
Photocopy and Copyright Violation in Academic Libraries: A Case Study of Fatiu Ademola Akesode Library in Lagos State University, Ojo, Nigeria

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ABSTRACT

This study aims at evaluating the levels of photocopying and violation of Copyright Law in Nigeria at the Lagos State University Library, Ojo. This study is a descriptive survey. The population comprises all students of Lagos State University, Ojo. The number of students is listed according to their faculties. A sample of 1,300 respondents is randomly sampled from a total of 35,000 students enrolled for full time programmes. The instrument for data collection is the questionnaire. Frequency table and simple percentage are used to analyse the data. Findings reveal that majority of the respondents are aware of the existence of copyright law in Nigeria but continue to rely mostly on photocopying of copyrighted materials for their studies. They unanimously admit that there are reprimands for copyright violation though mild. Consequently, Nigerian copyright commission should intensify its efforts in ensuring that libraries at tertiary institutions in Nigeria penalize any form of copyright violation by photocopier operators.

Keywords: *Photocopy, Copyright Violation, Intellectual Properties, University Students, Copyright Commission.*

INTRODUCTION

The fundamental problem of reprography (photocopy) in Libraries and intellectual property protection is how to reconcile authors and publishers representing the makers and owners of intellectual property on one hand and on the other hand, are users of intellectual property. Copyright is entrenched on the idea that intellectual creation should be protected from indiscriminate reproduction. This is germane to continuous growth

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of writing performing and creation (Aboyade W., Aboyade M. and Ajala, 2015). Without copyright protection, there would be apathy for people to create intellectual work. The protection of intellectual content would help to promote creativity (Sambo, Ahutu and Aworo, 2016). It should also be noted that copyright is not designed to limit public access to information but to ensure that the public has access to it by protecting the right of the creator from being jeopardized. It is intended to protect ideas that are put in tangible format such as written works and other forms of expression. Libraries are knowledge industry that acquire, organise, retrieve and disseminate information to users (Ekpo, 1992). The primary function of copyright under the law is to protect from annexation, the fruits of a person's work. This protection is of immense importance to actors, play writers, performers and other artists, musicians and composers of music, publishers, newspapers proprietors, architects, designers and other professionals. From the foregoing, copyright is the right given to artist, literary men, musicians and others from substantial copying of the material from their works. It is not all that enjoys copyright protection. The law has laid down, specifically, types of 'works', which are recognized to enjoy this protection as will be seen shortly.

Dapo-Asaju and Okunnu (2006) opine that Libraries are concerned with the collection, processing storage and disseminations of recorded information for the purpose of study and consultation. Libraries also enjoy the provision of 'fair use principle. They are to regulate the photocopy of the copyrighted works in their collection, a major reason complete textbook cannot be reproduced but few pages of textbooks are allowed to be reproduced. The constitution of the Federal Republic of Nigeria (1999) has copyright on its exclusive list. The Act governing copyright is 'The Copyright Act' CAP C28, Laws of the Federation of Nigeria (FRN 2004). The Act gives the creators and their assignees exclusive rights to reproduce, distribute and make most other uses of the original works. Section I of the Act lists six categories of works that has copyright protection .as follows:

- i. Literacy works
- ii. Musical Works
- iii. Artistic Works
- iv. Cinematography films
- v. Sound recordings
- vi. Broadcasts

On the other hand, photocopy of document is a process that use machine to generate copies directly from original paper documents (McGraw-Hill Encyclopedia of Science and Technology, 2012). It is a process of making facsimile copies to existing copies. It is synonymous with reprography. The facsimile copy is identical to the original copy.



Xerograph, the most popular of the photocopying process relies on photoconductors and toner powders to create copies. Various photocopying process can reproduce black – and – white and colour document originals. In creating copies, users can decide or not to reduce or enlarge the size of original document images. In some cases, contrast and exposure controls permit creation of photocopies with image quality superior to the original. Rubbin (2004) states that photocopying of books and other materials is traceable to the development of microphotography. This technology permits the reproduction of print documents (reprography) into film (microforms). In the 1960s, duplicating machines and the photocopier were developed with the ability to make multiple copies of pages of documents or books (Rubbin, 2004).

