



PERSPECTIVES ON...

Book Piracy in Nigeria: Issues and Strategies

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ABSTRACT

Book piracy is an illegal and illegitimate reproduction of other people's intellectual property for economic reasons without prior consent or authorization. This paper examines the intricate dimension of book piracy in the Nigerian Publishing Industry. It notes the dangers the trend portends to qualitative education and scholarship in general. The paper identifies the different forms of book piracy as: local reproduction of fast moving titles using newsprint or poor textured paper, abuse of publication rights, hi-tech reproduction overseas, circumventing the e-book version, illegal reprography, unauthorized excessive production by printers, and translation without permission. Some of the causes of book piracy are poverty, book scarcity, ignorance of the copyright laws by the public and the uncooperative attitude of some countries in endorsing international treaties on intellectual property rights. The paper recommends the following as panacea to stemming the tide of the menace: cost reduction strategies, national book policy and commissioning of local authorship, awareness and enforcement of copyright laws, revitalization of libraries, sanctions on countries showing complacency towards piracy, special algorithms to detect illegal downloads, security printing devices and moral suasion.

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INTRODUCTION

The provision of qualitative education in any country is a function of the robustness of its book publishing industry. The contribution of books and journals to teaching, learning and research is indispensable. They remain the unassailable fulcrum upon which the gamut of scholarship revolves. Availability and accessibility of good books and journals guarantee valid channels for communication and transmission of knowledge. Other pivotal roles of academic publishing include intellectual social re-engineering, deconstruction of historical epochs and the preservation of culture, values and ethos. Journals are procured based on subscription and print on demand basis unlike books that are sold on the open market hence the latter is chiefly prone to piracy. This informs the rationale for special emphasis on book publishing in this paper.

Okwilagwe (2001) noted that education is the backbone of national development and the book, a principal element in the educational process deserves a place of honour in our national priorities. The book is a passport to the world, an indispensable vehicle of science, a storehouse and conveyor of culture and information, and a vital ingredient for development. The importance of books in the development of man and in the fulfillment of his potential can never be overemphasized (Ekwueme, 1983).

Book publishing is a rigorous intellectual and physical activity. The processes involve the conceptualization of ideas; the realization of the ideas in a somewhat temporary or semi-permanent form called manuscript; the perfection of the manuscript in order to enhance its

communication potential—editing; the determination and standardization of all elements that make up the book and the text—designing; the composition of the manuscript into a somewhat permanent page—typesetting; the reading of the composed pages to ensure that they are free of errors—proof-reading; the buying of the materials for printing and determining the nature and quality of the physical attributes of the product in production; and finally, the distribution and marketing of the printed materials—promotion and sales (Okwilagwe, 2001). In recognition of the herculean and assiduous tasks that characterize the production of a book, the international community over the years has developed appropriate legal frameworks to protect the intellectual property of authors and publishers, the codification of this is regarded as copyright.

Copyright is therefore the exclusive right given by law for a certain term of years to the creator of a literary work, composer or artist with regard to the use, reproduction, and exploitation of his created works for economic or moral purposes (Nkiko, 2012). Copyright encourages creative activity and provides society economically and speedily with the results of such creativity. Copyright is part of what is generally regarded as intellectual property law. Intellectual property refers broadly to such areas as copyright, trademarks, patent, and industrial designs, while copyright is specifically concerned with the expression of ideals in literary, artistic, musical, cinematography files, sound recordings, other works of arts and the legal protection accorded the expression against unauthorized exploitation and use (REPRONIG, 2004). In Nigeria, the applicable law is the Copyright Act 68, 1988 amended 1999.

Under this Act, there is no form of registration required. Copyright exists from the moment a work is fixed in a legible medium of expression, such as paper, a computer disc or a videotape/audiotape. It is advisable

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although not mandatory, to place a copyright notice usually a “c” in a circle—with the date of first publication and the name of the copyright holder (Sodipo, 2008). Copyrighted books enjoy extra-territorial protection provided the country of origin is signatory to international treaties such as the Berne Convention and the Universal Copyright Convention.

