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Full Length Research

# Availability of Copyright Law Compliance Policy in University Libraries in South-East, Nigeria

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This study investigated the availability of copyright law compliance policy in university libraries in South-East, Nigeria. The purpose of the study was to find out existing copyright law compliance policies being put in place for copyrighted works in the university libraries. The study adopted the descriptive survey design and the population of the study comprised all the 227 librarians in the 10 federal and state university libraries in South-East, Nigeria. The instrument for data collection was the questionnaire adapted from the Copyright Act provisions. Data collected were analysed using simple percentages and mean for the research questions while Chi-Square was used to test the null hypothesis. The study revealed that 55.98 percent of the university libraries in South-East, Nigeria agreed that their libraries have policy on the copyright law compliance. The null hypotheses tested at 0.05 level of significance showed that copyright law compliance policies in the libraries differ significantly from federal and state owned universities; thereby the null hypotheses were rejected. The study concludes therefore that on the average, there is copyright law compliance policy in university libraries in university libraries in South-East, Nigeria. The study strongly recommends that the university libraries should engage a copyright expert/librarian who will provide copyright guidance based on the Copyright Act 2004 in order to improve.

Keywords: Copyright law, Compliance, Policy, South East Nigeria, University Libraries

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# INTRODUCTION

The university is an educational institution of teaching and learning where students live and study. It is a community that is usually responsible for the students' academic progress through teaching, learning and research. The usual mission of a university is the creation and dissemination of knowledge to achieve excellence in education, research and innovation (Alemu, 2018), which the library is at the forefront.

The quality of library collections and services in the university has a huge role to play in the output of the institution (Nworie, 2018, 2022). This is why libraries are established alongside universities to support the teaching, learning and research (Eze and Uzoigwe, 2013). Libraries attached to higher educational institutions are called academic libraries and amongst academic libraries are the university libraries. University libraries as the academic units of universities support the threshold mandate of universities in fostering teaching, encouraging research and community service. In effort, there should be a relationship between the quality of services at university libraries and the quality of output.

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According to Eruvwe (2015), university libraries play vital and varied roles in the life of library users to a large extent guiding students and faculty at the reference desk, instructing library research sessions, and developing library collections. It is a truism to say that librarians in all sectors of an academic library wear many hats and provide numerous services to patrons. The library plays a great role in overall development of an individual and nation as a whole and has an important place in universities especially in the field of research. Hence, the need for a trained, qualified and an adequate number of staff are required to run and administer the library, and who would be able to provide effective services based on set guidelines.

According to Librarians' registration Council of Nigeria (2014), it is required that university libraries like other academic libraries be staffed with a mix of various categories of library personnel for efficient and effective information service delivery. Reddy and Aswath (2016) reiterates that libraries are key intermediaries in providing information to users and librarians are the managers to provide different types of information resources through different channels. These information resources that make up library collections are copyrighted works which is described as the right granted to an individual against reproduction of his intellectual creation or work (Korletey, 2014).

In Nigerian jurisprudence, the law that governs copyright is the Copyright Act, Cap 28 Laws of the Federal Republic of Nigeria 2004. Although the law did not expressly define the term copyright, the meaning of the term can be appreciated in the provisions of section 5 of the Copyright Act, which provided that: copyright in a work shall be exclusive right to control the doing in Nigeria any of the following acts, that is- or authorise the doing of any of the acts restricted to the copyright owner.

When a work is eligible for protection under the Copyright Act, an author does not require any kind of registration, for copyright to be conferred. Once the work is created and is fixed in a tangible form, the author automatically assumes copyright protection subject to the term of the copyright. Once conferred with copyright in Nigeria, the author of the work would be vested with exclusive rights to do the following; reproduce the work, prepare other works based upon the work (that is derivation work), distribute other copies of the work by sale or other transfer of ownership or by lease, perform the work publicly, display the copyrighted work publicly and authorise others to do all the above (section 10(1).

