

*Libraries at University of Nebraska-Lincoln*  
*Library Philosophy and Practice (e-journal)*

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University of Nebraska - Lincoln

Year 2009

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Copyright Law: Influence on the Use of  
Information Resources in Nigeria

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## **Copyright Law: Influence on the Use of Information Resources in Nigeria**

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### **Introduction**

This study investigates the extent to which copyright law protects information products used in Nigeria and how it influences the use of information resources. Copyright law protects the rights of authors and creators and their creative and intellectual products (Ekpo 1992; Bainbridge 1990; Unsworth 1997; Okwilagwe 1998; Kawooya 2007). Copyright also seeks to promote the free flow and exchange of information by providing ways that third material may be reproduced or communicated. Kawooya (2007) observes that “copyright establishes public interest in literary and artistic creations including use of knowledge products for scholarship and research without recourse to the right-holder.” Users of an intellectual work must recognise and acknowledge the rights of its creator. The author has certain rights which are not necessarily economic (Cornish, 1999). Cambridge University distinguishes four categories of rights:

- The right to be identified as the author or creator;
- The right not to have 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 creative ideas are under the absolute control of a creator or author. In Nigeria, the legal framework that protects created works is the protection decree of 1970 of the Nigerian Copyright Council for literary, dramatic, musical, and artistic works. This legal framework was amended by the Federal Government of Nigeria, when the Nigerian Copyright Commission was inaugurated in August 1989.

Information technology (IT) has increased the number and variety of information products available in the country. According to Moahi (2002), “the technologies of computing and communication have engendered digital communication. Digital communication has in return accelerated knowledge creation and distribution”. Libraries and information centres are responding to these trends. Rudolph (2005) describes the convergence of technology with new unauthorized uses of information which poses important challenges.

## Statement of the Problem

According to Kent (1971), “indiscriminate access ... may prevent the copyright holder from recovering the cost of publication... the very incentive that copyright is to encourage.” Aina, (2002) states that “it is unethical to lift the work of another person verbatim without permission and claiming right to the work.” Copyright tries to balance the needs of users and creators. In looking at the proliferation of information on the Internet and in other information resources in Nigeria, there is need to investigate the effectiveness of copyright law and ascertain the level of impact on creators. The study seeks to determine whether copyright law influences the use of information resources.

## Literature Review

Information resources come in many forms. A survey of the literature shows a great deal of research that has been done on copyright and intellectual property, including Tymbios (1996), Cummings (1994), Adeloje (2000), and Vaidhyathan (2001). Sharp (2000) notes that “the characteristics of the environment in which librarians are now working include greater access to a range of information, increased speed in acquiring information, greater complexity in locating, analyzing, and linking information.” New approaches came with the arrival of information communication technologies (ICT). Robson (1994) observes that electronically stored data is a recent phenomenon and that the confidentiality of manually stored data has been protected by law for many years. Nigeria acceded to the Universal Copyright Convention in 1961 and promulgated a copyright decree in 1970, establishing the Nigeria Copyright Council. The law was repealed because it was ineffective and was replaced by the copyright act of 1988. The 1988 copyright act extended the duration of copyright from 25 years to 50 years for creators or authors.

Ekpo (1992) notes that copyright allows authors to enjoy the full benefits of creative works for a limited period of time. For economic value to be enjoyed by creator, copyright infringement must be viewed seriously. Eisenschitz (1993) observes that the ease of accessing information online has led to the growth of a large number of criminal activities, which have brought barriers to access and communication in their wake. Zhu, Hongwei, et al. (2002) agree that “there are several possible legal mechanisms for conventional database protection, such as trade secrets, contract law, and copyright. But on the Internet, many databases are made available to the general public for free access, eliminating the possibility of trade secret protection. Although some database owners have managed to negotiate licensing agreements with their users, it is costly and sometimes impossible to enforce those contracts.”

## Research Questions

1. What is the level of availability of information resources to students and researcher in Nigeria ?
2. What knowledge do users have about copyright law?
3. What is the relationship between copyright, use of resources, and author benefits?

## Methodology

This study uses administered a survey to a sample of the population.

## Population size

The sample was drawn from users and creators/authors of information resources in Nigeria. Students of tertiary institutions, Internet café operators, writers, researchers, lecturers, publishers, performers, artists, sculptors, and painters-artists in the two largest cities in Southwestern Nigeria, namely Ibadan and Lagos. A sample of 202 respondents was created.

## Instrument

The instrument was a questionnaire and observation methods. Four hundred copies of the questionnaire were administered and 202 were returned. The data were analysed using descriptive statistics, including percentages, frequency, mean, standard deviation and analysis of variance (ANOVA).

