

A Study of Photocopying Practice and Copyright Law in Nigeria Libraries: Librarians Perspectives

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Abstract:

Purpose: The study examined photocopying practice and copyright law in Nigeria libraries.

Design/Methodology/Approach: A social survey method of research was adopted for the study. Five objectives and five research questions were formulated to guide the study. A systematic random sampling technique was used to select one hundred and fifty seven (157) respondents for the study whereas 91% were retrieved. The data collected were analysed using descriptive statistical tools such as, bar chart, percentages and mean.

Findings: The outcome of the study revealed that libraries need to play a prominent role in the issue of copyright law. The results also discovered that there is no limit to photocopies being made from textbooks and other libraries materials, more so, user's awareness of copyright law does not influence their photocopying practice.

Implication: The paper emphasised that there should be adequate awareness of the issues of copyright law by librarians for effective and efficiency services delivery.

Originality/Value: The paper value can be situated in its appropriate recommendations that libraries should derive a better means of effecting copyright law in Nigeria libraries and Ethics should be applied in the use of copyrighted library materials. Furthermore, laws about 'fair use' of peoples works should not be abused in term of photocopying materials in the library and copyright law offenders should face criminal charges among others.

Keywords: Photocopying practice; Copyright Law; Library and Information Science; Librarians' Perceptive; Nigeria Libraries; Librarians Registration Council of Nigeria (LRCN)

Introduction

The copyright law is not designed to limit public access to information but to ensure that the public has access to it by protecting the economic and moral rights of authors' Copyright law. Based on the assumption that an author is more likely to be motivated to embark on continuous production of intellectual product if he is cited, there is the assurance that another individual can claim neither the credit nor the profit economically from the author's efforts. Copyright law does not protect ideas' but exist only when the ideas are put in tangible format such as written works or other form of expression (Nigerian Copyright Commission 2012). According to Kent (1971), indiscriminate access may prevent the copyright holder from

recovering cases of publication, the very incentive that copyright is to encourage. Aina (2002) state that "it is unethical to lift the work of another person verbatim without permission and claim right of the work. Copyright tries to balance the needs of the users and creators. From a look at the proliferation of information on the internet and in other information resources in Nigeria, it is obvious that copyright is all-encompassing and should be regarded by all with highest seriousness. According to Noel & Breau (2005), students are taught the value of original thinking and the importance of not plagiarizing the works of others both in the libraries and other information centers. Libraries are knowledge industry that acquire, organise, retrieve and disseminating information to the users in respective of their educational

background, while Librarians are expected to know and appreciate the law and create awareness of copyright law to the library users. Photocopying services are not designed to compete or replace duplicating processes, but to complement its services through direct reproduction of documents. The photocopying service no doubt is very popular among scholars because it makes it possible for them to have positive copies of any material conveniently thereby saving them from the problem of having to copy manually what they need whenever they visit the library.

African Publishing Review (1993) reported that an estimate of 300 billion copy pages per year or an equivalent of 1.5 billion books of 200 pages each of unauthorized photocopying of copyrighted materials worldwide is being carried out. Taylor (1988) stated that in the United Kingdom, the state school system has been estimated to use 90 million copy pages per year. In the University sector, a survey of a single Australian University showed that 2.1 million pages were copied in one academic year.

In the United States of America, the state of things is not different. Studies conducted by King Research Incorporated in 1981 into library photocopying indicated that more than 600 million impressions are made yearly on library photocopying machines. Menziner (1980) stated that about 5 billion photocopies are produced from copyrighted works annually. This according to him corresponds to about 25 million books or journals comprising 200 pages each. In Africa, there is also a large scale of photocopying going on in various countries. For instance, the African Publishing Review (1993) reported that in Kenya, an estimate of over one million copies are made each year across the various sectors with the educational sector constituting the lion share. This ugly trend prompted the present study.

Statement of the Problem

In Nigeria, observation has revealed that librarian's are not quite proactive which about copyright law as they need to be so as to create more awareness and guide users against violating this copyright law in Nigeria libraries. It is against this backdrop that this study attempts to examine the extent to which librarians in the libraries sensitize library users, researchers, students and appreciates against copyright law as it relates photocopying.

Objective of Study

The study is to investigate the extent to which librarians sensitize library users and appreciates on the law of copyright as it relates to photocopying.

