

3-23-2019

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EZEKWE, FERDINAND, "PUBLISHING AND COPYRIGHT LAW IN NIGERIA: A PREVIEW" (2019). *Library Philosophy and Practice (e-journal)*. 2452.

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# **PUBLISHING AND COPYRIGHT LAW IN NIGERIA: A Preview**

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## **ABSTRACT**

Publishing is an essential attribute of modern information age which is responsible for issuing books, maps, photographs and other printed materials. The definition of publishing reveals components of the publishing process- book design, editing work and production processes. Owing to business environmental forces the business thrives in different sizes as determined by their capital outlay and operational modalities. Along this line the paper examines the brief history and state of publishing in Nigeria. The copyright law and its regulatory role are equally discussed. Problems facing the publishing industry in Nigeria such as severe infrastructural defects, lack of marketing programme, undercapitalization, paper mill inadequacy, poor reading culture etc. Against this backdrop, the paper proffers some recommendations such as adopting new technologies, infrastructural development, book exposition and reading campaigns coupled with creation of favourable book climate.

**Key words: Publishing – Nigeria, Copyright Law- Nigeria, Book manufacture/ Marketing.**

## **INTRODUCTION**

### **CONCEPTUAL DISCUSSION/DEFINITIONS OF PUBLISHING**

Publishing as it is known today is a business concern which involves a series of activities aimed at bringing printed materials to the public view. As an essential attribute of a modern information age pervading all human activities it has assumed various dimensions. Consequently, it has attracted different definitions and conceptual meanings. The Dictionary for Library and Information Science (2005) in its descriptive definition states that publishing is the business of issuing books, music, photographs, maps and other printed materials for sale to the public, which includes negotiating contracts with authors and their literary agents, editing author's manuscript, designing the physical item, producing the finished product, marketing the work and making arrangements for its distribution through regular market channels.

This definition is both descriptive and explanatory having highlighted all the essential aspects of publishing. In the 20th century, Grannis (1967) defined it as making public, to send forth among the people the words and pictures that the creative minds have produced, which editors have worked over, and printers have reproduced. In other words, it is a transformation of manuscript into a book form and the distribution thereafter to its intended market place. In the process of publishing, Lee (1979) identifies three crucial components of book publishing which are book editing, book design and book production. This is in line with Shibands' (2009) definition as represented in Ugocha (2014) who defines publishing as the process of turning a manuscript into a book for the purpose of reading. The definitions will continue to emerge with little variations according to

the number of people providing the definitions and the number of emerging technology, but the central activities of business of transforming the human intellect into book form remains incorporated.

Whatever may be the definition, it should be understood that publishing is a business outfit which exists in various sizes based on their capital outlay and volume of business activities. There are the small scale publishing houses which are also known as store-front publishers. They are known for publishing pamphlets, posters, handbills, fliers, invitation cards and the like. They have minimal number of staff working for them. It may function like a sole proprietor business with the owner as the Managing Director. This type is also characterized by overlapping functions, small capital outlay; small business activities etc. The partnership types are owned and financed by two or more people and managed by one of the partners, using the consensus system of decision making to run the business. The private limited company is another type which is owned by one or so many people who constitute themselves into a Board of Directors. The Board usually elects one of the members to manage the company for them. Another major type is the Public Limited Company. This is a large business concern with shares sold in Stock Exchange Market to raise adequate capital base. The members elect of them to manage the company within s stipulated time frame. Generally, these business organizations have stipulated objectives for being in business which may be to make profit, for academic purposes, dissemination of information, or even for entertainment purposes. Their objectives will also determine their areas of publishing interest, market segment, trade terms to be offered, staff structure, growth pattern and organizational hierarchy or set up.