There is growing clamour for open access which is rooted on the need to protect the public interest to be supplied with information and knowledge thereby encouraging both learning and progress of science. This need must be carefully balanced with the need to reward creators of intellectual properties and to stimulate them to continue producing new creative materials (Nkiko, 2012). Once authors and publishers are discouraged from literary production, there would be an obvious dearth of published materials hence open access would then be a mere slogan as content must precede access.

The Nigerian book industry has myriads of problems ranging from the absence of a national book policy to provide a legal regulatory framework for the industry; low returns on capital, investors' (banks) unwillingness to commit their funds to such an enterprise when areas of higher returns exist in the economy; government's inadequate funding of education; professional incompetence within the industry; poor reading culture in the country; absence of good libraries; general poverty and the prevalence of piracy in spite of copyright laws (Olukoju, 2002).

The biggest challenge to the publishing industry in Nigeria is book piracy. It is an illegal and illegitimate reproduction of other people's intellectual property for economic reasons without prior consent or authorization. Those who engage in this type of activity eat from the sweat of other people who must have invested their intellect, time and resources. To publish a book a publishing company will spend between 15 and 24 months to study the curriculum, the author will work assiduously to convert ideas into manuscript, and a publisher will commit a lot of human, material and financial resources to complete the several stages of book production (Adelekan, 2010).

Having completed these rigorous processes, China, Taiwan or Dubai for mass reproduction with little overhead cost, Taiwan or Dubai to mass reproduce with little overhead cost. The price of the pirated copy is bound to be cheaper compared to the legitimate one. Piracy is therefore robbery, criminal, immoral, cheating, destructive and seeks to destroy the moral fabric of society,

LITERATURE REVIEW

A major cause of book scarcity in Nigeria is the frustration of authors. There are many seasoned writers at all levels of education in the country. However, the prevalent social conditions are discouraging. Book pirates constitute a serious menace to the author. Pirated books which are very cheap reduce the sale of the original copies and the author's royalties (Ifidon, 1994). Due to the biting effect of book scarcity, library users now resort to illegal photocopying. Whole books can be photocopied in complete defiance of copyright laws. All these frustrating experiences make writing unproductive and unattractive.

Book piracy has been identified as an international battle that should go beyond the frontiers of national boundaries. Countries that have been labeled the bastion of the illegal trade should do something to stop it in their respective domain. Kolawole (2005) observed that pirates have turned Asian countries to a place where books are duplicated without inhibition, because of their permissive copyright laws. He further described the menace as a serious contravention of the Copyright Act that has become a major disincentive to original writers, who go through mental and physical rigours to produce creative thoughts and expressions.

Obidiegwu (2011) noted that the magnitude of the economic, social and intellectual calamity that this act of criminality inflicts on the nation is unfathomable, considering the fact that no single printing material is produced in Nigeria. Since pirates pay no taxes on their illegal earnings or pay royalties to the authors, they constitute a major threat to creativity with

dire repercussions for the educational system in the country and the survival of the publishing industry.

Book piracy has been rendered easy by new technologies. To reprint a book illegally, all that a culprit requires is a copy of the original, a scanner, a computer with an optical recognition programme and a small rotary press. With these common facilities, a pirated book can be produced in a few days in multiple copies (The Hindu, 2003). Ironically, pirated books also have the warning, “reproduction is forbidden”. The deployment of modern technologies in piracy makes it difficult for anyone to identify the pirated book from the real one, even by the authors and publishers; not only is the text copied but also the design, the cover, the colour and the barcode.

Egbunefu (2011) stated explicitly that book piracy is part of the hallmarks of a corrupt society, where personal interest overrides commitment to the values of the nation. He posits that many people go for these pirated books because they cannot afford the scarce, original but expensive copies. However, it should be noted that poverty is not a justification for low moral rectitude. A standard must be maintained irrespective of economic recession.

The Nigerian Publishers' Association (2011) opines that the illegal reproduction of copyright protected books in Nigeria has reached an unprecedented level in recent years. It observed that pirates now go abroad mainly to the far East to print and import into the country pirated versions of fast moving titles. The problem is creating a lot of headache for most publishers in Nigeria, because it is threatening their existence as business enterprises. The Association in its bid to fight piracy posted on its website the following inscriptions:

- Do not patronize book pirates
- Pirates produce and sell books illegally
- Book pirates are economic saboteurs
- Book pirates deprive the nation of creative talents.
- Book piracy is theft
- Buy genuine books and insist on invoice from publishers.