However globally, the issue of intellectual property rights, copyright and plagiarism have gained huge prominences as copyright owners are interested in protecting these categories of rights and willing to seek redress in court for huge amounts of money in damages, especially when it involves established institutions like the university or its library, which is why it has become pertinent that should copyright law compliance policies in the libraries to ensure compliance (Nworie, Nworie and Obiano, 2019).

Copyrighted materials, acquired, handled and used in the library is of utmost importance and requires a detailed guideline policy in order to ensure compliance with the copyright law. Therefore, developing a copyright compliance policy ought to be the first step towards guaranteeing compliance with the law in the libraries but unfortunately, most university libraries in Nigeria do not have any existing copyright law policy that will help to ensure compliance to the Copyright Act. According to Chaudhuri (2012), a well-defined copyright management policy in the universities of developing Nations will promote and ensure quality of knowledge. The Copyright Clearance Centre (2017) in the manual 'guidelines for creating a copyright compliance policy buttressed that policies should be formed on how to use an institution or company's copyrighted works. A library copyright policy is a tool that will enable and provide clarity on copyright issues that may arise in the provision of library services, and to help manage risk for the library and its parent institution. It is expected of the library to create or adopt policies that will guide the standard for acquisition of copyright contents, organisation and use of these copyrighted works.

## Statement of Problem

Copyright law matters to libraries because it affects issues that are central to everyday library activities and services. This is because the stock-in-trade of libraries is information resources which are subject to copyright law. The library personnel in the university libraries, like other types of libraries, acquire and handle works subject to the copyright law for the satisfaction of users. It is expected that librarians as handlers of copyrighted works in the library do so in line with instant provisions of the copyright law legislation. Copyright law Compliance is beneficial to libraries because it will not be worthwhile to have a university library where unauthorised practices and use of copyrighted materials which may be damaging to the rights of the copyright owners are witnessed because it will stifle creativity, innovation and development. In this era of information explosion, production of information resources have doubled and most of these resources are copyrighted materials in the university libraries, it is expected that there should be a balance in both protection of the right of the authors, and accessibility of information resources to library patrons. For this balance and other incidentals to be maintained across institutions like university libraries globally, there are need to ensure that university libraries adopt compliance policies that will enable them to comply with The Copyright Act provisions, thus the need for this study.

# Purpose of the Study

The purpose of this study is to determine the existing copyright policies of university libraries in South-East-Nigeria based on the Copyright Act Cap C28 L.F.N, 2004.

# **Research Question**

What are the existing copyright policies for copyrighted materials in university libraries in South-East-Nigeria based on the Copyright Act Cap C28 L.F.N, 2004?

# **Null Hypothesis**

The copyright polices existing for copyrighted materials will not differ significantly in federal and state university libraries in South-East, Nigeria.

# Significance of the study

The findings of this study will be beneficial to university management and administrators, Librarians, and various categories of Library users (researchers and students). The findings of this study when deposited in the university library as part of its collections, will expose the copyright compliance practices if any which every library under study is practicing which will in turn, enable university management and administrators who are the decision making body, to see the need to developing copyright compliance practices (Copyright policies) in line with the Copyright Act (2004) that will ensure researchers and authors of original works are protected, yet giving room for fair dealing in handling of materials subject to copyright under their care in the university libraries.

The findings of this study can be presented in conferences for librarians, and it will serve as a guide or manual for librarians to know the best practices in handling copyrighted works in their university library collections and also it will serve as check for compliance and non-compliance practices. The Nigerian Copyright Commission (NCC) who is saddled with the responsibility of managing copyright in Nigeria will be alerted, when the findings of this work is published, to see the need to formulate achievable rules and regulations that will ensure adequate administration and compliance with the copyright law, which will in turn encourage authors and other copyright owners to have more publications to the benefit of the society.

