



COPYRIGHT INFRINGEMENT AND PHOTOCOPY SERVICES AMONG UNIVERSITY STUDENTS AND TEACHERS IN NIGERIA

Wahab Akanmu Aboyade

Obafemi Awolowo University, Nigeria

Modupeola Aduke Aboyade

Federal Polytechnic, Nigeria

Bolanle Adewumi Ajala

Federal Polytechnic Library, Nigeria

Copyright strives at protecting the result of intellectual creativity and stimulates the creation of intellectual works of scholars. The study, a descriptive survey, sought to find out the perception of Nigerian copyright law vis-à-vis its abuse in relation to published works. The stratified and simple random sampling techniques were used to select 800 students and teachers in federal universities in South-West Nigeria. The perception of copyright questionnaire with two sub-scales: reasons for photocopy ($r = .78$), and knowledge of copyright ($r = .82$) was used. Two research questions were answered and two hypotheses tested at 0.05 level of significance. Data were subjected to simple percentages and analysis of variance (ANOVA). Hypothesis one was accepted because there was no significant difference meaning that both teachers and students agreed to the adduced reasons for photocopy rather than for personal use. Hypothesis two was rejected because the three groups differ in their knowledge of copyright law. Majority of the respondents feign ignorance of the knowledge of copyright as well as not ever harassed for making photocopy of published works. The Nigerian Copyright Commission should vigorously educate the people on the grave implications of the abuse of copyright law through workshops, seminars and conferences.

Keywords: Copyright infringement, Fair use, Photocopy services, Nigerian copyright commission.

Introduction

The idea behind copyright is rooted in fundamental ideas revolving round creativity and possession. According to Cornish (2004), copyright springs from the idea that anything that is created is an extension of “self” and should be protected from general use by anyone. To him, copyright is germane to continued growth of writing, performing and creating, and without copyright protection, there would be little stimulus or incentive for people to create anything, as others would be able to take the work and use it in any way they wanted.

Copyright, according to World Intellectual Property Organisation - WIPO (2014) is a legal term used to describe the rights of creators over their literary and artistic works. These include books, music, paintings, sculpture, films, computer programs, databases, advertisements, maps and technical drawings. Copyright therefore, could be viewed as a set of exclusive right of a creator to reproduce, prepare derivative works, distribute, perform, display, sell, lend or rent their creations. The goal of copyright law is to encourage authors and scholars to invest effort in creating new works of art, literature, science and technology. Copyright is a branch of the larger legal field known as intellectual property, which also includes trademark and patent law.

The protection of the intellectual content of authors' work helps to promote creativity and improves the economy in the long run (Isiakpona, 2012). Theft of intellectual property has become a worldwide problem infringing on the legal, economic and moral rights of authors of creative and intellectual works. Piracy and plagiarism have become a lucrative business run by some syndicated cartel and various measures are being mounted by the federal government of Nigeria through the Nigerian Copyright Commission and the police to checkmate the nefarious activities of these intellectual property thieves. The Nigerian Copyright Commission has been further empowered to arrest and prosecute offenders, hence the administration of copyright law is now taken with utmost tenacity.

Students and teachers need vital information so as to excel in their academic pursuits. In addition, they require information to improve their social, economic and political experiences and libraries form an important source for this useful and relevant information. Though the concept of fair use bestows some rights on users of intellectual works, to what extent then is the concept being adhered to especially with regards to higher institutions of learning in Nigeria? Therefore, it is the intent of this paper to find out the level of awareness of copyright law among undergraduate students in universities in South-West Nigeria, and to further examine the extent to which the concept of fair use, as it applies to educational setting is being observed. Furthermore, it is also to find out if the photocopy services in Nigerian universities are carried out within the ambit of fair use concept and further to find out the various reasons why students and teachers engage in photocopy of books instead of purchasing the original copy.

