



NAVIGATING INTELLECTUAL PROPERTY RIGHT IN ACADEMIC LIBRARY

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Abstract:

Purpose: *The study focused on the evolution of library management from traditional to modern day library.*

Design/Methodology/Approach: *An exploratory approach through extensive review of related Literatures was adopted for this study.*

Findings: *The study found out that intellectual property right is crucial for business, education, and research, and it directly affects literacy rates, economic growth, and quality of life. By providing access to a broad range of knowledge, ideas, opinions, as well as cultural, scientific, and educational information for all members of the community, information hubs/houses like archives, libraries, museums, etc. have played a crucial role in the development of a democratic society. Through a number of legal frameworks, including licensing agreements, exceptions to national copyright law, legal deposits, and the public domain, libraries offer access to digital content.*

Implication: *A risk is posed by digital rights management (DRM). At worst, it may prevent access; at best, it may impede by making access more difficult and expensive to arrange. These institutions are currently weakened by a simultaneous harmonization of restrictions and exceptions imposed on them by digital technology, which serve the public good by exalting rights and demeaning fair usage.*

Originality/Value: *Academics are required to band together to address and regulate difficulties with intellectual property theft in the academic setting.*

Keywords: *Intellectual property right, academic libraries*

Paper type: *Conceptual*

Introduction

An academic library is a part of a higher education facility that supports the curriculum of the institution as well as the research needs of university teachers and students in complementary ways. In higher institutions, libraries are set up to assist learning, teaching, and research.

Additionally, they have a significant role in how the many departments of their parent school construct their curricula. Universities in Nigeria with academic libraries are numerous. According to Lawal (2007), there are now 89 universities in Nigeria. There are several polytechnics and colleges as well, all of which have academic libraries connected.

Any academic library's intellectual property rights must be secured in order for it to function properly. Copyright is a form of intellectual property that gives the owner the right to safeguard their possessions. It safeguards "tangible" forms of original works, such as music, painting, and architectural designs. According to Reddy and Kumari (2012), intellectual property includes any production of the mind that is employed in trade, such as innovations, industrial designs for goods, literary and creative works, symbols, etc. The four main types of intellectual property are patents, trademarks, copyrights, and trade secrets (McJohn 2009).

Patent

It is an intellectual property that entitles the owner to prohibit others from creating, using, or commercializing innovations. Any innovative and beneficial modification to an existing technique, machine, manufacturing, or composition of matter is protected under patent law (Kiklis, 2014). The Patents Act of 1970 grants the patentee a completely statutory right. Only novel and beneficial innovations are eligible for it. A patent is an exclusive right given by a nation to an invention that forbids others from using, manufacturing, and selling the innovation for a certain amount of time

(Once a patent is issued, it is valid for 20 years from the date of submitting an application, subject to an annual renewal cost). By supporting their protection and appropriate application, this legislation seeks to promote inventions. The owner can also transfer the patent to the new owner by selling the right to the invention to a third party. An innovation is no longer protected when a patent expires and becomes common knowledge. A patent granted in one nation cannot be enforced in another since patent rights are territorial in nature and man existence.

Trademark

The Paris Convention included measures for trademark protection in each nation. State badges, marks, and other symbols are protected, and the TRIPS agreement adds additional clauses. Signs that contain specific words, including names, numbers, color combinations, and any other combination of such signs, are eligible for trademark registration under the TRIPS agreement. A trade mark is a visible indication that differentiates goods or services offered by an individual or business. It can be a word, letter, number, name, sign, signature, symbol, design, or phrase. "Brand name" is the common term for it. It is mostly utilized in the business

sector. Its nature and quality are denoted by its distinctive trademark, which aids customers in finding and buying goods and services. Up to 10 years are allowed for the first registration term, following which it may be periodically renewed. Because a product or service's nature and quality, as represented by its distinctive trademark, fulfill their demands, it aids customers in recognizing and purchasing it.

Copyrights

It provides legal rights exclusively given for a set period to the creators of an intellectual work, such as literary works (anything in writing), artistic works (drawings, maps, plans, etc.), musical works, films, sounds, recordings, computer programs for sale or any other use. Copyright protection begins with the labor, skill, and judgment of someone's author, artist, or some other creator, expended in the creation of an original piece of work (Balganesh, 2013). Copyright was designed for three basic reasons that are to reward creators for their original works; to encourage availability of the works to the public; and to facilitate access and use of copyrighted works by the public in certain circumstances. Based on the 1957 Indian Copyright Act, which was revised in 1984, 1992, 1994, and 1999, India has an

extremely strict and comprehensive copyright legislation. The Indian Copyright Act of 1847, passed during the East India Company, is where the copyright had its start. Additionally, the 1914 copyright law was a modified version of the 1911 British copyright law. According to Indian law, copyright becomes public domain 60 years after the author's passing. This means that the author can profit from the writings of the deceased author's estate both during his lifetime and for 60 years after his death.

