

# **THE AWARENESS OF THE COPYRIGHT LAW AMONG LIBRARY USERS IN TERTIARY INSTITUTIONS IN GHANA**

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## **ABSTRACT**

*Since the passage of the copyright law, violation has been an issue even though the policy of “fair use” or “fair dealings” allows the reproduction of publications for educational and private use. This study therefore sought to investigate the extent to which library users in tertiary institutions in Ghana are aware of the copyright law. Data collected revealed that, most library users, for that matter students, are aware of copyright law and the consequences of violating the law, yet compliance with the law is low. It was also revealed that even though photocopying is a number one activity which violates the copyright law on campuses of tertiary institutions, not much is being done to enforce the law. Based on these findings, it has been recommended that, all stakeholders in education should ensure that adequate information resources are made available. Also, all stakeholders including librarians must support the implementation of the Reprographic Rights Organizations’ (RROs) license in their institutions to create fairness between right holders and users in the literary and the print industries.*

## **INTRODUCTION**

According to Fishman (2008), Copyright “is a legal device that provides the creator of a work of art or literature, or a work that conveys information or ideas, the right to control how the work is used.” It is also intended to promote creativity and originality among authors by ensuring that writers do not reproduce others’ works without permission. It is therefore illegal to reproduce an original work without the authors’ permission.

It is important however, to note that even though the above definition suggests that the author is the immediate beneficiary of copyright, copyright’s ultimate beneficiary is the

public and this is done by “ensuring that creators have secure and stable rights to their creations” (Hart, 2011). The world’s first copyright law, the English statute of Anne (1710) stated that the purpose of copyright was to “encourage learned men to compose and write useful books”. Therefore, the aim of copyright in most countries is to advance the progress of knowledge by giving an author of a work an economic incentive to create new works. From this realization, the Supreme Court expanded the explanation of copyright as “... empowering Congress to grant patents and copyrights with the conviction that *encouragement of individual effort by personal gain is the best way to advance public welfare* through the talents of authors and inventors in ‘Science and useful Arts.’ Sacrificial days devoted to such creative activities deserve rewards commensurate with the services rendered.” [\*Mazer v. Stein\*](#), 347 US 201, 219 (1954).

Copyright in Ghana can be dated back to Ghana’s independence. According to Adusei, Anyimadu-Antwi and Halm (2009) in their African Copyright and Access to Knowledge (ACA2K) report, Ghana inherited a copyright system based on the British Copyright Act of 1911. This is reflected in Ghana’s Copyright Ordinance of 1914(cap 126) with its enabling Copyright Regulation of 1918. Under the Ordinance, protectable materials comprised literary, dramatic, musical and artistic works. The law prohibited the sale, hire, exhibition, or distribution of copyrighted works in the colony. However, no provision was made for public exceptions or free uses.

Due to its limitations, the Ordinance and its subsidiary legislation were replaced with the Copyright Act 85 of 1961 and the Copyright Regulation of 1969. The new law made provision for “fair use”, and increased the protectable materials to cover cinematograph films, gramophone recordings and broadcasts. Also, it reduced the duration for the protection of published literary works from 50 years to 25 years after the death of author. In all, the restrictions to the use of literary works which characterized the Ordinance were reduced by Copyright Act 85 (Adusei, Anyimadu-Antwi&Halm, 2009).

In 1985, Copyright Act 85 of 1961 was replaced by the first progressive copyright law; the PNDC law 110 of 1985. The new law featured changes such as an additional

protectable materials to include derivative works, sound recordings, programme-carrying signals and choreographic works; and longer terms of protection (i.e. author's life + 50 years for literary works). The PNDCL 110 saw to the establishment of the Copyright Society of Ghana (COSGA) as an "umbrella collecting society for copyright holders"(Asamoah-Hassan & Bannerman, 2005). COSGA in turn, worked with CopyGhana as a subsidiary institution in charge of literary works. However, in 2005, COSGA legally lost this status when the PNDCL 110 was repealed to be replaced by the Copyright Act of 2005 (Act 690). In Act 690, the various sectors of right holders (eg. Music, audiovisual, literary works) were mandated to set up their own collecting societies. Even though COSGA was no longer the legal umbrella collecting society, it continued to operate in order not to leave a gap in the implementation of the law. It was not until 2010 when the Legislative Instrument (L.I) 1962 which must accompany Act 690 and which will state a replacement for COSGA was passed. The passage of L.I 1962 saw the dissolution of COSGA and the establishment of the following in January 2012:

- i) The Ghana Music Rights Organisation (GHAMRO) – for music works,
- ii) Audiovisual Rights Society of Ghana (ARSOG) – for audiovisual works,
- iii) CopyGhana - for literary works.