Background to Copyright

Authorship is one of the oldest professions in the world dating back to the evolution of reading and writing. The need for man to store information in a more durable and secure manner brought about the invention of writing which also marked the beginning of civilization. At the onset, the writing of books by the scribes was by hand in a room called *scriptorium*. However, the purpose of writing was essentially to acquire fame and nothing more. Authors and scribes were nevertheless given some encouragement in the form of token gifts.

The invention of printing press by Johann Guttenberg at about 1450 brought about a cultural, intellectual, economic and political revolution which had far reaching consequences. Books were produced in large quantities and much cheaper and affordable to the commoners. Thus, the idea that authors should share in the economic benefits of the process began to take form. The idea of protection really came with the arrival of printers and book sellers into the book scene. As the commercial activities of the book sellers expanded, they became concerned with protecting themselves against competition, and this propelled them to request for the intervention of government. This resulted in the grant of book-trade privileges in which the beginning of an acknowledgement of certain copyright principles could be traced.

The fundamental issue of copyright is that, writers, composers, artists and other creators of works of intellect are granted certain rights limited in time in respect of the utilization of their works. Hence, what appeared to be the first copyright ever granted by law was a decree enacted by the Senate of Venice in 1469. The decree gave one, John Spira exclusive privileges on printing the letters of Cicero and Pliny for a period of seven (7) years. Like the stationers' copyright, persons protected under the Venitian Republic decree were printers and publishers. The stationers copyright was literally a right to copy, that is, a right

to reproduce a given work for sale. It was to exist permanently and often owned jointly and could be sold or assigned.

Copyright law in the modern sense developed in the 18th Century in Europe along two different legal perspectives, namely; the *Anglo-American approach* and the *Continental-European approach*. The Continental European approach is to be found in certain decrees issued in France during the French Revolution years of 1791 and 1793, while the Anglo-American approach originated in the first copyright statute of Anne of 1709 in the United Kingdom.

The Nigerian copyright law dates back to 1912 with the extension of the United Kingdom Copyright Act of 1911 to the Northern and Southern Protectorates of Nigeria by Order in Council, No. 912 of 1911. After independence, there was the need to enact a truly Nigerian copyright law devoid of colonial touch and this culminated in another Copyright Decree 61 of 1970. However, the erstwhile copyright legislation Decree No. 61 of 1970 proved quite inadequate to effectively protect the rights of authors and creators of intellectual property. The 1970 copyright law contains several inadequacies, one of which does not make provision for police involvement in its enforcement.

Following several criticisms levied against the copyright Act of 1970, and constant public outcry over the increasing rate of piracy on literary, musical and artistic works, there was a further attempt to right the wrongs and this resulted in the enactment of another Copyright Decree No. 47 of 1988 (Codified as Chapter 68, Laws of the Federation of Nigeria, 1990). The new copyright statute of 1988 as amended, although retains the essential features of both the 1911 and 1970 statutes, makes additional provisions on areas not touched by the earlier ones. The copyright law is more embracing in that there are a lot of greater elaborations and where possible, substitutions.

Copyright and modern technology (ICT)

People all over the world, Nigeria inclusive, have a deep and abiding conviction that technology will better the lives of mankind. Consequently, mankind has accepted the worth of technology as a matter of faith. Hence, all over the world, information and telecommunication technology (ICT) has greatly changed mass communications. It has also transformed the lives of mankind. Computer in particular has played an important role in this change, and has touched virtually every aspect of life of people.

The breaking down of national frontiers by global telecommunications, and the immense power of computers have created a new world of copyright. These powerful technologies have turned the old and quiet copyright universe upside down and challenged the old outlook expressed in separate conventions for copyright. For instance, a family sitting at home before a computer becomes both a part of another global audience. This has important consequences for both the creator and the user. And these days, neither the creator nor the users are principally concerned with whether a copyright exists; rather they are more concerned about profit, access and payment.

