

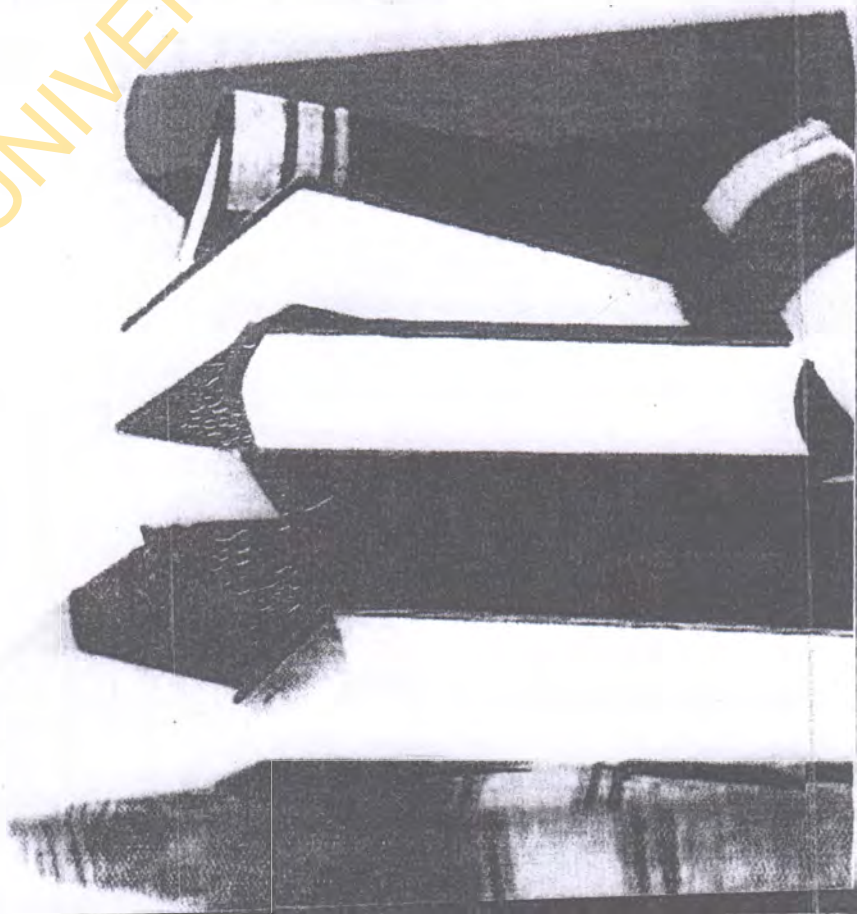
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# Copyright Violation and Combating Mechanisms in Selected Publishing Houses in Ibadan, Oyo State, Nigeria

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## Abstract

Copyright violation poses a major challenge to the publishing industry. It is a common malaise which does not only affect all the stakeholders in the book sector, but is inimical to the growth and survival of the industry. This study therefore examined the combating mechanisms adopted by selected publishing houses in curbing copyright violation in Ibadan metropolis in Oyo State, Nigeria. Descriptive survey design was adopted and the study population consisted of 200 staff drawn from eight publishing houses in Ibadan. Total enumeration method was employed; questionnaire was the data collection instrument, while data was analysed using descriptive statistics for the five research questions formulated. Findings revealed that the most common forms of copyright violation were piracy and sale of publications without authors' consent while its effect include loss of income, retardation of economic growth, loss of job, and loss of reputation. The use of technology-based deterrents like internet protocol restrictions was considered best in discouraging copyright violation for electronic publications. Finding revealed that severe enforcement of copyrights law and the use of public enlightenment programme are effective combating measures against copyright violation. It was recommended, among others, that government and publishers should embark on public enlightenment programme, make books affordable, and collaborate to combat copyright violation.

**Keywords:** Copyright, Copyright Violation, Publishing, Publisher.

## 1.0 Introduction

Copyright is a legal concept enacted by most government giving the creator of an original work exclusive right to it, usually for a defined period of time. According to Nwogu (2014:1), "Copyright is an intangible, incorporeal property, which guarantees the owner the exclusive right to deal with his/her work within a stipulated time as provided under the law." It is governed by the Copyright Act (Law 28 of the Federal Republic of Nigeria) 2004. Copyright applies to a wide range of creative, intellectual or artistic forms or works such as poem, thesis, play, other literary works, movies, dances, musical compositions, audio recordings, paintings, drawings, sculptures, photograph, software, radio and television broadcast, and industrial designs. Akangbe (2014:3) submits that copyright is a property right and can be sold or transferred to others. In the view of Skones (1971:3), "Copyright law is, in essence, concerned with the negative right of preventing the copying of physical material existing in the field of literature and the arts. Its objective is to protect the writer and artist from the unlawful reproduction of his material". It is important not to confuse ownership of a work with ownership of the copyright in it: a person may have acquired an original copyright work, e.g. a painting, letter or photograph, but unless the copyright in it has expressly also been transferred, it will remain with the creator.

