

9-28-2009

## Academic Libraries and Copyright Issues in Ghana: The University of Ghana in Focus

Emmanuel Mensah Darkey  
*Faculty of Law, University of Ghana*

Harry Akussah  
*Department of Information Studies, University of Ghana*

Follow this and additional works at: <http://scholarship.law.cornell.edu/ijli>

The *International Journal of Legal Information* is produced by The International Association of Law Libraries.

---

### Recommended Citation

Darkey, Emmanuel Mensah and Akussah, Harry (2008) "Academic Libraries and Copyright Issues in Ghana: The University of Ghana in Focus," *International Journal of Legal Information*: Vol. 36: Iss. 3, Article 5.  
Available at: <http://scholarship.law.cornell.edu/ijli/vol36/iss3/5>

This Article is brought to you for free and open access by the Journals at Scholarship@Cornell Law: A Digital Repository. It has been accepted for inclusion in *International Journal of Legal Information* by an authorized administrator of Scholarship@Cornell Law: A Digital Repository. For more information, please contact [jmp8@cornell.edu](mailto:jmp8@cornell.edu).

# **Academic Libraries and Copyright Issues in Ghana: The University of Ghana in Focus**

**EMMANUEL MENSAH DARKEY\* AND HARRY AKUSSAH\*\***

## **Abstract**

This paper briefly outlines what copyright is, the main actors in the copyright phenomenon, and the need to maintain a balance among them. The paper further discusses the difficulty in upholding copyright in relation to access to information in the University of Ghana, problems associated with the use of digital materials, the inadequacy of the permitted use principle, and the failure of copyright legislation to address the needs of the library and other groups or institutions.

## **Introduction**

Academic libraries are important components of Universities as they facilitate research, teaching and learning. Knowledge is power, and by ensuring access to systems of knowledge and information relevant to the pursuit of enquiry and study, academic libraries play a vital role in universities' quest for academic excellence.

Traditionally, libraries were concerned with the process of acquiring, storing, organizing and disseminating information to satisfy the needs of library users, whether they are academicians, researchers or students. However, these traditional functions of libraries have expanded in recent years with the growth of electronic information resources. As a result, modern libraries are increasingly being redefined as places to obtain unrestricted access to information in many formats and from many sources.

With the technological transformation in library services all over the world, students in Universities in Ghana can have access to much of the same resources as students in London, New York or Oxford.

---

\* Emmanuel Mensah Darkey is Assistant Librarian and Librarian in-charge, Faculty of Law, University of Ghana, Lgon.

\*\* Harry Akussah is Associate Professor and Head of Department, Department of Information Studies, University of Ghana, Legon.

<sup>1</sup> For example the British Library is opening its treasures to the world in its “Turning The Pages Project.”<sup>2</sup> There, one can literally leaf through masterpieces, including the world’s oldest book, by turning the digital pages with a computer mouse.<sup>3</sup> Previously, these resources would not have been available to students in Ghana. Of course, as such technology develops, questions involving copyright of published material becomes central.

Conventionally, the copyright system was intended to balance the need to protect the work of creators with the right of users to access information. It was intended to foster the expression of ideas. The mechanism that makes the copyright system function properly is its system of exceptions and limitations to an author’s or creator’s ownership of his or her works (e.g. fair use), combined with or balanced by adequate protections of the rights of creators (e.g. lengthy terms of copyright ownership).

As copyright laws the world over are revised to keep pace with technological developments, the limitations and exceptions of these fair use principles are being gradually eroded. In 2005, Ghana enacted a new copyright law, which is more stringent than her previous copyright laws. For the first time, libraries and archives are treated specially in the new Act. In addition, Ghana extended the copyright term from 50 years to 70 years.<sup>4</sup>

### **A Brief History of Copyright**

Copyright law has a relatively long history. Its roots can be traced back to the time when Gutenberg began using moveable type in 1455, and when Caxton developed the printing press and published Chaucer’s Canterbury tales in 1478, (the first “best seller” in England). At that time, the government in England was eager to control the printing of religious and political books. To do this, it established a system of privileges, as well as founded the Stationers’ Company, a craft guild that was given the sole right to print books. Members of the Stationers’ Company had broad powers over the early printing and publishing world. They were given the right to print their

---

<sup>1</sup> Although this technological transformation has begun, libraries in Ghana have yet to fully emerge into the new digital environment.

