

**VIOLATION OF COPYRIGHT THROUGH PHOTOCOPYING: A CASE
STUDY OF FEDERAL UNIVERSITY OF TECHNOLOGY, MINNA
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Abstract

The paper examined violation of copyright through photocopying: a case study of Federal University of Technology, Bosso and Gidan kwano campuses, Minna, Niger state. The research design used was survey. The researcher designed a self-constructed questionnaire tagged "Violation of Copyright Questionnaires" (VOCOPQ) which were administered to all the managers of the photocopying centres. The data presented and analysed in this paper are extracts from the information elicited from the questionnaires. The study revealed amongst other things that photocopying service is a brisk business and that violation of copyright through photocopying is an offence that is being committed by both staff and students. The paper concluded by giving recommendations amongst which include the organization of intensive and persistent enlightenment program on copyright law at the Federal University of Technology, Minna and in all other academic communities in Nigeria and that copyright law should be made a core course in all higher institutions of learning in the country.

Introduction

Kent (1972) as quoted by Okwilagwe defined copyright as the right generally secured by law to authors of literary, dramatic, musical and artistic work to authorize the production or reproduction of such works. In a similar vein, the Encyclopedia of Librarianship (1968) as quoted by Okwilagwe defined Copyright as the sole right in case of unpublished or published works to produce or reproduce or publish any literary, dramatic, musical work or any substantial part of a work in any material form whatsoever, provided the author is qualified to hold copyright. Copyright is the exclusive right granted an author and other creative artistes to authorize the use of their works in any way. The concept of copyright was devised for the society for two main purposes, to encourage creative people to produce works of culture and to provide incentives for the effective dissemination of these works.

Okwilagwe (2001) contended that copyright law is not designed to limit public access to information but to ensure that the public has access to it by protecting the economic and moral rights of authors. He reiterated further that an author is more likely to be motivated to embark on continuous production of intellectual products, if there is assurance that another individual can claim neither the credit nor the profit economically from the author's effort. Copyright law does not protect ideas, but exists only when the ideas are put in tangible format such as written works or other form of expression.

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The Copyright Act Chapter 68 law of the Federation of Nigeria 1990 as quoted by Okilagwe identified works that will have copyright protection in section 1 of the Act. They are literary works, Musical works, Artistic works, Cinematography films, sound recording and broadcast. Before a literary, Musical or Artistic work will enjoy copyright protection, the copyright Act prescribes certain pre-conditions that have to be fulfilled amongst which are the following. (i) sufficient effort must have been expended on making the work to give it an original character. This means the work has to be original in nature. There must be some kind of intellectual input. (ii) the work must be fixed in a definite medium of expression now known or later to be developed into a form which it can be perceived, reproduced or otherwise communicated either directly or with the aid of any machine or device. This means that the work must be fixed-written in a book or drawn in a book or in any other material. It should be in tangible form. That is copyright does not protect ideas. (iii) any artistic work shall not be eligible for copyright if it was intended by the author to be used as a model or pattern to be multiplied by any industrial process. (iv) any work made in another country is eligible for copyright protection if that country has an agreement with Nigerian for equal protection of works. By Virtue of the series of international agreements signed by several countries under the auspices of the world intellectual property organization (WIPO), Nigeria now has this agreement with 167 countries.

The Nigerian Copyright council was upgraded to a commission with effect from 9th April, 1996 with the following assigned duties.

- (i) be responsible for all matters affecting copyright in Nigeria as provided in the Act.
- (ii) monitor and supervise Nigeria's position in relation to international conventions and advise government thereon
- (iii) advise and regulate conditions for the conclusion of bilateral and multilateral agreement between Nigeria and any other country
- (IV) enlighten and inform the public on the matters relating to copyright
- (v) maintain an effective data bank on authors and their works
- (vi) be responsible for such other matters as related to copyright in Nigeria as the minister may, from time to time direct.

Williams, Sawyer and Hutchinson (1995) opined that copyright is a body of law that prohibits copying of intellectual property without the permission of the copyright holder. The law protects books, articles, pamphlets, music, art, drawings, movies and other expressions of ideas. It also protects computer software. Copyright protects the expression of an idea but not the idea itself. Digital age has made the act of copyright far easier and more convenient than was possible in the past.

Okeke (2005) contended that intellectual property rights are the basis of many contractual relationships which must be enforced. A major feature of it being their ability to restrain every and any other who does not stand in such a relationship of right owner. But the law can not be effective if the structures for their effective enforcement are weak or perhaps non-existent such structures include the courts, the regulatory authorities, the police, including even the law making processes. Thus where these structures are effective and cheap, these rights are correspondingly, effectively and cheaply enforced.