The Copyright Act of 2005, which is the current substantive copyright legislation in Ghana, is in compliance with international obligations under the TRIPs Agreement (i.e the Agreement on Trade-Related Aspects of Intellectual Property Rights). Under this law, computer programmes and folklore were given protection. Again, terms of protection have been extended thus: author's life +70 years. This exceeds the standard duration of copyright protection required under the TRIPs Agreement. Section 19 of Act 690 stated the restrictions and exceptions that accompany the use of learning materials such as textbooks, periodicals, dictionaries, paintings, photographs, sculptures, maps etc. some of these are:

- Permitted use of literary works for personal purposes provided the first author is acknowledged.
- Reproduction of a single copy of computer programmes as back-up.

- A library or archive may make a single copy of a copyright protected work to replace or preserve a book that may be lost or destroyed.
- Libraries and archives are permitted to make a single copy of a published article or short extract for an individual, as long as they ensure that the individual uses the copy for purposes of study, research or scholarship.
- Copying for private use does not, however, permit the reproduction of a whole or a substantial part of a book. When the reproduction is not an isolated instance, however, then a license for that purpose is required from the copyright owner or collecting society of owners.

The copyright law requires that a person who intends to use a copyright material beyond “fair dealings” must seek permission, yet it has been difficult locating authors to seek their permission. As a result, collecting societies were established to collect royalties on behalf of copyright holders (Act 690, 2005).

Apart from the collecting societies, the Copyright Administrator of Ghana and the Copyright Office of Ghana are responsible for the administration of copyright in Ghana. The Copyright Office is responsible for the registration of copyright works. According to the Executive Secretary of CopyGhana, over the years, the Copyright Office held series of seminars and workshops to educate right holders in the music, film, literary industries etc., on their rights, and users on their obligations under the law.

Even though some awareness has been created about the requirements of the copyright law, infringement of the law is still on-going. According to Adusei, Anyimadu-Antwi and Halm, (2009) in the African Copyright and Access to Knowledge (ACA2K) report, campuses of tertiary institutions in Ghana have no doubt become the hub for the abuse of the copyright law particularly due to photocopy activities. This is because the books and other information resources available in the academic libraries are highly inadequate to support the large student population. Meanwhile, some students cannot afford to buy the textbooks that are available for sale, especially those published by foreign companies. This trend is not exceptional to Ghanaian universities only. In Nigeria, students have easy access to photocopying facilities, which has made the activity so common and cheap that they often prefer photocopying to even buying pirated materials that are sold for prices

which are still unaffordable to students. Unfortunately, private photocopying operators on most campuses who are out to make profit, provide the opportunity for the violation of the copyright law (Okiy, 2005). According to a paper presented by Nyadzi (2008), a large number of students and lecturers are involved in photocopying large volumes of literary works such as textbooks, journals, music sheets, magazines etc, an act which reduces the sale of such publications and royalty payment to authors. It is also estimated that more than 300 billion pages of copyright protected works are photocopied worldwide each year resulting in the loss of about US\$15 billion to right holders (Nyadzi, 2008). The question one may therefore ask is, are users and for that matter library users aware of the copyright law? Whose responsibility is it to create the awareness?