Table 1: Sample size

	frequency	percentage
Male	125	61.9
Female	77	38.1
Total	202	100.0

Table 2: Demographics

	frequency	percentage	X	SD	variance
Age	202	100	4.14	1.86	3.46
Education	202	100	1.96	.77	.59
Position	202	100	6.29	2.47	6.09

## Results

Research Question 1: What is the level of availability of information resources to students and researcher in Nigeria ?

Table 3: Availability of information resources

	Frequency	Percentage	Cumulative %	X	Sign. Diff.	Variance
Textbooks	202	100	70.3	3.58	.75	.56
Journals	202	100	54.5	3.31	.89	.80
Magazines	202	100	55.9	3.36	.84	.70
Newspapers	202	100	67.8	3.53	.79	.62
Compact Disk	202	100		3.00	1.05	1.10
Videocassette	202	100	53.5	3.26	.94	.89
Audio						
Cassette	202	100	54	3.31	.90	.81
Photocopying	202	100	48.5	3.14	1.03	1.07
CD-ROM	202	100	56.4	2.99	1.00	1.01
Telephone	202	100	65.3	3.46	.88	.77
Radio	202	100	73.3	3.60	.75	.57
Calendar	202	100	34.7	3.59	.72	.52
Dissertation	202	100	60.4	2.94	1.09	1.18
Thesis	202	100	53.5	3.09	1.03	1.07
Music	202	100	55.9	3.22	1.06	1.12

The table reveals complete and uniform availability of all information resources surveyed. .

Research Question 2: What knowledge do users have about copyright law?

Twelve items were selected to test the knowledge level of information products users concerning copyright law awareness.

Table 4: Users' knowledge of copyright law.

Item: Agree or disagree	Frequency	Percentage	Cumulative %	X	S/D	Variance
There is a law governing the use of information products	202	71.3	28.7	3.69	.05	.25
There is a right to unlimited use of a created work	202	53	47	3.33	.84	.70
Copyright exists for mutual benefit to author and users.	202	70.8	29.2	3.66	.60	.36
Appropriate royalty allows room for more works to be created.	202	58.9	41.1	3.50	.69	.47
Royalty payments are poor or low	202	42.1	57.9	3.10	.97	.94
Piracy or abuse of copyright deprives the creator of royalties	202	63.9	36.1	3.52	.75	.57
Nigeria's accession to the Universal Copyright Convention 1961 was appropriate	202	71.3	28.7	3.69	.05	.25
Establishment of the Nigeria Copyright Council 1970 a measure to protect information products.	202	54	46	3.47	.64	.41
NCC and law enforcement agencies have being very active in enforcing copyright	202	15.8	84.2	2.30	1.00	1.00
As author/creator of information product, I do not believe on the copyright law	202	8.9	91.1	2.00	.91	.83
Fair use allows a user to photocopy entire information products	202	29.7	70.3	2.85	.98	.96
Following copyright guidelines guards against abuse	202	39.6	60.4	3.17	.84	.70

The responses reveal that most users of information resources have knowledge about copyright law and also agree to their conditions. Respondents disagree with the Nigeria Copyright Council (NCC) and find that law enforcement agencies are not active in making sure copyright is observe. Most respondents strongly agree that they believe in copyright law.

Research Question 3: What is the relationship between copyright, use of resources, and author benefits?

The usefulness of information resources makes them subject to inappropriate use. Analysis of variance (ANOVA) was used to indicate the relationship between copyright, use of resources, and creator's benefits.

Table 5: Relationship between copyright, use, and author's benefits

Source	DF	SS	MS	F-Ratio obs	F-Ratio crit	P
Between group	2	2645.82	1984.71	2.76	2.60	0.05
Within group	200	89402.63	727.86			
Total	202					

Significant at 0.05

Table 5 shows that a significant relationship exists between copyright, product use, and author's benefits (F-Ratio obs=2.76; F-Ratio crit= 2.60; DF=2; P= 0.05)

## Conclusion

Copyright law gives protection to authors/creators of information resources. This is essential for authors or creators, who are the main part of the development of a society, through education or entertainment. The ability to create gives rise to research in all fields through writing, performance, and use of electronic resources. Copyright law in Nigeria is extending into the area of electronic resources, including the establishment of standards of competence, conduct and ethical practice in honour of property rights for computer professionals.

Users of information resources are benefiting more often from copyright law, which ensures steady development of intellectual work from the authors and creators. Users are also aware of the role information resources play in various fields, this is why works used are acknowledged or cited, to give recognition to the creator or author. This is the prohibitive power of information resources as noted by Cornish (1998, 1999); Allen and Harold (1971). Copyright law allows works to be used, under conditions defined as "fair use." US copyright law makes provisions for the fair use of a copyrighted work, provided such work does not infringe on the author's right to profit from the work.