These rights can be enforced through: Civil actions, criminal proceedings, administrative procedures and self-help.

Curwen (1981) described copyright as the property right of the writer to the fruits of his creation. A publication is the result of intellectual labour, which unlike physical labour, does not require the temporary loss of use of land or machinery for other purposes. The award of copyright cannot be said to have deprived anyone else of something which they would have had in the absence of the writer's creative activity. Copyright legislation is a way of raising the reward to authors and publishers and thereby encouraging the publication of books which would not otherwise have come into existence. The award of copyright is the most convenient way of mating society's obligation to reward writers for their contribution to general welfare. No publisher would be willing to undertake the risk and cost of publishing a book which could be pirated without any form of redress since this would result in the private benefit to authors and publishers being disproportionately less than the public benefit to society.

In the UK, the Whitford committee was set up to consider the law on copyright and designs. The committee first met in February 1964 to "consider and report whether any, and if so what, changes are desirable in the law relating to the copyright as provided by the copyright Act. 1956 and the Design copyright Act 1968". The committee produced its report in early 1977. On the issue of what is referred to in the report as reprography, the committee was concerned in particular with the question of fair dealing or fair use. Their starting point was a joint statement issued in 1965 by the publishers' Association and the Society of authors entitled, "photocopying and the law". In this, they agreed that where for the purposes of research or private study, a single copy is made from a copyright work of a single extract not exceeding 4,000 words or extracts (none exceeding 3,000 words) to a total of 8,000 words, provided that in no case the total amount copied exceeds 10 percent of the work (poems, essays and other short literary works to be regarded as whole works themselves) then that copy would be regarded by them as fair dealing. Revisions to US copyright law came into force in January 1978. The new law prohibited copying beyond the limit of fair use and also systematic library copying of copyrighted materials. Inter-library lending was permitted provided a library did not receive copies in such aggregate quantities (later agreed as a maximum of five) as to substitute for a subscription of such work.

Violation of copyright for the purpose of this paper is described as any illegal reproduction of copyrighted materials that jettisoned the "principle of fair use" for the purposes of research or private consultation. Photocopy is the commonest reprographic method with which the copyright law is violated in many countries of the world. Pinnock (1983) as quoted by Okwilagwe authenticated this claim.

The choice of Federal University of Technology, Minna for a research of this nature is appropriate since the institution is both a research and Educational setting. The Federal University of Technology, Minna like any other academic community in Nigeria is a citadel of learning where reprography of intellectual materials especially books are

taking place through photocopying services with greater rapidity on daily basis. If there is no check on illegal reprography of copyrighted materials especially books, authors will be discouraged from further publication which is a sign of bad omen for the intellectual development of a developing nation like Nigeria which is not only craving for sustainable development in all facets of life but which is at present suffering from the pangs of "brain drain" syndrome.

The researcher designed a self-constructed questionnaire tagged "Violation of Copyright Questionnaire" (VOCOPQ). To enhance the validity of the instrument, it was given to experienced colleagues for proper scrutiny and moderation. The research was based on the following assumptions.

1. That violation of copyright through photocopying and reprographic services are taking place without any check at Bosso and Gidan Kwano campuses of the Federal University of Technology, Minna.
2. That photocopying of materials is more pronounced among students than staff.
3. That the operators of photocopying machines are ignorant of any legislation on copyright.
4. That photocopying business in Bosso and Gidan Kwano campuses of The Federal University of Technology, Minna is a brisky.

The following research questions are asked.

1. To what extent is copyright law being violated through photocopying and reprographic services taking place?
2. To what degree is photocopying of materials pronounced by or among the violators?
3. To what extent are operators of photocopying machines ignorant of any legislation on copyright?
4. To what degree is photocopying business a brisky business?

Methodology

The research design used was survey. The self-constructed questionnaire tagged "Violation of Copyright Questionnaire" (VOCOPQ) was administered to the managers of all the photocopying machines in both Bosso and Gidan Kwano campuses of the Federal University of Technology, Minna.

Statement of the problem.

The high incidence of copyright violation in the country (in spite of the legislation on copyright) is a source of grave concern to both the government and the general public. The tireless and the relentless efforts of the tireless, creative, innovative and talented minds among us are being thrown down the drain. Many of these creative people have had their work being infringed upon in one way or the other. The zeal and the eagerness to produce more work is gradually being drained from the minds of these

creative people due to the nefarious activities of copyright violators. Does it mean that the effort of the Nigeria copyright commission in a bid to stem this ugly trend holds no water? What extra measures should be put in place that has not been put in place to stem this unwholesome development that is gaining ground on daily basis in our country with frightening rapidity?

