

**ETHICAL ISSUES IN INFORMATION RESOURCES UTILISATION: THE COPYRIGHT  
SITUATION IN NIGERIAN UNIVERSITIES**

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**Abstract**

*This study investigates ethical issues involved in utilising information resources in Nigerian universities with a focus on application of Copyright law. Survey method was adopted in carrying out this research. Structured questionnaire was employed to obtain data from respondents across three federal universities in Nigeria. Data were analysed using counts, frequencies, percentages and inferential statistics. Findings revealed non-compliance to Copyrights law in Nigerian Universities. However, lack of awareness of the law especially the concepts of fair use and plagiarism, little or no knowledge of how to apply the law, lack of penalty for violators and non-enforcement are major reasons for infringement. The study recommends that to increase awareness and knowledge of application, teaching of copyright law should be embedded in university curriculum as a compulsory course at all levels. Also, plagiarism check software should be made available in universities at no cost and copyright committee should be constituted in each university across the nation to ensure enforcement of the law. Lastly, Librarians working in academic libraries should be conversant with the copyright law and its applications so as to guide library users in the use of what is fair and otherwise. This will make the job the of policy maker (Nigeria Copyrights Council) more effective.*

**Keywords: Ethics, Information Resources, Utilisation, Copyright, Universities, Nigeria.**

**Introduction**

Naturally, libraries collect, process, disseminate and preserve original works of authors to meet the information needs of its teeming patrons. Library patrons access the collections for research purposes, and often seek to include scans and photos of items from the collection in their publications and other projects (e.g. documentaries) though the libraries are rarely the copyright owner for these materials (Couch, 2015). The concept of copyright as it relates to library services has to do majorly with dissemination and utilization of information resources in the right way where credence is given to author of used works. Therefore, issues relating to information that is protected by federal copyright law, length of copyright protection, what rights a creator or copyright owner has, the concept of fair use, plagiarism as well as what is in the public domain (Jill, 2018) should not be taken for granted by library users.

Copyright is significant specie of Intellectual Property (IP), which includes: literary works, musical and artistic works, cinematographic films, sound recordings, and broadcast (Adeniyi (2013). It is the protection that covers published and unpublished works that can be seen, heard or touched and an incentive for authors to create new works (Fabunmi, 2007) Fabunmi further stressed that it is ‘the monopoly rights granted to authors and creators in order to make sure that adequate returns are made from their work so as to encourage the creation of intellectual works’. In other words, the concept of copyright emanated from intellectual property right which as a phenomenon addresses individual’s exclusive right to his creation.

The underlining factor behind information ethics is concerned with the moral dilemma and ethical conflicts that arise in interactions between human beings and information (creation, organization, dissemination and use); information and communication technologies (ICTs); and information systems. The concept of fair use and plagiarism are legal terms permissible where ethical uses of copyrighted materials are concerned, and because libraries as entity are established to house literary works regardless of its form and format for the purpose of dissemination in other to enhance knowledge transfer; it has become imperative for librarians to be active players in the enforcement of copyright policy where emphasis is being laid on the quantum of intellectual work an individual can take from other people’s intellectual property. More so for academic libraries, whose main objective is to collect, process and disseminate intellectual creativity of members of university community it serves in other to enhance research and development, safeguarding research products from exploitation and apparent theft must be seen and treated as a major business.

### **Statement of Problem**

Of late, there has been increased awareness on issues that bother on copyright across the globe. Educational institutions are becoming very unfriendly on matters that have to do with plagiarism. The concept of fair use is being preached among the academia and sanctions are being applied where and when necessary. In many societies, the use of anti-plagiarism software is the order of the day. Even in the secular world, authors and creators of ideas (musicians, artists and so on) are beginning to lay claims to their rights. Even so, it is not certain if this law is effective in Nigeria. This study aims to bring to the fore the level of awareness and the extent to which copyright law is being enforced in Nigeria especially in the academia.

### **Objectives of the Study**

The following objectives would guide the study:

1. Examining the awareness level of copyright law in using information resources in Nigerian universities.
2. Assessing the extent to which scholars in Nigerian universities apply Copyright law in their utilization of information resources.
3. Examining the extent to which copyright law is being enforced in the use of information resources among this group of people;
4. Identifying factors responsible for copyright infringement in the use of information resources in Nigerian universities.