A work must meet minimal standard of

originality in order to qualify for copyright and usually, different countries include tests for copyright. Copyright law recognises the right of an author based on whether the work actually is an original creation rather than based on whether it is unique. For instance, two authors may own copyright on two substantially identical works if it is determined that one was coincidental and neither was copied from the other. The ownership that the copyright law grants comes with several rights which the owner has exclusively (Asein, 2003:1). These rights include right to: reproduce the work; sell the work; import or export the work; create derivative works i.e work that adapts the original work; perform or display the work publicly; and sell or assign this right to others; and transmit or display by radio or video.

According to Asein (2003:1), the *Nigerian Copyright Law & Practice* permits the sole right to do or authorise the doing of the following acts:

- to produce, reproduce of, perform, or publish any translation of the work;
- in the case of a dramatic work, to convert it into a novel or other non-dramatic work;
- in the case of a novel or other non-dramatic work, or an artistic work, to convert it into a dramatic work by way of performance in public or otherwise; and
- in the case of a literary, dramatic or musical work, to make any record, perforated roll,

cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered.

All these are the rights of the creator of an intellectual, artistic or creative works of arts. The implication of this is that, unless it is stated otherwise, no one can perform, reproduce, distribute, make derivative works, etc. of a work written by another. It is possible however to benefit from an existing work if permission is sought legally and officially from the owner of the work. A work is not protected by copyright law forever; the protection lasts for a certain period of time after which the work enters public domain. Under UK copyright law for example, the copyright duration is typically 70 years from the end of the calendar year in which the last reigning author of the work dies ([https://www.copyrightservice.co.uk/copyright/p10\\_duration](https://www.copyrightservice.co.uk/copyright/p10_duration)). A book, for instance, thereafter enters public domain. If a work is not in the public domain and one has not obtained the permission to use the work, one puts her/himself in the risk of legal action regardless of one's intention. It is disheartening however that despite the laudable provision of the copyright law, its violation is so rampant in Nigeria hence our focus in this paper on copyright violation on books.

Copyright has both economic and moral aspects. Moral rights are aspects of copyright law that are generally considered inalienable i.e. that cannot be given away or sold. In other words, moral rights persist even when the copyright to a work is completely sold. As defined by Berne convention in Anike (2015:26), the Moral rights are as follows:

- i. the right to claim authorship of the work;
- ii. the right to object to any distortion, mutilation or modification of the work; and
- iii. the right to object to any derogatory action that may damage the author's honour or reputation.

Moral right is useful in fighting plagiarism since such act is not only a violation of the author's copyright if he or she still holds it but also the moral right.

Economic rights allow right owners to derive financial reward from the use of their works by others. It simply confers the right to reap the fruit of labour on the owner of a particular work. Economic rights grant the rights owner the liberty to decide how to use her/his property. In other word, it is possible for authors to transfer the economic rights of their works to individuals or companies best able to market them in exchange for payment. Others can use the rights lawfully only if they have the owner's permission, often through a license. In using the property, it is

imperative for the owner to respect the legally recognised rights and interests of other members of society. According to WIPO:

*the owner of a copyright-protected work may decide how to use the work, and may prevent others from using it without permission. National laws usually grant copyright owners exclusive rights to allow third parties to use their works, subject to the legally recognised rights and interests of others (2016:10).*

As provided by the law, authors as well as other right owners can permit or prevent certain acts in relation to a work. In other word, they can authorise or prohibit activities like reproduction of the work in different forms, distribution of copies of the work, public performance of the work, translation or adaptation of the work. In summary, copyrights that are economic rights protect the economic value of a copyright work.

Copyright laws apply to the Internet as they apply to other media forms. Such laws protect the contents of a site. According to Akangbe (2014:5), copyright exists to protect the rights of the creator of a site from the evils of intruders. This implies that the texts, images, animations, video and the overall appearance of the website belong to the copyright owner. Though the users of such sites could download copyrighted texts, images, animation or music for personal use, such users cannot publish such materials on another website or in any other form without a permission to do so from the right owners, which may attract some fee.