Specifically, the study will

1. Determine the level of awareness of the copyright law by Librarians in Nigeria libraries?
2. Identify roles of the library on copyright law?
3. Examine the materials that are usually photocopied most by library users?
4. Investigate if there any limit to photocopies being made from text books or any other published material in the library?
5. Find out if library users are aware of the provisions of the Nigerian copyright law of 1988?

Research Questions

1. What is the level of awareness of the copyright law by Librarians in Nigeria libraries?
2. What are the roles of the library on copyright law?
3. What materials are usually photocopied most by library users?
4. Is there any limit to photocopies being made from text books or any other published material in the library?
5. Are library users aware of the provisions of the Nigerian copyright law of 1988?

Literature Review

Copyright law refers to a legal concept that concerns rights to copy as it protects the labour, skill and judgment that someone – author, artist or some other creator – expends in the creation of an original piece of work (Feather & Sturges 2003). Effective laws to combat these and other copyright problems are very imperative. Guobadia (1989) insists that copyright comes under pressure in a largely illiterate society like Nigeria as the purveyor of pirated audio and video cassettes, the shopkeepers who sell pirated copies of popular textbooks and the students who make photocopy of an entire textbook for his use are all reacting in their own way to the situation. According to

Oduowo (2002), the violation of copyright legislation can lead to loss of income, discourage creativity, retard industrial, economic and cultural growth, and deprive the government a huge amount of taxes especially in copyright related industries. To this end awareness of copyright law becomes necessary. Faeji (2002) concurs when he asserts that the level of copyright awareness in Nigeria is low and this has militated against effective copyright administration in the country. Ajegbomogun (2011) asserts that photocopying of library resources serves many roles in the Nigerian education system; it is used in information dissemination on a large scale among students, lecturers and researchers in the tertiary institution environment in Nigeria and also keeps the educational system going. She opines that photocopying of copyright materials should be done within the stipulated standards since not every student has enough money to buy all the information resources needed for their study, therefore students have come to depend so much on photocopying for survival in their study and researches. It is crucial to understand that in spite of the harsh realities of the present economic situation in Nigeria or elsewhere, there is no justifiable reason whatsoever for one to rob another in order to survive. Besides, the harsh effect is cushioned by the presence of libraries. Adoki (2002) rightly argues that it is criminal, fraudulent and cheating to do any acts or omission which will deprive an owner of copyright table work the benefits of his labour. Noel and Breau (2005) suggest that works of others should not be used without their permission unless the use is within the exceptions provided in the law or the use has been authorized by the copyright owner. Uviegbara (1992) who argues that there is need to raise the level of awareness of people about copyright law. It also support the findings of Ekwensi (1992) who asserts that photocopying of texts without regard to copyright law has become norm, and an issue worth looking into. The level of copyright awareness in Nigeria is low and this militates against infringement of books in the country. The situation is also the same in other countries of the world like India. Nair (1999) explains that the awareness of copyright is rather poor in the country and piracy believed to be wide-spread." There is need for collaboration with practitioners in the industries to embark on an orchestrated campaign aimed at

educating its citizenry on the dangers of copyright theft which is clearly anti- social and contrary to the public interest. Public condemnation would therefore be mobilized to fight and eradicate copyright infringements are usually dealt with in civil lawsuits in federal court. The principal remedies for enforcement of copyrighted materials in Nigeria as Oluwa. (2011) provides are:

Damages: In awarding damages, the court considers the loss of profits caused to the plaintiff by the infringer's diversion of trade from the plaintiff. In addition, the flagrancy of the infringement and any benefit shown to have accrued to the defendant by reason of the infringement are considered.

Injunction: This is the most useful and frequent remedy available to victims of copyright infringement. The plaintiff can seek an interim injunction pending the determination of the case and perpetual injunction as a final remedy.

Delivery up or destruction: The infringed materials can be confiscated or destroyed. The destruction extends to receipts, containers, vehicles, ships, aircraft etc. This order is frequently applied in Nigeria, especially with respect to smuggling cases.

Conversion rights: All infringing copies of a work in which copyright subsists, or of any substantial part of the work, and all plates, master tapes, machines, equipment or contrivances used or intended to be used for the production of such infringing copies, are deemed to be the property of the owner, assignee or exclusive licensee of the copyright, which accordingly may take action to recover the possession or conversion of these articles.

