

**INDICES OF COPYRIGHT AND LIBRARIAN'S ROLE IN THE PROTECTION OF
THE COPYRIGHT LAW IN THE UNIVERSITIES OF UYO AND CALABAR
LIBRARIES.**

BY

**UCHE M. DOMINIC
FACULTY OF EDUCATION
RIVERS STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
PORT HARCOURT**

&

**EMMANUEL OKWU
LIBRARY DEPARTMENT,
IGNATIUS AJURU UNIVERSITY OF EDUCATION
RUMUOLUMENI, PORT HARCOURT
RIVERS STATE**

ABSTRACT

The study investigated the indices of copyright and librarian's role in the protection of the copyright law in the Universities of Uyo and Calabar libraries. The population of this study consisted of 67 academic librarians in the Universities of Uyo and Calabar. The study adopted an Ex-Post-Facto design. The Data collected from the respondents were coded and transferred into a spreadsheet and summarized. They were coded into the computer and analyzed using statistical package for social sciences (SPSS) 11.0 while all the hypotheses were tested at .05 alpha. The instrument for data collection was the questionnaire. The questionnaire had two sections and was tagged "Academic Librarians and Protection of the Copy-Right Law Questionnaire (ALIPCLAQ)). A total of sixty-seven respondents comprising of academic librarians were sampled. From the results of the data analysis, it was observed that there is remarkable influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. Also. Guaranteeing the publisher the monopoly to publish and sell the work has remarkable influence on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. One of the recommendations was that workshops and seminars should be organized for librarians including state librarians 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.

KEYWORDS: Copyright law, author monopoly, publish, sell, academic librarians

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 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).

Copyright can be referred to as the protection that covers published and unpublished works that can be seen, heard or touched (Ayanyemi, 2007). Libraries play a key role in educational institutions in many areas including copyright. The content of a library is made up of both copyrighted and public domain materials with the aim of making these works available to students and faculty in support of teaching, learning, research and scholarship (Okwilagwe, 2001).

Nigeria is not left out in keeping with global economic trends and challenges relating to copyright issues having signed various international treaties and conventions in order to create avenue for the rapid development and appreciation of intellectual property. Fabunmi (2007) noted that copyright is the right to literary property as recognized by law. However, this is subject to certain statutory exceptions, including carrying out specified act for research purposes, private use, criticism or review and use in prescribed educational institutions. In the Nigerian universities context, there are many violators of the copyright law and they get away with it because it is not enforced and most especially because they are not aware of the existence of the law (Onatola et al, 2006). Copyright is a universal concept and a form of protection provided by the laws of any sovereign State. It is a legislation backed right for creation of work (U.S. Copyright office, 2000).

Statement of the Problem

It is observed that most librarians are not aware and do not participate in the enforcement of the copyright law despite their higher stake in the issue as major contributors to the academic reservoir. 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. In the university, academics are either to publish or “Perish”. Almost on daily basis, ideas are created. Hence, at reprographic centers, intellectual works are being illegally reproduced even in libraries. Papers are written without recognizing or consulting authorities, pirated information source are found everywhere even at library collections. It is therefore based on the above stated problem noticed in the library and academic environment as a whole that the researcher attempts to examine the indices of copyright and librarian’s roles in the protection of copy right laws in the universities of Uyo and Calabar.

Purpose of the Study

The study is aimed at determining the indices of copyright and librarian’s role in the protection of the copyright law in the Universities of Uyo and Calabar libraries. The following objectives are to guide the study:

1. To determine the influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

- 2, To examine the influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Uche M. Dominic & Emmanuel Oku

Research Questions

The study will provide answers to the following questions;

1. What is the influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar?
2. To what extent do copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work influence copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar?

Hypotheses

The following hypotheses are set for this work:

1. There is no significant influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.
2. There is no significant influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Literature Review

Copyright via the Guarantee of Authors Monopoly and librarians' roles in Copyright Law Protection

The increase in plagiarism, photocopying and piracy, an act that does not recognize or acknowledge the actual owner (author) of intellectual work calls for serious concern in the world all over. As examined by the United States 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 provides 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 and cultural development.

Kawooya, (2007) noted that 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, the author further states that copyright establishes 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 reserve 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 and Dina, 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 (2007), 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 exists 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, Hertz (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 administrated, 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.

Copyright via the Guarantee for Publishers to Publish and Sell his/her Work and librarians' roles in Copyright Law Protection

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. 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) advices 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 need arises is another important point to note.

