

ROLE OF ACADEMIC LIBRARIANS IN THE PROTECTION OF COPYRIGHT LAW IN SOUTH-SOUTH UNIVERSITIES IN NIGERIA

BY

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ABSTRACT

This study examined the role of academic librarians in the protection of copyright law in South South universities. Two specific research objectives were formulated to guide the study. The research design was ex-post-facto research design. The population of the study was 67 comprising all academic librarians in the Universities of Uyo, Calabar and Port Harcourt using a purposive sampling technique. The instrument known as “Academic Librarians and Protection of the Copy-Right Law Questionnaire (ALIPCLAQ)” was used to collect the data. The instrument was subjected to reliability test, using test-retest method and it produced high average reliability coefficient of 0.89 to justify the use of the instrument. The analysis was done using Pearson Product Moment correlation (PPMC). The findings revealed that there is remarkable relationship between librarians’ utilization of the copyright law and protection of the copyright law. Also, there is significant relationship between librarians’ awareness and the protection of the copyright law. One of the recommendations was that all librarians should be encouraged to participate in the enforcement of copyright law. This can be actualized through training, information and provision of resources.

Key Words: *Academic librarians, librarians utilization, librarians awareness, copy right law*

INTRODUCTION

The protection of literary and artistic works is not new to any part of the world. The Berne Convention of 1886 brought into limelight the introduction of protection of literary and artistic works. The convention which was concluded in 1886 was thereafter revised as follows: at Paris in 1896, at Brussels in 1948, at Stockholm in 1967 and at Paris again in 1971, and this was followed with an amendment in 1979 (Fabunmi, 2007). The convention is open to all States, which accounts for most Countries being members of the Berne Convention. The convention rests on three basic principles and series of provision which determines the minimum protection to be granted as well as making special provisions available to developing countries that want to make use of them. The principles are as stated below:

- i. The principle of “national treatment” i.e. work originating from one of the contracting states must be given the same protection in each of the member states.
- ii. The protection must not be conditional.
- iii. The protection is independent of the existence of protection in the country of origin of the work, (Okwilagwe, 2000).

According to Oluwa (2000), Nigeria is not left out in keeping up with global economic trends and challenges relating to copyright issues. She has signed various international treaties

and conventions in order to create avenue for the rapid development and appreciation of intellectual property. The issue of copyright over a particular work is very important. It enables the creator of the work to have a sole responsibility over his work and to enjoy the work of his hands. This will motivate such creators to invest more in creativity since it is profitable to do so. Copyright is a law that gives the owner of a document, musical composition, book, or other pieces of information, the right to decide what others can do with it. This makes it easier for authors to make money by selling their works. In view of this, a work can only be copied if the owner gives permission. People who copy a work under copyright without permission are liable to be punished by the law, usually with fine. In other more serious cases, they could be arrested, tried, and if found guilty imprisoned. Copyright is the right to literary property as recognized by law.

In Nigeria, copyright in a work means that its author has the exclusive right to control certain actions in respect of the whole or a substantial part of a work either in its original form or in any form recognizable or derived from the original (Oluwa, 2000). Apotiade (2004) asserts that librarians' awareness and education in the copyright law is the cardinal point in their assessment of the law. Intensive education of librarians in the copyright law will entail studies in copyright issues, copyright infringement, the substantial laws, copyright protection, copyright enforcement, the role of librarians in copyright protection and implementation as well as implications for policy and practice.

Statement of the Problem

Plagiarism is a crime. This is predicated upon the provisions of the copyright law. However this crime is treated with levity as the level of awareness of the copyright law is low in Nigeria. A greater part of the society can claim oblivion of this law; however the academic world which should be more conversant with this enactment is only fairly informed of the provisions of this law. Librarians who are naturally positioned as information professionals and research experts can hardly justify their exalted career as they find themselves in the web of the other academics who are just fairly informed of the copyright law.

