

## INSTITUTIONAL REPOSITORIES AND COPYRIGHT LAW ISSUES IN NIGERIA

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### ABSTRACT

This paper examines the Nigerian copyright law issues from the perspectives of patients' rights to ownership of intellectual property. This is also examined from the perspectives of general library practice all over the world and how it affects institutional repository. The paper proves that copyright allows institutional repository the right to store, view and photocopy. Institutional repository is a form of collating local content produced in an institution and organized electrically into a database. This database is continually upgraded as new publications come. It is then made accessible both to the immediate community, as well as the larger world. The benefits include promoting the institutional research works, and the authors. It also serves as a means of research grants to individuals and institution.

**Keywords:** Copyright, institutional repository, research grants.

### INTRODUCTION

Intellectual works are information emanating from research and used for national development. As a result, it is the concern of this study to know how research materials in an institution are organized and disseminated in Nigeria without an infringement on the rights of owners. Presently in Nigeria, the right for "freedom of Information" has sharpened the hope of many concerned citizens. This was conceived in 1993 by Media Rights Agenda (MRA), CLO and NUJ. This act as stated enriches the collections of libraries noting that the public documents which have veritable information resources would be accessible. Others say that this act has no connection with intellectual knowledge. It is in this light that this paper relates "information for all" to institutional repositories. Hence, this paper attempts to find out how the two variables meet to promote the interest of material development in Nigeria, with reference to research works. Copyright law is a universal concept and a form of protection for ideas already created by law and relative to every nation or country, Okwilagwe (2001). The origin is traced to the Berne Convention in 1886. Finally in 1979, many countries of the world, including Nigeria signed the treaties in Paris Convention. Sveum(2008) says there are two basic rights belonging to the copyright holder, namely;

- i. The right to reproduce an intellectual work
- ii. The right to make it accessible to the public

Hoorn and Graaf (2006) maintained that exploitation rights (right on sales) and moral rights (the authors right to be cited and acknowledged as the owner of a work) are the gains copyright confers on right(s) holder.

## OBJECTIVE

The University Library collections are organized for preservation and provision of access to users. It is a professional challenge to acquire, organize and disseminate such information to bona fide users and as well a policy requirement to meet certain needs. This is central to the academic excellence of any tertiary institution in order to achieve the objective of learning, teaching and research. The immediate objective is to collate available achievements in research within the institution and also provide a remote promotion of the institution to the world, when the output of its researches is accessible and valued.

## LITERATURE

### Institutional Repositories

In Nigeria, this idea started when the Federal Government desired the intention of indigenizing the oil and gas sector as much as possible. According to Adebayo (2009), this policy was aimed at arresting the huge capital flight that usually flows to foreign firms and countries. However, the libraries have a slight different meaning, though related with the idea of looking inward in terms of knowledge generation, dissemination and utilization. It therefore implies the use of indigenous knowledge to a particular group of people. Salawu (2010) says it is an “expression and communication of a community locally owned and adopted knowledge, as well as experience cumulated over the time. This implies that institutional repositories are concerned with knowledge generation from a community for the purpose of socio-political and economic development. Rosenberg (2005) noted that University Libraries in Africa have always acquired locally published materials as well as those published elsewhere which relate to their particular country. Some of these materials may include what has been produced within the institution, e.g., Thesis and Dissertation, Research Reports, Papers presented at Conferences and Journal Articles written by members of academic staff and the community. Salawu (2010) added that the creation of institutional repository and their communication to the international community will enhance the globalization of Nigeria’s research publications. He identified the followings as key areas, namely:

- i. Journals
- ii. News Publications
- iii. Textbooks/ Monographs
- iv. Government Documents
- v. Historical Reports
- vi. Thesis and Dissertations
- vii. Research Reports, etc.

Srisard (2009) has also noted that local information materials are unique and distinctive part of library resources which are highly valued by Users. This is because the collection reflects the socio-economic, political and cultural values of the community achievements. These collections are in real sense of it the representative of the cultural heritage of the people. In another study of Gosh and Das (2007), it was argued that institutional repositories facilitate the free availability and dissemination of scholarly research globally. This reduces the problems created by Journal access barriers common in developing countries. Another study conducted in Greece, Chantavaridou (2009) reported that many institutions in the country were creating Institutional Repositories, using two major soft ware’s, namely Dspace and CDS Invenio. The study also reported that copyright issue was one of the major problems in

Greece. In relation to the above, Chiware (2007) identified training of Librarians for digital era as another problem of creating institutional repositories in Africa. According to him, many librarians who are usually at the centre of the digitalization of IR do not obtain the requisite training and skills required for the job. Tools and resources required for the building of digital collections, collection development and management of digital resources should also be provided. A recent study by Kakai (2009) indicated that African Continent had 23 visible institutional repositories from eight countries, with fifteen of them coming from South Africa. An earlier work by Christian (2008) reported that Africa had twenty IRs with fourteen of them coming from South Africa.

