

Copyright Compliance in higher education institutions at the University of Zululand

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1. Introduction

The aim of the study was to examine copyright compliance at the University of Zululand campus. According to Rhodes University (2004:1) copyright is a part of a group of intellectual property rights which provides legal protection of creators of works of the mind, literary and artistic works, and symbols, names, images and designs used in commerce. It is considered to be the legal right, usually of authors, composers or publishers of a work, to exclusive publication, production, sale and distribution. McFarlane (1989:43) argues that the main purpose of copyright is to allow creators to gain economic rewards for their efforts and so encourage future creativity and the development of new material which will benefit the society at large. According to Giavarra (nd: 1) and McFarlane (1989:39) copyright is concerned with the right of authors, composers, artists and other creators in their work. She further notes that copyright law grants them the right for a limited period of time. Various authors concede that fair use includes the use of the work for the purposes of criticism, comment, news reporting, teaching or education and research. Accordingly copyright may be infringed through piracy, plagiarism, counterfeit and bootlegging.

A student and staff at the University of Zululand we have observed that some elements of the academic community are not conversant with copyright principles and specifications. Firstly most students at the University of Zululand commit plagiarism by failing to acknowledge the authors of the work they use for their assignments. Secondly, the rate of making photocopies is very high. Unfortunately there is no evidence that the University library which houses the photocopiers and the materials, informs the users of copyright specifications. This opens a possibility for copyright infringement.

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2. Research Methodology and Design

In carrying out the study the quantitative approach was largely employed. A quantitative approach was used because the researcher felt that it is more systematic than qualitative research. This study was conducted by means of a survey method because it targeted a large population which cannot be included in the study due to cost and time factors. Ultimately, sampling was essential. According to Neumann (2003:78) a population can be interpreted as a pool of cases or a group of people, items or units under investigation. The University of Zululand students and the professional library staff who are working in a professional capacity are the target population. The total number of registered students at the University of Zululand for the year 2005 was 8332. The probability sampling technique that was used was stratified sampling. This sampling technique was used because according to Neuman (2003:223) stratified sampling produces samples that are more representative of the population if the stratum information is correct. As it has been stated above the study targeted the students and the library staff. We used stratified sampling for students. The students were divided according to faculties to ensure that all faculties were represented in the sample. The sample size was calculated as 0.5% from each faculty which made a sample size of 42 students. For the purpose of this study a questionnaire and observation were used as data collection instruments. The questionnaire was 90% structured. Out of 42 targeted students 41 responded to the questionnaire, one student was unable to return the questionnaire. Therefore a 98% response rate was achieved. There are 11 professional library staff members in the library who are working at professional capacity. When the questionnaires were distributed to the library staff, strangely, they indicated that they know nothing about the topic. The library staff then referred us to someone they thought was knowledgeable about the topic. One questionnaire was given to that person

3. Results

3.1. Section A Students responses

Personal Information

The students were asked to fill in their particulars to determine gender, faculty and level of study. Out of 41 targeted students 20 (50%) were males and 21 (50%) were females. With regards to the level of study about 12 (29%) respondents were in their second year, 13 (31%) were in their third year, 10 (24%) were in their fourth year and 5 (14%) were doing postgraduate studies. Distribution by faculty indicated that 9 (21%) of the respondents were from the Faculty of Arts, 8 (19%) were from Education, 7 (17%) from Science, 6 (14%) from Law and 4 (12%) were from the Faculty of Theology. The study intended to solicit views on copyright compliance from students in their second year studies to those in postgraduate studies.

Type of information sources used.

The respondents were asked to indicate the type of information sources they use to fulfill their academic purposes.

Figure 1.

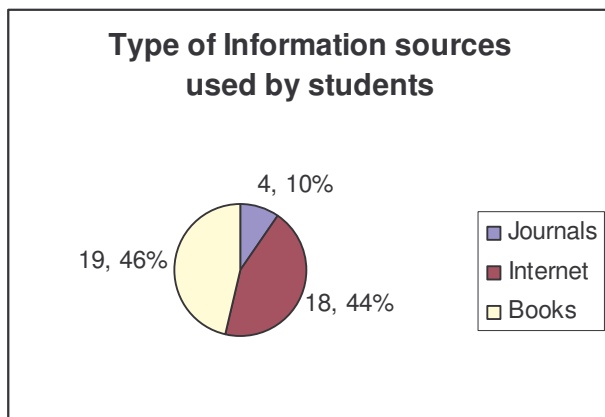


Figure 1. above reflects that books and the internet are mostly used by students to fulfill their academic purposes.