<sup>2</sup> See, <http://www.bl.uk/onlinegallery/tp/tpbooks.html>. Last visited May 18, 2009.

<sup>3</sup> Hackett, T (1998) “Impact of Copyright on Access to Digital Resources in Libraries” EIFL-IP Programme for Africa, African Copyright Forum: Copyright Access to Information, Kampala, 29 November 2005.

<sup>4</sup> Ghana Copyright Act, 2005 (Act 690).

books in perpetuity and this right became known as *copyright*, or, the right to make copies.<sup>5</sup>

This system of privileges continued until it finally collapsed for about two hundred years when it finally collapsed in 1675. After a brief period when piracy of books thrived, the Statute of Anne was enacted in 1709. It is widely regarded to be the first true copyright act in the world. The effect of wide scale piracy of books was described in the statute as being “to their [Authors and Proprietors of Books and Writings] very great Detriment and too often to the Ruin of them and their Families”. The Act also proscribed the concept in its Preamble as being for: “...the Encouragement of Learning by vesting the copies of Printed Books in the Authors or Purchasers of such copies....”<sup>6</sup>

Over the next couple hundred years, the body of copyright law grew and expanded. It was becoming widely understood that copyright was important in an international context. Accordingly, the Berne Copyright Convention was formulated in 1886 with the purpose of promoting greater uniformity in copyright law and giving copyright owners full protection in all member states.<sup>7</sup>

### **What is copyright?**

Copyright is part of the family of intellectual property rights. It is the sole right granted to the author or creator, to copy, produce, distribute, perform, translate, adapt or arrange a work in any material form whatsoever. Most countries have their own copyright laws.<sup>8</sup> In other words, copyright is a guarantee for a creator that he or she has legal rights to prevent the use of his material without fair reward. For a work to be copyrighted it must be original and it is the expression of the idea that is protected not the idea itself. Copyright encompasses a bundle of rights for the creator, including the right to copy, make adaptations, perform or broadcast the work and have sole

---

<sup>5</sup> Bainbridge, D (1992) “Intellectual Property”, 2<sup>nd</sup> ed. London: Pitman Publishing, 28.

<sup>6</sup> Ibid.

<sup>7</sup> See, [http://www.wipo.int/treaties/en/ip/berne/trtdocs\\_wo001.html](http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html). Last visited, May 18, 2009.

<sup>8</sup> See, e.g., <http://www.copyright.gov/circs/circ1.pdf>. Last visited, May 18, 2009.

ownership. If something is protected by copyright, libraries cannot legally make it available to the public in any form other than the original<sup>9</sup>

### Copyright Balance

The copyright law provides also that authors may transfer their rights to publishers in order to bring their works to the market. In effect, there are really three groups in the copyright phenomenon:

1. creators who have legal rights under the copyright law,
2. publishers who have legal rights by transfer, and
3. users (or institutions such as schools and libraries) who have legal rights through exceptions and limitations to creators' rights.<sup>10</sup>

An important function of the copyright law therefore is to help maintain a balance among these three competing groups. If the owners' (publishers) rights were too strong, authors and creators might not be rewarded for their efforts. One can imagine under a scheme with too strong owners' rights that public access could be limited through monopoly pricing or other monopoly-like practices. Indeed the protection of the authors' labor is guaranteed by article 27(2) of the Universal Declaration of Human Rights, which states, "Every one has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is the author."<sup>11</sup>

Similarly, the right to share in the cultural and scientific output of humanity is guaranteed in article 27(1), which states, "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."<sup>12</sup> It is only by consciously, properly balancing these two competing concerns that a copyright system will make the most of both the creation and communication of new knowledge and ideas.

---

<sup>9</sup> Davidson, J (2000 "An Analysis of Copyright and Digital Libraries" [http://www.chebucto.ns.ca/~ab443/digital\\_copyright.htm#\\_ftn35](http://www.chebucto.ns.ca/~ab443/digital_copyright.htm#_ftn35) (Last visited June 11, 2008)

<sup>10</sup> Henderson, C (1998) "Libraries as Creatures of Copyright: Why Librarians Care About Intellectual Property Law and Policy" <http://www.ala.org/ala/washoff/woissues/copyrightb/copylib.pdf> (Last visited June 9, 2008)

<sup>11</sup> Steiner, H and Alston P. (2000) "International Human Rights in Context: Law Politics Morals" 2<sup>nd</sup> ed. London: Oxford University Press, p.380

<sup>12</sup> Id.

