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Full Length Research Paper

Role of librarians in the protection of copyright in **Nigeria**

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The objective of the study is to examine the role of librarians in the protection of copyright in Nigeria. The study adopted a descriptive survey design. Questionnaire was the primary tool used for data collection. The study population consists of 63 professional librarians from the five selected universities in Ogun State. A total of 49 questionnaires were retrieved out of 63 administered and given a response rate of 77.8%. It was found that librarians are aware of the provisions of copyright law and take some measures to prevent its infringement. It was recommended among others that librarians should be more intentional in ensuring that copyright is not violated in the library by engaging all the available measures to ensure compliance.

Key words: Copyright, Librarians, University Libraries, Nigeria.

INTRODUCTION

Access to information makes for better people, more efficient and effective workers, and more responsive and responsible citizens, and a library's main role is as a provider of that access to information (Nkondo et al., 2014). Librarians play an important role in the free access to information. They are responsible for dissemination of information. They are also expected to protect intellectual property rights of creators. However, intellectual property rights are limitations to access of information. This dilemma has caused librarians, according to Aguirre (2010) to tend to swing towards either of two extremes: towards a strict interpretation and implementation of the rules, thus, hampering service; or towards complete disregard of them, bordering on irresponsibility that can open them to charges of copyright violation, or abetting

violation of the law by their clients. It must be noted that the right of access to information is not an unqualified right, but is subject to limitations regulated by law. Copyright law is created to limit the access to information with the intention to secure authors' exclusive rights to their intellectual creations. The law, however, also makes provision for exceptions. The exception is expected to create a balance between users' access to information and the protection of the intellectual property of creators. Copyright is one of the two branches of the law known as intellectual property. The other branch relates to industrial property. Copyright is a legal right that protects the owner of an intellectual property from exploitation. It comprises two main sets of rights: the economic rights and the moral rights. Copyright essentially relates to those acts

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which the creator reserves to himself or his near and dear ones in his creative works. These include right to reproduce, right to modify, right to commit for translation, right to transmutation, right to commit to other forms like cinematographic reproduction, etc (Jadhav, 2012). This law protects the indiscriminate copying and distribution of an author's work without the permission of the author. Copyright law in Nigeria is governed by the Copyright Act 1988 with its amendments of 1992 and 1999 which is now re-codified in 2004 in the Laws of the Federation of Nigeria 2004 Cap. C28. The primary function of Copyright under the law is to protect from annexation the fruits of a person's work (Babafemi 2007). Jadhav (2012), assert that in any educational institution, librarians play a key role in many spheres, including copyright. The main role of librarians is to make available library collections to students and faculty in support of teaching, learning, research and scholarship. Libraries are fills in a unique position as custodians of copyrighted materials.

Statement of the problem

Access to information is a universal right that is protected by law to be enjoyed by all. The copyright law which protects the right of the creators of copyrighted materials tends to be a barrier to the freedom of access to information. Librarians as custodians of information are charged with the responsibility of granting free access to information and protecting the interests of copyright owners. Some studies have indicated the ignorance of librarians in their responsibility in granting access to information and in the protection of copyright. In light of this, this study undertakes to investigate the awareness of librarians' role in the protection of copyright in Nigeria.

Objectives of the study

The objective of the study is to examine the role of librarians in the protection of copyright, specifically, the study will:

- 1. Identify the copyrighted information materials available in libraries.
- 2. Determine the level of awareness of copyright law by librarians.
- 3. Assess the measures taken by librarians to restrict copyright infringement.

LITERATURE REVIEW

Evolution of copyright law

Copyright is one of the two branches of the law known as intellectual property. The other branch relates to industrial

property, chiefly inventions, trademarks, industrial designs etc. Copyright law protects the owner of property rights in literary and artistic works against those who adopt the exact form of words or arrangement employed by the author in the production of his work. (Odunowo, 2002). The House of Lords remarked in the case of George Routledge V. Sampson Low (1868), that the great objective of the law of copyright is to stimulate, by means of the protection secured to literary labour, the composition and publication to the world of works of learning and utility.

