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Mythbuster: U.S. Digital dissertations not required for Library of Congress under Mandatory Deposit rules

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[Reprinted from posting to ETD-L discussion group on January 31, 2014]

The question of mandatory deposit for U.S. dissertations seems to cause confusion because there are various myths percolating about (1) whether dissertations **MUST** go to the Library of Congress to comply with the Mandatory Deposit rule in US Copyright law and (2) How to get dissertations to the Library of Congress. With the aim of dispelling myths, an analysis of the question was posted to this blog at <http://sites.tdl.org/fuse/?cat=13>.

The upshot is that the **all-digital dissertations do not need to go to the Library of Congress** at this time. That is because their rules specifically exempt dissertations that exist only in digital format.

Where dissertations are produced in multiple formats (e.g., paper AND digital; or digital AND microfilm), the Library of Congress does expect one of the non-digital versions to go them. So that is why a commercial dissertation reseller like ProQuest has to comply with mandatory deposit in the United States – the company systematically generates a second version of the submitted dissertation on microfilm, thus triggering the Mandatory Deposit requirement, and then satisfies that requirement by sending microfilm copies to Library of Congress. If this circumstance has changed or my reporting is not wholly accurate, I trust our colleagues at ProQuest will clarify their practices for us all.

For universities whose dissertation program produces only a digital version of the

dissertation, there is no need to send the document to Library of Congress. However, if the university wants to make sure their dissertations get to LoC, the way to get them there is to have the students register their dissertations with the US Copyright Office (a unit of the Library of Congress). The source of this advice is Mr. Joe Puccio, Collection Development Officer, Library Services, Library of Congress, who provided it to me in writing on January 28, 2013.

An important source of confusion about US dissertations, ProQuest, and Library of Congress are the body of marketing claims that ProQuest is THE repository for digital dissertations authorized by the Library of Congress. The choice of the article 'THE' is, unfortunately, highly misleading. A more truthful statement is that ProQuest is authorized as A repository of digital dissertations...one among possibly many. In other words, the Library of Congress has indeed recognized that the ProQuest database is the official repository of the digital dissertations held by ProQuest, but they have never stated, suggested, or averred that the ProQuest online database is the ONLY ONE they will recognize. All the ETD collections in all the digital repositories held by Universities, scholarly sharing sites such as FigShare or SSRN, or even other ETD resellers, are equally legitimate distributors/publishers of digital dissertations, in the eyes of the Library of Congress and its division, the US Copyright Office.

Take home message, in spite of scary propaganda to the contrary: ETD's made available in digital repositories are as legitimately 'published' as those sent to Ann Arbor for commercial redistribution. But they are not **required** to be sent to Library of Congress at this time because the LoC collection policy does not accept PDFs for their collection. The best way to get them there is via registration with the Library's US Copyright Office, where PDFs are able to be accepted and retained.

Related links:

- Posting to ETD-L about Mandatory Deposit and US Dissertations
- More detailed analysis of topic, posted to this blog at Clearing the confusion about American dissertations and the Library of Congress
- US Copyright FAQ on Mandatory Deposit
- Cooperative Agreement between Library of Congress and ProQuest to store ProQuest's digital dissertations on ProQuest site rather than sending copies to Library of Congress. Section 3.6 of this document clearly clarifies this policy.

3.6 Library access to digital dissertations in lieu of transfer of copyright deposits. UMI's deposits for copyright registration will not be transferred by the Copyright Office to the Library after registration has been completed. Instead, UMI will provide the Library with on-going access to ProQuest Digital Dissertations at no charge, in order to fulfill the responsibilities for both registration deposits (\$408) and mandatory deposit (\$407), unless (or until) access to this database is not available to the Library for any reason, as specified in 3.10.



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