Copyright law refers to a legal concept that concerns right to copy as it protects the labour skill and judgment that someone (author, artist) invests mentally and financially to create an original piece of work. Laws to combat copyright infringement are imperative. Bryan (2009) sees copyright as the physical form in which a creative work is fixed and from which the work can be reproduced. Also, he went further by stating that it is the right to copy; specifically of property right in an original work of authorship (including literary, musical, dramatic, chirographic, pictorial, graphic, sculptural and architectural works; motion pictures and other audiovisual works and sound recordings) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform and display the work.

Copyright is a branch of intellectual property Law that protects creator's works. It is a legal concept. It vests the holder with the sole and exclusive privilege of multiplying copies of his creative work by publishing, selling or disposing same for a slated period of time (Rubbin, 2004). Onoyeyan and Awe (2018) define copyrights as rights given to creators for their literary and artistic works. Literary works include novels, poems, plays, reference works, newspapers, while artistic works include paintings, drawings, sculpture and maps. They went further to state that the duration of copyright is 50 years after the death of the author or the last surviving author in the case of joint authorship. Odunowo (2002) opines that violation of copyright legislation has loss of income to discourage creativity, retard industrial, economic and cultural growth. It will also deprive the government, a huge amount of income especially in copyright related industries. Chun (1986) identifies the following as some of the health hazards in the course of photocopying library materials.

1. Photocopying machines utilizes relatively high voltages, an indoor source of Ozone, a potential health hazards which causes irritation of the eyes, nose and throat, chest cramps, headaches, dizziness among others. t impairs the sense of smell and reduces the ability to think.

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2. Toners used by most photocopiers usually contain black carbon. When the toner is inhaled, it may cause respiratory-tract irritation resulting in coughing and sneezing.
 3. Ultraviolet light emitted from copiers may cause inflammation of the cornea and skin rashes when there is exposure to radiation.
 4. Some high-speed copiers are very noisy. They generate heat. Excessive noise and heat exposure may lead to fatigue and distraction to users of the library if the copier is placed in an open space close to reading rooms.

Adigun (2013) also identifies the following as some of the advantages of photocopying in libraries:

- i. It helps to save money
- ii. It facilitate library administration
- iii. It enables library users to take away duplicate of document in library
- iv. It is useful for interlibrary loans
- v. It helps library to increase collection by photocopying out print or rare materials from other libraries.

Doctrine of fair use which is concerned with the use of intellectual property of others through photocopying of text, images, sound and so on for educational and other uses other than commercial benefits. The problem is how to determine the extent of fair use. Lester and Koehler (2004), who cite the U.S. Copyright Act of 1976 as well as Federal Court decisions, provide a four part test for fair use.

1. The purpose and character of use, including whether it is of commercial nature or, for nonprofit educational purposes;
2. The nature of the copyrighted work
3. The amount of sustainability of the portion used in relation to the copyrighted work as a work.
4. The effect of the use upon the potential market for value of the copyrighted work.

Ajebomogun (2011) in a study of copyright violation at the Kenneth Dike Library, Ibadan notes that 63.0% of the respondents to a greater extent photocopy library materials for teaching and research purposes, 46.5% photocopy from textbooks and journals. On the materials mostly photocopied regularly, 43.3% responded that they mostly photocopy books, 29% photocopy Journals. In a similar study on a survey of photocopying practices in some selected Universities in Western Nigeria, Igbeneghu (2009) observes that 86% of the respondents photocopy frequently while lectures constitute 1.1% of the respondents, 21.8% of the respondents state that they photocopy some chapters from books, 3.2% photocopy some pages from journals, 17.5%



photocopy a whole textbooks. In the same work, 10.6% of the respondents agree that there is a limit to the amount of the photocopies that could be made from published materials for their customer, 86% indicate that they do not have limit to the amount of the photocopies that could be made from published materials.

Sambo, Ahutu and Aworo (2016) in their study of photocopying practice and copyright law in Nigerian libraries note that 31% of the respondents mostly photocopied textbooks, 27% indicate manuscript, lecture notes, project, while 14% of the respondents photocopy journals. In the same vein, 72% of the respondents indicate that they are aware of law on copyright, 40% confirm that they are aware of the doctrine of fair use in copyright law. Onoyeyan and Awe (2018) research on the role of librarians in the protection of copyright in Nigeria affirm that 51% of the respondents assert that librarian must provide the right guidance to their usage on how to make use of library stock without infringing on the copyright of others, 53% agree that the principle of fair use should be strictly adhered to if there is the need to photocopy while 53% opine that abuse of copyright deprives the creator of gains accruing from his intellectual property.