Data presentation

The following data are presented as extracts from the information elicited through the instruments. The data are presented using simple statistics like tables and measures of central tendency (mean, median and mode).

Table 1: Photocopying services at the Federal University of technology, Gidan Kwano Campus, Minna.

No. of Photo-copying Centre	No. of Textbooks Photocopied			No. of Journals/Serials Photocopied			Awareness of copyright law	Photocopy of Journals & Text books is pronounced among		Extent of photo-copying of journals and Textbooks	
	Daily	Weekly	Average Monthly	Daily	Weekly	Monthly		Student	Staff	Full Material	Few Pages
1	2	5	10	-	-	-	Nil	√	-	-	√
2	1	3	7	2	5	9	Nil	-	√	-	√
3	5	7	18	2	5	8	Nil	-	√	√	-
4	3	7	14	5	8	12	Nil	-	√	√	√
5	3	6	20	2	7	18	Nil	√	-	-	-
6	6	14	30	2	4	9	Nil	√	-	√	√
7	2	8	20	1	5	16	Nil	-	√	-	-
8	2	8	16	2	6	15	Nil	-	√	√	√
9	3	10	21	3	8	21	Nil	-	√	-	-
10	4	12	18	5	14	28	Nil	-	√	-	√
11	2	11	20	3	10	25	Nil	-	√	-	√
12	2	10	40	4	20	80	Nil	-	√	-	√
13	2	8	16	2	10	25	Nil	√	-	-	√
14	1	6	15	2	8	15	Nil	-	√	-	√
15	3	4	20	5	7	15	Nil	-	√	-	√
16	2	10	20	3	7	17	Nil	-	√	-	√
17	2	9	30	1	5	14	Nil	-	√	-	√
18	3	11	25	2	7	15	Nil	-	√	-	√
Total	48	149	360	46	136	342	Nil	-	√	-	√
								104	14	04	14

Key:

√ =yes

- =no

Table 2: Photocopying services at the Federal University of Technology, Bosso Campus, Minna.

No. of Photo-copying Centre	No. of Textbooks Photocopied			No. of Journals/Serials Photocopied			Awareness of copyright law	Photocopy of Journals & Text books is pronounced among		Extent of photocopying of journals and Textbooks	
	Daily	Weekly	Average Monthly	Daily	Weekly	Monthly		Student	Staff	Full Material	Few Pages
1	2	5	10	-	-	-	Nil	√	-	-	√
2	-	4	15	-	-	-	Nil	√	-	-	√
3	-	-	-	-	-	4	Nil	√	-	-	√
4	-	1	4	-	-	-	Nil	-	√	-	√
5	1	7	30	-	-	-	Nil	√	-	-	√
6	-	1	2	-	-	-	Nil	√	-	-	√
7	-	3	12	-	-	-	Nil	-	√	-	√
8	1	3	5	-	-	1	Nil	√	-	-	√
9	5	10	18	-	-	-	Nil	√	-	-	√
10	10	60	150	-	-	2	Nil	√	-	-	√
11	-	1	5	-	1	4	Nil	√	-	-	√
12	-	2	8	-	-	-	Nil	√	-	√	√
13	1	5	20	1	5	20	Nil	-	√	-	-
14	-	-	-	-	-	1	Nil	√	-	-	√
15	3	15	60	-	4	4	Nil	√	-	√	√
16	-	1	5	-	-	-	Nil	√	-	-	-
17	2	10	20	3	12	20	Nil	√	-	-	√
18	-	3	10	-	1	3	Nil	√	-	-	√
19	3	15	100	-	-	-	Nil	√	-	-	√
20	1	4	8	-	-	-	Nil	√	-	√	√
21	-	2	3	-	1	4	Nil	√	-	-	-
22	-	6	20	-	-	-	Nil	√	-	-	√
23	10	100	400	-	-	5	Nil	√	-	√	√
24	1	5	10	-	-	5	Nil	√	-	-	-
25	-	2	8	-	-	-	Nil	√	-	-	√
26	-	2	10	-	1	3	Nil	√	-	-	√
27	-	1	3	-	30	60	Nil	√	-	-	√
28	-	-	1	-	2	5	Nil	√	-	-	√
29	-	-	1	1	12	35	Nil	√	-	-	√
30	3	5	8	-	-	1	Nil	√	-	-	√