According to Adusei, Anyimadu-Antwi&Halm(2009)in their African Copyright and Access to Knowledge (ACA2K) report, librarians are aware of the copyright law and they appreciate its relevance to rewarding creators for their intellectual efforts. However, they express reservations for its restrictiveness on permitted use, as well as its vagueness on the “fair use”. With a large population of students and faculty to satisfy as against few information materials, academic librarians are not able to ensure that the copyright law is complied with in their institutions. It is therefore a relief that the law enforcement agencies are slack in its enforcement. One librarian was reported to confess that ‘the law is not strictly enforced and that helps us. If the law enforcement agencies come hard on us there will be a public outcry and that will force the government to take a second look at the copyright system’ (Adusei, Anyimadu-Antwi&Halm, 2009). Research also revealed that, some universities in Ghana do not have any copyright policy or even notices displayed at places where photocopying activities are undertaken to inform people on the quantum of materials that may legally be photocopied and the implications of violating the copyright law(Adusei, Anyimadu-Antwi&Halm, 2009). This assertion has however been debugged in this research.

In response to the massive unauthorized photocopying of copyright protected works worldwide, right holders in the literary industry from many countries (including Ghana) have adopted measures that will ensure that all outfits involved in photocopying for any reason whatsoever are “licensed to do it in a legally regulated environment” (Nyadzi,

2008). This move led to the establishment of the Reprographic Rights Organizations (RROs) in 1973. Presently, over sixty (60) countries worldwide have established RROs mainly to collect and distribute royalties to right holders as compensation for the financial loss incurred through mass photocopying. Through licensing, the RROs also aim to monitor the genuine use and abuse of literary works and to create and promote cordial relationship between right holders and users (Nyadzi, 2008; CopyGhana 2009).

In Ghana, the RRO was established in 2000 jointly by the Ghana Association of Writers, Ghana Book Publishers Association, the Copyright Office etc, under the name CopyGhana. CopyGhana is therefore a member of the International Federation of Reproduction Rights Organizations ((IFRRO) with its headquarters in Belgium), representing both local and foreign right owners (Nyadzi, 2008; IFRRO, 2011). Between 2005 and 2008, CopyGhana was able to license three private universities (i.e Methodist University College Ghana, Wisconsin International University College and Trans Africa University College) to charge GH¢2 per annum per student as blanket royalty fee (Adusei, Anyimadu-Antwi & Halm, 2009). According to Nyadzi (2008), permitted photocopying is restricted to photocopying done occasionally and not frequently. Now the kind of photocopying done on campuses of most institutions are frequent, regular and massive, thereby affecting the normal exploitation of the work by the author or publisher (usually through sale of works and payment of royalties). This therefore is a violation of the law which the RROs now seek to license (Nyadzi, 2008; Berne Convention, 1979). From an interview with the Executive Secretary of CopyGhana, the researcher gathered that, the RROs license therefore does not cover photocopying of a whole book or a substantial part of a literary work. To reproduce a whole book or the full text of any literary work, a user still requires author's permission. The RROs agreement is however yet to be applied in the other universities.

### **Purpose of the study**

The purpose of this study is to determine the extent to which users of five academic libraries in Ghana are aware of the requirements of the copyright law. Since independence, Ghana has passed and implemented a copyright law, and established

independent bodies to administer the law. Although the policy of “permitted use” in the copyright law allows the reproduction of publications for educational and private use, studies have shown that students of tertiary institutions infringe the copyright law (Adusei, Anyimadu-Antwi & Halm, 2009). It is therefore important that awareness be created among library users to forestall any legal battle as a result of infringement on the copyright law. This study will, hopefully, form the basis for awareness creation on the copyright law among library users.

### **Objectives of the study**

The main aim of the study is to investigate the extent to which library users in tertiary institutions in Ghana are aware of the copyright law. To achieve this aim, the following objectives are being pursued:

- I. To investigate the level of awareness of the copyright law among library users.
- II. To find out the extent to which library users utilize photocopy facilities.
- III. To ascertain the level of compliance with the right to ‘permitted use’ among library users.
- IV. To determine the practices of and reasons for reproducing literary resources.
- V. To find out how the copyright law is enforced in tertiary institutions in Ghana.
- VI. To establish the role of the library in awareness creation.

### **Scope of Research**

The research was limited to five (5) tertiary institutions in Ghana comprising two private and three public universities. The research could not cover all the tertiary institutions in Ghana as that would have been too time-consuming and expensive.