In response to the question about 4 (10%) of the respondents indicated that they use journals, 18 (44%) indicated they use the Internet while 19 (46%) of the respondents

stated that they usually use books to fulfill their academic purposes. We assume that books are most used by students because they normally do not have to pay to access them. With regards to the Internet the students expressed that it is much easier to access, the only problem identified is that one has to pay for its access. Figure 1 reflects a low percentage of the usage of journals. This can be attributed to the lack of knowledge regarding their information value and the fact that the University library does not popularize these sources.

Agency that provides information

The respondents were requested to state the agency that enables them to access the information sources.

Figure 2.

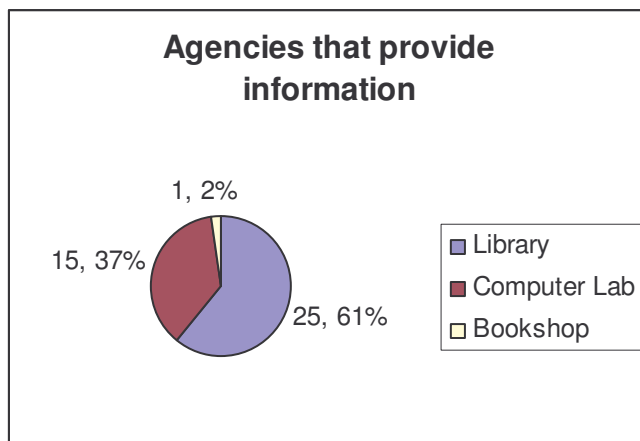


Figure 2. above reflects that most students access information from the library and computer laboratory.

In answering the question about information centers 25(61%) of the students stated the library enables them to access the information sources. However, 15(37%) stated that they normally get the information sources from the computer laboratory and only 1 (2%) stated that he or she relies on prescribed books that he or she buys. As indicated earlier in Figure 4.1 most students use library books and Internet resources from the Computer laboratory. What has emerged from the findings is that the University library and the computer laboratory are the most used information centers.

Copyright Regulations

The respondents were asked if they were aware of the copyright regulations that govern the use of information. About 17 (40%) of the respondents stated that they are aware of the copyright regulations that govern the use of information, 14 (33%) stated that they are not aware while 9 (28%) indicated that they were not sure whether they are aware or unaware of these regulations. We assume that the reason most of the students are not aware of the copyright regulations is that copyright is something about which people are either terrified or totally ambivalent about, as confirmed by Cornish (2000:4).

Necessity of copyright in academic environments

The respondents were asked if copyright is necessary in an academic environment. In response to the question 26 (65%) of the students stated that copyright is necessary in an academic environment while 10 (23%) stated that copyright is not necessary in an academic environment. It is encouraging to see a reasonable number of respondents acknowledge the necessity of copyright in academic environments. However a lot still needs to be done to extend that realization to the other 10 (23%) respondents.

The respondents were asked to give reasons why they think copyright is or is not a necessity. Those arguing that copyright is necessary in an academic environment stated that:

- Copyright encourages creativity
- Copyright helps to maintain order by regulating information use.
- Academic institutions should promote copyright correctness.

Those arguing against copyright in academic institutions stated that:

- Information should be available to whoever needs it.
- There should be no restrictions governing its access and use.
- Information users need to learn from other people's ideas to come up with something new.

Copyright Compliance

The respondents were asked if they comply with copyright regulations when they use information for educational purposes.

Figure 3.