Ngangu (1984) defines photocopy as an adaptation of photography whereby copies can be produced directly from the originals without the need for recreation of the image, for instance, by typing, to make a master for subsequent reproduction". Mason (1968) defines photocopy "as the making of copies by a photographic process. These copies, according to him, should be such that could be read with naked eyes or without the use of an optical device.

The reprographic reproduction of printed matter has become so widespread that in several Nigerian universities, photocopied materials have practically replaced printed texts and

instructional materials that are protected under Nigerian copyright Law. Photocopy is the commonest reprographic method with the copyright law is violated in Nigeria tertiary institutions. Kyle (1983) stated that one of the most important advantages of photocopying is that books are made more accessible to users, without exposing the original to damage from overuse, vandalism or theft. Similarly, Amodeo (1983) stated that the presence of photocopying machines in the library for photocopying purposes is to prevent the mutilation and theft of books and argues that there is need to raise the level of awareness of people about copyright law.

Research Methods

This study was carried out using a social survey research method. The research instrument adopted for the study was questionnaire. The instrument was structured to compare relevant information about photocopying practice and copyright law in Nigeria Libraries. It was validated using expert opinion. The reliability of the instrument was tested using test-retest method. Twenty five questionnaires were

administered to librarians in Abuja, the capital city of Nigeria. The completed questionnaires were returned and re-administered to the same set of librarians, and the responses were the same with the previous ones. The population of the study was 172 librarians that attended 2nd Conference of Certified Librarians from various libraries and institutions across Nigeria by the Librarians' Registration Council of Nigeria (LRCN) held in Abuja on the 11th – 16th October, 2015. While considering the manageable number of the subjects of this study; the researcher used the whole population. The researcher administered and collected the questionnaire from the respondents. Thus, there was 91% response return rate. The data collected through questionnaire are here by analysed using simple percentages.

Discussion of Results:

Out of 172 copies of the questionnaire that were administered during the 2nd conference of certified librarians in Nigeria, 157 (91%) were retrieved. The data from the retrieved questionnaire were analysed using simple statistic and were presented in charts and bars thus:

Fig 1: Gender Distribution of Respondents

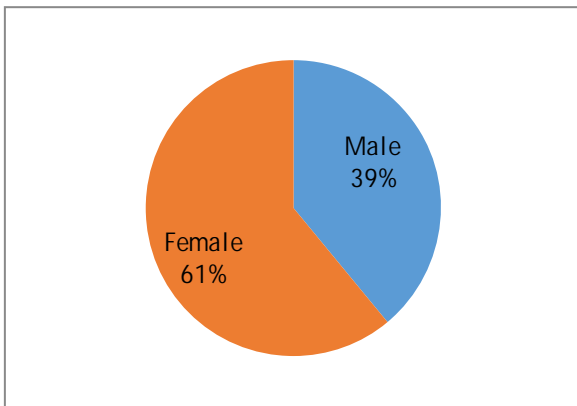
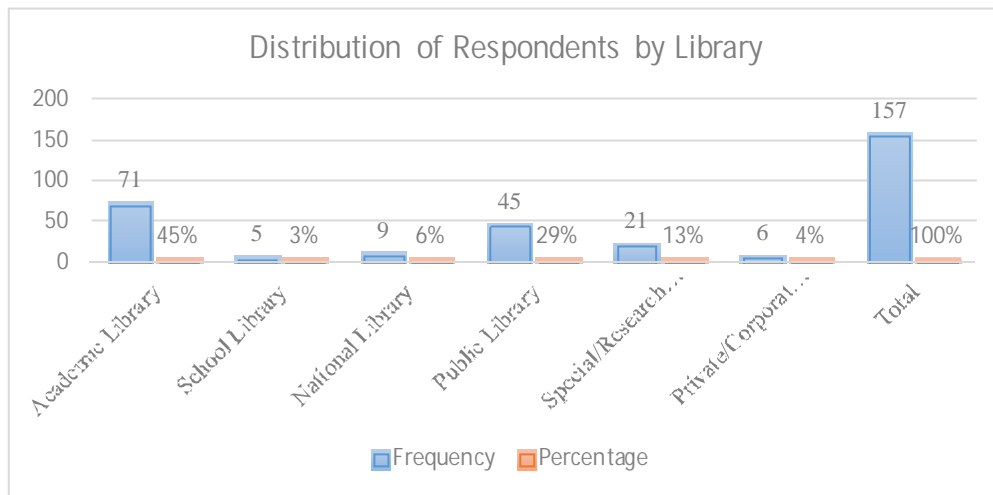


Figure 1: Showed that 39% of respondents are male while 61% are female. This represents the

gender distribution of librarians involved in the survey.