31	2	15	60	-	1	4	Nil	√	-	-	√
32	1	3	8	-	-	-	Nil	√	-	-	√
33	5	20	100	-	1	5	Nil	√	-	-	√
34	1	3	50	-	7	15	Nil	√	-	-	-
35	-	3	11	-	2	15	Nil	√	-	√	-
36	5	40	200	5	30	50	Nil	√	-	√	-
37	-	2	8	-	3	5	Nil	√	-	√	-
38	2	7	21	-	2	7	Nil	√	-	-	√
Total	59	366	1404	10	115	287	Nil	35	03	08	30

Key:

√ = yes

- = no

Analysis of data

A total sum of 18 and 38 photocopying centres were given questionnaire copies at Gidan Kwano and Bosso campus respectively making a grand sum total of 56 photocopying centres. The data was analyzed using the popular measures of central tendency (mean, median and mode). Mean is defined as the average of a given variable. Median is the middle variable when all variables are arranged in sequential order. Mode is defined as the variable with the highest occurring frequency.

$$\text{Mean} = \frac{\sum fx}{f}$$

Where $\sum fx$ is the summation of frequency and variables and f is the frequency of the variables

$$\text{Photocopying of textbooks (daily)} = \frac{106}{56} = 1.892857143$$

$$\text{Mean} = 1.892857143$$

$$\text{Photocopying of textbooks (weekly)} = \frac{508}{56} = 9.071428571$$

$$\text{Mean} = 9.071428571$$

$$\text{Photocopying of textbooks (monthly)} = \frac{1746}{56} = 31.178571$$

$$\text{Mean} = 31.178571$$

$$\text{Photocopying of Journal/serial (daily)} = \frac{71}{56} = 1.267857143$$

$$\text{Mean} = 1.267857143$$

Photocopying of Journal/serial (weekly) = $\frac{261}{56} = 4.660714286$

Mean= 4.660714286

Photocopying of Journal/serial (monthly) = $\frac{578}{56} = 10.67857143$

Mean= 10.67857143

Mode: is the variable with highest frequency or the value that occurs most

Mode for textbooks Daily = 0

Weekly = 10

Monthly = 20

Mode for journals/Serials Daily = 2

Weekly = 7

Monthly = 15

Median is the middle value in a given variables when they are arranged in sequential order.

Median for textbook Daily = Median = $\frac{1+2}{2} = 1.5$

Weekly = $\frac{1+2}{2} = \frac{3}{2}$ Median = 1.5

Monthly = $\frac{5+6}{2}$ Median = 5.5

Median for Journals/Serials Daily = $\frac{0+0}{2} = \frac{0}{2}$

Median=0

Weekly = $\frac{1+1}{2} = \frac{2}{2}$ Median=1

$$\text{Monthly} = \frac{5+5}{2} = \frac{10}{2}$$

$$\text{Median} = 5$$

Discussion

From the data presented in tables 1 and 2 It is very glaring that violation of copyright through photocopying services in both Gidan Kwano and Bosso campuses of the Federal University of Technology, Minna is a brisk and profitable business for the managers and the operators of photocopying machines. A situation where 15, 60 and 100 textbooks are reproduced monthly on the average go without saying to authenticate the claim that the photocopying business is a profitable venture in the campus. The photocopying services appear to be a serious fast moving business through which the photocopying operators are reaping fortunes. It should, however, be added that these riches and wealth are got at the expense of authors of books who are no longer enjoying the fruits of their labour in form of copyright. But the whole blame should not be heaped on the operators of photocopying machines, the customers who take such materials to them should be heavily castigated too. This is because if there are no buyers of stolen items there will practically be no sellers.

In both Gidan Kwano and Bosso campuses, a total sum of 107 (48+59) textbooks are photocopied daily, a total sum of 515 (149+366) textbooks are reproduced weekly, while a total sum of 1,764 (360+1404) textbooks are reproduced through photographic services monthly. This huge quantity (volume) of texts that are photocopied daily, weekly and monthly are proofs and evidences to support the assertion that photocopying services is a brisk business on the campus and also to authenticate the veracity of the violation of copyright claim.

Moreover, it is obvious from the data presented that the operators or managers of photocopying machines are ignorant of any copyright law. From their responses they are not aware of the existence of any law that forbids illegal reprography of another person's work. Their ignorance may have been due to their low level of formal education or pretence in a bid to get money through any means.