### **Hypotheses**

Two null hypotheses were formulated for the study. These are:

H<sub>0</sub>1: There is no statistical significant gender difference in application of copyright law.

H<sub>0</sub>2: There is no statistical significant difference in the breach of law between gender

### **Review of Related Literature**

#### **Application of Copyright Law in the Use of Library and Information Resources**

A typical library houses primary, secondary and tertiary sources of information some of which are rare and special in nature. Enimil (2015) emphasizes that copyright touches many library services because libraries collect, share and loan original works fixed in a wide variety of tangible media. This assertion is further supported by Fernández-Molina, Moraes, and Guimarães (2017) by stressing that:

*'most informational resources that make up university library collections are copyrighted works, meaning that a good proportion of the everyday activity of these libraries comes into contact with copyright law. We can find a wide array of examples. If one copies, photocopies, scans, or digitizes a work, the right of reproduction must be taken into account, as it does when something is downloaded from the Internet'.*

In the United States of America, libraries rely on Section 108 of the U.S copyright law to provide copies to patrons for private study, without permission from the copyright holder (University of Michigan, 2019; Oregon State University, 2018), and patrons are ultimately responsible for obtaining any necessary rights to use the materials going forward (Enimil, 2015). In the United Kingdom, the exceptions that apply to librarians are commonly referred to as 'library privilege', and although the term is not used specifically in law, the library profession (along with archivists) is given a dedicated section in the Copyright, Designs and Patents Act 1988 (the CDPA) that governs how librarians can supply material to their users, but also to other libraries, or to replace material in their own collections (Morrison & Secke, 2016). The duo further explain that these uses are covered in the copyright guide and while it attempts to be relevant to all types of libraries, particular attention is paid to public, academic and research libraries. In Ghana, reverse is the case. The permitted use of work protected by Copyright in the Ghana Copyright Act is not only inadequate, but a dilemma to librarians. This is because section 21(1) of the act which restricts libraries that are "not for gain" to making only a single copy of a book for replacement or for preservation purposes, will not only aggravate the chronic shortage of books and materials for students but also a contradiction to the Berne Convention<sup>23</sup> which does not expressly restrict the number of copies of material that can be made for teaching purposes (Darkey & Akussah, 2009).

In Nigeria, libraries are permitted to reproduce a copyrighted work and make it available to their users if the work is not available for sale to the public and paragraph (q) under the 2nd Schedule to the Nigeria Copyright Act limits the number of copies to 3. Under educational purpose, where we have the use of work for research and private study, the paragraph (r) of the 2nd Schedule to the Act limits this exception to an "unpublished literary or musical work kept in a library, museum or other institutions to which the public has access" (Nigerian Law Today, 2013). In view of the ongoing, perhaps it is necessary to ask if library and information professionals really have the required knowledge of copyright law and how it applies to their work. This is so essential because most information resources that make up university library collections are copyrighted works, which implies that a good proportion of daily activities of these libraries expose them to copyright law in the area of users copying, making photocopies of materials, digitizing a work, and making a work available to the public over the internet or intranet (Fernández-Molina, Moraes, Guimarães, 2017). This argument brings to the fore the concept of limitations and exceptions under the copyright discourse. Limitations and exceptions otherwise known as fair use refer to what is permissible under the law (exceptions) when using an individual's intellectual property.

### **Fair Use**

The concept of fair use under the copyright law allows certain uses of copyrighted material without permission from the copyright holder. Fair use is one of the exceptions and limitations to copyright law while others include certain uses during face to face teaching and distance learning as well as certain uses by libraries and archives (University of Michigan Library, 2019). As far back as 1992, fair use has been described as both a privilege and source of confusion (Crews, 1992). According to Crews, nearly everyone will disagree on what is "fair," and no one has a definitive, legally binding "answer." This ambiguity in description of what is fair use made the United States congress not to be able to give the exact parameters to what its statute is thereby concluding that fair use depends on the circumstances of use.