## 2.0 Literature Review

The literature review section discusses the meaning of copyright, copyright violation practices, piracy, and combating measures for piracy.

Copyright is a legal device that gives the creator of a literary, artistic, musical, or other creative work the sole right to publish and sell that work. Copyright owners have the right to control the reproduction of their work, including the right to receive payment for that reproduction. Under copyright provision, an author has the right to grant or sell those rights to others, if s/he wishes. In line with this, Ifeduba (2004:159) defined copyright in the context of book publishing as "the exclusive right granted by law for a specified number of years to an author, a publisher, or his assignee, to prepare, print, distribute and sell copies of his original book". In the opinion of Okwilagwe (2001:153) while citing Kent (1972), "copyright is the right generally secured by law to authors of literary, dramatic, musical and artistic

work to authorise the production or reproduction of such works". In essence, copyright is the legal provision for protecting and preserving the rights of authors and creative artists over their works. In the light of the above definitions, we regard copyright as an exclusive right legally accorded the authors and owners of creative works to protect their works for a specified limited period. It confers on them the freedom to produce, reproduce, sell, broadcast, adapt or translate the whole work either in its original form or in any other derivable form from the original.

The copyright law in Nigeria dated back to the colonial era, with its source in the copyright Act of 1911. Nigeria continued to apply the English Act of 1911 until 1970 when the English Act of 1911 was revoked by the Nigerian Copyright Decree. There was a hiatus in the 1970 act which provoked agitations in the copyright-based industries which eventually led to the 1988 Copyright Act. Oduworo (2002:54 – 65) opines that the law recognises the rights of copyright owners but failed to provide adequate remedies to the violation of those rights. In 2004, the laws were re-codified under the laws of the federation of Nigeria. The violation practices are discussed below.

Copyright violation is a trespass of the copyright law. It is an act of disobedience and total disregard for the rights of the copyright owner. It is also an undue encroachment into her/his rights. Copyright violation is the unauthorised use of copyrighted materials in a manner that intrudes on, interfere with, and contravenes one of the copyright owner's exclusive right to produce or perform the copyrighted work, or to make derivative that build upon it. This illegal act is otherwise known as copyright infringement. As contended by Ali in <http://www.yusufali.net/articles/>, "there are two principal Conventions in the world that govern copyright namely; the Berne Convention and the Universal Copyright Convention to which Nigeria was a signatory. Copyright infringement can be unintentional, intentional, or vicarious. Irrespective of the nature of copyright infringement, it is a legal violation and it has penalty.

Section 14 of the Copyright Act, 1990 states that Copyright is infringed by any person who without the license or authorisation of the owner of the copyright-

- (a) does, or causes any other person to do an act, the doing of which is controlled by copyright;
- (b) imports into Nigeria, otherwise than for his private or domestic use, any article in respect of which copyright is infringed

under paragraph (a) of this subsection;

- (c) exhibits in public any article in respect of which copyright is infringed under paragraph (a) of this subsection;
- (d) distributes by way of trade, offer for sale, hire or otherwise or for any purpose prejudicial to the owner of the copyright, any article in respect of which copyright is infringed under paragraph (a) of this subsection;
- (e) makes or has in his possession, plates, master tapes, machines, equipments or contrivances used for the purpose of making infringed copies of the work;
- (f) permits a place of public entertainment or of business to be used for a performance in the public of the work, where the performance constitutes an infringement on the copyright in the work, unless the person permitting the place to be used is not aware, and had no reasonable ground for suspecting that the performance would be an infringement of the copyright;
- (g) performs or causes to be performed for the purposes of trade or business or as supporting facility to a trade or business, any work in which copyright subsists.

Copyright infringement takes place either consciously or unconsciously. This is because a reasonable number of undergraduate students cannot afford to purchase textbooks. They therefore look for alternative means of acquiring these learning resources. It could also mean the unauthorised or prohibited use of works under copyright, infringing the copyright holder's exclusive rights, such as the right to reproduce or perform the copyrighted work, or to make derivative works. According to Oduworo (2002:54 – 65), the violation of copyright legislation can lead to loss of income, discourage creativity, retard industrial, economic and cultural growth, and deprive the government a huge amount of taxes especially in copyright related industries.

