

Role of Intellectual Property System in Ensuring Access to Books

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Abstract

Access to information is a universal right that is protected by law and to be enjoyed by all. Access to books makes for better people, and for more responsible citizens. Intellectual property seeks to protect the intellectual property of creators and to also ensure that access to information is not inhibited. Books are a primary source of information and available reference for research in both its traditional and digital formats. With the methodology of simple literature review, the paper made efforts to review the role of intellectual property system in ensuring access to books, while highlighting the provisions of the Nigerian Copyright Act. The intellectual property system and the various copyright exceptions created by the intellectual property system to guarantee access to information are underscored in the paper. The paper therefore highlighted the principles of fair use, library privilege, compulsory licensing, use of a work in an approved educational Institution, etc., to promote access to books include. The paper also covered the rights of the visually impaired to copyright works, like every other sighted person, as equal access to books and other educational materials presents equal opportunities for all to acquire education, develop skills, and realise their full potential.

Keywords: Intellectual Property. Access to books/information, copyright exceptions, visually impaired, Nigeria

INTRODUCTION

Access to information is a universal right which guarantees that everyone has the right to seek information, to receive information and to impart information (UNESCO, nd) Many countries guarantee access to information because it is an essential part of civil life and promotes economic equality (Grasmick, 2015). According to the Universal Declaration of Human Rights (Article 19), it is an essential component of the fundamental right to freedom of expression, covering both the right to disseminate information and the right to receive information. Books are major sources of information for society. Access to books makes for better people, and for a responsive and responsible people. Such access is vital for empowering citizens, including vulnerable and

excluded people, and ensures opportunities for economic advancement (Haider, 2011). Books provide the most effective means of disseminating and popularizing scientific and technological information (Olasehinde, 2015). The advent of digital technology has revolutionized how information is obtained. In a digital world, such as we are in, books are also accessible in digital formats which has significantly expanded the scope of information availability and utilisation.

The copyright law which protects the right of creators of copyright materials tends to be a barrier to the freedom of access to information. There has been a serious attempt at over-emphasizing the right of the creators of copyright materials beyond its boundaries whilst suppressing users' rights, with emphasis centred on the protection of the right of the copyright owner, while little attention was paid to the public's right in relation to copyright works (Bryant, 2018). The challenge of intellectual property system is to strike a balance between the rights of creators of literary works and the right of the public to access information. The intellectual property system aims to ensure that access to information is not inhibited and also to ensure that creators of works are encouraged to produce more creative works. Intellectual property is categorized into patents, copyrights, trademarks, geographical indications, industrial designs, layout designs of integrated circuits, trade secrets and plant varieties (Sreeragi 2021).

The right of access to information is not an absolute right, but is subject to restrictions governed by law. Copyright law is created to limit access to information with the intention to secure authors' exclusive rights to their intellectual creations. The law has therefore created exemptions to the exclusive rights of copyright owners. Ensuring access to information also involves protecting the right of the visually impaired to enjoy access to books. There are national legal provisions and international conventions, like the Marrakesh Treaty, which attempts to make published works easier for blind and visually impaired people to access information. This agreement promotes the creation and dissemination of books in accessible formats, such as audiobooks or braille, without copyright restrictions. Ensuring that people with visual impairments can enjoy literature and educational materials on par with everyone else is a crucial step in encouraging inclusion.

Intellectual property system is governed by the Nigerian Copyright Act, 2022. The Act offers a comprehensive description of copyright that covers a wide range of creative works, including broadcast, literary, musical, artistic, and audio-visual. The Act strengthens author rights and imposes stricter penalties for violating the law, addressing issues with the digital and online use of copyrighted works. The Act also expressly protects audio-visual works included in digital content. It states that using any kind of online content—pictures, movies, audio files, and other outputs—without the creators' permission is prohibited in accordance with the underlying principle of copyright law is to protect from appropriation the fruits of a person's work. Intellectual property creators should therefore reap the rewards of their labor. Protection of copyright is significant to different creators of works including authors, publishers, architects, designers, editors of law reports, makers of cinematograph films and photographers and to producers of computer systems, laptops and their numerous software (Babafemi, 2007). The rights conferred on creators of works under the copyright law include the right of reproduction, right of publication, the right of adaptation, the right to make translations, the right to make performance, the right of communication to the public, etc (Oyewuonmi, 2015)



Objectives of the Study

The objective of this paper is to examine the role of intellectual property system in ensuring access to books under the Nigerian law, through the mechanism of copyright. The paper will specifically:

1. Highlight the role of the intellectual property system in ensuring access to information.
2. Identify the mechanisms of the intellectual property system in balancing rights of creators and public access to information.
3. Highlight the role of Nigerian copyright law in extending right of access to information to the visually impaired.