Ogar and Oyeniran (2019) observe that 'fair use' in college and university setting refers to the utilization of libraries materials either in traditional or electronic format within the provision of copyright law relating to the authorized and ownership of literary works. It relates to the granting of some limited rights and privileges to the use of library materials based on author permission provided in the copyright legislation'. The duo

emphasise that copyrighted resources generally used for face to face classroom instruction, distance learning instruction, theatre, sport, musical and other artistic and athletic instructions that are targeted at teaching and learning should be so categorised under fair use once such performance is not open to non-class members.

In general, uses that may be considered fair include teaching, research, criticism, scholarship, comment and news reporting but, these uses in and of themselves don't automatically qualify as fair (University Library System, 2019). The United States Copyright Law Section 107 stipulates four factors to consider when talking about fair use as follows: purpose and character of the use, including whether such use is of commercial nature or for non-profit educational purposes; nature of the copyrighted work (e.g., whether it is factual or creative in nature); amount and substantiality of the portion used in relation to the copyrighted work as a whole; and effect of the use upon the potential market for, or value of the copyrighted work. It must be noted that countries like Brazil and a few others are yet to include library exceptions and limitations in their copyright law (Fernández-Molina.; Moraes, & Guimarães, 2017).

In summary, the concept of what is fair when it comes to the use of other people's works may not be as easy as one thinks. This is because fair use is not all about the quantum of what is taken from other people's works but also the quality. University Library System (2019) stresses that "it's important to pay attention to what you're using, not just how much. Is what you're hoping to use the "heart of the work"? One key aspect of fair use that cannot be overlooked is the fact that it is beneficial for teaching, research and knowledge sharing.

### **Copyright Infringement in the Academia: The Role of Libraries**

IFLA came up with a position on Copyright issues for libraries where it stated clearly that 'Copyright limitations and exceptions provide balance between users and creators of protected works' (IFLA, 2018). This position further explains the fact that 'Copyright gives authors and creators exclusive 'economic' rights to exploit their works, for example to sell or copy them, as well as moral rights, such as to be named as the author, or to object to changes. In spite of these legal flexibilities people still violate copyright law.

In developing nations, violating copyright law is a common phenomenon. In Nigeria for instance, copyright law is not effectively administered and this is responsible for its persistent violation which manifests in terms of plagiarism, photocopying and piracy (Nwogu, 2015). However, the library occupies a strategic position which enables librarians to provide assistance and advice to users on copyright issues as it affects their use of other people's works so as to prevent plagiarism (Fernández-Molina, Moraes, & Guimarães, 2017). Therefore, where the use of information resources is concerned, it is the sole responsibility of librarians to protect the copyright of authors by discouraging library users from infringing on copyright law (Fabunmi, 2007). To function in this perspective, 'understanding domestic and international copyright law principles will help librarians ensure copyright compliance within their organization and lower copyright infringement risks' (CopyrightLaws.com, 2019). There is need for library and information professionals to obtain 'basic understanding of copyright law and licensing electronic resources' especially those that has to do 'with principles such as fair use and be confident copyright decision makers (CopyrightLaws.com, 2019). According to CopyrightLaws.com, some of the issues that must be addressed within the borders of copyright laws include: photocopying and scanning articles, applying fair use to a variety of situations, understanding exceptions set out in the copyright law, determining and researching when a work is in the public domain, negotiating permissions with others for the use of their content, teaching others about complying with copyright law and so on.

Literature is replete with the fact that many library users are not aware of copyright laws. Where they are aware, the concept of what is fair for use and what is ambiguous are often confusing (Fernández-Molina, Moraes, & Guimarães, 2017) especially with the development of digital setting. In view of this, librarians must be alive to the responsibility of having the requisite knowledge of what copyright laws stand for, create the awareness among their users and ensure compliance so as to avoid its violation.