Copyright law was governed in Nigeria by the English Copyright Act 1911 which was made applicable to Nigeria by virtue of an order-in-council under Section 25 of the Act of 1911 of Great Britain. Nigeria applied the 1911 Act until 1970, when it was replaced with the Copyright Act of 1970. (Babafemi, 2007). Umaru (2002) noted that the 1970 Act was inadequate as it could not combat the increasing rate of piracy and other copyright infringement and there was need to increase the penal sanctions and provide adequate remedial measures. Hence, the birth of the 1988 Act. In 1992 vide the Copyright Amendment Decree No. 98 of 1992, the Act was amended. The primary legislation now is the Nigerian Copyright Act Cap. C.28, Laws of the Federation of Nigeria 2004, initially passed in 1988, amended in 1992 and 1999 and recodified in 2004. (UNESCO World Anti Piracy Observatory 2009).

Nigeria is also signatory to a number of international conventions. The aim of conventions is to provide that countries give the same protection to the works of the nationals of other countries as they give to their nationals. Adewopo (2012) asserts that the concern about the protection across borders and the limitations of national solutions to multinational problem led to the emergence of international agreements aimed at securing copyright protection across borders. Nigeria ratified the Berne Convention in September 14, 1993 and became a member of the Universal Copyright Convention on February 14, 1962. In October 29, 1993, Nigeria also signed the Rome Convention, and ratified the WIPO Copyright Treaty and WIPO Performers and Phonograms Treaty in 1996.

Nature of copyright materials

Section 1 (1) of the Copyright Act lists six categories of materials that qualify for copyright protection. They include the following:

- a). Literary works.
- b). Musical works.
- c). Artistic works.
- d). Cinematograph films.
- e). Sound recordings.
- f). Broadcasts.

A literary work includes novels, stories, poetical works, plays, broadcasting scripts, textbooks, treatises, articles, reports, addresses, law reports and so on. Musical works include work composed for musical accomplishment. Artistic work includes painting, drawing, engravings, maps, photographs, diagram, work of sculpture, and many more. A violation of copyright occurs when a person without the consent of the owner of a copyright reproduces, communicates, to the public or broadcasts a literary, musical or artistic work in which copyright subsists. Copyright law protects the owner of the property rights in literary and artistic works against those who adopt the exact form of words or arrangement employed by the author in the production of his work. For a work to enjoy copyright protection, sufficient skill must have gone into it to give it an original character. In addition, the work must have been put in tangible form (Asein 2002). The law provides that violation of copyright occurs when without the permission of the owner, a reproduction/ photocopying of the whole copyrighted material is done. Infringement also occurs where the sale, translation/ transcription, adaptation, public lease, rental and public performance of a copyrighted material is done without the authorisation of the copyright owner.

Copyright situation in Nigeria

Copyright are rights given to creators for their literary and artistic works. Literary works include novels, poems, plays, reference works, newspapers etc. Artistic works include paintings, drawings, sculpture, maps etc. The duration of copyright is 50 years after the death of the author, or the last surviving author in case of joint authorship (Aina, 2008). Babafemi (2007) opines that the primary function of copyright under the law is to protect from annexation the fruits of a person's work. This protection is of immense importance to actors, playwrights, performers and other artists, to musicians and composers of music, to authors, publishers, newspaper proprietors and librarians, to architects, designers, lawyers, doctors, pharmacists, engineers, to editors of law reports, lecturers, professors and institution of higher learning; to broadcasters; to makers of cinematograph films and photographers and to producers of computer systems, laptops and their numerous software.

Copyright law refers to a legal concept that concerns rights to copy as it protects the labour, skill and judgment that some author, artist or some other creator expends in the creation of an original piece of work (Feather and Sturges 2003). In the case of Yerritau V. Daily Times Nigeria Ltd (1980), Belgore asserts that the primary function of copyright is to protect from annexation by other people, the fruits of another's work, labour, skill or taste. Babafemi (2007) argues that in a country like Nigeria, the importance of copyright cannot be

overemphasized because, Nigeria is a country where book piracy, film piracy and music piracy still reign supreme, with attendant losses of income to authors, publishers, film makers, musicians and many other copyright owners. Guobadia (1989) insists that copyright does not come under pressure in a largely illiterate society like Nigeria as the purveyor of pirated audio and video cassettes, the shopkeeper who sells pirated copies of popular textbooks and the student who makes a photocopy of an entire textbook for his use are all reacting in their own way to the situation.