Technologies have broken down the entire information industry. For instance, piracy in some countries has threatened the economic health of the book publishing, records and other activities connected with the production of information materials. In addition, technologies are also reshaping the concept of the school textbook. In the old days, an author updated his book every three to five years, but now, that book is continually evolving through computer based set of materials created afresh each day. Even traditional publishers have come to realise that the creation of photocopies of anthologies is inevitable, hence they have begun to license such anthologies rather than futile attempt to safeguard them from the tentacles of pirates.

In Nigeria today, there appears to be an evolving tradition of photocopy of copyrighted materials without taking into cognizance, the moral and economic benefits of the authors. This culture of reckless photocopy is rampant among students and teachers alike, and is tantamount to an abuse of copyright statutes.

Administration And Enforcement Of The Nigerian

Copyright Statute

Copyright infringement could be viewed as the abuse and violation, piracy or theft of a copyright holder's exclusive rights through an unauthorized usage of copyrighted materials (United States Copyright Office, 2012). Due to the need to protect the creativity and scholarship of our great thinkers and intellectuals from the sordid activities of pirates who deprive individuals and organisations of both moral and economic benefits of their labour, the Federal Government of Nigeria promulgated various Decrees. The Decrees were the legal instruments to regulate various issues relating to copyright in Nigeria. The Decrees were: Decree 61 of 1970; Copyright Decree No. 47 of 1988 which gave birth to the establishment of the Nigerian Copyright Commission. The Commission was charged with the administration, protection and enforcement of copyright and neighbouring rights matters in Nigeria. The Nigerian Copyright Commission has its headquarters in Abuja with nine zonal offices spread across the six geo-political zones of Nigeria.

Fair use and copyright

According to the United States Copyright Office (2012), fair use refers to the limitation on the copyright holders' exclusive rights. It is an exception to the rule of copyright infringement which permits the reproduction of small amounts of copyrighted material when the copying will have little effect on the value of the original work. In essence, the concept of fair use as a doctrine, allows limited use of copyrighted material without necessarily seeking or requiring permission from the rights holders, such as use for scholarship or review. Examples of fair use include the quotation of excerpts from a book, poem, or play in a critical review for purposes of illustration or comment; quotation of short passages in a scholarly or technical book to illustrate or clarify the author's observations; summary of a speech or an article, brief quotations in a news report; and reproduction by a teacher or student of a small part of a work to illustrate a lesson.

For now, publishing, computers, machine readable materials, photocopies, facsimile machines, high speed press and other electronic machines have made it much harder for authors to keep track of what happens to their works. The backbone of copyright was the right to own and distribute copies of works in those days, but today those means of control have become exposed and vulnerable. Computers have become more important in high schools and universities, in that they help academic staff and students to find information and process it. Before long, these personal computers connect academic staff and students to all the resources they need to conduct research, write, compose and publish papers. This includes access to databases, both bibliographic and textual for which fees are charged and royalties paid. It should be noted that the challenges to copyright posed by satellite communications go beyond the fairly limited confines of libraries and educational organisations.

The rights granted under copyright law are exclusive. That is, the owner of the rights can prevent everybody else from undertaking an act which is covered by the right. However, limitations have to be made on the rights with due regard to other interest concerning fair use. All copyright laws try to strike a balance between the interests of the copyright owners and the interests of the users and of the society as a whole.

The copyright limitations are of various kinds. The international copyright conventions give the national legislators a certain freedom in the establishment of such limitations. For instance, the Berne convention provides for limitations to the reproduction right, in certain special cases if the reproduction allowed under such limitations does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author. Specific limitations provided by the convention include: quotations; illustrations for teaching; reporting of current events etc.

National laws have made use of the possibility to make limitations to the rights of authors in various ways. In general, the laws under the Anglo-American approach provide for general limitations through the concept of *fair use* or *fair dealing*, while the Continental/European approach provides for particular limitations describing the exceptions in a specific and detailed way in the statute. Some examples of fair use include the following:

1. The possibility of making single copies of published works for personal and private use;
2. Quotations, if they are compatible with fair practice and are made only to an extent justified by the purpose;
3. Use of works as illustrations for teaching;
4. Use in the media of articles of broadcasts on current economic, political or religious topics;
5. Reporting of current events; and
6. Reproduction under certain conditions by public libraries.