### **Labour Theory of Property**

John Locke’s labour theory of property postulates that a person has a natural right to enjoy the fruits of his intellectual labour. This theory also known as labour theory of ownership or labour theory of property holds that ‘human beings can use labour to establish their rights over the natural resources which creates a moral obligation upon others to respect these rights’. The labour of a man’s body and the work of his hands may be said to be his and when such a man takes something from the state that nature has provided and left it in, and mixes his labour with it, thus joining to it something that is his own; that way it becomes his property. This theory renders a great backing to the intellectual property rights of creators in the sense that authors/creators labour when they apply their intellect, time and resources to write/create. Though the resources they use in creating that substance is gotten from Mother Nature, they have the right to lay claim to the substance as their property and for any other person to use that substance, permissions must be granted.

**Methodology of the Study**

Descriptive survey method was adopted for the study. PhD Candidates admitted during the 2016/2017 academic session in federal universities in Nigeria constituted the study population. The justification for this is the fact that this class of PhD students having spent some years on the program must have gotten to the stage of writing their thesis where they depend on using information resources. Therefore, it is believed that they have more experience on the topic under study. Sample was drawn from three federal universities namely: Federal University of Agriculture, Abeokuta, University of Ibadan, and University of Lagos. Three hundred and fifty (350) PhD students were targeted as sample from each of the universities. This would give a total number of 1,050 respondents as sample size. Method of data gathering was questionnaire. Analysis was done using descriptive statistics consisting of counts, frequencies and percentages.

**Data Analysis and Results**

Out of the 1,050 targeted audience, 720 (68%) questionnaire were filled and returned. Table 1 presents the breakdown.

**Table 1: Breakdown of sample drawn from the three institutions**

S/N	Name of Institution	Sample per Institution	No of Respondents
1	Federal university of Agriculture, Abeokuta	350	168
2	University of Ibadan	350	321
3	University of Lagos	350	231
	<b>Total</b>	<b>1,050</b>	<b>720</b>

Table 1 revealed that highest number of respondents was from University of Ibadan. This is not surprising since university of Ibadan as the oldest degree awarding institution in Nigeria has upgraded its postgraduate school to a full college in order to increase its productivity level. To achieve this, the institution is concentrating more on postgraduate studies with emphasis on Undergraduate-Postgraduate students’ ratio of 4:6. (Olayinka, 2018 in Tribune Newspaper, Oct.11).

**Awareness of Copyright law and its concepts**

There are two main aspects of copyright law. These aspects have to do with exceptions and limitations when using other people’s intellectual property. These are ‘fair use and plagiarism’. Respondents were asked if they were aware of the copyright law and the concept of fair use and plagiarism. Table 2 presents respondents views.

**Table 2: Awareness level of copyright laws and its concepts**

S/N	Statement	Yes		No		Mean	Std. Dev.
		Freq.	%	Freq.	%		
1	Are you aware of copyright law?	198	27.5	522	72.5	1.77	.425

2	Are you aware of 'Fair use' concept?	169	23.5	551	76.5	1.23	.448
3	Are you aware of plagiarism concept?	166	23.1	554	76.9	1.28	.422
	<b>Grand mean</b>					<b>1.43</b>	

From table 2, it is obvious that respondents' awareness level of copyright law is high (mean= 1.77). However, awareness levels of fair use concept (1.23) as well as plagiarism (1.28) are low (1.28). Summarily, the grand mean as indicated on the table is 1.43. This is low and by implication, it means that majority of respondents were not familiar with what copyright law stands for.

### **Application of copyright law in utilization of information resource in Nigerian Universities**

Respondents were asked to indicate the rate at which they apply copyright law in their day to day usage of information resources. Table 3 presents the result:

**Table 3: Application of copyright law in utilization of information resource**

S/N	Statement	Usually	Occasionally	Rarely	Never	Mean	Std. Dev.
1.	Copyright law	97 (13.5%)	254(35.3%)	131(18.1%)	238 (33.1%)	2.45	1.020
2.	Fair use	132 (29.1%)	141(19.6%)	209 (18.2%)	238 (33.1%)	2.23	1.225
3.	Plagiarism	57 (7.9%)	148 (20.5%)	97 (13%)	418 (58.1%)	1.78	.979
	<b>Grand mean</b>					<b>2.15</b>	

Again, results of application of copyright law as indicated on Table 3 shows a grand mean of 2.15 for the 3 constructs. This grand mean is low and by implication, respondents do not apply copyright law in their use of information resources.