Apart from the size of business outfit to be structured, the issue of types of materials to be published comes into focus. Publishing organizations may choose

to publish reference materials like Dictionaries, Encyclopaedias, Directories, Biographies, indexes etc. They may take on textbooks which are for classroom instructions and learning. This is where many publishing organizations in Nigeria rely. They may decide to publish all types of educational materials (reference and non reference materials, fiction or textbooks). Here in Nigeria, the Longman, Nigerian Publishers, Heinemann Educational Books, Africana First Publishers, Evans etc fall into this category of publishing educational texts. In Nigeria we also have Social Publishers who regularly churn out Newspapers, Journals, and Magazines. They are also called the press. Their objective is to disseminate information and knowledge. Another type is the specialized publishing which is not a common feature of Nigerian publishing scene. Some of the examples include the Nigerian Law Publishers (NLP), the Gani Weekly Law Report Publishers etc.

With the innovation of Information and Communication Technology having internet connection there came a special type of publishing called electronic publishing (e-publishing). In this method, the information is contained in computer based files where it is digitally produced, (Ugocha, 2014).

Some of the publishing media form part of the social media like bulletin board, newsgroups, mailing lists, websites and even some databases. The e-books and e-journals are also published and marketed on-line through the use of desktop computer. This method is called Desktop Publishing (DTP).

### **Review of publishing in Nigeria**

The first printing press in Nigeria was established in Calabar in 1846 by Rev. Hope Waddell of the Presbyterian Church of Scotland Mission, (Iwu, 2011). The press was used to print Bible lessons and later arithmetical books for schools.

In 1854 another missionary based in Abeokuta, Rev. Henry Townsend of the Church Missionary Society (CMS) established a press and later used it to print the very first newspaper in Nigeria “Iwe Ironhin” which subsequently became CMS press. Other church missions later arrived at Lagos and Ibadan in the 19th century. They translated and published native literature to enable their followers read and understand the Bible. However, this was the formative period of book publishing in Nigeria with little demand for advanced books. For many years the book trade was almost wholly dependent on imports and the closest thing to local publishing was foreign publishers’ agents. From this the agents progressed to becoming stock holders and eventually publishing for Nigeria in Nigeria began.

On the face of it, Nigeria has a vibrant book publishing industry with perhaps the largest number of publishing houses in any African country. At one stage, prospects for the book industry appeared rosy. The Federal Government established paper and pulp making industries and an elaborate plan was drawn up for achieving self sufficiency in the production of books for nursery/primary, secondary and tertiary tiers of education. Unfortunately, all the plans collapsed following the nation’s economic downturn of the 1980s. Book scarcity syndrome returned to Nigeria. To tackle this problem many task forces, committees, study groups were set up to make recommendations on various facets of publishing and book distribution and ways to equip the book production sector and make it meet the needs of the educational system. It is note worthy that the state of publishing deteriorated not long after the 1978 Nigerian Enterprises Promotion Decree cane into effect providing that 60% equity participation in book publishing must be by Nigerian nationals. This Decree which indigenized the foreign publishing companies transferred greater ownership rights to Nigerians such that companies

like Longman, Macmillan, Heinemann, Evans etc. came under the control of Nigerians.

To establish another context for a review of current publishing in Nigeria, it is appropriate to begin by stating the obvious. As in most developing countries publishing in Nigeria is concentrated on the educational market and more particularly on the school market. The reasons for this are clear. The size of the market is sufficient to make it commercially attractive, education is vital to the continued development of society and is therefore likely to be fostered by government. More so, educational publishing demands a much greater reliance on back list titles than do other sectors. There is therefore a continuity and predictability about educational publishing not enjoyed by other areas of publishing. In the educational sector the primary school level has a largest percentage of published materials and higher sales are equally realized since texts are recommended for use in the class rooms. The secondary texts are also dependent upon recommendations for reasonable sales while the university books are difficult to sell.