Trade Secrets

Under the terms of intellectual property rights, a trade secret is an intellectual property. These are company trade secrets or sensitive information that may be licensed or sold. A trade secret is merely private knowledge about a company that is "not generally known to, and not being easily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use," according to McJohn (2009). It includes rules, procedures, techniques, designs, etc. The owner takes precautions to maintain privacy. Trade secrets are any pieces of knowledge that may be employed in company operations and are valuable enough to provide an actual or potential competitive advantage. Processes, methods, techniques,

strategies, designs, formulas, patterns, and other things that are not commonly known to other organizations may be unlawful if they are known. Laws governing trade secrets differ from nation to nation. Industrial, commercial, and manufacturing secrets are other names for it.

Significance of intellectual property rights in academic libraries

The fundamental goals of intellectual property law are to compensate individuals for their original work, provide protection, and promote research innovation. Without IPR, artists and inventors would never get compensation for the investments made in their works and would not profit financially from new ideas resulting from their effort. Amadi-Shodeinde (2013) claims that intellectual property rights are a branch of law that has grown out of a commitment to stop man's inventiveness and creativity from being unjustly harnessed and exploited. Intellectual property is defined by Arinze-Umobi and Umobi (2011) as a creation of the mind that has economic worth. It might be valuable since it denotes ownership and the only right to make, sell, or spread a special invention or concept. Intellectual property can be owned, sold, and transferred just like other types of property. Libraries, particularly academic ones, are at a

crossroads in the developing world. They don't know whether to support IP protection, which would help writers make money, or the open access movement, which would make information freely available to everybody without regard to profit. In order to safeguard the interests of information custodians, Indian institutions must act immediately in one direction. Even though the recipient must pay for consumption, if they go with the first option, the contributor will also profit. If they choose the second option, neither the contributor nor the receiver must include any ads in their transactions.

Copy rights and libraries

Intellectual property rights are vitally important, as is their correct execution. We utilize several kinds of intellectual property in our daily lives. A library makes a lot of photocopies, thus the staff members must be well aware of copyright violations. According to Goldstern in Nwabachili (2017), copyright is a legal term used to designate a component of intellectual property law that controls the creation and use of creative works, encompassing written works, audiovisual works, musical works, visual works, works of architecture, and computer programs. Copyright infringement is illegal in the eyes of the law. The offenses

can be of many types; the first one focuses on violating copyright or other rights protected by this Act; the second and subsequent convictions carry stiffer penalties; and the third one is the intentional use of a computer program that has been illegally copied. Section one of the current Copyright Act 2004, CAP C.28 of the laws of the Federation of Nigeria (NFN), outlines the act that established copyright law in Nigeria and the things that qualify for protection. Subject to certain statutory exceptions, Section 5 of the Copyright Act grants copyright in a work the exclusive right to control the performance of certain specified acts with respect to the entirety or a substantial portion of the work in either its original form or in any form readily distinguishable from the original. According to Story (2009), copyright is a legal framework that controls how items made as a consequence of specific creative endeavors that are controlled by the human brain, such as authoring books, are created, owned, controlled, and used by the general public. The library plays a crucial role in balancing the rights of the creator and the user by providing the correct information to the right people at the right time in a way that complies with copyright regulations and author rules. These days, copy rights are a hot concern for scholarly communicators

and library workers alike. Any document that is added to a library's digital collections and is made available for wider usage online must have obvious copyright. and must make sure that it doesn't infringe on any of the author's or rights owner's copyrights. So further the specific issues, libraries can manage the copyrights subsequently like-

Fair use

If any resources to be added that have provision like it is being used for noncommercial purpose such as research, private, individual study and academic purpose etc. without permission from the owners. Fair use permits a party to use a copyrighted work without the copyright owner's permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. These purposes only illustrate what might be considered as fair use and are not examples of what will always be considered as fair use.

Documents in public domain

The documents available in the public domains as a policy for wider use, one can safely add this to digital collection because that is already available in public domain. So that can be added to their digital library collection followed by some

provisions. Public domain is a frequently used term in copyright parlance, yet it isn't defined in copyright statutes. The article provides insight into when content is in the public domain under copyright law.