It is a truism that effective copyright protection is a *sine qua non* for national progress and a stimulant for individual and societal growth. According to Okwilagwe (2001:173), "a nation in which copyrighted materials are effectively protected by copyright is on the right direction towards developing its national culture for further development. This view is amplified by Okwilagwe (2001:173) while echoing Ekpo (1991) that:

*Experience has shown that the enrichment of the national cultural heritage depends directly on the level of protection afforded*

*literary and artistic works. The higher the level, the greater the number of a country's intellectual creations, the higher its renown, the greater the number of productions in literature and the arts, the more numerous auxiliaries (i.e. users). In the final analysis, encouragement of intellectual creation is one of the basic prerequisites of all social, economic, and cultural development.*

The implication of this is that the better the level of copyright protection, the better the level of literary and artistic outputs. The belief seems high that copyright infringement is prevalent, indeed endemic, in Nigeria hence our concern in this study is copyright violation of print publications.

## 2.1 Piracy and its combating measures

Book piracy which Ifeduba (2004:151) called 'copyright theft' is the commercial reproduction and sale of another's copyright book without the authorisation of, or payment to its owner. Book piracy is the reproduction and distribution of publications without the permission of the copyright owner. It is an intellectual theft which implies the stealing of the creativity of others with flagrant disregard to the provision of the copyright law. Waziri (2011) describes piracy as an unauthorised and illegal reproduction or distribution of material protected by copyright law. A palpable observation is that piracy has remained a common and protracted problem in the developing world. It is parasitic to creativity and causes great harm to the book industry and all its stakeholders. Book piracy means illegal reproduction of books and other printed materials and distribution/selling of these for profit. Book piracy leads to loss of revenue to publishers in terms of low sales, non-payment of royalty to authors and non-payment of income tax and other levies payable by publishers to the government. Piracy is not concerned with only print format of information but also with non-print format.

The problem of book piracy is enormous in Nigeria as virtually all the notable publishers in Nigeria have had one title or the other from their stables pirated. A conservative estimate has shown that about 50% of the publishing companies in Nigeria had one or more of their titles pirated, while about 20% of annual turnover is lost to the pirates by the affected publishing houses: Piracy, according to Thomas (1991:42), is "the theft of copyright which occurs for reasons of want, scarcity and inaccessibility to books." Thomas (1991) also cited by Okwilagwe (2001:176) maintained that piracy is

"the unauthorised or illegal reproduction of the work of an author for sale without payment of royalty or other compensation to the owner of the intellectual property so exploited." Piracy is the activity of manufacturing unauthorised copies of protected material and dealing with such copies by way of distribution and sale. A number of factors which are responsible for the practice of piracy in Nigeria include: very high cost of books in relation to the low income of buyers, soaring cost of publishing materials like printing paper and consumables, high tariffs and import duties, devaluation of naira and its low purchasing power, mass unemployment, and poverty, among others.

Piracy is a worldwide phenomenon, as such the developing and under-developed nations are not exempted. Piracy is applicable to both print and non-print materials. The effects of piracy can range from the tangible such as lost sales and lower author royalties, to the intangible like decline in the perception of the value of a book. Authors of intellectual properties are victims of piracy in so many ways. As corroborated by Ifeduba (2004:154), book piracy affects the fortune of the society through loss of revenue to government, loss of royalty due to authors, causing serious disincentive to authors and publishers, and may lead to the collapse of publishing industry ultimately. There is no doubt that piracy has a lot of dire consequences on the entire society and must be combated.

The Nigerian Copyright Commission is the only government agency responsible for copyright administration in Nigeria. The Nigerian Copyright Commission is a body corporate with perpetual succession and a common seal and may sue and be sued in the corporate name. The present Copyright Act was promulgated in 1988 as the Copyright Decree of 1988. With the revision of all existing federal legislation, the Decree was redesignated the Copyright Act and contained in Chapter 68, Laws of the Federation of Nigeria 1990. The Act was amended by the Copyright (Amendment) Decree No. 98 of 1992 and the Copyright (Amendment) Decree No. 42 of 1999. In 2004, the Act was re-codified and is currently referenced as Copyright Act, Chapter 28, Laws of the Federation of Nigeria (<http://www.wipo.int/wipolex/en/details.jsp?id=11854>). The mandate of the Commission (NCC) includes administration, enforcement and regulation of copyright activities in Nigeria, of which fight against piracy is inclusive. The NCC in addition to proper implementation of their duty enshrined in the Act also sets out policy initiatives and strategic plans in their mission and vision of curbing piracy. This can be

illustrated in their bid to provide avenue for rebranding the ideology of Nigerians towards the evil called piracy. This can be achieved through the use of Strategic Action Against Piracy (STRAP). This is a national anti-piracy campaign that employs various tools such as public enlightenment to combat all forms of piracy; empower local industries and attract foreign investment, through a sustained campaign, to restore the image of Nigeria as a country that upholds the ideals of creativity and abhors international crimes; and substantially raise awareness on piracy and other copyright infringements among Nigerians. In fulfilling this responsibility, the NCC has taken giant strides in the fight against piracy by dividing the commission into departments that perform varying functions and also aligning with some organisations like Google, for efficient and effective fight. Therefore it assists the NCC to fight against Internet piracy.