In another development Ike (2004) maintains that book publishing in Nigeria is essentially a private sector affair. Owing to absence of pre-determined qualifications or conditions to be met, book publishing is one of the most unregulated industries in Nigeria. People become publishers after assembling few ICT components together and raising a signpost outside the offices. More so, most publishing companies are undercapitalized. Though, there were efforts to establish some government owned publishing companies non was viable except for newspaper publishing parastatals which are managing to be in existence for their political propaganda services. Government of Nigeria also designed primary and secondary school texts for mass production under different education programmes

but they did not last owing to frequent change of educational policies and programmes.

### **Publishing and the copyright law**

Every reasonable business must operate under the protection of the Law to avoid violation of rights and allow a conducive environment to prevail. Owing to the fact that plagiarism is a major problem in publishing business, the copyright law feature prominently in the business. The concept behind copyright is that the creators of literary and artistic works have rights of ownership in their works and further that those rights should be afforded legal protection in order to prevent unauthorized appropriation. According to the UN(1948) universal declaration of Human Rights everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author. It does not matter whether he works in a developed or a developing nation. He needs such protection because without it he is in danger of losing his means of livelihood. Under this dispensation the permission of the person originating the work is required to enable another person to publish it, translate it, adapt it, broadcast it, communicate it to the public, or reproduce it. In other words, he assigns to people of his choice some of the rights he possesses in his work.

Copyright is indeed erroneously perceived as being self defining, meaning the right to copy. The Copyright Act cap C28, Laws of the Federation of Nigeria, 2014 defines copyright as the exclusive right to do or authorize the doing of certain acts in relation to the work in which the right subsists. In going further to explain the concept, Nwogu (2015) says copyright law protects expression of ideas and not the ideas themselves, it protects creative expression that has been reduced to a tangible form. It is a means of empowerment and economic sustenance of the owner for which he expended some labour and skill in creating the work.

## **Goal and Effects of Copyright Protection**

The modern concept of copyright law postulates that the primary purpose of copyright is to promote the public welfare by the advancement of knowledge with the specific intent to encourage the production and distribution of new works for the public . It provides incentives for creators by granting them exclusive rights to reproduce and distribute their works. Copyright protection is not intended to inhibit the free flow of information and ideas rather to encourage dissemination of ideas by protecting the embodiment or expression of an idea in a creative work and reserving the right in it to the creator of the work. This is an attempt at optimization of economic benefit of copyright without prejudicing the owners' proprietary interest in his work. In this regard most countries have copyright laws which protect works originating within their own country against piracy. Such laws however, are not effective in other countries and it is only through international agreements that protection in foreign countries is guaranteed. The best known international copyright agreements are the Berne Union and the Universal Copyright Convention.

### **The Rights Protection**

Authors and other copyright proprietors can in any country control the following rights in their works:

- (a) Reproducing the work in any material form including recording and filming
- (b) Publishing the work
- (c) Performing the work in public
- (d) Causing the work to be transmitted to subscribers to a diffusion service
- (e) Broadcasting the work.
- (f) Making any adaptation, translation or arrangement of the work.

Protection is for a specific period ranging from fifty years after the death of the author.

## **Problems of Publishing in Nigeria**

### **Severe Infrastructural Problems:**

At the time of this research, there was no stable electricity; the interviews disclosed that they could not even remember the last time there was power supply from the Power Holdings Company of Nigeria (PHCN) . From observations, the only surviving generator they have may soon pack up due to age and over use. Power cuts are rampant in all urban centres, and several non-metropolitan areas lack electricity supply entirely.

While examining the problems of Nigerian publishing with special focus on NEPA, NITEL, and NIPOST. Adesanoye (1995) has named the three as partners in inefficiency. Nigerian government promise to generate 6,000 megawatts of electricity by December 2009, is still an illusion for now and Nigerians still don't enjoy electricity supply. In 2009 several industries had to move out of the country to other neighboring countries for reasons bothering on this issue. Publishers are therefore are faced squarely with the high cost of running generators for its day to day activities.