### **Methodology**

A survey of the awareness of the copyright law among library users in tertiary institutions in Ghana was carried out in five tertiary institutions namely University of Cape Coast, Central University College, Methodist University College Ghana, University College of Education, Winneba, and University of Ghana, Legon. These five institutions located in

the Central and the Greater Accra Regions were selected due to proximity and also because they have very high population of students. Data was collected using questionnaire and interview. The researcher employed a questionnaire because it is less expensive and can be used to collect data from a large population over a wide area. The simple random sampling method was used to select 250 respondents to complete the questionnaires; each institution had 50 questionnaires. This sampling method was used to ensure that every individual unit stood an equal chance or probability of being included or excluded in the final sample(Kumekpor, 2002). The data collection was done over the period of four weeks from March to April 2011.

Out of the 250 questionnaires distributed, 239 were retrieved and 238 were found suitable for analysis. Five library staff in high office each representing each institution were interviewed to ascertain how awareness is created about the copyright law as well as their mode of enforcing the law among library patrons.

The researcher also made a visit to the Ghana Copyright Office to find how much has been done to create awareness for literary works and to find out more about the Reprographic Right Organization established some years ago.

## **PRESENTATION AND ANALYSIS OF DATA**

Data was collected from users of the five selected tertiary institutions in Ghana.

### **Level of Awareness of copyright law among library users**

As mentioned earlier, studies have shown that students of tertiary institutions infringe the copyright law even though the policy of “permitted use” in the copyright law allows the reproduction of publications for educational and private use. Therefore, the first objective of this study was to investigate the level of awareness of the copyright law among library users.

The result of data collected from questionnaires revealed that most library users were indeed aware of the copyright law.



Table 1: Awareness of the copyright law

<b>INSTITUTION</b>	<b>YES</b>	<b>NO</b>	<b>NO RESPONSE</b>	<b>TOTAL</b>
<b>UCC</b>	36	13	1	50
<b>CUC</b>	27	11	2	40
<b>MUCG</b>	31	15	3	49
<b>UEW</b>	36	10	3	49
<b>UG</b>	35	14	1	50
<b>TOTAL</b>	<b>165</b>	<b>63</b>	<b>10</b>	<b>238</b>

*Source: field data, 2011*

From table 1 above, 165 respondents (representing 69%) indicated their awareness of the law. Also, an average of 66% of respondents in each institution indicated their awareness of the law.

Table 2: Awareness of penalty under the copyright law

<b>INSTITUTION</b>	<b>YES</b>	<b>NO</b>	<b>NORESPONSE</b>	<b>TOTAL</b>
<b>UCC</b>	32	17	1	50
<b>CUC</b>	27	13	0	40
<b>MUCG</b>	29	16	4	49
<b>UEW</b>	31	15	3	49
<b>UG</b>	26	23	1	50
<b>TOTAL</b>	<b>145</b>	<b>84</b>	<b>9</b>	<b>238</b>

*Source: field data, 2011*

Table 2 above shows that 61% of respondents are aware of the penalty under the copyright law as against 35% of respondents who say they are not aware.

Comparing this result with that in table 1, one will realize that not all respondents who are aware of the copyright law are also aware of the consequences of the law. Table 1 gives 69% respondents as those who are aware but in table 2, that number has reduced to 61% (for respondents who are aware of the consequences of the law).

**The extent to which library users utilize photocopy facilities.**

In determining the extent to which library users utilize photocopy facilities, the researcher sought to know from respondents

- a) How do they use essential library materials which cannot be borrowed?
- b) How often do they photocopy needed materials?

The result of the data as shown in the next two tables indicates higher use of the photocopy facility as compared to other ways of gaining access to library materials.

Table 3: Access to non-borrowable materials

<b>INSTITUTION</b>	<b>PHOTOCOPY</b>	<b>DOWNLOAD</b>	<b>USE IN LIBRARY</b>	<b>NO USAGE</b>	<b>TOTAL</b>
<b>UCC</b>	29	8	29	0	66
<b>CUC</b>	21	4	15	0	40
<b>MUCG</b>	23	7	13	0	43
<b>UEW</b>	20	12	17	0	49
<b>UG</b>	26	10	25	2	63
<b>TOTAL</b>	<b>119</b>	<b>41</b>	<b>99</b>	<b>2</b>	<b>261</b>

*Source: field data, 2011*

This question requires respondents to choose as many options as are applicable. It is obvious from table 3 that users often resort to photocopying whenever it is impossible for them to borrow needed materials. A total of 118 (representing 45.6%) of choices went to photocopying alone. Downloading materials however was not a common choice probably because most print books found in libraries cannot be accessed in full text for free. It scored 15.7% while “use in library” scored 37.9% and 0.8% choice goes to respondents who were not able to use materials which cannot be borrowed.