**Table 4: Postgraduate students' perception on the extent of enforcement of copyright law**

S/ N	Statement	SA	A	D	SD	Mean	Std. Dev.
1.	Copyright	46(6.4%)	74(10.3%)	342(38.5%)	258(29.0%)	1.87	.838
2.	Fair use	75(10.4%)	75(10.4%)	201(28.0%)	369(51.2%)	1.80	1.000
3.	Plagiarism	40(5.5%)	111(15.5%)	274(38.0%)	295(41.0%)	1.86	.876
4.	Grand mean					<b>1.84</b>	

Going by the grand mean of 1.84 as indicated on table 4, it is obvious that as at the time this study was conducted, there was no serious enforcement of copyright law in Nigerian universities where use of information resources is concerned.

### **Copyright Law Infringement in Nigerian Universities**

#### **Factors responsible for infringement of copyright law in the use of information resources.**

S/N	Statement	Freq.	Percentage
1	People are not aware of the existence of copyright law	94	<b>16.1</b>
2	Lack of awareness of the implications of violating the law	<b>89</b>	<b>15.6</b>
3	People have no knowledge of how to apply copyright law when writing	<b>79</b>	<b>13.9</b>

4	There are no penalties attached to violation of copyright law	77	13.5
5	No reporting strategy in place to get violators	18	3.2
6	Lack of software for plagiarism check	62	10.9
7	There is no active body to enforce the law	108	18.9
8	Inadequate training on proper referencing	16	2.8
9	Lack of continuous sensitization of the law	12	2.1
10	Library users are not educated on the laws	15	2.6
	<b>Total</b>	<b>570</b>	<b>100</b>

Respondents indicated some factors they presumed to be responsible for copyright violations in their institutions. Table 5 highlighted 10 major factors. Out of the 10, 7 outstanding factors in order of frequency (108, 94, 89, 79, 77, 62) ranked topmost as reasons for infringement of copyrights law in the institutions.

### Hypotheses Testing

H<sub>0</sub>1: There is no statistical significant gender difference in application of copyright law.

#### Group Statistics

	Gender	N	Mean	Std. Deviation	Std. Error Mean
Application of law	Male	430	7.2035	1.83226	.20881
	Female	290	6.3846	1.86399	.25849

#### Independent Samples Test

	Levene's Test for Equality of Variances	t-test for Equality of Means								
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Application_of_law	Equal variances assumed	.474	.493	2.473	718	.015	.81885	.33118	.16351	1.47419
	Equal variances not assumed			2.464	108.323	.015	.81885	.33229	.16022	1.47748

\*\*  $p=0.015<.05$

The p value is less than .05, which is significant. This means that there is a significant difference in the application of law between gender ( $t=2.464, p=.015<.05$ ). The result of the hypothesis showed that the mean level for male students is higher (7.2035) than that of female students (6.3846). Therefore, we reject the null hypothesis,

H<sub>0</sub>2: There is no statistical significant difference in the breach of law between genders

**Group Statistics**

	Gender	N	Mean	Std. Deviation	Std. Error Mean
Breach of Law	Male	465	3.6923	.73406	.07695
	Female	255	3.5800	.62383	.08822

**Independent Samples Test**

		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	Df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Breach of Law	Equal variances assumed	2.479	.118	.915	718	.362	.11231	.12273	-.13035	.35497
	Equal variances not assumed			.959	115.516	.339	.11231	.11707	-.11957	.34418

\*\*  $p = .339 > .05$

The p value is not significant ( $t = .959, p = .339 > .05$ ). The result of the hypothesis showed that the mean level for male students is not higher (3.6923) than that of female students (3.5800). Therefore, we accept the null hypothesis, which means that there is no significant difference in the breach of law between male and female postgraduate students. Both male and female postgraduate students breach copyright law.

**Discussion**

This study investigated ethical issues involved in utilising information resources in Nigerian universities with a focus on copyright application. As played out in this study where PhD students formed the study population, it is very evident from the findings that non-compliance to copyrights law is very high. This is as a result of some factors like low level awareness of copyright laws, lack of enforcement strategy in place, little or no knowledge of the implication of copyright infringement, absence of penalties attached to violation of the law and cases of infringements across board. Though worrisome, some of these findings corroborated previous studies. For instance, Vasudevan and Suchithra (2013) reported that doctoral students of University of Calicut, Kerala in India were less aware about plagiarism.