Fig2: Distribution of Respondents by Library



Respondents in the survey cut across the different types of libraries that are available in Nigeria. A larger percentage (45%) of the respondents were from academic libraries while other categories were equally represented. This

includes public libraries 29% whereas special/research libraries were 13% while National library 6% whereas private/corporate libraries were 4%, and school libraries were 3%.

Fig 3: Year of Certified of Respondents

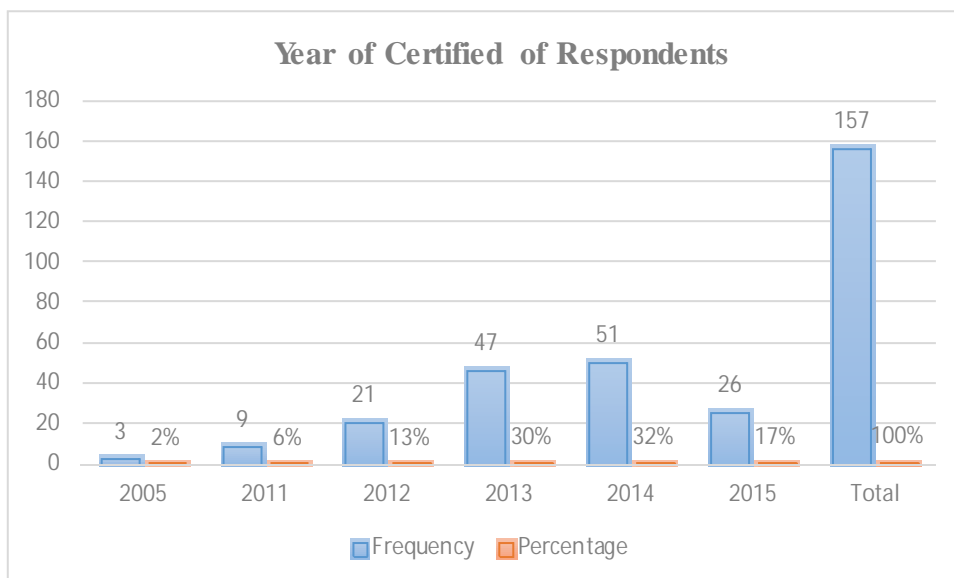


Figure 3 shows that 2014 certified librarians of Nigeria were the highest participants in the conference which records 32%; followed by 2013 with 30% while 2015 had a participant of 17% whereas 2012 with 13% and 2011 had 6% of the certified librarians in Nigeria libraries. In nutshell, the first set of librarians, numbering 536, was certified in May, 2005 while the second set numbering 1,177, was certified in August, 2011 whereas the third batch numbering 948 was certified in September, 2012 while

fourth batch numbering 603, was certified in June, 2013 whereas the fifth batch numbering 877, was certified in September, 2014 while the sixth batch numbering 530, was certified in October, 2015. It presently has about 4,672 records of certified librarians. LRCN is the 23rd parasternal under the Federal ministry of Education. It is a regulatory body for the growth and development of the Library and Information Science sector in Nigeria.

Fig 4: Determine the Level of Awareness of the Copyright Law by Librarians

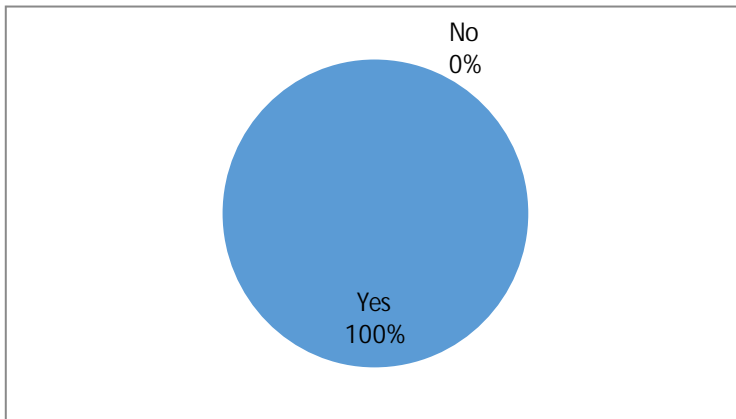


Figure 4 reveals that 100% of participants conscious of the copyright law in Nigeria Libraries. This shows that certified librarians in Nigeria Libraries were aware of the copyright law.