There is no gain-saying the fact that the copyright law is highly infringed by many Nigerians, and furthermore, the enforcement of the copyright law in the country is almost completely neglected, leaving the authors and other owners of intellectual property at the mercy of hoodlums and intellectual robbers. According to Apotiade (2004), librarians have not been keen in participating in the enforcement of the copyright law despite their higher stake in the issue as major contributors to the academic reservoir. Based on the above stated problem noticed in the library and academic environment as a whole, the researcher thought it wise to examine the role of academic librarian in the protection of copy right law in the universities.

Objective of the Study

The main objective of the study is to ascertain the role of academic librarians in the protection of copy right law in south south universities.

1. To determine the relationship between academic librarians awareness of copyright law and the protection of the Copyright Law
2. To examine the relationship between academic librarians utilization of Copyright law and its protection in the University libraries

Research Questions

The study will provide answers to the following questions;

- (1) Is there any relationship between academic librarian's awareness of the copyright law and protection of the copyright law in the University Libraries?
- (2) What relationship exists between academic librarian's utilization of the copyright law and protection of the copyright law in the University Libraries?

Hypotheses

The following hypotheses are set for this work:

1. There is no significant relationship between academic librarians' awareness of the copyright Law and the protection of the copyright law in the University Libraries.
2. There is no significant relationship between academic librarians' utilization of the Copyright law and the protection of the copyright law in the University Libraries. \

Literature Review

Concept of the Role of Librarians and the Protection of the Copyright Law

A librarian is a person who works professionally in a library, and is usually trained in librarianship, either as library science or library and information science (Giuseppe Arcimboldo, 1990). Traditionally, a librarian is associated with the collection of books. According to Giuseppe (1996), the role of a librarian is continuously evolving to meet social and technological needs and also the sensitization of library users on the protection of copyright law. However, a modern librarian may deal with information in many formats, including books, magazines, newspapers, audio recordings (both musical and spoken words), video recordings, maps, manuscripts, photographs and other graphic material, bibliographic databases, web searching, and digital recourses. A librarian may provide other information services, including computer provision and training, coordination of public programs, basic literacy education, and assemble equipment for people with disabilities, and help with funding and using community resources. The role of academic librarian in the sensitization of library users and protection of copyright law is not a concept of novelty, as posited by Boone, (2003).

According to Alan (1966), copyright should primarily serve the instrumental function of satisfying social goals and values: the creation, spread and sharing of knowledge and information, for public use and access. In the current era, and particularly with regard to less developed countries (LDCs), the presumptions of copyright are ripe for wholesale reconsideration. The biases and interests of developed countries are monopolizing the international copyright agenda; the interests of LDCs have been ignored and, in any event, copyright, a Western concept, is not a prerequisite for the production of works in LDCs

According to Mukherjee (1966), the academic librarian plays an important role in ensuring that library users do not infringe upon the right of intellectual work owners. Credible economic projections as to how increased copyright protection will assist LDCs are rare and particular in the current conjuncture, greater copy protection equals increased outflows of foreign currency from LDCs to developed countries. Kent (1980) opined that librarians are scholars and custodians of the library institution in which they worked. Specific duties of academic librarian vary depending on the size and type of library. Crosby (1984) described librarians as "information experts in the information age" most librarians spend their time working in one of the following areas of a library. Electronic resources librarians manage the databases that libraries license from third-party vendors. School librarians work in school libraries and perform duties as teachers, information technology specialists, and advocates for literacy. Instruction

librarians teach information literacy skills in face-to-face classes and/or through the creation of online learning objects. They instruct library users on how to find, evaluate and use information effectively. They are most common in academic libraries (Jackson, 1974).

Academic Librarian Awareness in Copyright Law Through the Use of Information Resources

Increase in plagiarism, photocopying and piracy, an act that does not recognize or acknowledge the actual owner (author) of intellectual work call for serious concern the world over. As examined by the U.S copyright office (2000), copyright is viewed as a universal concept which has assumed a level of protection put in place by the law of any sovereign state. In his opinion, Gleason (1998) observed that in as much as copyright is a legislation right which backs the creation of work, it guarantees an author a monopoly, or exclusive right to protect the uses made of his or her original specific; it gives or guarantees a publisher a monopoly right to publish or arrange to publish and sell a work within national boundaries for a given period of time; it provide financial compensation in terms of royalties to authors to reward them for their intellectually creative work and encourages progress in the country's arts and sciences in order to foster its economic social cultural development.