One of the rights accorded to the owner of copyright is the right to reproduce or to authorize others to reproduce the work in copies. However, this right is subject to certain limitations and one of such important limitations is the doctrine of “fair use”. According to Liebowitz (2010), fair use is a defense to a claim of infringement on the exclusive rights of authors. Some of the factors that impinge on the actualisation of fair use are:

1. The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. Amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

Statement of the problem

The intellectual contents of authors’ work have witnessed policy summersault among the various stakeholders in Nigeria. Preliminary investigation into the photocopying activities in the higher institutions of learning, especially universities in Nigeria revealed indiscriminate and wanton photocopy activities among the students and the teachers alike. This development is believed to have had a negative impact on the moral and economic benefits of the authors of intellectual works culminating in the abuse of copyright statute. Majority of infringers of copyright engage in random photocopy of published works unchallenged, and many still feign ignorance of the Nigerian copyright statute and the existence of the Nigerian Copyright Commission. It is against this background that this study sought to find out the reasons for photocopy and the level of awareness of copyright law among university students and teachers in South-West Nigeria.

Objectives of the study

The objectives of the study are:

1. To find out if students and teachers are aware of the existence of copyright law;
2. To ascertain if both the students and teachers have ever been challenged in the course of making photocopy of published works;

3. To determine if there is a gender difference in the population of undergraduate, postgraduate students and teachers in their reasons for photocopy; and
4. To ascertain the gender difference in the population means of undergraduate, postgraduate students and teachers in their knowledge of copyright.

Research questions

These research questions guided the conduct of this study.

1. Do students and teachers in higher institution of learning have the awareness of the Nigerian copyright law?
2. Have students and teachers been challenged for making photocopy of published works?

Hypotheses

The following null hypotheses were tested at .05 level of significance.

1. There will be no significant difference in the population means of undergraduate, postgraduate students and teachers in their reasons for photocopy
2. There will be no significant difference in the population means of undergraduate, postgraduate students and teachers in their knowledge of copyright

Methodology

The study employs a descriptive survey research design through the use of questionnaire designed and constructed by the researchers to elicit unbiased responses from the samples. The research instrument for the study comprised mainly questionnaire “*Perception of Copyright Questionnaire (PCQ)*” with two subscales: reasons for photocopy and knowledge of copyright. The psychometric properties of the instrument (reliability coefficient) were established by administering about 40 copies on samples selected from state and private universities not involved in the original study. Using Cronbach Alpha method, reliability coefficients of 0.78 and 0.82 were obtained for the two sub scales respectively which make the instrument suitable for administration.

In all, 800 respondents, consisting 400 undergraduates, 200 postgraduate students and 200 university teachers of the six federal universities in South-west Nigeria were involved in the study. The universities are: University of Ibadan, Ibadan; University of Lagos, Lagos; Obafemi Awolowo University, Ile-Ife; Federal University of Agriculture, Abeokuta; Federal University of Technology, Akure; Federal University of Technology, Oye Ekiti. They consisted only those who come to the reprography section of the library to make photocopies of library books for their personal use. The undergraduate students ranged in age between 17 and 27 years with a mean age of 23.3 years and a standard deviation of 3.14 years. The postgraduate students, on other hand, had their ages ranged from 24 to 42 years with a mean age of 30.5 and standard deviation of 4.1 years, while the university teachers ranged in ages between 30 and 55 years with a mean age of 38.6 and standard deviation of 5.95 years. The data collected were collated and analysed through the use of descriptive and inferential statistics. Specifically, the research questions were analysed with simple percentages while the hypotheses were tested using Analysis of Variance (ANOVA) with the aid of Statistical Package for Social Sciences (SPSS).

Results

Data generated from the study are presented in tables below.

Question 1: Do students and lecturers in higher institution of learning have the awareness of the Nigerian copyright law?