Fig 5: The Role of Library on Copyright Law

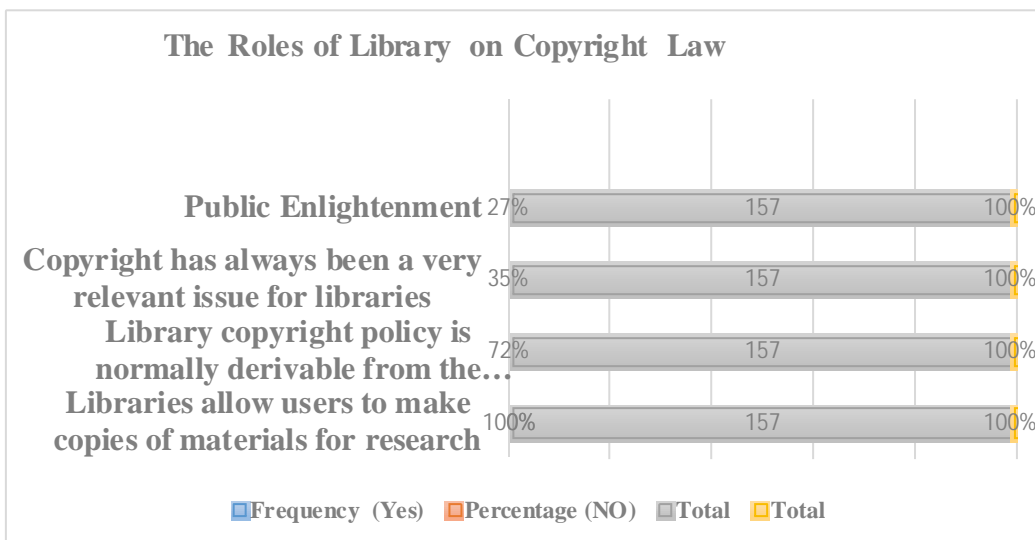


Figure 5 above shows the role of the library on copyright law. 102 (65%) of the respondents reveals that copyright has always been a very relevant issue for libraries. This specify that libraries have not been playing a prominent role in the issue of copyright, while all the respondents 157 (100%) affirmed that libraries

allow users to make copies of materials for research whereas 113 (72%) of the respondents admitted that library copyright policy is normally derivable from the existing applicable international policy.