The result of this study can be presented at conferences and seminars as it would be particularly important to all categories of library users in the area of knowing copyright compliance best practices especially as it concerns copyright policies. They will be fully aware of their rights and also to what extent they are permitted to use copyrighted works in the university libraries which includes understanding the doctrine of fair dealing by balancing the authors' right with the users' right. Finally, this study would be of benefit to the government and its agencies when it is published both in local and international journals. It will serve as a guide in evaluating the Copyright Act with a view to reviewing it for optimal benefit of all and especially, for university libraries who in one way or the other are involved in creation, use and handling of copyrighted works

### Literature Review

Copyright by definition, is an intangible, incorporeal right granted by statute to the author or originator of certain literary or artistic productions whereby he is invested, for a limited period, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them. Copyright is a branch of intellectual property right which includes the creations of the human mind, involving the human intellect.

Okwilagwe (2015) asserts that copyright law is based on the assumption that an author is more likely to be motivated to embark on continuous production of intellectual products, if there is the assurance that another individual can claim neither the credit nor the profit economically from the author's efforts, thus the need for compliance with the copyright law. Generally, compliance means conforming to a rule, such as a specification, policy, standard or law. Therefore, copyright law compliance means obeying and conforming to the terms stipulated in the Copyright Act subject to the exceptions as posited by Adu and Walt (2021). Lewin- Lane (2018) further stated that copyright law compliance entails providing awareness, education and consultation to library users, of the extant provisions of the Copyright Act. A person is said to have violated the copyright of an author or owner of copyright if the person does an act or makes an omission not as provided by the copyright law governing the jurisdiction in question and which said action cannot be justified under the provisions of fair use. According to section 15 of the Act, when any person, without the license or authorization

of the copyright owner, does or causes any other person to do any of the restricted or prohibited acts in relations to a copyright work, infringement of copyright is said to have occurred. Infringement in this context includes, piracy, plagiarism of text, reproduction, copying with the use of photocopying machines, duplication.

Ajegbomogun (2011) pointed out that one of the major ways of violating an author's right is through the means of indiscriminate photocopying of copyrighted resources. This entails making copies of materials that are on sale in the nation or making more copies than required, in cases where copies are allowed to be made. Another form of infringement which forms one of the basis of this research is, where a use is made, of a copyrighted work in an approved educational institution for the educational purposes of that institution, failure to have such work destroyed before the end of the prescribed period, or if there is no prescribed period, before the end of the period of twelve months after it was made (Copyright Act, 2004). Copyright violation reaps an author or owner of a work of the benefits of enjoying the fruits of his or her labour, and Adoki (2002), rightly argues that it is criminal, fraudulent and cheating to do any acts or omission which will deprive an owner of copyrightable work the benefits of his labour and suggests that works of others should not be used without their permission unless the use is within the statutory exceptions provided in the law or the use has been authorized by the copyright owner. In order to promote progress and national development, the terms of the Copyright Act needs to be strictly complied with, subject to the stipulated exceptions of fair use/dealing.

Another form of practice that constitutes copyright violation is academic dishonesty, which an arm of it is plagiarism. Meanwhile, Lambert, Hogan and Barton (2003) defined academic dishonesty as the fraudulent action or attempt by a writer or writers to use unauthorized or unacceptable means in any academic work. Academic dishonesty encompasses a number of vices that negates the idea of honesty, trust, respect, fairness, and responsibility that should be upheld by all educational stakeholders. It is the opposite of academic integrity which involves ensuring that in research, teaching and learning, both staff and students act in an honest way. According to Bretag (2013), academic dishonesty include a diverse range of unfair practices including plagiarism, cheating in exams or assignments, inappropriate collusion, theft of other students' work, paying a third party for assignments, downloading whole or part of assignments from the Internet, falsification of data, misrepresentation of records, or other actions that undermine the integrity of scholarship. However, we will focus on plagiarism as one the practices that constitute copyright law violation in the libraries. Plagiarism is defined as the use of others' words, ideas, or creative work without appropriate acknowledgement, and does not necessarily imply intentional deceit (Bretag, 2013). Moulton and Robison (2002) is of the view that plagiarism can also be seen as depriving authors of profit and credit that is rightfully theirs, which is a form of theft. Accordingly, Shahabuddin (2009) clearly stated that plagiarism is a misconduct considered to be unethical and immoral regardless of who commits it. It is a serious act of academic dishonesty and a breach of academic integrity in that it detracts from the value of original and honest scholarly work. Plagiarism is one of the most vehemently derided breaches of academic integrity because it undermines the premise that scholarly work will make an original and honest contribution to an existing body of knowledge. According to Nworie, Nworie and Nwaigbo (2019), the act of plagiarism undermines and affects the inalienable moral right of an author as conferred by The Copyright Act.

