



Copyright Law and the Information Profession in Nigeria: Legal Challenges and Opportunities in the Digital Environment

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Abstract

The evolving digital landscape has transformed the way information is created, shared, and accessed, presenting both opportunities and legal challenges for information professionals in Nigeria. With the enactment of the Copyright Act, 2022, significant changes have been introduced to Nigeria's copyright regime, particularly concerning digital rights, fair dealing, and enforcement mechanisms. This paper critically examines the implications of the revised copyright framework for Intellectual Property Lawyers, librarians, archivists, and other information professionals. It explores the tension between copyright protection and access to knowledge, highlighting the ambiguities in law and practice. The paper also draws on international best practices to propose policy and legal reforms that balance the rights of copyright holders with the professional duties of information workers to ensure equitable access to information.

Keywords: Copyright, Law, Information Profession/ Professional, Digital

Introduction

In the 21st-century knowledge economy, information has become a vital asset. Information professionals, including librarians, archivists, records managers, and digital curators and Legal practitioners play a central role in organizing, preserving, managing and facilitating access to this asset. However, their roles intersect increasingly with copyright law, especially in the digital age where information is easily duplicated, reproduced, and disseminated across platforms. The rapid integration of digital technologies into library and information services has further complicated the application of copyright principles, necessitating a clearer understanding of the legal terrain. In Nigeria, the recent enactment of the Copyright Act, 2022, marks a significant milestone in updating the country's legal framework with regard to intellectual property in order to align with

global standards. As the Nigerian information environment becomes increasingly digital and interconnected, it is imperative for legal scholars and information professionals to collaboratively interpret and implement copyright policies that does not only protect creators but also ensures access to knowledge. This is because business transactions today transcends beyond the physical to the digital space (Lynda Alphaeus, 2022).ⁱ This paper therefore examines the implications of Nigeria's copyright law for information professionals and users of copyrighted works, addressing the challenges, ambiguities, and opportunities presented by the evolving legal and technological landscape. It contributes to the ongoing discourse on how copyright frameworks can support, rather than hinder, the mission of information dissemination.

Overview of Copyright Law in Nigeria

Nigeria's copyright regime is governed by the Nigerian Copyright Act, 2022, which repealed and replaced the earlier Act Cap C28, Laws of the Federation of Nigeria 2004. The new Act modernizes Nigeria's copyright regime by incorporating emerging digital realities, addressing gaps in enforcement, and strengthening the rights of creators and users. It aligns more closely with international treaties such as the World Intellectual Property Organization (WIPO) Internet Treaties, the Berne Convention, and the Marrakesh Treaty for persons with visual impairments. (Lynda Alphaeus, 2022).

Key features of the Copyright Act, 2022 include:

- Enhanced recognition of digital works and the protection of rights management information.
- Updated provisions on public communication of works, including broadcast and online distribution.
- Provisions for limitations and exceptions to support educational and research uses.
- Criminalization of the circumvention of technological protection measures (TPMs).
- Establishment of a more effective dispute resolution mechanism.

According to Okorie (2023), the 2022 Act responds to the inadequacies of the 1988 framework in the context of global digital content exchange. The Act in section 4 has provided for the automatic conferment of copyright without any formality. Though this was somewhat provided for in the old Act, it was not expressly stated, but implied. (Similoluwa Oyelude et al, 2024). In the new Act, audio-visual works have been added as works that are eligible for copyright in so far as effort has been made in its creation to make it original and it has been fixated (section 2). The Supreme Court in the case of *UBOM v. GLOBACOM (NIG) LTD (2024) LPELR-79933(SC)*, held that such works must "be works in respect of which a considerable effort has been expended to give it an original character and must be fixed in a particular medium of expression from which it can be perceived, reproduced or otherwise communicated."

In the Act, the Nigerian Copyright Commission (NCC) remains the regulatory body overseeing the administration and enforcement of the Act. The NCC under the Act is empowered to set up a panel of dispute resolution in case of any dispute arising from transactions that bothers on

copyrights. (Similoluwa Oyelude et al, 2024). The Commission has since launched awareness campaigns and stakeholder engagement initiatives to improve understanding and compliance. However, despite these advancements, implementation challenges persist, including weak enforcement mechanisms, lack of awareness among users and professionals, and infrastructural limitations that affect rights management. Adebayo and Salami (2023) emphasize the need for institutional capacity building and public education to fully realize the objectives of the new law.

Legal Obligations of Information Professionals

Information professionals in Nigeria face increasing responsibilities in managing copyright-compliant access to knowledge resources. Their core activities—such as digitizing print collections, facilitating access to e-resources, managing institutional repositories, and offering inter-library loan services—often involve the reproduction, communication, or adaptation of copyrighted materials. This has made their operations challenging as to knowing when and how not to infringe on the copyright of an author or creator of copyrighted work.

Common legal issues include:

- Unauthorized reproduction of textbooks and academic journals for students.
- Use of copyrighted images and multimedia content in digital library services.
- Lending or distributing digital materials beyond contractual or legal limits.

According to Aina (2022), many information professionals in Nigerian academic libraries lack a comprehensive understanding of copyright law, which exposes them and their institutions to the risk of legal liabilities. Moreover, copyright awareness is generally low across sectors, particularly in public and school libraries (Yaya & Adekunle, 2020).