There is a high preponderance of illegal reprography of textbooks among staff than students at the Gidan Kwano campus of the University. The ratio is 14:4 (see table 1). But, at the Bosso campus of the University there is a high degree of violation of copyright through photocopying among students than staff (the ratio is 35:3; see table 2). In other words both the faculty members (staff) and the students are guilty of violation of copyright through photocopying in both campuses of the University.

Finally it is obvious that the violation of copyright through photocopying is ascertained. At Gidan Kwano campus where four photocopying centres photocopy full texts is nothing but total violation of copyright. Also, at Bosso campus where eight photocopy centres, photocopy the whole texts amount to nothing but outright abuse of copyright. Those 14 Photocopying centres at Gidan Kwano and 30 photocopying centres

at Bosso campus where few pages are photocopied are also violating copyright except the pages photocopied are within the limit of fair use that is, if they do not exceed 10 per cent of the whole texts. Anything above 10 percent is nothing but violation of copyright. However, those photocopying few pages can still be described as copyright violators on the average that is, their own violation is mild not to the extreme. But whether mild or extreme, there is nothing as good as obeying the copyright injunction of 'fair use'.

Conclusion

From the foregoing discussion it can be rightly concluded that:

1. photocopying business is a brisk business at Gidan Kwano and Bosso campuses of the Federal University of Technology, Minna.
2. the managers and the operators of the photocopying machines are ignorant of any existing legislation on copyright.
3. both the faculty members (staff) and the students in Gidan Kwano as well as Bosso campuses of the Federal University of Technology, Minna are guilty of violation of copyright through photocopying services.
4. violation of copyright in some photocopying centres is total while it is mild or moderate in other centres.

Recommendations

In the light of this study the following recommendations are made.

1. Intensive and persistent campaign and enlightenment programme on: what copyright law entails, what it means to infringe on the right of the copyright holders and how copyright abuse can become a punishable crime should be mounted at the Federal University of Technology, Minna till a positive desired change is got. This type of campaign should be vigorously carried out in other higher institution of learning and in all academic communities in the country. This will go a long way to cure and pre-empt ignorance to the existing legislation on copyright.
2. Copyright law should henceforth be taught as a core course in all higher institutions of learning in Nigeria. It should be taught in departments like Library and Information Science, Political Science, Law and General Studies. This will help to stem the tide of ignorance and accentuate the tempo of awareness on copyright law.
3. Indigenous language like Hausa, Igbo, and Yoruba should be used to reach out to the masses during seminars and workshops. The Nigeria copyright commission news letter should also be published in the local languages so that a great number of right owners who are not lettered in English Language could be reached too. In a similar vein, this will help to open the eyes of the people at the grassroots (who have no formal education) to what copyright law entails.
4. The Government at all tiers should as a matter of urgency come to the aid of the book industry by giving financial assistance in form of subsidy, grant or subvention

to the book industry . It is definite that the astronomical increase in the cost of production and sale of books will be drastically curbed if the Government can give proper financial backing to the book industry. Hence, if books are cheaper to buy, those who photocopy the materials of other people will see it as unworthwhile and unreasonable chore. Moreover, if the cost of production of books should come down the authors will also see it as a morale booster to write more since they will be assured that the more they write the more the sales and the more the income (money) for them.

5. A special anti piracy enforcement squad should be specifically trained in detective skills so as to adequately track down pirates all over the country. An anti pirates and anti-crime network should be established to eliminate pirates in all set-ups. The National Drug Law Enforcement Agency (NDLEA) is a good example to emulate.
6. The Nigerian Copyright Commission should immediately establish a copyright tribunal to adjudicate over all cases of copyright infringement. This will resolve the problem of time-lag and subsequent evasion of penalties imposed on the infringers.
7. Finally, levies or penalties or charges against different classes of infringement should generally be increased .With the constant rate of infringement levies, many increase in pirates who see these penalties as mere cost of doing business would be discouraged.

References

- Curwen, P.J (1981).The UK publishing Industry, Oxford: Pergamon Press, Pp.16-56, 71-147
- Okeke, C. (2005). Enforcing Intellectual Property Rights, The Guardian, Tuesday, November 15, 2005. 70
- Okwilagwe, O.A (2001). Book Publishing in Nigeria, Ibadan: Stirling- Horden Publishers, 153-176
- Williams, B. K, Sawyer, S.C and Hutchinton, S. T (1995). Using Information Technology, A practical Introduction to Computers and Communications, Chicago: Richard D. Irwin, 619-621, 643