Other measures that could be used to eradicate the menace of piracy are discussed below.

**a. Enforcement of the copyright:** Stricter enforcement of the copyright law should be made and achieved through surveillance, investigation, anti-piracy raids, public destruction of confiscated pirated products, arrests, seizures and prosecution.

UNESCO (2009) provides some developments and perspectives that the Nigerian Copyright Commission has with regard to the enforcement of copyright law which are:

- i. provisions relating to criminal liability and penalties;
- ii. powers to apply to courts to destroy seized infringing materials vested in the Commission's Copyright Inspectors and right owners;
- iii. provision on punishment for corporate bodies to include winding up;
- iv. provision relating to simultaneous criminal and civil action to include proviso to allow the commission to apply to courts to stay civil proceedings initiated against it by a suspect;
- v. inclusion of provisions for registration of copyright by the establishment of a copyright register; and
- vi. provision on prohibition of importation of infringing copies of works vested in the Commission.

**b. Public Education Campaign:** There is the need to carry out more enlightenment campaign to educate the society as well as the creators of copyright and encourage the public to desist from illegal copying of works and the need to only purchase original copies of works to avoid litigation.

c. Use of technology-based deterrents like Internet Protocol Restrictions for electronic materials. Use of Digital Rights Management is also ideal for the protection of online materials.

### 3.0 Methodology

The pertinent issue of copyright violation which is having telling effects on the fortune of the publishing industry in Ibadan and indeed Nigeria constituted the problem of this study. The following five research questions were drawn from the objectives of the study:

1. What are the various forms of copyright violation?
2. How has copyright violation caused havoc to intellectual property?
3. What are the impacts of copyright violation on publishing firms?
4. What measures are being employed to combat copyright infringement?
5. How has e-publishing aided or discouraged copyright violation?

This study adopted the descriptive survey research design. The population of the study was the staff of the publishing houses that are based in Ibadan. Eight of these publishing houses were randomly selected and a total enumeration sampling method was employed to obtain the sample size of the 200 staff used for the study. The entire staff of the eight publishing houses namely: HEBN Plc, Evans Brothers (Nigeria Publishers) Limited, Spectrum Publishers, University Press Plc, Scholarship Books, Straight Gate Publishers, Stirling Horden Publishers, and Ibadan University Press therefore constituted the population of the study as reflected in Table 1.

**Table 1 Population of the study**

Name of publishing house	Number of staff
Evans	40
HEBN	30
Spectrum	40
University Press	30
Scholarship Books	10
Ibadan University Press	10
Stirling Horden	20
Straight Gate	20
<b>Total</b>	<b>200</b>

Source: Human Relations Unit of the Publishing Houses

The research instrument employed was the questionnaire. Copies of the questionnaire were administered to the staff of the selected publishing houses. The staff were given ample time to complete the questionnaire, afterwards the completed copies were retrieved and collated for analysis. The analysis of data was done using the descriptive statistics of frequency count, percentage, mean and standard deviation and statistical package for the social sciences (SPSS). The analysis of data was presented in tables.

#### 4.0 Results and discussion of findings

Table 2: Demographic characteristics of respondents

Variables	N	%
<b>Age Group</b>		
Below 20	36	22.5
20-30	84	52.5
31-39	32	20.0
40-49	6	3.8
50-59	2	1.3
60 and above	-	-
<b>Total</b>	<b>160</b>	<b>100</b>
<b>Gender</b>		
Male	88	55.0
Female	72	45.0
<b>Total</b>	<b>160</b>	<b>100</b>
<b>Religion</b>		
Christianity	150	93.8
Islam	10	6.3
<b>Total</b>	<b>160</b>	<b>100</b>
<b>Marital status</b>		
Single	66	41.3
Married	94	58.8
<b>Total</b>	<b>100</b>	<b>100</b>

The distribution of demographic information of the respondents revealed that most of the staff of the publishing houses 84 (52.2%) were between 31-39 years of age while only 2 (1.3%) was 60 and above. This implies that most of the staff still had age on their side and as such were still very productive. The staff comprised more males 88 (55.0%) than females 72 (45.0%) and most of them practiced Christianity 150 (93.8%) as against 10 (6.3%) who practiced Islam.