The Nigerian copyright Decree No. 47 of 1988 gives protection to copyright owners with stiff penalties in the event of violations and piracy (Ajidahun, 1988). The Nigeria Copyright Commission has been in the vanguard of stemming the tide of piracy, through incessant raids on the perpetrators of the act.

Ezekude (2011) reported that consignments of illegally imported and suspected pirated books of various titles estimated at millions of naira were confiscated by the operatives of the Nigerian Copyright Commission at Abubakar Rimi Market, Kano. The Commission has consistently shown its commitment to actualizing its zero-tolerance stance against any form of piracy across the country.

STYLES AND DIMENSIONS OF BOOK PIRACY

Piracy takes multifarious forms and styles ranging from books sometimes pirated with laxity reflecting the ephemeral nature in its poor binding and the inferior materials used for their production to the hitech reproduction overseas and subsequently imported and distributed for sales in the country. The different dimensions or forms of book piracy are discussed hereunder.

LOCAL REPRODUCTION OF FAST MOVING TITLES USING NEWSPRINT OR POOR TEXTURED PAPER

Pirates engage in environmental scanning to determine core textbooks in various fields and schools. Scarce, expensive and highly demanded materials are usually favoured. Single copies are purchased and given to local printers for reproduction. In order to gain competitive advantage against the original copy, inferior papers are used to reduce cost drastically.

ABUSE OF PUBLICATION RIGHTS

Major foreign publishers extend authorization to permit local reproduction of specific titles within defined geographical boundaries to a named vendor or agent. This arrangement is based on a prior application and undertaking to honour the terms of the publication right. Some unscrupulous agents hide under the formal rights to reproduce titles not specified in the memorandum of understanding and market such books beyond authorized territorial jurisdiction. This violation constitutes a form of piracy. For example if the agreement states that this book should not be sold outside India and Pakistan, it therefore behooves the holder of the publication right to work within the confines so specified. Any overt or covert extension is tantamount to deception, bridge of contract, illegality and betrayal of trust.

HITECH REPRODUCTION OVERSEAS

With advanced technology at the disposal of the publishing industry, the pirates have become more sophisticated in replicating the books, such that it is difficult to differentiate them from the original. They engage in rapid scanning of analogue books without the permission of copyright owners. The materials are usually mass-produced from China or Dubai and imported into the country. They are usually cheaper than the legal copies. Such books are sold through booksellers who do not care for business ethics and legal framework for enterprise.

CIRCUMVENTING THE E-BOOK VERSION

The perpetrators of the piracy act sometimes rather than manually scan physical books, download e-book versions from commercially subscribed databases, then forward the electronic files to printers for reproduction.

ILLEGAL REPROGRAPHY

This is the method of photocopying a whole book or chapters by students and lecturers in educational institutions. This is detrimental to publishers and authors and partly accounts for the low sale of textbooks. Under the Copyright Act of Nigeria, selling and buying photocopied books as well as indulging in extensive photocopying constitute a criminal offense. The photocopying menace is rampant in developing countries where students cannot afford to buy books due to poverty.

UNAUTHORIZED EXCESSIVE PRODUCTION BY PRINTERS

Some authors in Nigeria rather than enter into agreement with reputable publishers engage in self publishing. They simply take their manuscripts to the printer for production. Such authors market their books directly. It has been observed that there are printers who reprint illegally and distribute for sale copies of books hitherto contracted to them.

Table 1
Prevalence of piracy in Nigeria.

Source: Nigerian Copyright Commission/The Ford Foundation: Survey of copyright piracy in Nigeria (June 2008).

Piracy prevalence rate	Copyright works									
	Books (primary)	Books (secondary)	Books (tertiary)	Software	Music CDs	Cassettes	VCD	DVD	VHS	Total
Very high (80–100%)	1332	1266	708	758	2354	1666	2352	1820	939	13,195
High (60–79%)	936	1108	727	511	969	960	930	854	603	7598
Medium (50–59%)	546	623	850	382	233	563	258	424	513	4392
Low (30–49%)	377	290	620	307	92	259	106	235	511	2797
Very low (30%)	130	77	266	205	31	91	46	106	437	1389
Don't know (0)	664	621	814	1822	306	446	293	546	982	6494
										35,865

TRANSLATION WITHOUT PERMISSION

Some pirates translate literary works from the original language to other languages without the consent of the author or publisher, in most cases retaining the same imprints. The proceeds from such translation are not remitted to the copyright holder.