METHODOLOGY

Through a review of literature, the paper made efforts to review the role of intellectual property system in ensuring access to information while highlighting the provisions of the Nigerian Copyright Act in this respect.

Development of Copyright System

Copyright is one of the two branches of the law known as intellectual property. The other branch relates to industrial property (trademarks, industrial designs, inventions). The owner of property rights in literary and artistic works is protected by copyright laws against those who use the exact words or wording arrangement that the author used when creating his or her work. The main goal of copyright law is to encourage the creation and dissemination of educational and practical works by providing protection for literary labor. The primary legislation that governs copyright in Nigeria is the Nigerian Copyright Act, 2022. The Copyright Act, 2022 repealed the 2004 Act which was initially passed in 1988, amended in 1992 and 1999 and recodified in 2010. Nigeria is also signatory to a number of international conventions on intellectual property. The aim of conventions is to promote harmonization among countries by establishing uniform ways of protecting the rights of authors in their literary and artistic works, thereby ensuring that countries give the same protection to the works of the nationals of other countries as they give to their nationals. (Kaminski, 2014).

The concern about the protection across borders and the limitations of national solutions to multinational problems, led to the emergence of international agreements aimed at securing copyright protection across borders. Nigeria ratified the Berne Convention in September 14, 1993 and became a member of the Universal Copyright Convention on February 14, 1962. In October 29, 1993, Nigeria also signed the Rome Convention, and ratified the WIPO Copyright Treaty and WIPO Performers and Phonograms Treaty in 1996 (Adewopo, 2002). Nigeria also ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty). It has been established that the majority of persons who are blind and visually impaired live in developing countries (Ackland, 2017) whereas, the levels of access to information and employment by this category of persons are lowest in developing countries like Nigeria (Wolffe, 2002). In other words, developing countries have not been able to adequately provide for the needs of persons who are blind and visually impaired, thus leading to their low levels of participation in and contribution to socio-economic activities of their countries. Ncube (2020) asserts that the Marrakesh Treaty addresses

a “book famine” by requiring its contracting parties to adopt national law provisions that permit the reproduction, distribution and availability of published works in accessible formats for the visually challenge.

The Nigerian Copyright Act in Section 26 allows an authorized entity, without the copyright owner's permission, to create and distribute accessible format copies of a work to blind and visually impaired persons, provided the authorized entity has lawful access to the original work, the work is converted to an accessible format, and the work is for the exclusive use of blind and visually impaired persons on a non-profit basis. The authorized entity must confirm the disability status of the beneficiaries, discourage unauthorized copies, and handle records with privacy considerations for the beneficiaries. A visually impaired person is also permitted to make an accessible format copy of a work or other subject matter for his personal use, where he has lawful access to that work.

Nature of Copyright Materials

The eligibility of works that qualify for protection under copyright is listed in Section 2 (1) of the Copyright Act, 2022. They are six categories that include the following:

- a). Literary works.
- b). Musical works.
- c). Artistic works.
- d). audiovisual works
- e). Sound recordings.
- f). Broadcasts.

The interpretation section (Section 108) of the Nigerian Copyright Act lists literary work to include novels, stories and poetical works; plays, stage directions, audiovisual work scenarios and broadcasting scripts ; choreographic works, computer programmes, textbooks, treatises, histories, biographies, essays and articles, encyclopaedias, dictionaries, directories and anthologies, letters, reports and memoranda, lectures, addresses and sermons, law reports, excluding decisions of courts, written tables and compilations, including table or compilation of data stored or embodied in a computer or any medium. According to the Section, musical works is any musical composition, irrespective of musical quality. Artistic works include paintings, drawings, etchings, lithographs, woodcuts, engravings and prints, maps, plans and diagrams, works of sculpture, photographs not comprised in an audiovisual work, works of architecture in the form of building models; and works of artistic craftsmanship, including pictorial woven tissues and articles of applied handicraft. The owner of the work is granted exclusive rights under Section 9 of the Copyright Act. Therefore, reproduction, publication, performance, translation, distribution, and broadcasting of the work are all reserved by the owner.