This section discusses the demographic characteristics of respondents, analysis and results, and discussion of findings.

#### 4.1 Demographic characteristics of respondents

The analysis of the data collected for the study is presented in this section. Two hundred (200) copies of the questionnaire were administered to the staff of the publishing houses, out of which 160 were returned and found useful for analysis giving a response rate of 80%.

The result on marital status also showed that most of the respondents 94 (58.8%) were married and 66 (41.3%) were single.

#### 4.2 Analysis and results

This section discusses the research questions and the results obtained there from.

**Research question one:** What are the various forms of copyright violation?

Table 3: Forms of copyright violation

Copyright violations	Yes		No	
	Freq.	%	Freq.	%
Plagiarism	120	75.0	40	25.0
Piracy	154	96.3	6	3.8
Photocopying	140	87.5	20	12.5
Duplication of web pages	100	62.5	60	37.5
Mutilation of books	92	57.5	68	42.5
Illegal downloading	122	76.3	38	23.8
Sale of publications without author's consent	148	92.5	12	7.5



Table 3 presents the views of the respondents on the different forms of copyright violations. Findings showed that majority of the staff of the publishing houses 154 (96.3%), 148 (92.55%) and 140 (87.5%) identified piracy, sale of

publications without author's consent and photocopy services as the greatest acts of copyright violation facing the industry. Though 6 (3.8%), 12 (7.5%) and 20 (12.5%) did not consider these acts as forms of copyright violation.

**Research question two: How has copyright violation caused havoc to intellectual property?**

**Table 4: Copyright violation and its havoc to intellectual property**

Statement <sup>A</sup>	SA Freq. %	A Freq. %	D Freq. %	SD Freq. %	$\bar{x}$	SD
Low productivity	72 45.0	74 46.3	12 7.5	2 1.3	3.35	0.67
Reduction in creativity	56 35.0	74 46.3	26 16.3	4 2.5	3.14	0.77
Loss of income	86 53.0	72 45.0	2 1.3	- -	3.52	0.52
Retardation of economic growth	66 41.3	86 53.8	6 3.8	2 1.3	3.35	0.62
Loss of job	54 33.8	82 51.3	20 12.5	4 2.5	3.16	0.73
Loss of prestige	50 31.3	84 52.5	18 11.3	8 5.0	3.09	0.79

Table 4 indicates that the respondents were affirmative in their opinion that copyright violation had really wrecked havoc on intellectual property. Most of the staff of the publishing houses 86 (53.8%), 86 (53.8%), 84 (52.5%) and 82 (51.3%) all stated that copyright violation had caused retardation of economic growth, loss of income, loss of prestige and loss of jobs. These views were rejected by 2 (1.3%), 8 (5.0%) and 4 (2.5%) who disagreed with the majority. The implication of this is that when the intellectual properties of authors are not respected, the

publishing houses may not succeed in the marketing of the titles. If this situation arises, the profit that was supposed to be made will not be possible. This could lead to financial loss on the part of the management of the publishing houses which, logically, will affect staff remuneration and eventually may lead to loss of jobs. If this happens to a publishing house, the prestige such a company has hitherto enjoyed will be lost. This is an unpleasant ripple effect of an act of copyright violation.

**Research question three: What measures are being implemented to combat copyright infringement?**

**Table 5: Measures employed to combat copyright infringement**

Statement	SA Freq. %	A Freq. %	D Freq. %	SD Freq. %	$\bar{x}$	SD
Effective inter-agency cooperation (aligning with organisations like Google)	18 11.3	16 10.0	88 55.0	38 23.8	2.09	0.88
Public education campaign	84 52.5	42 26.3	26 16.3	8 5.0	3.25	0.91
Enforcement of penalties for copyright violators	56 35.0	94 58.8	8 5.0	2 1.3	3.27	0.61
Use of anti piracy devices like watermarks for books	78 48.8	56 35.0	26 16.3	- -	3.31	0.75
Use of technology - based deterrents like Internet protocol restrictions	54 33.8	44 27.5	54 33.8	8 5.0	2.90	0.93
Use of Digital Rights Management (DRM)	40 25.0	58 36.3	20 12.5	42 26.3	2.60	1.13
Stricter enforcement of the Nigerian Copyright Commission's laws	82 51.3	54 33.8	22 13.8	2 1.3	3.35	0.76
Enforcement of control at the point of printing	44 27.5	92 57.5	24 15.0	- -	3.13	0.64