EMPIRICAL DATA DEPICTING BOOK PIRACY SITUATION IN NIGERIA

In a bid to properly contextualize the phenomenon of piracy in Nigeria, the *Nigerian Copyright Commission (2008)* carried out a survey with the collaboration of Ford Foundation, to determine reasons and types of piracy. The empirical result of the survey is as shown in *Tables 1 and 2*.

Tables 1 and 2 clearly depict the prevalence and causes of piracy in Nigeria. A high level of book piracy prevalence rate of 80%, cutting across all levels of education in Nigeria can be observed from the tables. Furthermore, *Table 2* highlighted the causes of book piracy as: poverty, economic recession, globalization, scarcity of original products, high cost of original products, greed/profitability, weak law enforcement, ignorance among others.

FACTORS PRECIPITATING BOOK PIRACY

Piracy is an outright disincentive to intellectual productivity in any nation. It has negative effects on the book industry resulting in the sharp decline in the sale of the titles. *Nwafor (1991)* advanced reasons responsible for piracy in developing countries as:

- Very high cost of books in relation to average income.
- The scarcity of publishing materials like paper, machinery, ink and so on; and
- The infant state of the publishing industry which has resulted in the over-dependence of developing countries on their industrialized counterpart, for meeting their educational and research needs.

People patronize pirated books partly because legitimate options are not available to them. Piracy could therefore be a consequence of not meeting consumer demand. An average consumer cares about content, timeliness and format without much price. There is the need to understand the motivations behind piracy and the need to address the desires of the under-served customers.

Others see book piracy as cheap and lucrative employment opportunities. Young graduates who find it difficult to secure regular paid jobs take recourse to this nefarious business. Like any form of robbery, the perpetrators do suffer from withdrawal syndrome at some point to the extent that no level of affluence will dissuade them in the future.

Book piracy has acquired an international dimension because countries like Taiwan, China, Hong Kong, Singapore, etc. have not shown sufficient interest in and regard for the multilateral treaties or conventions relating to copyright. This is why pirates have found these countries a haven for their criminal activities (*Ifidon, 1990*).

Table 2

Reasons for the current level of copyright piracy in Nigeria.

Source: Nigerian Copyright Commission/The Ford Foundation: Survey of copyright piracy in Nigeria (June 2008).

N/S	Reasons for current level of copyright piracy in Nigeria	Number of responses	%
	Poverty	1481	19.78
	Economic recession	630	8.42
	Globalization	175	2.34
	Scarcity of originals	734	9.80
	High cost of originals	1347	17.99
	Greed/profitability	1327	17.73
	Weak law enforcement	1160	15.50
	Ignorance	568	7.59
	Other reasons	64	0.85
	Total	7486	100.00

INTERVENTION STRATEGIES

Poverty, book scarcity, ignorance of the copyright laws by the public and the uncooperative attitude of some countries to endorsing international treaties on intellectual property are at the root of the evil of piracy. This cankerworm has a long term debilitating and destructive effect on scholarship, qualitative education, publishing and the general economic development of a country. Concerted efforts and strategies must be deployed by all stakeholders to combat it at both global and national levels. The following interventions are therefore recommended.

COST REDUCTION STRATEGIES

The international Bureau of World Intellectual Property Organization (WIPO) attributed the high incidence of piracy in Nigeria to the dearth of books at all levels, as well as the prohibitive cost of books when available (Ogunrombi & Bello, 1999). One of the logical solutions therefore is a complete removal for all import duties on printing and publishing machinery and spares, as well as printing sundries such as metal plates, photographic films, bromide paper, printing inks and chemicals. All imports that go into publishing should be subsidized (Okwilagwe, 2001).

NATIONAL BOOK POLICY AND COMMISSIONING OF LOCAL AUTHORSHIP

Studies have shown that over 80% of the books required in Nigeria to promote scholarship at all levels of education and research at the tertiary level are being imported at prohibitive costs from Europe and the United States of America. The government should enact a national book policy and encourage local authorship by commissioning writers in specific disciplines and undertake the distribution of such materials.