Oyewunmi (2019) highlights numerous actions that are considered copyright infringement. These include various dealings, usually of a commercial nature, in infringing copies of copyright works, as well as the unauthorized doing of acts for which the copyright owner has been granted exclusive rights. If any of these actions are taken without the owner's permission and do not fall under one of the copyright control exceptions, they are considered violations of copyright. In addition to direct acts, a person may also be held accountable for instigating or permitting another to infringe. Infringement of copyright is detailed in Section 36 of the Nigerian Copyright Act. A work has to be in tangible form and must have been created with sufficient skill to give it an original character in order to be protected under the copyright law (Asein, 2002).

Copyright System in Nigeria

Copyright are rights given to creators for their literary and artistic works. The protection of copyright is an obligation of nations in order to promote and encourage innovation, ingenuity, and creativity (Onoyeyan, 2018). Girme & Joshi (2023) emphasize that copyright law is essential for promoting innovation, fostering economic expansion, and safeguarding cultural legacy. This is because copyright law grants inventors exclusive rights to their creations; it encourages them to keep innovating in their profession and producing new works. This may result in breakthroughs in science, technology, and the arts that benefit society as a whole. Feather (2003) had earlier pointed out that copyright law as a legal concept concerns rights to copy as it protects the labour, innovation, skill and judgment that some author, artist or some other creator expends in the creation of an original piece of work. Copyright also grants dignitary and expressive benefits as well as financial compensation to certain creators. Therefore, copyright can be used as a tool to help live better lives (Moffat, 2023). Hence, Sodipo (2017) affirms that creativity will be suppressed if the public is fully prohibited from handling copyright works without permission. Unauthorized use has the potential to hinder inventiveness. Innovation is birth through working together, and drawing inspiration from the use of created works. It is therefore essential to strike a balance between protection of copyright work and access to copyrighted works in order to promote innovation and creativity in society

The Copyright Act, by Section 19 provides that literary, musical, and artistic works (apart from photographs) are protected by copyright for 70 years after the end of the year that the author dies, or, in the case of a government or body corporate author, for 70 years following the end of the year the work was first published. Photographs and cinematograph films are safeguarded for 50 years following the year of their initial publication. Broadcasts and sound recordings are protected by copyright for 50 years following the end of the year in which they were originally published.

The significance of copyright in Nigeria is imperative because of the prevalence of book, film, and music piracy, which results in losses of income for writers, publishers, filmmakers, musicians, and many other copyright owners (Babafemi, 2007). Nigeria still remains the largest piracy destination and market in the world because of the inability of the Copyright Act to meet contemporary challenges in the protection of copyrights has made Nigeria experience challenges as a result of piracy, especially with regard to intellectual property rights. Nigeria has been identified as a major centre for pirate activity, which makes it a significant market and destination for products that are pirated and contain copyrighted content. Numerous factors have contributed to the persistence of the piracy challenge, such as the difficulty in stopping the widespread distribution of counterfeit goods, the ineffectiveness of anti-piracy measures, and the lax enforcement of intellectual property laws. There have been continuous attempts to tackle this problem, with the goals of enforcing more stringent laws, raising public awareness, and curbing piracy in the nation (Faga, 2011). To this end, Odunowo (2002) asserts that breach of copyright laws can result in financial loss, inhibit creativity, impede industrial, economic, and cultural growth, and deprive the government of a significant amount of tax revenue, particularly in areas that are closely tied to copyright. Copyright protection, therefore offers the vital incentives for the creation and dissemination of cultural and informational assets, as well as for the creation of new, valuable works that fuel national development.

Copyright Exceptions

The copyright system maintains a balance between the intellectual property interests of authors/copyright owners and the larger public interest. The Nigerian Copyright Act permits various exceptions, whereby an action that would have been considered an infringement is permitted in particular situations even though the individual work is protected under copyright. Statutory exceptions are provided for under Section 20 of the Act. The Act by virtue of Section 20 (1) provides that fair dealing purposes by way of private use, parody, satire, pastiche, or caricature; non-commercial research and private study; criticism, review, or reporting of current events, and so on.

The Concept of Fair Dealing

Fair dealing or fair use is a doctrine under copyright that creates exceptions from copyright control. Fair dealing is primarily used under the Nigerian Copyright Act for specific purposes (such as research, private study, criticism, review, news reporting, education, satire, or parody) that, if the use falls within these categories, may be considered fair and not an infringement of copyright. The doctrine permits limited use of copyrighted material without acquiring permission from the rights holder. It considers various factors, including the purpose and character of the use (such as whether it is transformative or commercial), the nature of the copyrighted work, the amount used, and the effect of the use on use on the potential market for the original work. This means that the dealing with the work must be genuine and reasonable. It allows the limited use of copyrighted material without the permission of the copyright owner (Babafemi, 2007).