Copyright law is made to protect the rights of authors and creators and their creative and intellectual products (Brainbridge, 1990). As observed by Kawooya, (2007), copyright guarantees and promotes the free flow and exchange of information by providing ways that these materials may be reproduced or communicated. In Kawooya's opinion, copyright establish public interest in literary and artistic creations. This according to the author includes the use of knowledge products for scholarship and research without recourse to the right-holder. Copyright provides that users of an intellectual work must recognize and acknowledge the right of its creator. According to Cornish (1999), there are certain rights of owners of a work which are not necessarily economic. The author however, distinguishes the copyright into four categories of rights; the right to be identified as the author or creator, the right not to have their work subjected to derogatory treatment, the right not to have a work falsely attributed to the author, and the right of privacy of privately commissioned photographs and films. The underlying idea is that a creator or an author must reserves absolute control over his or her creative ideas.

What gives rise to copyright has been the idea that anything we created should be protected from use by someone else (Onatola, et al, 2005). As a universal concept, copyright guarantees a form of protection provided for by the laws of any sovereign state (US copyright office, 2000). In Nigeria, the legal frame work is the Copyright Protection Decree of 1970 of the Nigerian copyright council for literary, dramatic, musical, and artistic works. According to Fabunmi (2005), this legal frame work was amended by the Federal Government of Nigeria, when the Nigerian Copyright Commission was inaugurated in August, 1989.

Today, in Nigeria, there exist an increased number and variety of information products in the country as the result of information technology (IT). In support of this view, Moahi (2002), observed that digital communication has come to be consequent upon the technologies of computing and communication. Digital communication which has become a modern trend in the world of communication, in return enhances accelerated knowledge creation and distribution. Libraries and information centers are responding to these trends. Thus, Rudolph (2005) submission relates the convergence of technology with the new unauthorized uses of information which in a way poses important challenges.

The social-economic development of any country depends to a large extent on the creative ability of her people (Fabunmi, 2005). This creativity and creative work cannot be encouraged by just the provisions in the copyright laws, but also to ensure its effective implementation and administration. In Nigeria, copyright laws with regards to information resources are not effectively administered. This manifests in terms of plagiarism, photo-copying, and piracy. Aina (2002) opinion condemned as unethical the lifting of the work of authors in exactly the same words (verbatim) without permission, thus claiming right to the work.

As stated by Kent (1971) indiscriminate access may prevent the copyright holder from recovering the cost of product or publication. It is important to note that, in as much as a country's socio-economic development depends largely on the creativity of her people, the ability to regain possession or control of what has been spent in the course of bringing creative idea to reality is enough to encourage more creativity. Copyright is said to encourage this incentive. Proliferation of information recently on the internet and other information resources without sense of judgment calls for formation of more stringent measures to effectively and adequately administer the copyright laws. Copyright laws are promulgated to foster a balance in the needs of information users and creators or the original owners of a creative work.

Academic librarian and the Utilization of the Copyright Law

According to Brainbridge (1990), copyright law protects the rights of authors and creators and their creative and intellectual products. Copyright seeks to promote free flow and exchange of information by providing ways that these materials may be reproduced or communicated. Given the status of libraries as an institution, they are too frequently utilizing the knowledge of copyright in the day to day discharge of their service to the information users. Cambridge University in Cornish (1999) distinguished authors rights into four categories; the right to be identified as the author or creator; the right not to have a work falsely attributed to the author; the right not to have work subjected to derogatory; and the right of privacy of privately commissioned photography and films. Fabumi (2005) advises that librarians should bring to bare their knowledge of copyright law in their course of interaction with the materials users. Acquiring knowledge is one thing, but utilizing it whenever the need arises is another important point to note (Tompney, 2006).