Table 1 below answers question one concerning awareness and knowledge of Nigerian copyright law. Total number of respondents who affirm ‘yes’ is 285 representing 35.6%, while 515 respondents representing 64.4% affirm ‘no’. This indicates that majority of the respondents are not aware of the existence of the Nigerian copyright law.

Table 1: Awareness of Nigerian copyright law

Statement	Under graduates		Post graduate		Lecturers		Total Yes	Total No	Total
	Yes	No	Yes	No	Yes	No			
Awareness of Nigerian copyright law	105 13.1%	295 36.8%	65 8.1%	135 16.8%	115 14.3%	85 10.6%	285 35.6%	515 64.4%	800

Total number of respondents = 800
 Total number of ‘Yes’ = 285 (35.6%)
 Total number of ‘No’ = 515 (64.4%)

Question 2: Have students and lecturers been challenged for making photocopy of published works?

Table 2 answers question two concerning harassment arising from photocopy of published work. Majority of the respondents, 790 representing 98.8% have never been challenged for making photocopy of published materials while only significant few, 10 representing 1.2% confirm to have been challenged or harassed. This indicates that both students and faculty staff engage in wanton photocopy of published work.

Table 2: Challenges arising from photocopy of published work

Statement	Under graduates		Post graduate		Lecturers		Total Yes	Total No	Total
	Yes	No	Yes	No	Yes	No			
Challenges for making photocopy of books	5 0.6%	395 49.3%	2 0.2%	198 24.7%	3 0.4%	197 24.6%	10 1.2%	790 98.8%	800

Total number of respondents = 800
 Total number of ‘Yes’ = 10 (1.2%)
 Total number of ‘No’ = 790 (98.8%)

Hypothesis 1. There will be no significant difference in the population means of undergraduate, postgraduate students and teachers in their reasons for photocopy

Table 3 below depicts the analysis of variance table on the three groups difference on their reasons for photocopy. Since the obtained F of 1.815 is less than the critical value of 3.02 ($1.815 < 3.02$), hypothesis one stands accepted. Meaning that both students (undergraduate and postgraduate) and teachers agree to the adduced reasons for photocopy.

Table 3: ANOVA table on group differences on reasons for photocopy

Groups	N	Mean	SD	df	F. obt.	P	D
Undergraduates	400	17.4	3.81	2/797	1.815	0.05	n.s.
Postgraduates	200	16.6	3.67				
Teachers	200	17.3	3.39				

F obtained is not significant ($F \text{ obtained} = 1.815 < P.05 = 3.02$)

Hypothesis 2. There will be no significant difference in the population means of undergraduate, postgraduate students and teachers in their knowledge of copyright.

As depicted in Table 4, there appears to be significant difference in the population means of students and teachers in the knowledge of copyright ($F: 3.143 > 3.02$). Thus, the null hypothesis is rejected. This means that there is a difference in their knowledge of copyright.

Table 4: ANOVA table on group differences on knowledge of copyright

Groups	N	Mean	SD	df	F. obt.	P	D
Undergraduates	400	22.7	4.13	2/797	3.143	3.02	S
Postgraduates	200	23.5	4.26				
Teachers	200	24.4	4.92				

F obtained is significant ($F \text{ obtained} = 3.143 > P.05 = 3.02$)

Discussion of findings

The first hypothesis found no significant difference in the reasons for photocopy among students and teachers in the universities in South-West Nigeria (Table 1). This means that both students and teachers are of the views that they engage in photocopy of published materials for teaching, learning, research, examination and personal uses. This finding replicates a similar finding of Esezobor (1975) in his doctoral thesis that photocopy of published works is of equal importance to the academic institutions and all sectors of educational developments. Similarly, the finding of this hypothesis is in consonance with the concept of fair use which gives an allowance for the limited use of copyright materials for the purposes of research, news reporting, educational and private study uses provided that there is an acknowledgement of the title and authorship of the work and it is by way of fair dealing (WIPO, 2014). Furthermore, Okiy's (2005) findings in her paper titled "photocopying and the awareness of copyright in tertiary institutions in Nigeria" gave reasons for photocopying as cheapness of photocopying as compared to prohibitive cost of books and journals and scarcity of books.