Aboyade W., Aboyade M. and Ajala (2015) study on copyright infringement and photocopying services among University students and teachers in Nigeria observe that 35.6% of the students affirm yes to their awareness of Nigerian copyright law while 64.4% affirm no. This is an indication that majority of the respondents are not aware of the existence of Nigerian copyright law. This study is particularly based on photocopy and copyright violation in academic libraries: A Case Study of Fatiu Ademola Akesode Library in Lagos State University, Ojo, Nigeria. Based on the foregoing, the following questions are postulated.

- i. What is the level of awareness of copyright law by students of LASU?
- ii. What are reasons for photocopying of library materials?
- iii. What materials are usually photocopied?
- iv. Are library users aware of the provisions of the Nigerian copyright law of 1999?
- v. Is there any limit to photocopying from textbooks and other published materials in the library?

The objectives of the study are to:

1. Determine the level of awareness of the copyright law among undergraduate students at the Lagos State University.
2. Determine the purpose for the users photocopying library materials
3. Examine materials which are usually photocopied by undergraduate students of Lagos State University, Ojo.

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4. To find out if there is any limit to photocopy being made from published materials in the library.
 5. To examine if the library users are aware of the existence of the Nigerian copyright law.

METHOD

This study is a combination of descriptive survey and case study designs. The population comprises all students of Lagos State University, Ojo. The number of students is listed according to their faculties. Out of a total of 35,000 students in the University full time programme, random sampling was used to select a sample of 1,300 respondents. A total of 1,300 copies of questionnaire were distributed and 1,192 were returned. This represents 92% of the number distributed. The questionnaire was divided into three sections, A, B and C. Section A captured the profile of the respondents. Sections B and C were used to capture information on the research. While section B adopted closed-ended questions, section C adopted four (4) point Likert Scale format. The validity of the instruments was carried out by three experts in Test and Measurement, who are Lecturers in the Departments of Library and Information Science, Lagos State University, Ojo, Nigeria. The collated data were analyzed using frequency table and simple percentage.

RESULTS AND DISCUSSION

From the table 1, 22% of the respondents are from Faculty of Management Science. This is closely followed by Faculty of Education with 19%, Faculty of Social Sciences, (14%), Faculty of Arts (11%), Faculty of Science (8%), Faculty of Law (5%), School of Transport while 4 % are from the School of Communication. Table 2 indicates that 55% of the respondents agree that they are aware of the existence of copyright law in Nigeria, that prohibits photocopying of library collection indiscriminately, while 45% are not aware of the extant law. Table 3 shows that 82% of the respondents admit that they photocopy library materials for academic purpose, while 18% say they do not photocopy library materials for academic purpose, 28% agree that they photocopy library collection for colleagues and friends in other higher institutions while 72% say no to photocopying for colleagues and friends. As could be deduced in Table 4, 72% of the respondents strongly agreed that they photocopy periodicals, while 78% also strongly agree that they photocopy textbooks. The reference is that textbooks are the highest library material being photocopied with 78% affirmative responses. In table 5,



73% of the respondents admit there is limitation to the number of photocopies to make in the library based on the provision of copyright law. On the other hand, 27% of the respondents, admit that they are not aware of limitation to the number of copies they photocopy based on copyright law provisions.

From table 6, 68% of the respondent strongly agree that copyright violation is a crime punishable in Nigeria. In the same regard, 58% of the respondents strongly agree that copyright punishment is not severe in Nigeria to deter others. University Libraries copyrighted information carrying materials to its users in support of teaching, research, learning and community development. As custodians of library collection, the libraries are charged with the onerous task of protecting the interest of the owners as well as the interests of users of information.

Findings from the study reveal that 55% of the respondents admit that they are aware of the existence of copyright law which is provided to protect intellectual work and publishers from indiscriminate reproduction. The findings confirm the finding of Sambo, Ahutu and Aworo (2016) which affirm that the respondents are aware of the law of copyrighted publications. Second question on the purpose of photocopying reveals that majority (82%) of the respondents photocopy library books for academic purpose. This finding corroborates with Ajegbomogun (2011) study, which 63% of the respondents photocopied library collections for teaching and research purposes.