### **Lack of a marketing programme:**

There is the problem of information on books published in the continent. Adebisi (2009) stated with disappointment that the main challenge facing the publishing industry in almost all African countries was the dearth of information on what's being produced. In other words the publishers directory cannot be found in Nigerian book industry. Lack of reliable data on a number of titles published annually in different categories was therefore identified as one of the factors not

helping the industry to advance for a larger share of the market in educational books. He charged APNET to take this up as an urgent responsibility to build the expected capacity. If book sellers and buyers are not aware of the existence of a particular book, how can such a book be stocked and bought.

The internet which is now being used widely in developed countries to advertise and sell books is still a luxury item which is out of reach of the majority in African countries(Nigeria inclusive)

### **Self-Publishing:**

The self-publishing option is one in which the author manages the overall *publishing, distribution and marketing processes him/herself*. This option gives the author much more personal control of the whole process and allows him/her to earn more money per copy than through a commercial publisher. It also involves a lot of work by the self-publisher who is responsible for performing all of the functions and services that a commercial publisher would normally look after.

This model is normally less time-consuming in terms of elapsed time, since there is no manuscript submission and approval process involved. On average, the self-publishing process can save 6 to 12 months over the commercial publisher model. Self-publishing leads to too many mediocre books being published and Minimal marketing support for the vast majority of books being published. This is a problem in the publishing business as many do not have the competence.

### **Undercapitalization:**

Onibonoje book publishing company opens only between Monday-Wednesday (three days), as a measure to cut cost .As at the time the time of this research, the company has only twelve 12 staff, compared to its initial start off of 350 members of staff. There was staff downsizing; also a measure to cut cost. Owing largely to the drastic devaluation of the naira.. The purchasing power of the majority of consumers has fallen drastically. Nwankwo (1993), states that "crisis and business do not go together, more so when the economic environment is already traumatized. Crisis is the situation in which Nigeria has been. Business, particularly that of publishing had anything but fun since then". Odozi (2009) observed that when faced with the large problem of financing a major book project, the publisher cannot but apply to banks for loan; in a depressed economy like Nigeria's, the chargeable interest is fixed at 17%. Due to undercapitalization, Okilagwe (1996) foresees that the book publishing industry will continue to record stunted growth.

### **Substandard production:**

It is no longer news that publishers in Nigeria have resorted to the use of low-grade materials (e.g., newsprint instead of high grammage wood-free paper) in book production while editorial and design proficiency have declined drastically due to inadequate training facilities. There are now many instances of books published in the country, even those produced by some of the major publishing houses, where pages are not straight and are smudged with large blobs of ink. Uneven print density and print images, barely legible halftones, poor finishing/binding and various other production flaws are now common in Nigeria . The majority of books produced in the country do not meet internationally acceptable standards in physical and visual quality, or in the quality of content. (Ifaturoti, 1997).

### **Inadequate productivity of Nigeria's paper mills:**

There are three pulp and paper mills in Nigeria with a total installed pulp capacity of 102,000 mt per annum and a paper capacity of 207,000 mt per annum. Since 1990, the production of newsprint had been declining from 31,000 mt out of an installed capacity of 100,000 mt per annum, to only 3,000 mt, in 1993. The Nigerian Newsprint Manufacturing Company (NNMC) had remained shut since 1994, due to problems of spare parts and other logistic problems. The Nigerian Paper Mill (NPM) at Jebba produces industrial grade paper, specifically kraft and kraft linerboard. The old paper machine had a capacity of 12,000 mt but since 1994, a new machine with capacity of 65,000 mt has gone on stream. Production of paperboard in 1990 was 12,498 mt and declined progressively to 2313 mt in 1992 from where a gradual up turn began. Paperboard production by 1996 was 19,744 mt and production had remained at this level. The third mill is the Nigerian National Paper Manufacturing Company Ltd (NNPMC) Iwopin with a proposed installed capacity of 100,000 mt/yr of printing and writing paper. After a protracted history of delays only 30,000 mt/yr of printing and writing paper was installed by 1995. Test production with imported pulp resulted in 2,500 mt of printing and writing paper in 1995 and 966 mt in 1996. Production has not increased appreciably from this mill ever since. The production in the pulp and paper industry has been constrained by inadequate working capital, spare parts and long fiber availability.