Hypothesis two is significant in that, there was group difference in their knowledge of copyright. The striking difference in their knowledge of the copyright law in Nigeria is not far-fetched. Among the elite, literate and educated ones, many still feign ignorance of the essence of the copyright law, hence the wanton and fragrant abuse of the copyright statute. This finding is in contrast with that of Isiakpona (2012) that the level of awareness of the copyright statute is high among the undergraduate students of university of Ibadan, Nigeria but their knowledge on the provisions of the copyright law on the use of

printed/literary materials appeared low. Furthermore, Isiakpona reported an infringement of the copyright law through photocopy of books. Also, the finding of Omoba and Omoba (2009) that most users of information resources appear to have knowledge of copyright statute contradicts the finding of this research work. However, in spite of their knowledge of copyright statute, majority of them still engage in the abuse to the detriment of the authors of intellectual work. In a related study, Okiy (2005) found out that more than 65% of the respondents indicated their awareness of the copyright law. However, in spite of their awareness, more than 50% of the respondents photocopied whole books and journals, a scenario which runs fowl of the concept of fair use.

The possible reasons for the abuse may be the prohibitive cost of books which appears not affordable by an average Nigerian student. The activities of pirates of intellectual materials discourage the local production of books and other information materials. As such, an average Nigerian student therefore relies heavily on photocopy of published materials which is cheaper and within their reach. In addition, shortage of books especially for the higher institutions of learning in Nigeria is another potent factor that encourages photocopy of published works. As a result, books meant for the higher institutions of learning are imported which make their procurement a herculean task.

Aside the proliferation of photocopy machines in our educational institutions of learning, both video and audio dubbing are as common as book copying. Streets in the major cities of Nigeria and the villages alike remain littered with shops and stalls where pirated video films and audio cassettes//CD/DVD are sold or hired freely without any harassment from the law enforcement agents.

Conclusion

Copyright abuse robs the authors of intellectual works of both moral and economic benefits. The activities of pirates of published works have continued to summersault the efforts of both the Nigerian Copyright Commission and that of the copyright owners. The unguarded photocopy of books in higher institutions of learning in Nigeria also constitutes an abuse of the concept of fair use. There should be concerted efforts by all the stakeholders (Nigerian Copyright Commission, the Nigerian Police and the copyright owners) at stemming the unwholesome tide of the activities of copyright offenders. It is believed that this will encourage more of intellectual creativities thus helping to better the lots of an average Nigerian.

Recommendations

1. More workshops, seminars and conferences should be organised at the national, state and local government levels so as to further enlighten the public about the essence and benefits of copyright to the owners and the government. Also, the public should be educated on the negative implications of the abuse of copyright statute.
2. The Nigerian Copyright Commission, in conjunction with the Nigerian Police Force should embark on constant raid on, arrest and prosecution of offenders of copyright law. This is with the view to reducing to the barest minimum, the nefarious and wicked activities of the offenders and violators of the copyright act.
3. The Nigerian Copyright Commission, in conjunction with the media organisations in Nigeria should mount vigorous and intensive enlightenment and educative programmes on the media (radio and television) with the view to educating the people on the grave implications of the abuse of the copyright law.

4. The federal government of Nigeria should reduce the high cost of import duties on information materials especially books so as to make them affordable to an average Nigerian.
5. Through the Library Instruction Programme, students should be enlightened on the grave consequences of the wanton and flagrant abuse of copyright law through unguarded photocopying of published works.
6. At the reprography unit of the library, a professional librarian who has the knowledge of copyright should oversee the activities in the unit so as to check the abuse by prospective offenders. Furthermore, the professional librarian should serve as the compliant officer representing the Nigerian Copyright Commission who in turn will sensitise his/her professional colleagues on copyright issues periodically.

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