Fabunmi (2007) and Pessach (2009) noted that there is a need to emphasize 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. 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 librarian be aware and also creates awareness of the potential sanctions for copyright infringement, particularly so that they can give reliable advice to their patrons.

Methods

Research Design

This study adopts 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 will be 67 comprising all academic librarians in the Universities of Uyo and Calabar. University of Uyo has 34 academic librarians while University of Calabar has 33 academic librarians as shown in the table below;

S/N	South-South States	Population of Academic Librarians
1	UNIUYO	24
2	UNICAL	20
3	UNIPORT	23
	TOTAL	67

Source; Universities’ Records Units.

Sample and Sampling Technique

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

Instrumentation

The main instrument of research will be a researcher-developed questionnaire tagged “Academic Librarians and Protection of the Copy-Right Law Questionnaire (ALIPCLAQ). The research questionnaire will be 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.

Data Analysis and Results

Research Question one

The research question sought to find out the influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. To answer the research question, descriptive analysis was performed on the data (see table 1)

Table 1: Descriptive analysis of the influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar

Groups	N	X	Mean Difference	Remarks
<u>Creation of awareness</u>				
Librarian with high perception	77	17.81**	1.02***	Remarkable Difference
Librarian with low perception	23	16.78*		
<u>Enforcement of observation</u>				
Librarian with high perception	77	16.61**	2.08***	Remarkable Difference
Librarian with low perception	23	14.53*		

** The highest mean score

* The least mean score

Source: Field Survey

The result of the table 1 above presents the descriptive analysis of the influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. From the result of the analysis it was observed that the level of copy right law protection (creation of awareness and enforcement of observation) (17.81 and 16.61) by the librarian with high perception of guarantee to author monopoly of his/her work were remarkably higher than that of their counterparts who were with low perception (16.78 and 14.53) with respective remarkable mean differences of (1.02 and 2.08). The result therefore means that there is remarkable influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Research Question Two

The research question sought to find out the influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. To answer the research question, descriptive analysis was performed on the data (see table 2)

Table 2: Descriptive analysis of the influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Groups	N	X	Mean Difference	Remarks
<u>Creation of awareness</u>				
Librarian with high perception	72	17.88		
			1.09***	Remarkable Difference
Librarian with low perception	28	16.79		
<u>Enforcement of observation</u>				
Librarian with high perception	72	16.89		
			2.72***	Remarkable Difference
Librarian with low perception	28	14.17		

** The highest mean score

* The least mean score

Source: Field Survey

The result of the table 2 above presents the descriptive analysis of the influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. From the result of the analysis it was observed that the level of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) (17.88 and 16.89) by the librarian with high perception of guarantee to author monopoly of his/her work were remarkably higher than that of their counterparts who were with low perception (16.79 and 14.17) with respective remarkable mean difference of (1.09 and 2.72). The result therefore means that there is remarkable influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Test of Hypotheses

Hypothesis one

The null hypothesis states that there is no significant influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. In-order to test the hypothesis, independent t-test analysis was used in comparing the mean score of the two independent groups with regard to copy right law protection (creating awareness and observation) (See table 3).

Table 3: Independent t-test analysis if the difference in copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Groups	N	X	SD	t
<u>Creation of Awareness</u>				
Librarian with high perception	77	17.81	0.69	5.98*
Librarian with low perception	23	16.78	0.86	
<u>Enforcement of observation</u>				
Librarian with high perception	77	16.61	1.42	6.41*
Librarian with low perception	23	14.53	1.63	

***Significant at 0.05 level; df= 98; N= 100; critical t-value = 2.00**

The above table 3 presents the obtained t-values as (5.98 and 6.41) for awareness and observation respectively. These values were tested for significance by comparing them with the critical t-value (2.00) at 0.05 level with 98 degree of freedom. The obtained t-values (5.98 and 6.41) were greater than the critical t-value (2.00). Hence, the results were significant. The results therefore mean that there is significant influence of copy right indices with regard copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Hypothesis two

The null hypothesis states that there is no significant influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. In-order to test the hypothesis independent t-test analysis was used in comparing the mean score of the two independent groups with regard to copy right law protection (creating awareness and observation) (See table 4).