Fair use plays a vital role in copyright law because it is able to balance the interests of the right holder and the public. The central dilemma for fair use jurisprudence is that without the flexibility of fair use, copyright would become unwieldy and oppressive; but if fair use allows too much freedom from copyright, it risks undermining the incentives that the creators of copyrighted works rely on (Sag, 2005). The doctrine recognizes uses of copyright creations that fall outside the control of the right holder. When an individual invokes the fair dealing doctrine, and makes a copy under the doctrine, (s)he is not obligated to get permission from the copyright owner. Under the Act, acts done by way of fair dealing for the purposes of research, private use, criticism, or review of the reporting of current events are exempted from copyright control. Therefore, whenever a copyrighted work is utilized for research, personal use, evaluation, or reporting on current events, there is no question of infringement of the copyright in such a work provided the use is by way of fair dealing (Oloko, 2022). The whole concept of fair dealing is to encourage ingenuity, creativity, originality, innovation, and development. This is significant, as new works are expected to derive from existing works, as it is impractical to make any progress in research in a field of knowledge without recourse to what has been done in that field of knowledge before the current research. In this breathe, the principle of fair dealing offers reasonable access to copyright creations.

Asein (2012) asserts, in reference to parody, pastiche or caricature that the rationale for the exclusion of these categories of fair dealings from copyright infringement is that the light-hearted use of a work is not presented to the audience as an entirely new original but rather as deriving from another work that is frequently identified or well known to the audience of the parody or

caricature. These doctrines frequently provide protection for works that parody or satirise another well-known work by incorporating its elements into their own. The new work purposefully makes references to or draws upon the audience's familiar source material for comedic, critical, or commentary purposes. Because it modifies the original content in a way that creates something new while depending on the familiarity of the existing work for its impact, this type of use typically falls under the umbrella of fair dealing or fair use. Generally, the court would be wary of any damage that stringent enforcement of the copyright claims may represent to the art of generating humor when weighing the satirical value of the lighthearted work against the copyright interest of the owner of the original work. However, parody, pastiche, or caricature that violates whole or nearly verbatim copyright may be prohibited by the court (Asein, 2012). Since light-hearted acts heavily reference the original work, the fair use exception is employed to cover parody, pastiche, caricature, ephemeral use of artistic works, etc.

Other Exceptions under the Nigerian Copyright Law

The Nigerian Copyright Act provides for other exceptions that moderates the interests of copyright owners and public use. Section 20 (1) provides that for the incorporation of an artistic work in a broadcast or audiovisual piece that is shown in a public setting; the unintentional inclusion of a creative work in an audiovisual production or broadcast; the brief quotations from a work; the reading or recitation of any reasonable passage from a published literary work in public or on a broadcast, provided that it is done without profit and is accompanied by acknowledgement to the author and title of the work are exempted from copyright control.

Paragraph (i) of the Copyright Act also allows exception to any use of a work made by, or under the direction or control of, the Government, or by public libraries, non-profit documentation centers, scientific or other institutions, provided that the use is in the public interest, no money is made from it, and the work's potential market or value are not significantly impacted by the use. The copyright law is basically a compromise between competing interests, authorizing public libraries and other documentation centres to make certain uses of copyright works, while placing restrictions to protect the interests of copyright owners. The Act also offers, in reference to the library, an exception in making of not more than three copies of a book for the use of the public library if the book is not available for sale in Nigeria. This could be made under the direction of the person in charge of a public library for the use of the library if such book is not offered for sale in Nigeria.

Cornish (2004) observed that this exception, referred to as library privilege, is the most important exception on owners' rights in reference to libraries, and applies only where the library makes the copies on behalf of the user. Users can only claim fair use, and not library privilege when they make copies for themselves. It is important to stress that the exception of reproduction of a limited number of copies within public libraries is contingent upon the unavailability of the work for purchase. Limiting this exemption only to the jurisdiction of public libraries is a concern. What becomes the fate of academic libraries if a work not commercially available for purchase may only be reproduced by public libraries? In order to grant access to books and information for all, all genres of libraries should enjoy this copyright exemption of reproducing copies of books that are unavailable for purchase. There is no particular copyright exemption that permits academic libraries to print a restricted quantity of copies for public consumption. Limiting this exception

only to public libraries would certainly create negative effects on information access that could have an impact on the spread of knowledge.