It should be emphasized that successful copyright infringement suits are unusual. The large majority of copyright holders are content with settlement in which defendant agree to lease their behavior and perhaps pay modest damage award (Pessach, 2009). Band (2009) stated that libraries are especially unlikely to be targets of successful copyright infringement suits. There are very few reported judicial opinions in any country in which a public or private library has been found liable for violating the copyright laws. Thus Unsworth (2009), in his opinion states that, it is important that the librarian be aware and also create awareness of the potential sanctions for copyright infringement, particularly so that they can give reliable advice to their patrons. Librarians are major purchasers of copyrighted works and make this work available to the public. Although, librarians typically seek to prevent copyright infringement of library material, the ultimate responsibility of librarians is to provide access to material and information services; not to enforce copyright law.

METHOD

Research Design

This study adopted the Ex-Post-Facto design. This design was considered appropriate for the research as it will attempt to check the already existing influence of the independent variable on the dependent variable.

Area of the Study

The study area is South- South States of the Federal Republic of Nigeria.

Population of the Study

The population of this study was 67 comprising all academic librarians in the Universities of Uyo, Calabar and Port Harcourt. University of Uyo had 24 academic librarians while University of Calabar had 20, and University of Port Harcourt 23 academic librarians as shown in the table below;

Sample and Sampling Technique

The sample size was 67 respondents. The purposive sampling techniques was used for the study.

Instrumentation

The main instrument of research was a researcher-developed questionnaire tagged “Academic Librarians and Protection of the Copy-Right Law Questionnaire (ALIPCLAQ). The research questionnaire was made up of two sections (sections A and B).

Validation of the Instrument

The draft of the questionnaire will be given to experts in Library and Information Science and another expert in Test and measurement for validity. The corrections and suggestions given will be incorporated to form the final questionnaire.

Reliability of the instrument

In order to determine the reliability of the instruments, the questionnaire will be trial tested using (15) fifteen Academic Librarians from the University of Port Harcourt and 50 registered library users.

Statistical Analysis of Data

The data obtained will be analysed using Pearson Product Moment correlation (PPMC). All hypotheses will be tested at 0.05 level of significance.

RESULTS AND DISCUSSIONS

Research Questions One

The research sought to find out the relationship between librarians’ awareness of the copyright law and protection of the copyright law in the South-South States of Nigeria. To answer the research question, descriptive analysis was performed on the data (see Table 1)

Table 1: Descriptive Analysis of the Relationship between Librarians’ Awareness of the Copyright Law and Protection of the Copyright Law in the South-South States of Nigeria.

Variable	N	X	SD	r	Remark
Librarians’ awareness of the copyright law		17.13	1.63		*Strong to perfect relationship
	100			0.96*	
Protection of the copyright law		18.13	1.21		

Source: Field Survey

The above Table 1 presents the descriptive analysis of the relationship between librarians’ awareness of the copyright law and protection of the copyright law in the South-South States of Nigeria. From the result of the analysis, it was observed that the two variables had strong to perfect relationship at 96%. The results therefore mean that there is remarkable relationship between librarians’ awareness of the copyright law and protection of the copyright law in the South-South States of Nigeria.

Research Questions Two

The research sought to find out the relationship between librarians’ utilization of the copyright law and protection of the copyright law in the South-South States of Nigeria. To answer the research question, descriptive analysis was performed on the data (see Table 2)

Table 2: Descriptive analysis of the relationship between librarians’ utilization of the copyright law and protection of the copyright law in the South South States of Nigeria

Variable	N	X	SD	r	Remark
Librarians’ utilization of the copyright law		18.57	0.84		Strong to perfect relationship
	100			0.836**	
Protection of the copyright law		18.13	1.21		

Source: Field Survey

The above Table 2 presents the descriptive analysis of the relationship between librarians’ utilization of the copyright law and protection of the copyright law in the South-South States of Nigeria. From the result of the analysis, it was observed that the two variables had strong to perfect relationship at 84%. The results therefore mean that there is remarkable relationship between librarians’ utilization of the copyright law and protection of the copyright law in the South-South States of Nigeria.

Testing of the Hypotheses

Hypothesis One

The null hypothesis states that there is no significant relationship between librarians’ awareness of the copyright law and the protection of the copyright law in the South-South States of Nigeria.