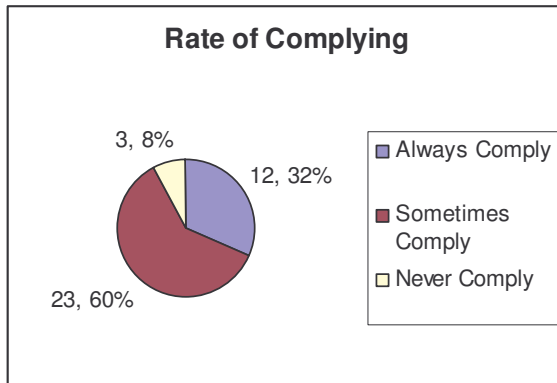


Figure 3. indicates that most students sometimes comply.

Responding to the question about 3(8%) of the students indicated that they never comply, 12 (32%) of the respondents stated that they always comply while 23 (60%) stated that they sometimes comply. If people have to comply with copyright regulations they have to know them. One cannot comply with something that he or she does not know about. The results under section 1.3 indicate that 14 (33%) of the students are not aware of copyright regulations, whilst 9(28%) said they were not sure. These results might have a bearing on the low rate of compliance reflected in Figure 3 above.

Reproduction of Information Sources

The respondents were asked if they make copies of information material. Approximately 39 (94%) of the students stated that they do make copies of information materials while only 3(6%) indicated that they don not make copies of information materials. Flint (1979:96) observes that Universities are equipped to photocopy on a large scale and therefore the potential for infringement is very high.

Agencies that enable Reproduction of Information Materials

The respondents were then asked to state the agencies that enable them to make copies

Figure 4.

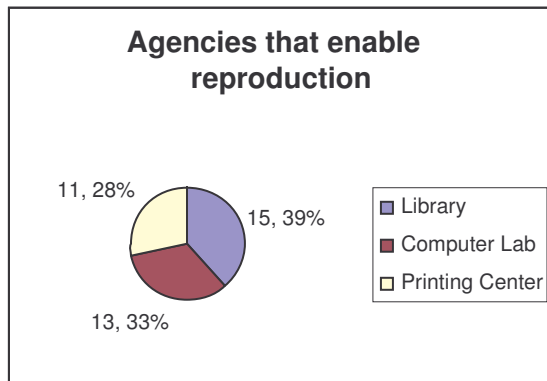


Figure 4 reflects clearly that most students make copies from the library and Computer Laboratory

To answer the question, about 15 (39%) of the students' respondents stated that they make copies from the library, 13 (33%) from the computer laboratory while 11 (28%) stated that they make copies from the printing center. The researcher assumes that most students prefer to make copies in the library because they make copies themselves unlike in the printing center and computer laboratory where copies are made for them.

Reproduction Regulations

The students were then asked to state whether there are regulations governing the amount of photocopies that can be made. About 10 (26%) stated that there are regulations on how much one can photocopy, 13 (30%) stated that there are no regulations, while 21 (52%) stated that they were not sure. The fact that a larger number of respondents are not informed about the permitted amount of photocopying indicates two things;

- The service provider (library) where most students make photocopies does not have any regulations on how much users can photocopy.
- The service provider may have these regulations but does not communicate them to the users.

Compliance with reproduction regulations

The respondents were asked if they comply with the copyright regulations relating to the reproduction of materials. About 18 (43%) of the student respondents stated that they comply with the regulations while 22 (52%) stated that they do not comply with the copyright regulations. As stated earlier the reason most students do not comply might be that they are not aware of these regulations and the service provider does not communicate these regulations to the users.

As most students indicated that they make photocopies from the library, respondents were then asked how the library made sure that users comply with whatever regulations the library has on copyright. Approximately 12 (29%) of the respondents stated that photocopying is supervised in the library while 29 (71%) stated that the library leaves the responsibility of complying with its users. The researcher assumes that the library assumes that students are aware of copyright specifications and that is why the responsibility is left to them.

Solutions to Copyright Compliance

The respondents were asked to suggest measures that can be taken to enhance copyright compliance. Only 27 students responded to this question. The responses were as follows;

- Approximately 8 (29.5%) students suggested that the University needs to be harsh on those that infringe copyright.
- A total of 7 (26%) students suggested that students should be introduced to copyright in lectures.
- In the region of 8 (29.5%) students suggested that photocopying in the library should be supervised.
- Approximately 4 (15%) students suggested that the library should display a warning of copyright regulations and principles in photocopy stations.