However, the doctrine of fair use is an exception to copyright in which a person is permitted by law to do some of the acts 'exclusively' reserved for an author or creator of a work. Fair use doctrine under copyright Act creates exception from copyright control. Fair dealing refers to the treatment of an author's work with genuineness and with reasonable purpose. Babafemi (2007), further states that fair use means that the dealing with the work must be genuine and reasonable. The doctrine of fair use, which has been developed over many years, identifies uses of copyrighted material that fall outside the control of the copyright owner. When an individual makes a copy under the fair dealing doctrine, he or she is not required to get permission from the copyright owner. The Act in Section 6 in conjunction with the Second Schedule of the Copyright Act, Cap C28, Laws of the Federal Republic of Nigeria 2004, specifically stipulated that acts done by way of fair dealing for the purposes of research, private use, criticism, or review of the reporting of current events are exempted from copyright control.

Invariably, this means that the question of whether there has been an infringement of copyright may not arise in cases where a work is used for the purpose of research, private use, criticism or review or reporting of current events. Onoyeyan, Okereke, Ogbuiyi and Bamidele (2014) asserts that fair dealing is a defense available only in respect of the infringement of literary, dramatic, musical and artistic works. He insists that the question of substantiality is relevant because it is one of the principal tests in deciding whether the use of a work in fact constitutes fair dealing so that to photocopy the whole of a large work of copyright cannot be justified on the grounds that the purpose of the publication was for research or private study. The doctrine of fair use, in the legal parlance constitutes what is termed as Statutory Defenses for the protection of individuals, community and for the benefit of the public in general. These defenses are aimed at preventing copyright owners from infringing on the fundamental human rights of citizenry. Under the defense of fair dealing, it is necessary that the work be accompanied by a sufficient acknowledgment. All these infringements can be avoided and guided by the provision of a copyright policy thus the imperativeness of this study.

# **METHODS**

The research design adopted for this study was the descriptive survey research design. The population of the study comprised of all the 227 librarians in federal and state owned public university libraries in South-East, Nigeria. The federal university libraries are; University of Nigeria Nsukka (UNN) Library (57), Nnamdi Azikiwe University Awka (NAU) library (36), Federal University of Technology Owerri (FUTO) Library (48), Michael Okpara University of Agriculture Umudike (MOUAU) Library (23) and Alex Ekwueme Federal University Ndufu-Alike (FUNAI) Library (3). The state University libraries are; Enugu State University of Science and Technology (ESUT) Library (9), Anambra State University Uli (ANSU) Library (17), Imo State University Owerri (IMSU) Library (9), Abia State University Uturu (ABSU) Library (6) and Ebonyi State University Abakiliki (EBSU) Library (19). The total enumeration technique was used to cover the entire population size, hence no sample was drawn. The data collection instrument used for the study was a structured questionnaire constructed based on a working document, the Copyright Act. The data collected for the study were analysed using the descriptive and inferential statistics. Specifically, the research question was answered with the use of tables and percentages while Chi-Square was used to test the null hypothesis.

# **RESULTS**

**Table 1: Research question:** What are the existing copyright policies for copyrighted materials in university libraries in South-East-Nigeria based on the Copyright Act Cap C28 L.F.N, 2004?