### **Book reading culture:**

Atinmo (1998) traces the cultural and linguistics factors responsible for lack of reading for leisure among the neo-literates. She attributed the poor reading habits of such people to the entrenched oral forms of social communication, and noted that even such people wanted to read, it would be difficult for publishers to meet

the reading materials needs of small populations whose local languages might not exist in written forms.

Adegoke (2001), observed "that the majority of people who are literate hardly read for pleasure. Students for example, tend to read just to pass their examinations, many hardly read books outside their disciplines. Nigerian graduates of all levels are often not really information iterate and /or sophisticated.

Okwilagwe (2001), disagrees with all the aforementioned. He says, "Nigeria has a good reading culture and Nigerians buy books." he further buttressed that Nigerians are mostly utilitarian users of book.

### **Piracy and copyright law in the electronic age:**

Echebiri A. (2005) says there is an alarming growth of book pirates in Nigeria. He also says that "Nigerian book pirates are even now known to employ sales representatives of their own and often time succeed in selling books to, and oftentimes unsuspecting or willfully colluding school officials." Okwilagwe (2001) opines that books are not adequately available for purchase in Nigeria and that this is the genesis of book piracy and photocopy activities in the country.

Piracy, the unauthorized use of copyrighted works, is a serious issue for publishers. Book piracy, whether in print or digital form, is costing publishers around the world billions of dollars annually. It creates significant harmful effects throughout the book chain, hurting publishers, distributors and retailers, but also authors and readers.

In the digital age, electronic files can be created and spread widely within short time periods. Sharing illegal copies for free online means publishers lose out on sales and authors lose out on royalties. It also leads to a decline in the perceived value of a book. To reduce the level of piracy affecting our industry, IPA engages in a wide range of awareness-raising and training programmes. We provide

assistance to our members in identifying ways to tackle specific cases of copyright infringement, and we act as a platform for information. IPA regularly raises the topic of piracy with key officials at international organisations, including WTO and WIPO. We also work in co-operation with law enforcement agencies and with partners in other creative industries. The IPA helps member associations lobby for effective national anti-piracy laws. With new technologies emerging, the piracy problem will continue to evolve. The IPA plays a leading role in raising awareness of piracy problems and coordinating effective publisher responses

### **Recommendations and Conclusion**

In view of all identified challenges and considering the prospects of book publishing in Nigeria, the following is recommended:

Paper mill: Government should establish other paper mills other than the three mills in Nigeria (Jebba for industrial paper, Oku-Iboku for newsprint and Iwopin for wood free paper) and be facilitated to produce to their full capacity. Possibly, these three paper mills can be privatized.

- **Infrastructural development:** The infrastructure in Nigeria should be developed to the level required to sustain the publishing houses. In the meantime, governments and policymakers in Nigeria should be putting in place an environment to enable their local book publishing industries recover from the recession.
- **Adopt new technologies:** Many of the established publishing houses in Nigeria should turn to the new technologies on the internet for their publications. It is unwise to wait for nine to twelve months for a book to be published. This undue delay can lead many to self publishing since it is easy to publish on the web without delay.

- Book expositions and reading campaigns: There is high need to regularly organize book expositions and reading campaigns.
- Governments in Nigeria should create favourable book publishing atmosphere which will impact meaningfully on book development and financial support should also be given to publishers.

In conclusion, this paper has highlighted the pivotal challenges faced by book publishers in Nigeria. To contend with these problems, publishers need to make serious commitment to invest and develop the indigenous book market; the government needs to attach more strides to support small and struggling publishers with financial subsidies. It also needs to apply more efforts at promoting literacy and the reading culture. Until then, book publishing will continue to face hardships.

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