Fig 6: Materials that are being photocopied Most by Library Users

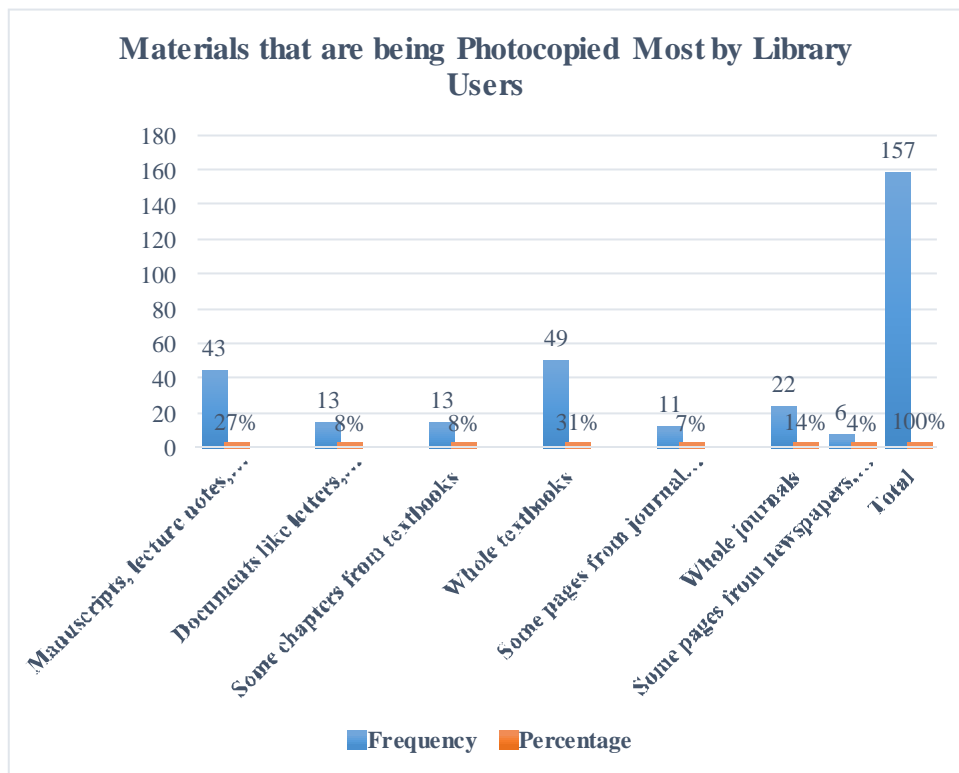


Figure 6 shows materials that are being photocopied most 31% of the respondent’s photocopied textbooks. This means that textbook is the highest library material being photocopied whereas 27% of the respondents indicate manuscripts, lecture notes, project, and dissertation while 14% of the respondents photocopied whole journals whereas 8% of the respondents indicate some chapters from

textbooks and documents like letters, certificates, government publication while newspapers and magazines constitute the least materials usually photocopied 4% indication. The indication from the data presented is that textbooks and other unpublished materials like manuscripts, lecture notes, thesis, letters, certificates and others constitute the bulk of what is being photocopied in Nigerian Libraries.

Fig: 7, Is there any Limit to Photocopied being made from Textbooks or any other Published Materials in the Library

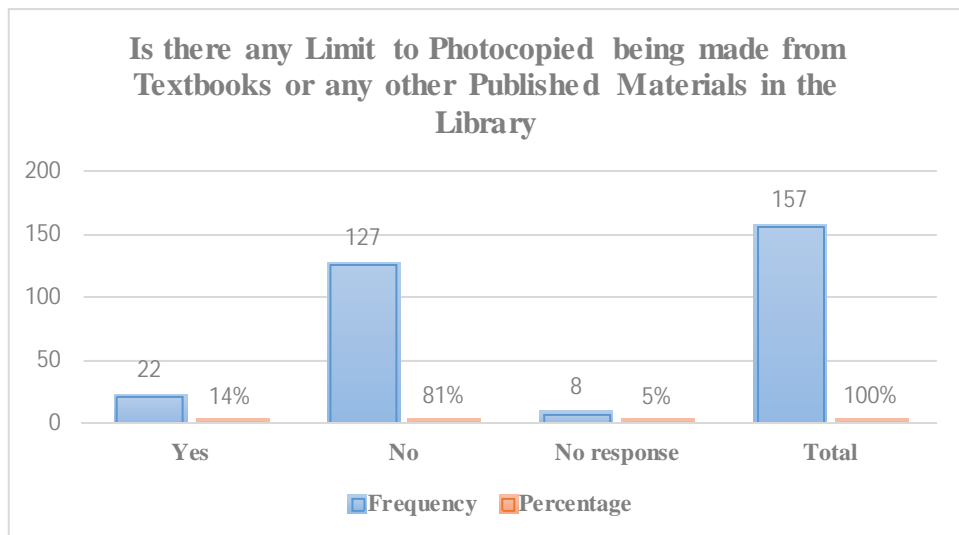


Figure 7 reveals that 81% of the respondents affirmed that they do not have any limit to the amount of photocopies that could be made from published materials whereas 14% of the respondents indicate that there is a limit to the amount of the photocopies that could be made

from library materials. It could therefore be deduced from the data that there is no limit to the amount of photocopies that could be made from published materials. Multiple copies of published materials could be made without any hindrance.

Fig 8: Determine whether Library Users Aware of the Provision of Copyright Law of 1988?