Another exception granted by the Copyright Act in reference to library is the reproduction of an unpublished literary or musical work held in a library, museum, or other comparable institution for the purpose of private study or research that is accessible to the general public. In this regard, every type of library could take refuge under this provision to reproduce unpublished works, as this exception does qualify all type of libraries. The exception is essential to furthering information dissemination, and protecting cultural heritage, as the public interest in accessing these unpublished materials and the authors' rights to maintain control over their unpublished works are balanced by this copyright exemption.

The Act underlines the concept of compulsory license for the translation and reproduction of some literary and artistic works. Compulsory license is a legal tool used to strike a balance between an exclusive right and a free exception, so that within the scope of the license an exclusive right is changed into a right to compensation (Brennan, 2017). It is a regulatory tool that represents a middle ground between exclusivity and free use. Compulsory licensing is not an exception per se to the exclusive right of communication to the public, but rather serves to balance the interests of right holders and users (Geiger, 2021). Compulsory license under copyright permits third parties to use a copyright work in exchange for a fee. The exclusive rights are converted in these cases (such as photocopying, lending of books, etc) by a "remuneration right," because the author cannot individually assert his/her rights (Correa, 1999). Babafemi (2007) asserts that Compulsory Licensing is founded on necessity, based on the need to have access to protected works on practicable terms because it is the solution to the difficulty or impossibility of obtaining licenses from copyright owners and the need to prevent the establishment of monopolies at the expense of the general public.

Access to Books for the Visually Impaired

Access to information is a human right for all. It is a moral responsibility to make information available to all categories of people, regardless of their age, gender, race, political affiliation or disability. For those who are blind or visually impaired, access to books is a crucial issue that affects their personal, professional, and educational growth. Traditional print materials have limitations that make it difficult for visually impaired people to access to information in books in conventional formats. This category of persons need special consideration in the society. It is very important that they gain access to information in a format that can be used by them. Ensuring equal access to information for all is indispensable to the establishment of the information society. World Health Organization reports that there are more than 285 million visually impaired persons in the world, and 90 per cent of visually impaired live in developing countries (WHO, 2022).

New technologies have opened up new opportunities for reading so much so that the visually impaired can readily access the internet and digital resources using Braille displays, screen magnifying monitors, screen magnification, scanning software with OCR, screen readers, speech synthesis and so on. These Assistive or Adaptive technology are helpful for the visually impaired to access needed information independently. Traditionally, the reading materials for the visually impaired were the Braille books, talking books and large print materials (Kharamin, 2011). To this

end, Sullivan (2007) notes that libraries are authorized to make and retain formats of works that serve the needs of persons who are blind or visually impaired.

According to Section 26 of the Nigerian Copyright Act, an authorised entity may produce and distribute accessible format copies of a work to blind and visually impaired people without the copyright owner's consent, provided that the authorized entity has legal access to the original work, that the work is converted to an accessible format, and that the work is produced for the sole purpose of serving blind and visually impaired people on a non-profit basis. The authorized entity is required to verify the disability status of the beneficiaries, prevent unauthorized copies, and manage records while protecting beneficiaries' privacy. Such authorized entity must ensure to limit its distribution to authorized beneficiaries, and only make accessible format copies available; discourage the reproduction, distribution of unauthorized copies. They are required to take reasonable care when handling copies of these works and keep records of it, all the while protecting beneficiary privacy. If a visually impaired person has legal access to a work, he may also make an accessible format copy of the work or other subject matter for personal use.

These provisions of the law are important because very few books are available in accessible versions (such as big print, audio, braille, etc.) (Cassidy, et al., 2024). A major obstacle to literacy and education for the visually impaired persons globally is the absence of accessible content in convenient format. In order that the visually impaired persons gain “non-discriminatory, equal opportunity, accessibility and full and effective participation and inclusion in society,” (Marrakesh Treaty, 2013) it is imperative that there be legal support. To this end, technological approaches to enhance accessibility to books by the visually impaired persons have been investigated by researchers; for example, text-to-speech and optical character recognition have been used to turn digital texts into audiobooks (Jayant et al., 2010). Furthermore, research has demonstrated that the visually impaired can greatly benefit from the enhanced reading experiences provided by ebooks and e-readers equipped with accessibility capabilities (Siegenthaler et al., 2012).