Table 4: Number of times users photocopy materials

<b>INSTITUTION</b>	<b>TWICE A WEEK</b>	<b>ONCE A WEEK</b>	<b>ONCE A MONTH</b>	<b>ONCE A SEMESTER</b>	<b>TOTAL</b>
<b>UCC</b>	19	13	9	11	42
<b>CUC</b>	16	8	12	4	40
<b>MUCG</b>	16	15	14	4	49
<b>UEW</b>	17	11	12	2	42
<b>UG</b>	12	11	13	14	50
<b>TOTAL</b>	<b>80</b>	<b>58</b>	<b>60</b>	<b>35</b>	<b>233</b>

*Source: field data, 2011*

Table 4 also indicates regular photocopying of materials. 36% of the choices (i.e 80) went to photocopying twice in a week, 25% (i.e 58) of the choices went to once a week, 25.7% went to once a month and 15% choices went to once a semester.

#### **Level of compliance with “fair use” among library users.**

The compliance level of users can be obtained from questions on the questionnaire:

- a) What percentage of books do you usually photocopy?
- b) Have you ever sought permission from any author or any copyright society to reproduce more than the legally required volume of a literary material?

The result as shown in the tables below depicts low compliance with the copyright law.

Table 5: The percentage of the entire material photocopied by users

<b>INSTITUTION</b>	<b>15% and less</b>	<b>16% - 30%</b>	<b>31% - 50%</b>	<b>51% - 70%</b>	<b>70% and more</b>	<b>Total</b>
<b>UCC</b>	16	8	10	5	8	47
<b>CUC</b>	12	14	6	5	0	37
<b>MUCG</b>	16	14	9	4	1	44
<b>UEW</b>	16	8	13	2	2	41
<b>UG</b>	18	20	7	5	7	57
<b>TOTAL</b>	<b>78</b>	<b>64</b>	<b>45</b>	<b>21</b>	<b>18</b>	<b>226</b>

*Source: field data, 2011*

From table 5 many more respondents photocopy over 15% of materials. By convention, most librarians have pegged the “fair use” at 15% of entire volume. Now if this 15% is valid, then the 148 respondents representing 65.5% of the total respondents do not comply with the copyright law.

Table 6: Seeking permission to reproduce

<b>INSTITUTION</b>	<b>YES</b>	<b>NO</b>	<b>NO RESPONSE</b>	<b>TOTAL</b>
<b>UCC</b>	0	48	2	50
<b>CUC</b>	2	37	1	40
<b>MUCG</b>	4	42	0	46
<b>UEW</b>	2	43	4	49
<b>UG</b>	1	48	1	50
<b>TOTAL</b>	<b>9</b>	<b>218</b>	<b>8</b>	<b>235</b>

*Source: field data, 2011*

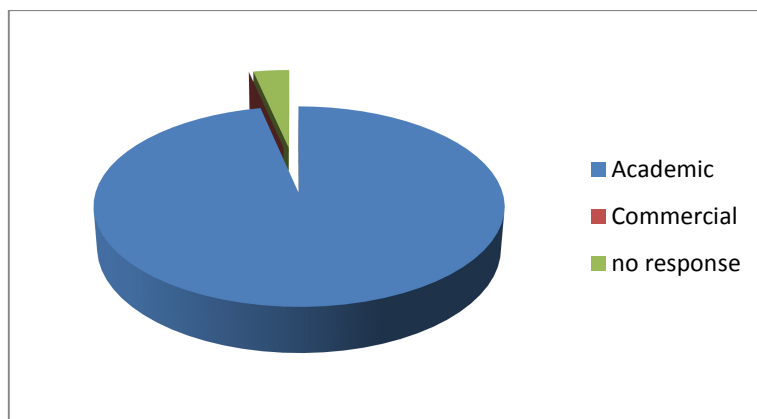
Table 6 above shows only 3.8% (i.e 9) compliance among respondents while 92.8% (i.e 218) admitted that they have never sought permission from an author or a copyright society before reproducing materials beyond “fair use”.