From these findings it is clear that a large number of students in this sample feel that if the University is hard on those that infringe copyright and if photocopying in the library is supervised the potential of copyright infringement would be reduced.

The respondents were asked if copyright compliance should be enforced. Most of them, 65% of the respondents, stated that copyright compliance should be enforced, while 33% stated that copyright compliance should not be enforced. It is encouraging to see that a large number of students acknowledge the importance of copyright compliance. The researcher assumes that the other 33% of students still lack knowledge about copyright and its purposes.

The respondents were further asked how copyright compliance should be enforced. About 21 (50%) students who responded to the question suggested that;

- There should be strict regulations with penalties
- There should be supervision
- Copyright information should be communicated to the users of copyright works.

The remaining 20 (50%) did not respond to the question. Most of students suggest that there should be strict regulations and there should be measures taken to ensure compliance.

The respondents were finally asked to state the reasons why copyright compliance should be enforced. Most respondents, 24, stated that copyright compliance should be enforced in order to protect the owners of copyright works. Similarly 18 (14%) of the students stated that copyright should be enforced to stimulate creativity by ensuring that the owners of intellectual property are rewarded for their works. What is reflected by these findings is that students feel that copyright compliance should be enforced to protect the owners of copyright works from unauthorized distribution, selling and so on.

3.2.Section B: Staff Respondents

The study targeted eleven professional librarians. Ten of them (91%) indicated that they knew nothing about the role of the library in enforcing copyright compliance. Only the University librarian was in a position to answer the questionnaire. Because of this state of affairs the questionnaire was only distributed to her.

Personal Information

The staff member who responded to the questionnaire was a University Librarian.

Copyright Education

Copyright Regulations

The respondent was asked to state the copyright regulations that govern the use of information. The respondent affirmed that it is not a library regulation but an official government act that governs copyright. She further stated that the library has an agreement with DARLO. From the literature surveyed it is clear that even though the library has an agreement with “DARLO” but it should have its own regulations regarding the use of information materials from its own collection.

User Education

The respondent was asked to state the strategies that the library uses to educate users about copyright. The respondent declared that the library use notices, circulars and word of mouth. Contrary to the respondent’s reply, the researcher observed that there were no copyright notices at photocopy stations in the library. There was also no literature relating to copyright at photocopy stations.

Copyright Warning

The respondent was further asked if the library displays a warning of copyright infringement at photocopy stations. The respondent affirmed that the library does display such a warning at photocopy stations. This response contradicts with what the researcher observed. The researcher observed that there was no copyright warning displayed in the photocopy station or the library.

Copyright Compliance policy

The respondent was asked if the library has a policy on copyright compliance. The respondent asserted that the library does have one. The researcher believes that if the library has developed and implemented a copyright compliance policy, that policy would govern the amount of copies to be made. In addition to this, photocopying would be supervised to ensure that users comply. As it is now photocopying is not supervised and there is no copyright warning displayed at a photocopy station. One therefore wonders if the library has a policy on copyright compliance, how it ensures that users comply with that policy. The respondent was then asked if the policy has been implemented. The respondent declared that the policy has been implemented. If the policy was implemented as stated by the respondent, the library is supposed to take measures to ensure that users abide with the policy; similarly it has to ensure that users are aware of the policy. The use of information has to be managed and guided by the copyright specifications. The results of the study show that the policy may not be properly implemented and is not effective.

Reproduction of Information Materials

The respondent was asked if photocopying is done in the library. The respondent affirmed that this is so. Flint (1979:96) observes that Universities are equipped to photocopy on a large scale and a great deal of infringing is taking place.

Reproduction Regulations

When asked if there are any regulations on how much users can photocopy from information material, the respondent asserted that there are regulations on this. Contrary to the respondent's response, the researcher observed that users made whatever amount of copies they wanted. What has emerged from the results is that the library may have these regulations but does not ensure that users comply.