In order to test the hypothesis, two sets of variables were identified as follows:

1. Awareness as the independent variable

2. Protection of the copyright law as the dependent variable

Pearson product moment correlation analysis was used to analyze the data in-order to determine the relationship between the two variables (see table 3)

Table 3: Pearson Product Moment Correlation analysis of the relationship between librarian’s awareness of the copyright law and the protection of the copyright law in the South-South States of Nigeria

Variables	X	X ²	XY	r _{xy}
	Y	Y ²		
Awareness of law (X)	1713	29605	31243	0.96*
Protection of Law (Y)	1813	33015		Protection of the Copyright

***Significant at 0.05 level df = 98; N = 100 critical r-value = 0.205**

The above table 3 presents the obtained r – value as (0.96), this value was tested for significance by comparing it with the critical r – value (0.205) at 0.05 levels with 98 as the degree of freedom. The obtained r- value (0.96) was greater than the critical r-value (0.205). Hence, the result is significant. The result therefore means that there is significant relationship between librarians’ awareness of the copyright law and the protection of the copyright law in the South-South States of Nigeria.

Hypothesis Two

The null hypothesis states that there is no significant relationship between librarian’s utilization of the copyright law and the protection of the copyright law in the South-South States of Nigeria. In order to test the hypothesis, two sets of variables were identified as follows:

1. Utilization as the independent variable
2. Protection of the copyright law as the dependent variable

Pearson product moment correlation analysis was used to analyze the data in-order to determine the relationship between the two variables (see table 4)

Table 4: Pearson Product Moment Correlation analysis of the relationship between librarian’s utilization of the copyright law and the protection of the copyright law in the South-South States of Nigeria

Variables	X	X ²	XY	r _{xy}
	Y	Y ²		
Utilization (X)	1857	34555		
Protection of the copyright (Y)	1813	3305	33752	0.84* Protection of the Copyright

***Significant at 0.05 level; df = 98; N = 100 critical r-value = 0.205**

The above table 4 presents the obtained r – value as (0.84), this value was tested for significance by comparing it with the critical r – value (0.205) at 0.05 levels with 98 the degree of freedom. The obtained r- value (0.84) was greater than the critical r-value (0.205). Hence, the result is significant. The result therefore means that there is significant relationship between librarians’ utilization of the copyright law and the protection of the copyright law in the south-south states of Nigeria.

Discussion of the Findings

The result of the data analysis in 3 was significant due to the fact that the obtained r – value (0.96) was greater than the critical r – value (0.205) at 0.05 levels with 98 degree of freedom. This result implies that there is significant relationship between librarian’s awareness of the copyright law and the protection of the copyright law in the South-South States in Nigeria. The significance of the result is in agreement with the opinion of Unsworth (2009) who stated it is important that librarians be aware and also create awareness of the potential sanctions for copyright infringement, particularly so that they can give reliable advice to their patrons. The significance of the result caused the null hypothesis to be rejected while the alternative ones were accepted.

The result of the data analysis in table 4 was significant due to the fact that the obtained r- value (0.84) was greater than the critical r–value (0.205) at 0.05 levels with 98 degree of freedom. This result implies that there is significant relationship between librarian’s utilization of the copyright law and the protection of the copyright law in the South-South States in Nigeria. The significance of the result is in agreement with the opinion of Bainbridge (1990), who stated that copyright law protects the rights of authors and creators and their creative and intellectual products. Copyright seeks to promote free flow and exchange of information by providing ways that their material may be reproduced or communicated.

Conclusion

It was concluded that there is remarkable relationship between librarians’ utilization of the copyright law and protection of the copyright law. There is significant relationship between librarians’ awareness and the protection of the copyright law.

Recommendation

1. Periodically, workshops and seminars should be organized for librarians including those in state libraries and at all levels of education, on the protection of copyright law and enforcement of the law. This will improve the librarian's awareness of the copyright law.
2. Government has the responsibility of enforcing the copyright law on the public, such that defaulters are punished accordingly. This will thus strengthen the copyright laws.
3. All librarians should be encouraged to participate in the enforcement of copyright law. This can be actualized through training, information and provision of resources.

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