According to Odunowo (2002), the violation of copyright legislation can lead to loss of income, can discourage creativity, retard industrial economic and cultural growth, and deprive the government a huge amount of taxes especially in copyright related industries. Uviegbara (1992), argues that there is need to raise the level of awareness of people about the copyright law. Faeji (2002) concurs when he assert that the level of copyright awareness in Nigeria is low and this has militated against effective copyright administration in the country. Copyright is very important because, a country's development depends to a great extent on the creativity of its nationals. For a country to develop, it needs to encourage national creativity. It is in this context that copyright has become an essential instrument in the development process. The higher the level of copyright protection, the greater the encouragement for authors to create (Ekpere 2002).

Copyright exceptions

The copyright system maintains a balance between the intellectual property interests of authors/copyright owners and the larger public interest. Asein (2012) assert that this balance is achieved by introducing various exceptions to the rights granted under the copyright law. Asein (2012) summarized the exceptions under the following heads:

- 1. Fair use.
- 2. Parody, pastiche and caricature.
- 3. Ephemeral use of artistic works.
- 4. Use for educational purpose.

Fair dealing (fair use) provisions have been described as the most significant, and most venerable limitation on the copyright holder's prerogatives (Asein, 2012). Babafemi (2007), has posited that fair dealing means that the dealing with the work must be genuine and reasonable. The Nigerian copyright law specifically grants exceptions to acts done by way of fair dealing for the purposes of research, private use, criticism, or review of the reporting of current events. Asein (2012), posit that it is impossible to lay down any hard and fast definition of what fair dealing is, because it is a matter of fact, degree, an

Table 1. Population of the study.

Name of library	Population
Babcock university	15
Bells university	8
Crescent university	4
Federal university of agriculture	21
Olabisi onabanjo university	15
Total	63

impression, but the court endorsed three factors in determining if there was indeed fair viz.

- 1. Whether the alleged fair dealing is in commercial competition with the owner's exploitation of the work.
- 2. Whether the work has already been published or otherwise exposed to the public.
- 3. The amount and importance of the work which has been taken.

Role of librarians in copyright protection

In any educational institution, librarians play a key role in many spheres, including copyright. The main role of librarians is to make available library collections to students and faculty in support of teaching, learning, research and scholarship. Libraries are often the only entities that provide access to the vast majority of copyrighted works that lose market vitality long before the expiration of the copyrights, and are often the only entities that preserve public domain materials (Jadhav, 2012). Libraries promote the use of the information resources it manages for purposes of education and research. Libraries as educational agency is poised to ensure that knowledge is acquired and disseminated and to ensure that equal access to information is enjoyed by all. Kharamin and Siamain (2011) citing Machell (1996), stated that the ideal library service is one where each individual, has access to the materials and information at the time they are required, in a format that can be used, in the quantities that are needed, and where the needs of the users are understood by the staff.

Jadhav (2012) highlighted the importance of librarians' role in copyright protection to include, among others, to enable users to access copyrighted and public domain works and to exercise their rights under the exceptions and limitations to creator' rights in the law. Cochran (1997) also reiterates that librarians have the professional duties concerning copyright materials, to both serve the client's needs using copyright-protected resources to provide the information requested, and to respect the intellectual property rights in the protected works that are used each day. Fabunmi (2009) stress that librarians can provide assistance to library users in order to properly

enforce the copyright laws in the library by ensuring that research projects in the library are made available to researchers for consultation only, that photocopying an entire work is disallowed, and that the principle of fair use be strictly adhered to, if photocopying is to be made for educational purposes. Librarians should ensure that precise citation is done by any researcher for any piece of information collected from a given source in the Library.