Unauthorized Reproduction

The respondent was further asked how the library controls the unauthorized photocopying of information material. The respondent affirmed that the library displays a warning of copyright at photocopy stations. This response contradicts with what the

researcher observed. As stated earlier the researcher observed that no copyright warning was displayed at the photocopy station. According to Harper (2005:43) the library should provide patrons with copyright compliance warnings so as to make them aware that the materials they are using are subject to copyright protection.

The respondent was further asked if the user signs any declaration on why he needs copies and the respondent stated that the user does not sign any such declaration. According to Cornish (2000:48) a library can supply a copy to the patron under the condition that the patron signs a legal declaration why he/she needs the copy.

The respondent was asked if the library has someone appointed to handle copyright issues. In responding to the question the respondent stated that the library does not have someone to handle copyright issues.

The respondent was further asked how the library does then handle copyright issues. The respondent alluded to the fact that the library pays DARLO an annual license fee. The study did not further examine the agreement with DARLO.

Copyright Licensing

The respondent was asked if the library has a copyright licensing scheme. The respondent noted that the library does have this. According to Copyright Licensing (nd) there are limits to copying, either single or aggregate, copying may not exceed 10% of any published work for example 10 pages out of 100 pages. The researcher observed that users made whatever amount of copies they wanted from the library, there were no limits. This reflects that the library may have an agreement with Darlo but does not comply with Darlo specifications.

The respondent was requested to suggest measures that can be taken to enhance copyright compliance. The respondent noted that this is a publisher's prerogative not the library. From the respondent's reply it is clear that the respondent feels that the library is not responsible for copyright compliance.

The respondent was then asked what the violation of copyright entails. The respondent suggested that if found guilty a person should be fired or face a jail sentence. What is emerging from this reply is that the respondent takes copyright infringement as a serious criminal offence and not just a minor mistake.

The respondent further commented that copyright is not a library issue. It is a University issue which affects course reference material and not only the photocopying of library books.

3.3. Section C: Observation Results

The purpose of observation was to collect data. An observation schedule was developed and it covered the following areas;

- The amount of copies made from information material.
- If photocopying in the library is supervised.
- If there is any literature related to copyright in photocopy stations and
- If there is any signage (warnings and notices) related to copyright in the library and at photocopy stations.

We observed for three days and each day for two sessions.

Table 1 Observation Results

	Day one	Day two	Day three
Reproduction Materials	Unlimited number of pages	Unlimited number of pages	Unlimited number of pages
Supervision	No	No	No
Availability of Literature	No	No	No
Signage	No	No	No

Table 1 above shows that users made whatever amount of copies they wished to without supervision. It was also observed that there was no supervision during the time the researcher was there and that at the photocopy station there was no literature (flyers,

brochures, pamphlets, user guides and so on) related to copyright compliance. Finally, the researcher observed that there was no copyright warning or notices in the library and at the photocopy stations.

Conclusion

The results show that there is an immediate need to correct the situation of copyright compliance at the University of Zululand. The University as an education centre and knowledge generator should be promoting copyright compliance. Copyright compliance is a very serious issue that if not carefully handled violates other people's rights. Therefore, the university needs to develop terms of reference that will reflect the institutional philosophy towards copyright compliance.

Recommendations

The study recommends the following;

- The university should develop clear guidelines on the responsibilities related to copyright.
- The library should develop and implement a copyright policy and communicate it widely.
- The library should display a warning of copyright in the library and in photocopy stations.
- The library should appoint someone to handle copyright issues.
- The University of Zululand should educate faculty, staff and students to be better consumers of materials, more responsible in their use of others' works and careful in their exercise of statutory exemptions.
- The University library which houses most copyrighted works should educate its users about copyright through proper signage, orientation, user education and workshops.
- The library should display a warning of copyright in the library and at photocopy stations.
- Photocopying in the library should be supervised to prevent the excessive reproduction of information materials.

- It is recommended that in order to prevent the unauthorized reproduction of information material, users should sign a legal declaration why they need copies
- The University of Zululand needs to be harsh on those who infringe copyright regulations in order to make copyright a serious issue.
- Finally, further studies or investigations are recommended to unearth more on copyright management at the university.

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