Table 5 highlights the various measures that publishing firms can make use of to combat copyright violation of different forms. Findings showed that the most used measures implemented to combat copyright violation by the publishing firms

as expressed by majority of the staff of the publishing houses: 84 (52.5%), 82 (51.3%) and 78 (48.8%) were public education, stricter enforcement of the Nigerian Copyright Commission's laws and Use of antipiracy devices like watermarks for books respectively. On

the other hand, 8 (5.0%) and 2 (1.3%) were not in support of those measures. However, most of the respondents 88 (55.0%) disagreed that they used effective inter-agency cooperation (aligning with organisations like Google) to combat copyright violation, while 16 (10.0%) chose the "agree" option. This result reveals the measures that are applicable

within the Nigerian context. Copyright violation in this society basically affects print publications like books and as such inter-agency cooperation like aligning with Google will not suffice. The most used practical method for combating copyright violation is public education campaign.

**Research question four:** What effect does copyright violation has on your publishing firms?

**Table 6: Effect of copyright violation on publishing firms**

Statement	SA Freq. %	A Freq. %	D Freq. %	SD Freq. %	$\bar{x}$	SD
Loss of reputation	56 35.0	58 36.3	46 28.8	- -	3.06	0.79
Low income	80 50.0	70 43.8	10 6.3	- -	3.44	0.61
Reduction in production	50 31.3	90 56.3	18 11.3	2 1.3	3.18	0.67
Scarcity of books	40 25.0	86 53.8	32 20.0	2 1.3	3.03	0.71
Loss of commitment by staff	36 22.5	62 38.8	56 35.0	6 3.8	2.80	0.83
Slow corporate progress	40 25.0	76 47.5	36 22.5	8 5.0	2.93	0.82
Poor remuneration of staff	42 26.3	80 50.0	34 21.3	4 2.5	3.00	0.76
Poor quality of book in the market	44 27.5	68 42.5	44 27.5	4 2.5	2.95	0.81

Table 6 reveals that the copyright violation had negative effect on the publishing firms as most of the respondents 90 (56.3%) stated that the production level can be reduced as a result, though 2 (1.3%) disagreed with this view. Low income, poor remuneration of staff and slow corporate progress

were also part of the identified negative effects of copyright violation on the publishing firms as expressed by 80 (50.0%) and 76 (47.5%) of the respondents respectively. Even though 4 (2.5%), 10 (6.3%) and 8 (5.0%) had opinion that differed from that of the majority.

**Research question five:** How has e-publishing aided or discouraged copyright violation?

**Table 7: Influence of e-publishing on copyright violation**

Statement	SA Freq. %	A Freq. %	D Freq. %	SD Freq. %	$\bar{x}$	SD
Easy access	70 43.8	80 50.0	8 5.0	2 1.3	3.36	0.64
Downloading	62 38.8	84 52.5	12 7.5	2 1.3	3.29	0.66
Subscription	52 32.5	80 50.0	28 17.5	- -	3.15	0.69
Digital Rights Management (DRM)	48 30.0	88 55.0	20 12.5	4 2.5	3.13	0.72
Duplication of web pages	30 18.8	94 58.8	32 20.0	4 2.5	2.94	0.70

Majority of the respondents 94 (58.8%), 88 (55.0%) and 84 (52.5%) were of the view that electronic publishing had encouraged duplication of web pages, digital rights management (DRM) and downloading of electronic documents. Although, 4 (2.5%) and 2 (1.3%) had a contrary view. This implies that just as electronic publishing has the capability to aid copyright violation; it can also serve as a deterrent to it.

#### 4.3 Discussion of findings

On the research question one on the various forms of copyright violation, the study revealed that the major forms of copyright violation as identified by majority of the respondents were piracy,

photocopy services, illegal downloading and plagiarism. This implies that piracy is a phenomenon that has assumed a dangerous dimension due to the number of the individuals involved in the act. Piracy is a nefarious act that is getting wider by the day. The prevalence of piracy especially in the developing world reveals that piracy is one of the manifestations of poor economic conditions of individuals. Due to the harsh economic situation, some engage in piracy and even lure others to join. Photocopy is another act of copyright violation that has been described as the greatest threat to intellectual property (Okwilagwe, 2007:18). Ajegbomogun (2011: 163 – 176) also supports this view by stating that one of the major ways of violating an author's right is through

photocopy. This action is really an issue, the reality of which dawns clearly when one visits higher institutions in Nigeria and their surrounding environments. The magnitude of photocopy services that go on leaves one to wonder how authors will make economic gains in this situation.