### **The practice of reproducing literary materials**

As displayed in table 3 above, a total of 118 (representing 45.6%) responses went to photocopying alone. Downloading materials however was not a common response probably because most print books found in libraries cannot be accessed in full text for free. It scored 15.7%.

However, in fig. 1 below almost all respondents stated that they reproduce literary materials for academic purpose. Fig. 2 shows most respondents giving acknowledgement to authors for the use of their resources.

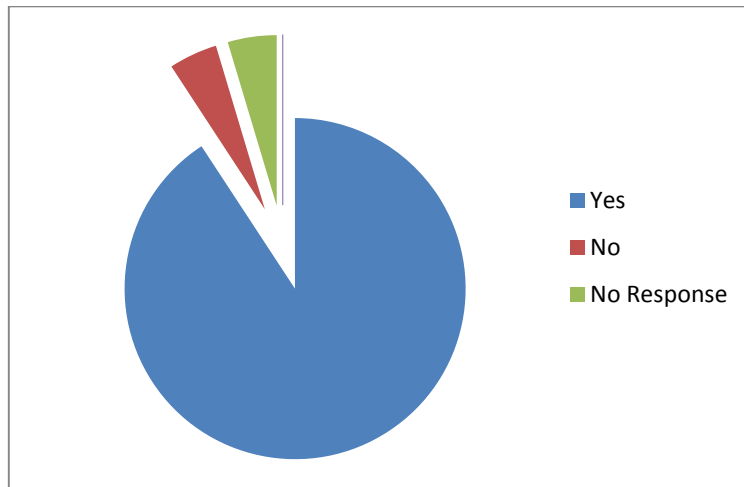
Fig. 1: Purpose Photocopying



*Source: field data, 2011*

The data shows that, 97% representing 230 respondents photocopy for academic purpose while no respondent is involved in photocopying for commercial gain.

Fig. 2: Acknowledging Authors



Source: field data, 2011

Fig. 2 reveals that 90% (i.e 216) users stated that they acknowledge authors for the use of their materials.

5% (i.e 11), however, admitted not acknowledging authors for the use of their works.

### **Reasons why users reproduce literary materials**

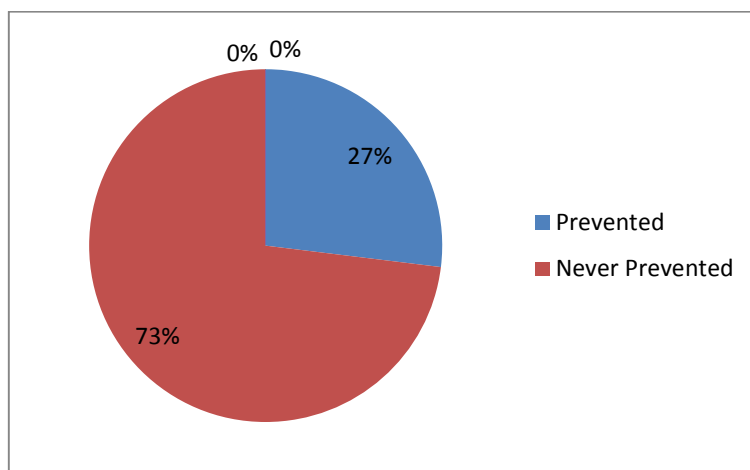
Users were asked to state reasons why they reproduce literary materials. Below are the responses as they appear in the order of magnitude.

- Scarcity of material to buy
- Cheaper to do photocopy than buy.
- Convenient to photocopy
- Inability to borrow from library

### **Enforcement of the copyright law in tertiary institutions**

The above task is essential in ensuring that citizens abide by the copyright law. The response of users has been displayed in the chart below.

Figure 3: Preventing users from photocopying beyond the legally required volume.



Source: field data, 2011

Figure 3 above shows that 141 (i.e.73%) respondents have never been prevented from making photocopies beyond the “fair use”. While only 52 (i.e 27%) respondents stated that they have ever been prevented.

