, consultation is subject to agreement of the depositor which is given in approximately 40 % of cases.

c) Exchange of material

Films are exchanged by the archives with other archives affiliated to the FIAF and under FIAF rules and regulations.

d) Reproduction of material

The official archives in the four countries normally have the right to duplicate material for preservation purposes.