Chigbo and Egbule (2021) stress the need for professional ethics and legal literacy as key competencies for information practitioners. Failure to secure appropriate permissions or licenses before digitizing or distributing content could result in infringement. Institutions, therefore, must ensure ongoing copyright literacy training, develop internal compliance policies, and designate copyright officers or legal consultants to advice on permissible uses.

Fair Dealing and Access to Information

Nigeria's copyright system employs the doctrine of "fair dealing," which provides exceptions that allow limited use of copyrighted works without prior authorization. Section 20 of the Copyright Act, 2022 outlines permitted fair dealing purposes such as research, private study, criticism, review, and reporting of current events.

However, the fair dealing principle is narrower in scope than the "fair use" doctrine found in jurisdictions like the United States. In practice, this limitation presents challenges for Nigerian academic institutions that rely on shared content and open educational resources. As Eze and Agbo (2023) pointed out, the ambiguity in interpreting what constitutes "fair" in educational contexts creates legal uncertainty. Unlike the U.S. fair use doctrine, which considers factors such as purpose, nature, amount, and effect, Nigerian law provides little judicial precedent or regulatory guidance.

Furthermore, Nigerian courts have not yet developed a robust body of case law on fair dealing, which complicates legal interpretation. According to Omotayo and Alabi (2022), this vacuum contributes to a risk-averse environment where institutions may deny access or services for fear of infringing copyright. The lack of clearly defined boundaries also stifles innovation in digital learning and hinders open access initiatives.

Digital Technologies and Copyright Concerns

Digital technologies have revolutionized information services in Nigerian libraries. From digital lending and online archives to institutional repositories (IRs) and open access publishing, the benefits are undeniable. However, these advancements introduce complex copyright dilemmas which includes the following:

- **Digitization:** Converting analog resources to digital formats requires copyright clearance, particularly for non-public domain works. One of the challenges here is that many Nigerian libraries lack the resources to verify rights ownership before digitization (Okonkwo & Oladele, 2022).
- **Institutional Repositories:** IRs host theses, dissertations, research articles, and grey literature. These often include embedded third-party materials (e.g., figures, data, charts) that may not be properly licensed (Oketunji, 2021).
- **E-Resources:** Access to digital databases is often governed by license agreements that override statutory provisions. Users may face restrictions on copying, sharing, or downloading content, even for educational purposes. The Act has provided for the protection of works in the digital space by redefining “the term ‘copy’ to include a reproduction in any form, including digital copies” and thereby bringing “all forms of reproduction within the purview of the Act” (Lawrence Oguama et al, 2023).

The integration of artificial intelligence (AI) in content indexing, recommendation, and research assistance further complicates the copyright landscape. As Obinna and Bello (2023) argue, the rise of machine learning models trained on copyrighted materials could present ethical and legal challenges that information professionals are not yet prepared to navigate.

International Treaties and Best Practices

Nigeria is a signatory to several international copyright treaties that inform its domestic legislation:

- **Berne Convention:** Establishes minimum standards for copyright protection and the principle of national treatment.
- **WIPO Copyright Treaty (WCT):** Expands the scope of copyright to cover digital environments.
- **Marrakesh Treaty:** Aims to facilitate access to published works for persons who are blind or visually impaired.

These treaties reinforce the importance of balancing rights protection with access to information. In countries like Canada and the UK, library-specific exceptions are well-developed. For example, Canada’s Copyright Act includes educational exceptions that explicitly allow classroom use and

library reproduction under fair dealing. Similarly, the UK's Copyright, Designs and Patents Act permits the copying of works for non-commercial research and private study.

IFLA (2022) recommends the adoption of flexible limitations and exceptions that support libraries in fulfilling their public interest missions. Nigeria could benefit from incorporating clearer language on educational and library uses, particularly in light of digital access goals outlined in the National ICT Policy.

Legal and Policy Recommendations

To foster a copyright-conscious and legally compliant information profession in Nigeria, the following steps are recommended:

- **Copyright Literacy Training:** Embed copyright education in Library and Information Science (LIS) curricula and offer regular continuing education workshops. This should include training on licensing, Creative Commons, and digital rights management.
- **Institutional Policies:** Academic and public libraries should develop clear copyright policies and establish compliance units to guide staff and users.
- **Legal Reform:** Amendments to the Copyright Act should expand the scope of fair dealing and introduce specific library and educational exceptions.
- **Public-Private Collaboration:** Encourage cooperation between legal experts, library associations (e.g., Nigerian Library Association), and government agencies to create practical implementation guidelines.
- **Rights Clearance Services:** Develop a centralized rights clearance body or service that assists libraries in securing permissions efficiently.

Conclusion

Nigeria's evolving copyright landscape presents both challenges and opportunities for information professionals. As stewards of knowledge and gatekeepers of public information, these professionals must remain abreast of legal developments and adopt best practices to navigate copyright complexities. The Copyright Act, 2022 represents a positive step toward modernizing the legal framework, but its implementation must be accompanied by robust education, institutional policies, and legislative refinement. By strengthening the intersection between copyright and information access, Nigeria can empower its knowledge economy while respecting the rights of creators.

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ⁱ Lynda Alphaeus, 'THE NIGERIAN COPYRIGHT ACT 2022: AN OVERVIEW' *NIALS Journal of Intellectual Property [NJIP]* Volume 7 (2020-22)