Research question two was on how copyright violation has caused havoc to intellectual property. Findings showed that majority of the staff of the publishing firms noted that copyright violation had negatively affected intellectual property as it could lead to retardation of economic growth, loss of income, loss of prestige and loss of job. Echebiri (2005:212) noted that:

*Up till the early nineties, pirates were considered, by member publishing firms of the Nigerian Publishers Association (NPA), to be responsible for the stealing of between 40% and 60% of their (the publishers') legitimate market. Today ... we could be talking of up to 80% or more market encroachment by book pirates ...*

In a similar vein, Odunowo (2002: 54 – 65) agrees with this finding by stating that copyright violation could bring about loss of income.

In response to research question three on the impacts of copyright violation on publishing firms, the study revealed that copyright violation leaves a chain reaction as it would put people out of business and drain Nigeria of her economic gains if it is not put under control. Okwilagwe (2007:22) submitted that loss of royalties to authors, accumulation of unsold copies by booksellers as a result of piracy-saturated market, and destruction of publishing businesses through price undercutting by pirates; among others, are some of the destructive impact of piracy. Logically speaking, if pirates are allowed to operate unhindered, publishing houses will not break even, the staff may not be adequately remunerated, they may not be able to keep their jobs and authors will not make economic gains from their intellectual property. In this kind of environment, economic development will be in limbo.

Research question four focused on the measures employed to combat copyright infringement. Findings revealed that the combating measures employed by most of the publishing firms included public education campaign and stricter enforcement of the Nigerian Copyright Commission's laws. The essence of this was to discourage others from joining in the act. The study challenged all the stakeholders: publishing firms, authors, professional bodies, regulators, educational institutions and the law enforcement agencies to

confront the albatross and incapacitate the influence of these pirates on the publishing industry. This finding was corroborated by Okediran (2003: 3) that urgent education of all the stakeholders in the book business, expedition of speed of litigations by the judiciary, stiffer penalty for offenders, and stemming the tide of books scarcity by publishers will be antidotes for the nefarious activities of pirates. In the opinion of Ali in <http://www.yusufali.net/articles/>, "the penalties provided for infringement of copyright under the Act should be stiffer. Anyone that infringes a copyright is like a robber and should be treated with some measure of penal seriousness".

As noted by the respondents, this becomes essential because copyright violation had resulted in reduction in the level of published materials, low income, poor remuneration of staff and slow corporate progress. By implication, this dastard act also impacts negatively on the economic fortune of the country. Results to research question four also showed that electronic publishing had the potentials to aid or discourage copyright violation as duplication of web pages, Digital Rights Management (DRM) and downloading of materials can all be done through e-publishing.

## 5.0 Conclusion

Based on the findings of this study, it was apparent that piracy was identified as the major form of copyright violation and it is not only common with print materials but also with non-print. This menace has negatively affected the entire publishing sector in Ibadan and by implication, the whole of Nigeria. High rate of poverty and scarcity were identified as the main factors responsible for copyright violation in Nigeria. The establishment of many photocopying outlets is a pointer to the prevalence of this monster. The study revealed that the measures applied for the eradication of copyright violation were treated with levity and as such calls for stricter and purposeful enforcement.

## 6.0 Recommendations

The study recommends the following as eradication measures for copyright violation in Ibadan in particular and Nigeria in general.

- i. Public enlightenment program should be made to create more awareness to the masses on copyright laws and the consequences that are attached if the law is violated. Copyright education should also be included in school curriculum to increase

- the awareness level.
- ii. Governments and publishers should collaborate and fight against copyright violation together. This would yield a better result as the popular saying “two good heads are better than one” has been proven right. \*
  - iii. Publishers should make books and even online publications affordable; this would go a long way in eradicating copyright infringement.
  - iv. Libraries, librarians and lecturers could also help in increasing the level of awareness of copyright laws among students by organising orientation programmes to raise students' awareness of copyright laws and motivate compliance.
  - v. Commercial photocopying operators should be asked to pay royalty for excessive photocopy; the payment of these royalties will help to reduce the extent of illegal photocopying and thereby stem the tide of infringement of printed copyrighted materials.
  - vi. Use of subscription to reduce the infringement of online publications. This would make users know the value of authors and their creative works.
  - vii. Alliance of organisations like Google with publishers to protect online publications for efficient and effective fight against copyright violation should be encouraged.

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