In the same vein, other studies established that level of awareness of copyright law among students in Nigerian universities is low (Onoyeyan, 2018; Eze, Ugwuanyi & Ugwu, 2016) However, this stand contradicted some other recent studies that affirmed that there is a significant level of awareness of copyright law in Nigerian universities though this has not reduced its infringement (Adum, Ekwencchi, Odogwu & Umeh, 2019; Tella & Oyeyemi, 2017). With these contradicting reports, the question to be asked is where exactly do we stand as a nation when it comes to copyright issues? Can we boldly say that all the stakeholders are aware of the law or otherwise? What is the implication of these contradictions? Could it be that while copyright policy makers are thinking they have done enough, yet a lacuna exists? Perhaps there is need to intensify efforts to ensure increased awareness of copyright law in Nigerian universities especially among the students regardless of their grade and level.



Apart from awareness issue, enforcement of law is another setback. This also confirmed Gado's (2016) report which stipulated that there is no enforcement strategy in place for copyright law in Nigeria. Obviously, the statutory body established to implement the law (Nigerian Copyrights Commission) is not doing enough. The Commission has been in existence for decades therefore it is expected that there would have been a wide publicity of the law especially among the stake holders. It is a known fact that universities as center for teaching, learning and research are major stakeholders in education and when we talk about copyright laws and its applications, the first place to check for is universities. Therefore, it is a minus and a serious indictment on the enforcers of the law if majority of those it is meant to guide are not even aware of its existence at this time in history.

However, since there is no enforcement, it is obvious that there will be infringements. This study ascertained that there are cases of infringements across board. That is, there is no difference in the level of violation among genders across institutions. The antidote therefore remains full enforcement across board. Various reasons for infringing copyright law were highlighted. Taking a critical look on the reasons raised in this study, it is only appropriate for stake holders (university management and Nigerian Copyrights Commission) to address these issues in order to proffer a lasting solution to the problem of copyright violations in Nigerian Universities..

### **Conclusion**

Having explored the copyright situation in Nigerian universities in relation to the use of information resources, it is obvious that there are gaps yet to fill and grounds to cover if we are to measure up with best practices and international standards. In spite of the proclamation made in 2016 by the then Executive Secretary of the Nigerian Universities Commission (NUC), Prof Julius Okogie to the Nigerian Copyright Commission (NCC) during a courtesy visit that NUC was ready to partner with them in carrying out awareness raising drive for both academics and students in Nigerian universities in order to check illegal copying and enforce the law (International Federation of Reproduction Rights Organisations, 2016), the result of this finding has revealed that awareness level is still low especially among students. Lack of enforcement of copyright law is a major challenge in Nigerian universities and stakeholders (Nigerian Copyrights Commission) need to address this menace as soon as possible. Institutions of higher learning in Nigeria can assist the stakeholders to actualize this vision by instituting a policy that will ensure enforcement of the law. This will be a step in the right direction as it will encourage scholarship and creativity.

### **Recommendations**

- There should be increased awareness of copyright law among scholars and to achieve this, it should be embedded in university curriculum as a compulsory course at all levels.
- Enforcement of right is of utmost importance in copyright matters just like any other proprietary right. Therefore, enforcement backed with penalties for violators should be ensured.
- Librarians especially in university libraries should assist library users by guiding them on the concept of fair use when utilising information resources.
- During library orientation program for new students, awareness should be created on the concept of copyright
- Libraries should sensitize their users by displaying captions on copyright and implications of its violation in strategic places in the library.
- Plagiarism check software should be made available in universities at no cost and people should be trained on how to use it. This will encourage its use.
- There should be written policy to guide enforcement of copyright in universities and this policy must be strictly adhered to.
- Lastly and most importantly, under the supervision of Nigeria Copyrights Council in conjunction with the National Universities Commission and the various university managements, copyright

committee should be constituted in each university across the nation. Representatives of the committee in the universities should see to the enforcement of the law in their domain.

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