Responses on the existing copyright policies for copyrighted materials

Copyright Law Policies	percentage Yes	Percentage No	Total	
Percentage of University Libraries in SE Nigeria that have Copyright law policies	103(55.98%)	81(44.02%)	184(100.0%)	

The result in Table 1 reveals that 55.98 percent of the university libraries in South-East, Nigeria agreed that their library have policy on the copyright law compliance by indicating "Yes". On the other hand, 44% of the University Libraries disagreed, showing that their libraries do not have policy on the copyright law compliance by indicating "No". This shows that the greater percentage of the university libraries in South-East, Nigeria agreed that they have copyright law policies for the copyrighted materials in their libraries.

**Table 2.** Chi-square summary showing the difference between the copyright polices existing for copyrighted materials in federal and state university libraries in South-East, Nigeria.

Compliance policy	Ō	Е	$X^2$	df	Sig.
Federal Universities Libraries	133(72.3%)	138.0	17.805	37	.997
State University Libraries	51(27.7%)	46.0			
Total	184(100%)				

Source: Field Survey. 2023

Table 2 reveals that there is a significant difference between the copyright polices existing for copyrighted materials in federal and state university libraries in South-East, Nigeria;  $X^2$  (37) = 17.805, p>0.05. The table further reveals that 72.3% are from Federal Universities Libraries while 27.7% are from State University Libraries. This indicates that federal university libraries have copyright polices existing for copyrighted materials than the State University Libraries in South-East, Nigeria.

The null hypothesis which states that the copyright polices existing for copyrighted materials will not differ significantly in federal and state university libraries in South-East, Nigeria was rejected. The result showed that there is a significant difference between the copyright polices existing for copyrighted materials in federal and state university libraries in South-East, Nigeria.

# **Discussion of Findings**

The findings of the study revealed that copyright law policy guidelines present at the university libraries in South-East, Nigeria are still at a moderate level. This shows that, still a good number of university libraries in South-East, Nigeria do not have a policy or an action plan on copyright law compliance. This finding is in disagreement with the finding of

Sambo, Ahutu and Aworo (2016) where the result revealed that there were no existing copyright law policies in their libraries materials in the libraries as multiple copies of published materials could be made in the library without any hindrance. Furthermore, Akalumhe, Bamgbose, Sulaiman and Gbenu (2019) discovered that the majority of respondents were not aware of the existence of copyright law policy in their libraries as they continue to rely mostly on the photocopying of copyrighted materials in the libraries for their studies. However for Reddy and Aswath (2016) it was revealed that opinions have been scattered in the academic environment among professionals with regard to violation or infringement of copyright law as there were no adequate copyright law policy to ensure compliance.

Another finding from this study showed that there was a significant difference in the existing copyright law policies for copyrighted materials in the federal and state university libraries in South-East, Nigeria. While federal university libraries have a copyright policy, their state counterparts do not have which could be probably because the federal universities libraries are more advanced, more exposed and have more resources with federal government funding than the state libraries that are not really advanced and somewhat managed with meagre resources.

The study of is also in consonance with the study of Korletey (2014) who found out that university librarians in Kwame Nkrumah University of Science and Technology, Kumasi (KNUST) as part of the strategies to ensure copyright compliance, help students to do proper referencing by providing sources of materials used in preparing lecture notes for the students and it is found in this same study that more than half of the students of the population were found citing references of materials they used in their course works. The findings of this study is in contrast with Owushi (2014) whose study revealed that librarians in academic libraries in Edo State had no adequate strategy or guidance to guide and aid librarians in implementation of the copyright law.

### Conclusion and Recommendation

Based on the findings of this study, it was concluded that, on a moderate level, university libraries in South- East, Nigeria have existing copyright law policies guidelines for copyright works in their collections. The study recommends that management of university libraries in South East Nigeria should liaise with other stakeholders in the intellectual property industry to formulate policies and modify existing policies to ensure to ensure compliance.

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