### **The role of the Library in awareness creation.**

Even though the majority of the respondents stated that they were educated on the copyright law during fresh students’ orientation, a fact which was confirmed by all the librarians interviewed, figure 3 shows that not much has been done to ensure that users abide by the law.

Table 7 below confirms the effort of the library in awareness creation.

Table 7: Creating Awareness during Library Orientation

<b>INSTITUTION</b>	<b>YES</b>	<b>NO</b>	<b>NO RESPONSE</b>	<b>TOTAL</b>
<b>UCC</b>	29	16	5	50
<b>CUC</b>	19	16	5	40
<b>MUCG</b>	31	14	4	49
<b>UEW</b>	35	7	7	49
<b>UG</b>	27	18	5	50
<b>TOTAL</b>	<b>141</b>	<b>71</b>	<b>26</b>	<b>238</b>

Source: field data, 2011

As displayed in table 7 above, 141 users (i.e 59%) acknowledged that they were educated on the copyright law during library orientation while about 71(i.e 30%) said otherwise.

## **DISCUSSION OF FINDINGS**

The purpose of this study was to determine the extent to which users of five academic libraries in Ghana were aware of the requirements of the copyright law. Other parameters investigated include the extent to which library users utilize photocopy facilities, the level of compliance with 'fair use', reasons for reproducing literary materials, and how the copyright law is enforced in tertiary institutions in Ghana.

According to Adusei, Anyimadu-Antwi&Halm (2009) in their African Copyright and Access to Knowledge (ACA2K) report, unlike the music industry, awareness of the copyright law among literary work users was very low. In that report, the Copyright Office focused its attention on piracy of musical works more than on literary works. The reasons perhaps are because the pirated musical works are being made for commercial gain while the infringement of the 'fair use' policy was mostly for academic purpose and also because technology facilitates music piracy in a much more sophisticated way than piracy of literary works. Of course both situations are violations of the copyright law resulting in lack of economic incentive for authors, and lack of creativity and originality among authors. That is why awareness creation and enforcement is important.

Two years on, this research has found out that most library users are now aware of the copyright law and its 'fair use' policy. Quiet a number of users are also aware of the penalty for violating the law. Report from table 1 reveals that 69% representing 238 respondents admitted their awareness of the law. Even though this statistics is not far-reaching, it is a good improvement on the poor situation portrayed by Adusei, Anyimadu-Antwi&Halm (2009) in their ACA2K report of 2009.

In terms of the various practices of reproducing literary works, the result of this research indicated that photocopying is a common practice among library users. For instance photocopying alone scored 45.6% (see table 3). This confirms the report that campuses of tertiary institutions in Ghana have become the hub for the abuse of the copyright law due to photocopying services(Nyadzi, 2008).



On the issue of the level of compliance with 'fair use', five different aspects were assessed. These were:

- a) what do respondents use photocopy materials for?
- b) do users acknowledge authors?
- c) what percentage of books are photocopied?,
- d) have respondents ever sought permission from authors to do photocopy materials beyond 'fair use'?
- e) how often do users photocopy?

As far as the first and second aspects are concerned, it was revealed that library users comply with the copyright law. Results show that, as many as 97% respondents photocopy for academic purpose while no respondent is involved in photocopying for commercial gain (see figure 1) and 90% of users stated that they acknowledge authors for the use of their materials. Only 5%, however, admitted not acknowledging authors for the use of their works (see figure 2). These findings therefore satisfy a condition of the Copyright Act 690 section 19 which states that users are allowed "permitted use of literary works for personal purposes provided the first author is acknowledged".