Written agreements and permissions-

In this matter one has to seek the written agreement with certain clear permissions that terms and conditions from the authors or any publishers for adding their documents to digital library collection

Licensed resources

There are certain documents where copyright holder will clearly state that what can be done and what cannot. Depending on their licenses, the library can consider to add those kinds of documents into their digital library

Digital rights management (DRM)

Digital rights management (DRM), according to the Encyclopedia Britannica online, is the practice of controlling or preventing the sharing of digital copies of works protected by copyright across computer or telecommunications networks. (Gregersen, 2019). When infringement and piracy caused publishers and producers of digital material to lose a sizable sum of money as a result of a failure in their return on investment, DRM became required. To

oppose such piracy and infringement and to defend their legal rights to their works, for-profit publishers and sellers from all around the world came together. DRM technology have made it possible for publishers to impose access rules on online databases that forbid not only copyright violations but also limit lawful fair use of copyrighted works and even impose usage restrictions on non-copyrighted items that they disseminate. (2012) Hombal and Prasad.

Role of libraries in detecting plagiarism

Plagiarism is the practice of passing off someone else's words, ideas, or other expressions as one's own. We are aware that a librarian's other responsibility is to fight plagiarism. The focus of the librarian should be on teaching students and researchers about plagiarism and how to avoid it. In the library, plagiarism-checking software is used. Plagiarism is required to be under ten percent (10%) before any research paper, dissertation, or thesis submitted by students is sent in for final review.

Challenges of intellectual property rights in academic libraries

The following are the challenges facing the intellectual rights in academic libraries, they are:

1. Registry problems, backlogs, delays in trademark and patent registration, a shortage of expertise in writing patent claims, the price of protection, SMEs' lack of understanding of their IP rights, and IP disputes.
2. When it comes to issues with intellectual property rights, plagiarism is a significant concern. The act of appropriating another person's intellectual property and using it as one's own while failing to give due credit to the original author or creator is known as plagiarism.
3. Even when it is inadvertent, intellectual property infringement is still illegal in the eyes of the law. The most typical instances of intellectual property issues include the unauthorized use of another person's words, pictures, or brand.

Conclusion

Copyright is a form of intellectual property that gives the owner the right to safeguard their possessions. It safeguards physical manifestations of original works, such as artwork, musical compositions, and architectural plans. The Act is an effective reference work that benefits readers as well as library employees. As it offers legal protection for innovations, it promotes new creations. It fosters economic growth by

generating new industries and employment that contribute to the expansion of our nation's economy. Academics are required to band together to address and regulate difficulties with intellectual property theft in the academic setting.

References

- Amadi-Shodeinde, I. (2013) Intellectual property right and globalization: challenges to developing countries in intellectual property and development. Perspectives of African countries, Lagos.
- Arinze-Umobi C. & Umobi, S.A (2011) Copyright law and promotion of film industry in Nigeira: Critique UNIZIK Journal of Public and Private Law, 4(3)23-34
- Balganesh, S. (2013). The uneasy case against copyright trolls. Southern California Law Review, 86, 723-781.
- Gregersen, E. (2019). Digital rights management (DRM) | Definition & Examples. In Encyclopædia Britannica. <https://www.britannica.com/topic/digital-rights-management>
- Hombal, S. G., & Prasad, K. N. (2012). Digital copyright protection: Issues in the digital library environment. DESIDOC Journal of library &

information technology, 32(3),
233–239.

<https://doi.org/10.14429/djlit.32.3.23>
80

global south: eighteen questions and
answers. Copy South Research Group.
Retrieved from <http://copy>
south.org/political-copyright-primer.

Kiklis, S. (2014). Copyright trolls, defining
the line between legal ransom letters and
defending digital rights: Turning piracy
into a business model or protecting creative
from internet lawlessness? *John Marshall
Review of Intellectual Property Law*, 13,
170-644

Lawal, O.O. (2007). Standards for Library
and information science programmes in
Nigerian Universities. A lead Paper
presented at the conference of the National
Association of Library and Information
Science Educators (NALISE), Nigeria held
at Imo State University, Owerri.

McJohn, S. M. (2009). *Intellectual property:
Examples & explanations*. New York:
Aspen Publishers

Nwabachili, C.C. (2017) *Intellectual
property and law in Nigeria* Lagos,
Malthouse Press,

Reddy, A, & Kumari H. (2012). *Intellectual
property licensing: Forms and analysis*.
New York: Law Journal Press.

Story, A. (2009). *An alternative primer on
national and intellectual copyright law in the*