### Copyright Laws in Nigeria

Copyright law is a universal concept and a form of protection for ideas created as provided by the laws of any sovereign state. The origin is traced to the Berne Convention of 1886. Nigerians have viewed the issue of copyright from many perspectives. According to Ifidon (1990), the copyright law does not offer much protection to copyright owners because the law allows the photocopy of two or more chapters of a publication. The more expensive such publications are, the more extensive the photocopying is. Bankole (1988) also noted that books are pirated because of the inability of publishers to serve the market, where books are needed. His argument is that, for a copyright holder to stop piracy, he must not create a vacuum for scarcity. He traced the history of copyright to indicate that satisfaction and fame are the ideas behind man's creative efforts rather than money. In his contribution, Nwafor (1991) advanced the reasons responsible for piracy in developing countries to include;

- i. Very high cost of books in relation to average income
- ii. The scarcity of publishing materials like paper, machinery, ink, etc and
- iii. The infant state of the publishing industry in meeting educational research needs

In his words, Ekpo (1991) said the Nigerian copyright council inaugurated in August 1989 is currently engaged in wide-ranging discussions with Nigeria authors, societies and associations of copyright users with a view to setting-up satisfactory administrative structures for the collection and distribution of royalties nationwide.

### METHODOLOGY

This work used the documentary research method. This design involves gathering data from authenticated documents for analysis. The documents used for this study are copyright laws as contained in documentaries and works on Institutional Repositories from tertiary institutions. All these sources provided relevant data and information for the study. It was beyond the scope of this paper to study the copyright laws of all nations, but the way it is practiced in Nigeria.

### FINDINGS

**Table 1: Values of Local Content and Institutional Repositories i.e**

Local Content Materials	Frequency	%
Thesis and Dissertations	72	96
Publications of staff (books, Journals, etc)	71	94.6
Faculty / Department Journals	70	93
Conference Proceedings	69	92

Inaugural Lectures	67	89
Conference and Seminar Papers	65	86
Institutional Newsletters	61	81
Senate Publications	60	80
Public Lectures	59	78.6
Vice Chancellors Address	58	77
Ceremonial Reports	58	77
Faculty / Departmental Reports	48	64
Local Newspapers	47	62
Students' News Magazine	41	54
Course Contents	37	49
Lecture Notes	25	33
Students' Term Paper	24	32
Examination Question Papers	21	28
Students' Industrial Attachment Reports	19	25

### Adopted from NLA Conference Paper, Akwa 2011

The table shows methods libraries used in the acquisition of local content materials. A questionnaire of 75 items was used to score the materials above. Students industrial Attachment Report, up to course contents score below 50% and were not considered as good materials for institutional repositories. Whereas Thesis and Dissertation score the highest among others considered very good materials for institutional repositories. This is not surprising as all these materials are very scholarly research outputs which is one of the characteristics of IRs according to Crow (2002) and Shearer (2003). On the method of acquiring local content materials Ezema (2011) stated that staff should be encouraged to deposit their publications in the library. This finding is not out of place because these materials are hardly purchased from the market through the vendors. This kind of encouragement could be done by creating awareness on the likely benefits of publishing in institutional repository. Similarly, another effective method is by mandating faculty and departments to deposit their publications to the library. This finding corroborates with the argument of Harnad (2009) that a major success factor for Institutional Repositories is through the use of mandate. This is relevant, considering the reluctance of authors in submitting their materials for publications in Institutional Repositories project. In alternative, these materials can be purchased from the publishers using part of the library budgets.

Institutional Repositories cannot be possible without the digitization of materials. Submission of electronic copies will facilitate the digitization of the materials in readiness for the Institutional repositories. Findings also show that only indexed local contents are published in Institutional Repositories. These materials must also carry digital signatures assigned to them. The purpose is for quality control, and indication that the document has been authenticated by the library. The question of integrating a local content with other library resources is a matter of institutional policy, which must be guided by copyright laws. This is imperative in order to ensure firm control over these rare research materials.

### COPYRIGHT LAWS

This work has established that copyright laws for ownership of materials exist in the following forms and not against the setting-up of institutional repositories. They are;

- i. That the copyright law refer to literary, artistic and cinematograph works and other things that may be considered under them.
- ii. That the copyright law agrees that copyright in a work is not a protection of the idea rather is a protection for the labour and skills put in the production of the work.
- iii. That the conditions of infringement are the same, wherein every form of substantial copying , aiding, publishing or otherwise by manual or electronic without the permission of the owner infringe the law and may be punishable.

## CONCLUSION

The problems of Institutional Repositories in Nigeria are poor ICT infrastructure, lack of awareness of publishing in Institutional policies of Institutional Repositories, irregular power supply and man power training. Christian (2008) further identified these problems as lack of awareness, few institutional repositories and poor ICT and internet connectivity. Other problems include:

- i. Poor institutional funding of Institutional Repositories.
- ii. Absence of Institutional Repositories policies.
- iii. Lack of adequate software.
- iv. Low internet bandwidth in the country, etc

Chiware (2007) has also emphasized the need for librarians to be retrained in order to face the challenges of information services. The proper organization and dissemination of local content documents still remain very low in Nigeria and important to research literature. The benefits of Institutional Repositories to a country, institution and authors cannot be underscored. It is therefore imperative to use the vision of Institutional Repositories in promoting institutional research works and the authors in the world of information economy.

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