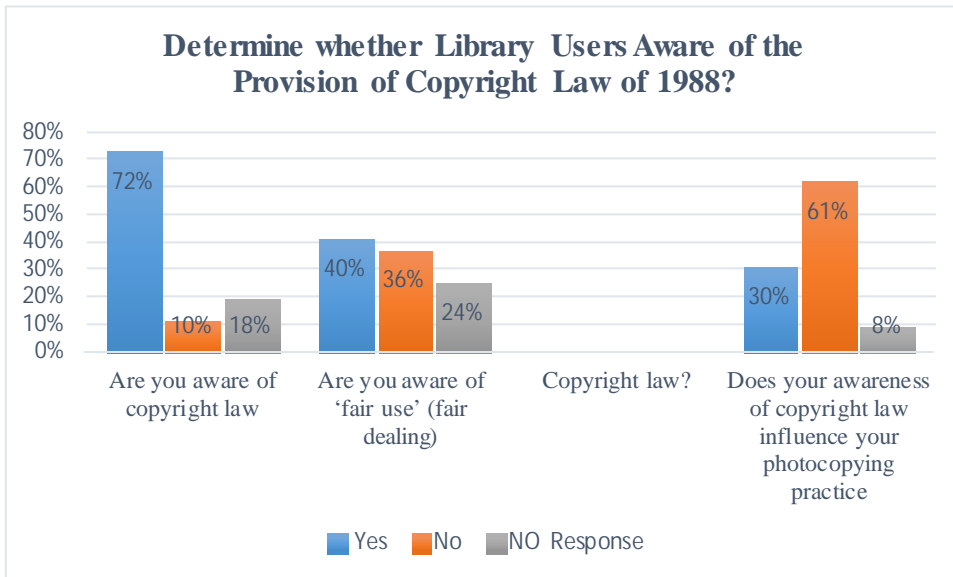


Figure 8 reveals that 72% of respondents indicated that they are aware of law on copyright while 61% of the respondent's affirm that their awareness of copyright law does not influence their photocopying practice while 40% of respondents confirm that they are aware of the doctrine of fair use in the copyright law, whereas 36% of the respondents shown that their awareness of fair use does influence their photocopying practice. Meaning, user's awareness about copyright are low with is in line with Uviegbara (1992) who argues that there is need to raise the level of awareness of people about copyright law. It also support Ekwensi (1992) finding who asserts that photocopying of texts without regard to copyright law has become norm, and an issue worth looking into.

Discussion of Findings

Findings reveals that 100% of the participant's librarian's in the 2nd Conference of Certified Librarians held in Abuja, 2015 are aware of copyright law. However, their awareness seem not to make any difference as no change of attitude was noticed among the users, since 81% of the respondents affirmed that users do not have any limit to the amount of photocopies that

could be made from published materials. This invariably is against copyright law supported by Nair (1999). The result shows the role of library on copyright law. (100%) affirmed that libraries allow users to make copies of materials for research, (72%) admitted that library copyright policy is normally derivable from the existing applicable international policy as noted by Ekwensi (1992) finding who asserts that photocopying of texts without regard to copyright law has become norm, and an issue worth looking into.

The finding reveals that textbooks is the highest library materials being photocopied follow by manuscript, lecture notes, project and dissertation. This finding confirm the finding of Guobadia (1989) who affirm that students are averse to making photocopy of entire books in order to satisfy their needs. Also, support by Adoki (2002) finding who asserts that photocopying of texts without regard to copyright law has become a norm, and an issue worth looking into. The findings shows that user's awareness on copyright law does not influence their photocopying practice and doctrine of fair use in the copyright law. This is

in line with Amodeo (1983) who argues that there is need to raise the level of awareness of people about copyright law.

Conclusion

There is no doubt that the photocopy machine has become an indispensable tool in the generation and dissemination of information in different organizations and institution of learning. The general fear is that the photocopying going on in Nigerian universities could be injurious to authors and publishers are unfounded. This is because this study reveals that there is no limit to the amount of photocopies that could be made from published materials. It also observed that copyright law in Nigeria libraries is taking with levity, therefore, librarians needs to be pro-active and educate the users more on copyright law in other to make authors enjoy the fruit of their labour. Adequate penalties should be placed on every defaulter and the library should step up in their role to ensure an effective functioning of copyright law. Meanwhile, copyright law in Nigeria libraries that has been floated must be taken seriously to ensure that researchers, students and users undergoing training identify the realities of life while in school. These users at the conclusion of their study will apply the norms and therefore ought to take cognizance and reduce their excesses against what they practice.

Recommendations

The following recommendations are therefore made:

1. That the libraries should derive a better means of effecting copyright law in the tertiary institutions.
2. That copyright law offenders should face criminal charges
3. Ethics should be applied in the use of copyrighted library materials.
4. Law about 'fair use' should not be abused in term of photocopying materials in the library.
5. The Nigerian copyright council, library stakeholders, Librarians Registration Council of Nigeria and Nigeria Library Association should organize enlightenment programmes like workshops, seminars and symposia for users, researchers, students and operators of photocopying canters where
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they could be enlightened on the provisions of the copyright law of 1988.

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