Table 4: Independent t-test analysis if the difference in copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Groups	N	X	SD	t
<u>Creation of awareness</u>				
Librarian with high perception	72	17.88	0.67	7.09*
Librarian with low perception ²⁸		16.79	0.73	
<u>Enforcement of observation</u>				
Librarian with high perception	72	16.89	1.69	11.32*
Librarian with low perception ²⁸		14.17	0.77	

***Significant at 0.05 level; df= 98; N= 100; critical t-value = 2.00**

The above table 4 presents the obtained t-values as (7.09 and 11.32) for awareness and observation respectively. These values were tested for significance by comparing them with the critical t-value (2.00) at 0.05 level with 98 degree of freedom. The obtained t-values (7.09 and 11.32) were greater than the critical t-value (2.00). Hence, the results were significant. The results therefore means that there is significant influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

Discussion of the Findings

The results of the data analysis in Table 3 were significant due to the fact that the obtained t-values (5.98 and 6.41) were greater than the critical t-value (2.00) at 0.05 level with 98 degree of freedom. These results imply that that there is significant influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. The significance of the result is in agreement with the opinion of Gleason (1998), who observed that, in as much as copyright is a legislation right which backed creation of work, it guarantees an author a monopoly, or exclusive right to protect the uses made of his or her original specific work. The significance of the result caused the null hypothesis to be rejected while the alternative one was accepted.

The results of the data analysis in Table 4 were significant due to the fact that the obtained t-values (7.09 and 11.32) were greater than the critical t-value (2.00) at 0.05 level with 98 degree of freedom. These results imply that there is significant influence of copy right indices with regard to guaranteeing the publisher the monopoly to publish and sell the work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. The significance of the result is in agreement with the opinion of Unsworth (2009) who stated that 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 and that copy right law 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. The significance of the result caused the null hypothesis to be rejected while the alternative one was accepted

Uceh M. Dominic & Emmanuel Oku

CONCLUSIONS

The performance role of librarians is very pertinent in the protection of the copyright law in the Nigeria society. Thus, the findings in this study showed that: There is remarkable influence of copy right indices with regard to guaranteeing author monopoly of his/her work on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar. Also. guaranteeing the publisher the monopoly to publish and sell the work has remarkable influence on copy right law protection (creating awareness and observation) by the librarians in Universities of Uyo and Calabar.

RECOMMENDATIONS

Based on the finding of this study, the following recommendations are made:

1. Librarians involvement in creating awareness to the general public education is very vital to the protection of copyright law. Thus all the librarians in both secondary and higher education level should be properly educated.
2. Periodically, workshops and seminars should be organized for librarians including state librarians 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.

REFERENCES

- Aina, L.O.(2000). *Research in information science. an African perspective*. Ibadan: Sterling – Holden Publishers.
- Ayanyemi, O.O (2007) the copyright system: Nigerian perspective. A paper presented at the one-day sensitization seminar / workshop on mastering international standards and Bibliographic control in Book Publishing organized by the National library of Nig. Oyo State local At national library of nig. Oyo state, opp. Court of Appeal, GRA, Ibadan, 2007
- Band, J. (2009) “The three Ps; A tribute to Duane Webster”. *Portal: Librarians and the Academy*.
- Brainbridge, D. (1990) *Introduction to copyright law*. London: Longman.
- Cornish, G. P (1999). *Copyright: interpreting the law for librarians, Achieves and information science*. London: library association publishing.
- Fabunmi, B. A (2007) The roles of librarian in copyright protection in Nigeria. *African Journal of African & African American Studies*.VI:(1).
- Gleason, P. Fabunmi (1998) An articles titled: *International copyright in publishing and development” A Book of Reading*.
- Kawooya, D. (2007) Copyright and access to e-resource in an Africa’s education and research contexts: the case of Ugandan selected institutions: paper presented at International fellowship programme.
- Moalic, K. H (2002) Computer application in library and information Science research. In Aina, L.O (ED) *Research in information science*.
- Okwilagwe (2000) Analysis of copyright worthiness of folklore in Nigeria. *Journal of information communication for education in Africa*.
- Okwilagwe, 2001). Okwilagwe (2001).*Book publishing in Nigeria*. Ibadan: sterling-Horden publishers.
- Onatola, A & Dina, T. F (2005/2006) “Nigerian librarians and the protection of author’s rights, in Nigerian libraries: *Journal of the Nigerian Library Association*.
- Pessach, G (2009) “An International-comparative perspective on peer –to- peer file – sharing and third Party liability in copyright Law: Framing the past, present, and Next Generations”. *Vanderbilt Journal of Transnational law*.
- U.S. Copyright office (2000) *copyright basics* (circular): Espanol September 2000. <http://www.copyright.gov/circs/circ./html>

Unsworth, I. (2001) *New copyright and database regulations: USPTO, WIPO and yon.* Paper delivered at university of London and Oxford University.