To facilitate the cross-border sharing of information in these accessible formats for the visually impaired, the Marrakesh Treaty was ratified in 2013. The Marrakesh Treaty is an international agreement that was created to improve access to copyrighted works for people with print disabilities, such as the blind and visually impaired. The agreement was signed in Marrakesh, Morocco, on June 27, 2013, and it became operative on September 30, 2016. The Marrakesh Treaty has been a significant step towards improving the accessibility of copyrighted works and the rights of individuals with visual impairments to equal access to books, information, and knowledge.

The Marrakesh Treaty contains some significant key provisions. Firstly, it contains copyright exceptions that mandates member nations to set up copyright exceptions that permit the distribution, reproduction, and public availability of published works in formats that are easily accessed without requiring consent from the copyright owners. This is clearly detailed in Article 4 of the Marrakesh Treaty. The second key provision relates to the cross-border exchange, where Articles 5, 6 and 9 of the Marrakesh Treaty authorised entities in one country can transfer accessible format copies to authorised recipients in another country that has ratified the Treaty. The capacity to distribute accessible format copies of copyrighted works across national boundaries is beneficial to persons with print disabilities worldwide because producing such copies

is very expensive and specialized (Girish & Vaidyanathan (2021). Thirdly, the Treaty recognizes authorized entities which include educational institutions, and nonprofits entities that can create and distribute accessible format copies, by extension to libraries as part of educational institution and also a non-profit (Article 3, Marrakesh Treaty). The Marrakesh Treaty is a major step towards enhancing the global access to information for the world's population who are visually impaired.

The improvement of the accessibility of materials in underdeveloped nations has been greatly aided by the Marrakesh Treaty. As a result of the Treaty, there is increased production and distribution of convenient format for visually impaired persons. Developing nations are now able to create, exchange, and distribute accessible format copies without requiring complicated rights clearances because to the treaty's limitations and exceptions to copyright Ferri (2024). As a result, the creation and dissemination of braille books, audiobooks, and other accessible content have significantly increased overall in developing nations. Secondly, the Treaty is bridging the accessibility gap between developing countries and developed countries. Compared to more developed countries, developing countries frequently experience more resource limitations and infrastructure difficulties in delivering accessible materials. By making it easier to import and export accessible works across international borders, the Marrakesh

Treaty has contributed to closing the accessibility gap between developing and developed countries Ferri (2024). The Treaty has also fostered capacity building and knowledge sharing by promoting increased global collaboration and the exchange of knowledge regarding the most effective methods for enhancing accessibility. Because of this, developing nations are now able to establish their own infrastructure, expertise, and capacity for producing, disseminating, and utilising accessible information. The ideas of the treaty have been incorporated into policy and legal reforms as a result of increased awareness and advocacy for accessibility rights in developing nations brought about by the treaty. As a result, more developing nations are implementing copyright restrictions and exceptions in addition to other laws and programmes aimed at improving accessibility. The Treaty is also empowering local stakeholders. The treaty has given local associations, libraries, and organisations representing the disabled in developing nations the ability to play a more active part in increasing the visually impaired's access to information. the Marrakesh Treaty has played a major role in lowering long-standing gaps in information access for visually impaired people in poor nations by greatly expanding the availability, distribution, and accessibility of copyrighted works.

Nigeria has ratified the Marrakesh Treaty and begun putting its provisions into practice. In order to create and distribute accessible format copies of books and other literary works, member nations of the treaty must enact copyright exceptions and limits, which waive the requirement to obtain permission from copyright holders. The Treaty requires member countries to enact copyright exceptions and limitations that allow for the creation and distribution of accessible format copies of books and other literary works without the need to obtain permission from the copyright holders. It also encourages cross-border sharing of these accessible format copies to ensure a wider availability of books in accessible formats for the print disabled.

Conclusion

Copyright law gives protection to creators of books and other information resources so that they receive a reward for their creative works, while also promoting the users' right in terms of ensuring that the public has access to such creative works. Copyright is a legal flexibility tool created by the law to provide a balance between users and creators of protected works. The goal is to strike a fair balance between the rights of creators and the public's desire for the greatest accessibility to such creation. The intellectual property system does this by creating exceptions, ranging from fair use, library privilege to compulsory licensing, reproduction for the visually impaired, etc. The disabled population is also given consideration in the effort to grant access to books for all. It is commendable that the Nigerian Copyright Act anticipated the Marrakesh Treaty as it has already made provision for access to information in alternative formats for visually impaired persons, in respect to reproduction of copyright works. However, the exception on license to produce and publish literary or copyright work is an exception that has not been explored in Nigeria. The engagement of the exception to derive licenses to publish literary work will greatly increase access to important cultural and historical information.

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