The third question is to find out materials that are usually photocopied by users of the library: hence 72% of the respondents strongly agree that they rely on photocopy of intellectual publication. In this regard, 78% of the respondents admit that textbooks are the mostly photocopied library collections. This findings correlate with Ajegbomogun (2011) when 43.36% responded that they mostly photocopy library materials. Sambo, Ahutu and Aworo (2016) findings on photocopy practice and copyright law conform with this finding when 31% of the respondents admit that textbooks are the collection mostly photocopied, 73% affirm that there is limit to the number of pages of library materials they photocopy while 27% do not have limit to the number of pages while photocopying library collection. Also, the unguarded photocopy of books in the library constitutes an abuse of the concept of fair use.

To understand the level of awareness of users on the provision of violation of copyright law in Nigeria, 68% of the respondent agree that copyright violation is a criminal offense punishable in Nigeria. To find out if users have limitation to pages of books they photocopy. Majority of the respondentsn strongly agree that copyright violation is a crime punishable by law counts in Nigeria. In the same vein, (58%) of the respondents strongly agree that copyright penalty is not enough punishment to serve as deterrents to violators.

Table 1: Profile of Respondents Based on Faculties and Schools

Faculties and Schools	Respondents	%
Arts	172	14
Education	225	19
Law	90	8
Management Sciences	259	22
Science	130	11
School of Communication	205	17
School of Transport	46	4
Social Sciences	65	5
Total	1192	100

Source: Survey, 2019

Table 2: Awareness of copyright by undergraduate Students at Lagos State University

Questions	Yes	%	No	%	Total	%
Are you awareness of the existence of copyright law in Nigeria	659	55	533	45	1192	100

Source: Survey, 2019

Table 3: Purpose of Photocopying Library Materials

Questions	Yes	%	No	%	Total	%
For Academic purpose	974	82	218	18	1192	100
For Commercial purpose	242	20	950	80	1192	100
For Colleagues and friends	338	28	854	72	1192	100

Source: Survey, 2019

Table 4: Materials that are Usually Photocopied

Questions	Strongly Agreed				Strongly Disagreed				Total	
	Agreed		Agreed		Disagreed		Disagree		Total	
	f	%	f	%	f	%	f	%	f	%
Periodicals	859	72	186	16	147	12	0	0	1192	100
Textbooks	931	78	182	15	79	7	0	0	1192	100

Source: Survey, 2019

Table 5: Limit to Photocopying of published library collection

Questions	Yes	%	No	%	Total	%
Based on copyright law provisions	868	73	324	27	1192	100

Source: Survey, 2019



Table 6: Violation of Nigerian Copyright Law and Penalties

Variables	Strongly Agreed		Agreed		Strongly Disagreed		Disagree		Total	
	f	%	f	%	f	%	f	%	f	%
Copyright Violation is a Crime Punishable in Nigerian Courts	814	68	239	20	77	7	62	5	1192	100
Copyright Punishment is not Severe in Nigeria	688	58	344	29	96	8	64	5	1192	100

Source: Survey, 2019

CONCLUSION AND RECOMMENDATIONS

Copyright law gives protection to creators of information resources and producers of information resources. It also provides leverage between the promotion of the users' interest and the creator's right. It is unfortunate that despite the stringent criminal provisions and penalties in our legal system, illegal photocopying of library books still persist in the library. It is to be noted that photocopying of information resources in libraries could be injurious to authors and publishers. It is also observed that copyright law in Nigeria is being treated with levity in the library. Librarians, are therefore, expected to educate their users most importantly on copyright law in other to make authors enjoy the fruit of their labour. Periodic workshops, seminars and conferences should be organized at the higher institution of learning to further enlighten staff and students on the needs and benefits of copyright to the owners and government.

The Nigerian copyright commission inspectors, police and other security agents should intensify its regular arrest and prosecution of offenders of copyright law. This, to a large extent would reduce the nefarious and clandestine activities of violators of the copyright Act provisions. The University library should ensure that copyright warnings are conspicuously displayed at strategic locations in the library. The Library should have policy on how to handle copyrighted materials with special reference to photocopying. Library staff and users should be educated in this regard. This would enable them have insight into copyright provision. Through the library instruction programme, students and other library users would have been enlightened on the abuse of copyright law through unrestricted photocopying



of copyrighted works. The Federal Government of Nigeria should put in place policies that reduce the high cost of books and cost of raw materials in the publication of books which is a factor that account for high cost of textbooks. In addition, government should subsidize the price of information materials to the library. This, to a large extent, would make them available to average Nigerian with the penchant for the pursuit of knowledge. Library should reinvigorate and intensify their role in effective implementation of copyright law by ensuring that adequate penalties is placed on every defaulter of copyright law.

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