## Recommendations

It is essential that copyright law be enforced for the benefit of both creator and user. The owner of copyrighted works has the right to prevent them from being copied or sold. However, many users of information resources in Nigeria cannot do without copying or reproducing, because of problems of underdevelopment in the country. Photocopying or reproduction of copyrighted works should be considered by operators of business centres, who can subscribe to the Reproduction Rights Society of Nigeria (REPRONIG).

The Nigeria Library Association (NLA) in conjunction with the Nigeria Copyright Commission (NCC) should come together in order to ensure proper implementation and enforcement of decree No 47 1988 Act on copyright law.

Not every use of copyrighted products is an infringement of the copyright. Fair dealing allows the limited reproduction of copyrighted products for the purpose of study or research, criticism, review, and news reporting as long as an acknowledgement of the title of the work and its authors is given. There are also exceptions for schools, libraries, archives, and other educational purposes.

The National Library should ensure the registration of all printing offices, publishing houses and publishers, who are either in large or small scale enterprises. This will ensure that any printed work emanating from a particular place is safeguarded, which will discourage illegal or unauthorised printings or copy.

Finally, both the National Library and Nigeria Computer Professionals (NCP) should ensure that print, non-print, and electronic material imported in the country meet with international standards, and safeguard against pirated works.

## References

Adeloye, A. (2002). The information market in Nigeria. *Journal of Science* 26 (4): 282-285.

Aina, L.O. (2000) General issues in research. In Aina, L.O. (Ed.) (2000). *Research in information science: an African perspective* . Ibadan: Stirling-Horden Publishers.

Allen, K., & Harold, L. (Eds.) (1971). Copyright. *Encyclopaedia of library and information science* . New York: Marcel Dekker. v. 6.

Bainbridge, D. (1990). Introduction to copyright law. London: Longman.

Cambridge University (2005). intellectual property and copyright in the digital environment. *Information Current* (12 September).

Cornish, G. P. (1998). Copyright and related issues. In Prytherch, R.G. *Handbook of library and information management* . England: Gower Publishing.

Cornish, G. P. (1999). *Copyright: Interpreting the law for libraries, archives and information science* . London: Library Association Publishing.

Cummings, S. (1994). Marketing and promotion of information products. *International Symposium on New Information Technologies in Agriculture* QB xxx 1-2

Eisenschitz, S.T. (1993). *Information transfer policy: Issues of control and access* . London: Library Association Publishing.

Ekpo, M.F. (1992). Copyright perspective in Nigeria. In Okwilagwe, O.A. (Ed.) *Nigerian perspectives on copyright* . Ibadan: Stirling-Horden Publishers, v. 1.

Kawooya, D. (2007). Copyright and access to e-resources in Africa's education and research contexts: The case of selected Ugandan institutions. Paper Presented at International Fellowship Program, Uganda, 2006-2007.

Moahi, K. H. (2002). Computer application in library and information science research. In Aina, L.O. (Ed.) *Research in information science: an African perspective* . Ibadan: Stirling-Horden Publishers.

Okwilagwe, A.O. (2000). Analysis of copyright worthiness of folklore in Nigeria. *Journal of Information Communication for Education in Africa* 1 (2): 231-236.

Okwilagwe, O.A. (2001). *Book publishing in Nigeria* . Ibadan: Stirling-Horden Publishers.

Okwilagwe, O.A., & Opeke, R.O. (1998). Information needs and utilisation by women organisation in Nigeria. *Journal of Information Communication for Education in Africa* 1 (2): 08-119.

Robson, W. (1994). *Strategic management and information systems* . London: Financial Times Management, Pitman Publishing.

Sharp, K. (2000). Internet librarianship: Traditional roles in a new environment. 66th IFLA Council and General Conference Jerusalem, Israel, 13-18 August. Available: <http://www.ifla.org/IV/ifla66/papers/005-120e.htm>

Tymbios, C. (1996). Doing it for money: The info-bank way. *The Law Librarian* 27 (2).

United Nations (2001). Report of the Expert Preparatory Group Meeting on African Virtual Library and Information Network (AVUN) and Knowledge Management. Second Meeting of the Committee on Development Information (CODI), Economic Commission for African. Addis Ababa, Ethiopia, 4-7 September.

United Nations (n.d.). Draft declaration on the rights of indigenous peoples. Prepared by the Aboriginal and Torres Strait Islander Commission, Canberra, Australia. Available: <http://www.gcc.ca:political/issues/international/>.

Unsworth, J. (2001). New copyright and databases regulations: USPTO, WIPO and you. Paper delivered at University of London and Oxford University. February 3 and 4, 1997.

Vaidhyathan, S. (2001). *Copyright and copywrongs: The rise of intellectual property and how it threatens creativity*. New York: New York University Press.

Zhu, H., et al. (2002). *The interplay of web aggregation and regulations*. Cambridge, Massachusetts: MIT Sloan School of Management.