On the contrary, results on the third, fourth and fifth aspects revealed non compliance with the copyright law by users. Concerning the percentage of the books that are photocopied, the result as displayed in table 6 reveals that 64.6% of respondents photocopy over 15% of the total volume of books (see table 5). Now even though the exact quantum of 'fair use' has not been stated in the Copyright Act of 2005, most librarians interviewed said by conversion, they use 15% or a chapter of a book. In the case of journals, they allow one article only. By this margin of abuse, it has become evident that library users do not observe the 'fair use' policy. However, the librarian cannot be blamed totally because students also patronize photocopying services offered by private individuals in and around their campuses, a fact stated by Okiy (2005). Over here, the focus is extensively on profit rather than law enforcement. Besides, the universities' inability to fulfill their responsibility of providing adequate information resources to their students undermines the level of compliance of copyright law by

students. This notwithstanding, librarians interviewed emphasized that, in some universities where much attention is paid to this law, photocopying services offered by the library are done in strict compliance with the “fair use” policy. These survey results are contrary to the expectation of the Copyright Act 690 which states that “copying for private use does not however permit the reproduction of a whole or a substantial part of a book”; that a person who intends to use copyright material beyond “fair dealings” must seek permission; and that permitted copying should be occasional and “not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interest of the author” (Berne Convention, 1979).

Other results that confirm the abuse of the law are:

- i) Presented in table 6 where only 3.8% of respondents ever sought permission while 92.8% of respondents admitted that they have never sought permission.
- ii) The presentation in table 4, where the majority of respondents (representing 45.6%) employ photocopying to reproduce literary works.

It was therefore concluded that, students or library users only comply with the copyright law at their own convenience; nevertheless, compliance level is still low. For instance, students acknowledge the sources of the information used in writing essays to meet writing requirements.

The study also sought to find out the reasons why users reproduce literary materials even though they are aware that their actions break the law of the state. Below are the responses as they appear in the order of preference:

- Scarcity of material to buy;
- Cheaper to do photocopy than buy;
- Convenient to photocopy; i.e. needs only small portion of book rather than purchase all.
- Inability to borrow from library.

This confirms Okiy's (2005) study that in Nigeria photocopying has become so common on campuses that students even prefer it to buying pirated materials which are sold for prices unaffordable to students.

Finally, the study investigated the enforcement of the copyright law in tertiary institutions in Ghana. The response as gathered confirms the ACA2K report that enforcement of the law is low. The responses as displayed in figure 3 shows that 73% of respondents have never been prevented from doing photocopy beyond the "fair use" while only 27% respondents stated that they have ever been prevented. This brings to the fore the question of whose responsibility it is to ensure that the law is complied with. As mentioned earlier, CopyGhana has been making efforts to re-introduce the Reprographic Rights Organisation (RROs) license to all universities in Ghana. Under this license, students shall be charged a blanket royalty fee which covers only "fair use" and not photocopying of a whole book or a substantial portion of a literary work.

## **RECOMMENDATIONS**

The recommendation therefore is that all stakeholders in education especially tertiary education should put their hands on deck to ensure that adequate resources are available. For example, university authorities must increase library budgets to enable librarians to acquire adequate materials.

Furthermore, users must see themselves as partners in their own education. It is necessary that they cultivate the habit of acquiring some of the books they need for their studies thereby developing their own libraries rather than spending their stipend on fashionable clothes and entertainment gadgets.

Finally, all stakeholders including university authorities and librarians must support the implementation of the Reprographic Rights Organizations (RROs) license in their institutions. In as much as without librarians, authors and publishers would lack a valuable source to channel their works to the public and to preserve their works for posterity, without the publishers and authors, librarians would also have little to offer their users in terms of works of literature or reference works, databases etc. It is therefore imperative that, librarians seek to promote the work of writers and publishers since they (librarians)

are also stakeholders in the book industry and share common values about works of literature.

## **CONCLUSION**

The copyright law has been in existence in Ghana since independence and gone through several reviews. Although the policy of “permitted use” in the copyright law allows the reproduction of publications for educational and private use, studies have shown that students of tertiary institutions infringe the copyright law. This study therefore sought to investigate the extent to which library users in tertiary institutions in Ghana are aware of the copyright law.

The result of the survey as presented above revealed that most library users, for that matter, students are aware of copyright law and the consequences of violating the law, yet compliance with the law is low among them. It was also revealed that even though photocopying is a number one activity which violates the copyright law on campuses of tertiary institutions, not much is being done to enforce the law. Recently however, CopyGhana has been trying to introduce the Reprographic Rights Organizations (RROs) license in institutions to give users of literary works the opportunity to pay some royalty to copyright owners.

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