METHODOLOGY

The study adopted a descriptive survey design. Questionnaire was the primary tool used for data collection. The study population consists of 63 professional librarians from the five selected universities in Ogun State, namely Babcock University, Ilishan-Remo, Crescent University, Abeokuta, Bells University, Ota, Federal University of Agriculture, Abeokuta and Olabisi Onabanjo University. The five universities were selected from the 13 universities in Ogun State. The population was made up of all the 63 professional librarians of five sampled universities. A total of 49 questionnaires were retrieved out of 63 administered and given a response rate of 77.8%. The questionnaires were analyzed using descriptive statistics which results were displayed in tables. Table 1 shows there were 15 librarians from Babcock University, 8 librarians from Bells University, 4 librarians from Crescent University, 21 librarians from Federal University of Agriculture, and 15 librarians from Olabisi Onabanjo University, respectively. Table 2 shows that out of the 63 questionnaires that were administered, a total sum of 49 (77.8%) were retrieved from the five universities and analyzed. Table 3 shows, that there are seventeen (34.7%) male respondents and 32 (65.3%) female respondents. From Table 4, it is shown that 18.4% of respondents have a Bachelor's degree, 71.4% have Master's degree, 2% have MPhil while 8.2% have doctoral degree. Table 5 shows that 36.7% of respondents have worked for between zero and five years, 24.5% have worked for between six to ten years, 18.4% have worked for between eleven to fifteen years, 10.2% have worked for between sixteen to twenty years, 4.1% have worked for between twenty-one to thirty years, while 2% have worked for between thirty-one to thirty-five years.

RESULTS

Table 6 shows the availability of copyrighted materials in the various libraries. The high rate of agreement to the items as indicated in Table 7 reveals that librarians are aware of copyright law and appreciate their role as protectors of copyrighted materials. Responses as shown

Table 2. Number of Questionnaire distributed and retrieved.

Name Of Library Questionnaires distributed		questionnaires returned	Percentage
Babcock university	15	15	30.61
Bells university	8	5	10.21
Crescent university	4	3	6.12
Federal university of agriculture	21	20	40.82
Olabisi onabanjo university	15	6	12.24
Total	63	49	100

 Table 3. Gender distribution of respondents.

Gender	Frequency	(%)
Male	17	34.7
Female	32	65.3
Total	49	100

 Table 4. Educational qualification of respondents.

Educational qualification	Frequency	(%)
Bachelors	9	18.4
Masters	35	71.4
MPhil	1	2.0
PhD	4	8.2
Total	49	100

Table 5. Work experience of respondents.

Work Experience	Frequency	(%)
0-5	18	36.7
6-10	12	24.5
11-15	9	18.4
16-20	5	10.2
21-25	2	4.1
26-30	2	4.1
31-35	1	2
Total	49	100

Table 6. Availability of copyrighted materials in the library.

Availability of copyrighted materials	Availa	able	Not ava	ilable	Not sure		
	Frequency	Percent	Frequency	Percent	Frequency	Percent	
Textbooks	49	100	-	-	-	-	
Journals	49	100	-	-	-	-	
Dissertation/ Thesis	46	93.9	3	6.1	-	-	
Magazines/Newspapers	48	98	-	-	1	2	
Compact disk/DVD	44	89.8			5	10.2	
Cassette (audio/video)	26	53.1	10	20.4	13	26.5	
Electronic databases	48	98	1	2	-	-	
E-journals	48	98	-	-	1	2	

Table 7. Librarians' roles in protection of copyright, and knowledge of copyright Law.