AWARENESS AND ENFORCEMENT OF COPYRIGHT LAWS

Librarians and libraries have a moral and ethical responsibility in creating awareness of and ensuring compliance with the provisions of the Copyright Act. This can be achieved through: (a) insistence that book purchases are only from a legitimate source, (b) avoid engaging charlatans as book vendors, (c) display copyright captions in conspicuous locations in the library, (d) incorporate lectures on copyright laws with students' orientation and as part of the credit user education programme, (e) highlighting news and information on developments on copyright, and (f) helping to publicize that excessive photocopying is destructive.

All other stakeholders like the Nigerian Copyright Commission, Nigerian Publishers Association, Nigerian Customs, Nigerian Police, and Nigerian Navy should intensify the monitoring of the activities of pirates through constant raids and destruction of their illegal products. More importantly convicted pirates should be paraded publicly and jailed appropriately without option of fine.

REVITALIZATION OF LIBRARIES

Most libraries are in a state of neglect in terms of provision of adequate, current and relevant books, journals and electronic resources. When patrons are assured of the existence of first rate library facilities, the quest for pirated materials will wane. A committed program for buying books by the libraries would encourage the publishers to reduce prices considering economy of scale and high turnover. Matsika (2012) corroborates the assertion that ease of access to reading materials would reduce the appetite for pirated books. Since scarcity has the propensity of stimulating illegal acquisition, robust library collections would guarantee access to reading materials from genuine sources while discouraging demand for pirated books. The quality of teaching, learning and research in a country is directly proportional to its learning resource base.

SANCTIONS ON COUNTRIES SHOWING COMPLACENCY TOWARDS PIRACY

Piracy should be seen as a heinous crime against intellectual property. All countries should be part of the crusade to eliminate it. The World Intellectual Property Organization (WIPO) should lobby the United Nations to sanction countries who fail to respect copyright laws. WIPO is advised to engage in constructive dialogue with Asian countries identified as the bastion of piracy.

SPECIAL ALGORITHMS TO DETECT ILLEGAL DOWNLOAD

Creation of automated searching by special algorithms as well as acting on tip-offs and information from authors and editors are common measures to detect and remove illegal download files of electronic book versions. Springer (2010) reported positive results in the number of links that have been disabled using this method. It noted that over 10,000 links were taken down per month.

SECURITY PRINTING DEVICES

The Al Ghurair printing press in Dubai has come up with printing security devices that help to expose and combat piracy. The company embedded a hidden security device that precludes the books from being pirated. When anybody tries to photocopy or scan the book, it will show the hidden image that will alert the buyer that the book is pirated. The image could read—PIRATED, PHOTOCOPY, SCANNED COPY, STOLEN COPY depending on what the publisher wants. The pirate can neither scan nor photocopy. The company has also introduced invisible watermarks that can only be seen under a mercury lamp, the type used in making currencies. It is also introducing micro-text, which has been a feature that can be seen with a magnifying glass, and it cannot be reproduced (Lakshmanan, 2009). With these facilities, the publishers can prevent pirates from manipulating their books, also they can legally prove that the books are pirated copies in a court of law. However, this is without prejudice to photocopying under license by the Reproduction Rights Society of Nigeria or under the "fair use" clause of the Nigerian Copyright Act, 2004. The advantage is that the device would clearly depict the material as photocopied, and thus dissuade pirates from presenting the same as original.

MORAL SUASION

Through advocacy, printers should be taught to maintain professional integrity by insisting that they do not print for pirates. Their clients should prove ownership of copyrights and genuine claim to the intellectual property as a condition for acceptance of such contract.

CONCLUSION

Book piracy thrives on poverty mentality and low moral rectitude. Those who patronize pirated books believe that once the content is the same and price is cheaper, why go for the relatively expensive one. The evil it foists on society is unimaginable. It destroys creativity, denies the authors economic benefits, and makes publishing unproductive and unattractive. This has a long term destructive effect on scholarship and qualitative education. All stakeholders must be united in stopping this menace through strategies ranging from the reduction of the price of legitimate books, awareness and enforcement of copyright laws as well as introduction of security printing devices to deter and detect piracy.

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