Role of librarians	5	SA		Α		D		SD	
Note of librarians		%	Freq	%	Freq	%	Freq	%	
There is need for librarians to have copyright education in order to familiarize themselves with the basic principles of copyright law.	33	67.35	16	32.65					
Knowledge of copyright law will enable librarians to render their services without violating copyright laws.	30	61.22	19	38.78					
It is the duty of librarians to protect users' rights.	29	59.18	20	40.82					
It is the duty of librarians to protect authors' rights.	23	46.94	21	42.86	5	10.20			
Librarians must provide the right guidance to their users on how to make use of library stock without infringing on the copyright of the authors.	25	51.02	24	48.98					
If there is the need to photocopy, the principle of fair use should be strictly adhered to.	26	53.06	23	46.94					
Fair use means that a user can copy a very small amount of a work for educational purposes and not for commercial purpose.	25	51.02	24	48.98					
It is not an infringement of copyright law if a portion of a document is copied for criticism and review or for reporting in the newspaper.	20	40.82	18	36.73	8	16.32	3	6.12	
Any copying carried out for commercial purpose requires prior permission from the copyright owner.	23	46.94	23	46.94	3	6.12			
It is possible to obtain permission to copy or use copyrighted material by contacting the copyright owner.	17	34.69	27	55.10	5	10.2			
Abuse of copyright deprives the creator of gains accruing from his intellectual property.	26	53.06	21	42.86	2	4.08			

in Table 8 reveal that libraries have not exhausted the various measures to combat copyright infringement. Only 14.29% of librarians indicate that their libraries display copyright warnings in conspicuous locations in the library. Also, 30.61% indicated that their libraries' agreement with database providers are made available to users, while only 40.82% indicated that license agreement on database use are displayed prominently while users browse database content.

DISCUSSION

Information materials available in libraries such as dissertation/thesis, magazines/ textbooks, journals, Disc/Digital newspapers, Compact Video Disks, cassettes, electronic databases, paintings, drawings, engravings, maps, photographs etc. are copyrighted materials. University libraries provide both copyrighted and public domain materials to its users in support of teaching, learning, research and scholarship. Librarians as custodians of information are charged with the responsibility of protecting the interests of copyright owners as well as the interests of users of information. The study found that librarians are aware of copyright law as it relates to their role as custodians of information. These findings however contrasts with the findings of Dicen (2014) who found that librarians' awareness of copyright is low, and Charbonneau and Priehs (2014) who also found in their study that librarians are only fairly aware of copyright policies. The study also showed that librarians are adopting some measures to curtail infringement of copyright. However, they do not take exhaustive steps in discouraging library users from infringing copyright.

Conclusion and Recommendations

Copyright law gives protection to creators of information resources and also provide for a balance between promoting the users' right as well as creators' right. The roles of librarians who are the custodians of intellectual property made them important in the administration of copyright law. It is therefore recommended that:

- 1. Librarians need to create more awareness in order to ensure that libraries protect the rights of creators.
- 2. Librarians need to provide access to information for users based on balanced law.
- 3. Libraries should ensure that copyright warnings are displayed in conspicuous locations in the library.
- 4. Agreement between libraries and database providers should be made available to users to prevent them from

Table 8. Measures to combat copyright infringement.

Measures taken by library to curb copyright	YES		NO		NOT SURE		
infringement	Frequency	%	Frequency	%	Frequency	%	
Copyright warnings are displayed in conspicuous locations in my library to pass the message across to the users.	7	14.29	37	75.51	5	10.20	
Research projects are made available to researchers for consultation only.	43	87.76	3	6.12	3	6.12	
Photocopying an entire work is not allowed in my library.	45	91.84	3	6.12	1	2.04	
Librarians ensure that precise citation is done for any piece of information collected from the library.	32	65.31	9	18.37	8	16.33	
Photocopying of entire journal is restricted in my library.	33	67.35	10	20.41	6	12.24	
Agreement between libraries and database providers are made available to users.	15	30.61	24	48.98	10	20.41	
License agreement on database use is displayed prominently while users browse content.	20	40.82	18	36.73	11	22.45	
Copying ('dubbing') of multimedia resources (CD/DVD, Cassette) is prohibited in my library.	32	65.31	12	24.49	5	10.20	
My library has a policy on copyright.	25	51.02	11	22.45	13	26.53	

abusing copyright law.

5. Libraries should have policy on copyright. Every library worker and user should be educated in this regard in order to familiarize them with the copyright provision.

6. As copyright violation can easily be carried out in the libraries, librarians should be more intentional and aggressive in ensuring that copyright is not violated in the library by engaging all the available measures to ensure compliance.

CONFLICT OF INTERESTS

The author has not declared any conflict of interest.

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