### **Education and access to knowledge**

A full and comprehensive exchange of information is necessary for the functioning of a healthy democracy. Educational materials, therefore, need to be made accessible to people so that they can enjoy the arts and share in the scientific advancement of the global economy. Education is the best way for people to lift themselves out of poverty. However, literacy alone is not the determinant of an educated citizenry – one that can contribute to development. Educational attainment needs to reach a higher level to ensure human and economic development. Tertiary education plays this important role in human development. It is at this level that people acquire more of the high-level skills necessary to enter the work force and to ultimately contribute to society.<sup>13</sup>

Moreover, without people skilled in science, technology and research, a developing country like Ghana will be less able to absorb new technologies, innovate, and participate in the global knowledge economy. According to Gasaway, one of the core values of librarians is providing or fostering “information to the people.”<sup>14</sup>

The creation of new intellectual property; building on the old, is stimulated because of the existence of libraries. Although librarians do not necessarily believe that information should be free, they do believe that once a library has acquired, subscribed to or is licensed for, access to a work, users of the library should have unencumbered access to it.

### **Educational Reforms and Photocopying Activities at the University of Ghana.**

The educational reforms of the late 1980’s in Ghana have led to vast increases in the number of students entering Ghana’s Universities. Even so, these increases are not matched with the necessary funding to sustain this surge in student population. As a result, there is an inadequate supply of textbooks, journals and other teaching and learning materials. This situation has resulted in students, lecturers and librarians feeling obliged to photocopy complete books and journals that are actually needed for courses, but are no

---

<sup>13</sup> Consumers International “Copyright and Access to knowledge 2006” <http://www.consumersinternational.org/> (last visited June 9, 2008)

<sup>14</sup> Gasaway, L (2000) “Values Conflict in the Digital Environment: Librarians versus Copyright Holders” <http://www.unc.edu/~unclng/Columbiaarticle.htm> (last visited June 10, 2008).

longer in print or are too expensive for students or the budgets of most libraries. These photocopying activities have, however, attracted the attention of a local Reproduction Rights Organisation (RRO) pressure group CopyGhana, who views the practice as copyright infringement.<sup>15</sup> CopyGhana calls for a “blanket licence” for library-related photocopying activities.<sup>16</sup>

Notwithstanding the issue of violations of the copyright law, photocopying activities are crucial to the survival and functioning of Institutes of Higher Learning in Ghana. In the estimation of the authors, photocopying keeps Ghana’s higher education system functioning and ensures that vital educational standards are maintained.

At the University of Ghana, some libraries depend largely on photocopying to provide access to out of print academic materials. For example, an essential text for first year law students is Gyandoh’s and Griffiths’ *A Sourcebook of the Constitutional Law of Ghana*. This book is out of print and generally unavailable. The Faculty of Law Library now relies on a photocopied version obtained from Pritzker Legal Research Centre, Northwestern University School of Law, Chicago.

Other essential texts, some written by local authors, are not only expensive, but simply not available for purchase. A book written by a Ghanaian author, A.K. Kludze, but published outside the country is *Modern Principles of Equity: An Exposition with Particular Reference to Ghana*. It costs one hundred and twenty Ghana cedis (GH¢120.00) or (\$129.00). This is indeed a large amount of money for any text, and it is completely out of the reach of many students. This same book, when photocopied, costs only six Ghana cedis thirty pesewa (GH¢6.30). It is therefore not surprising that many students would prefer to photocopy the book than to buy it outright.

This situation is not peculiar to the Law Faculty. It is found throughout the whole University of Ghana. In 2007, there were more than 100 photocopying facilities operating on the University of Ghana Campus. Thus, it was not a surprise when the University of Ghana Library Board,<sup>17</sup> sent a proposal to the Faculty Boards, which stated, among other matters, that:

---

<sup>15</sup> For more information about this group, *see*, <http://www.ifro.org/show.aspx?-pageid=members/rrodetails&memberid=18> (Last visited May 22, 2009).

<sup>16</sup> “CopyGhana Signs Pact with Methodist University” *Daily Graphic* December 1, 2005

<sup>17</sup> University of Ghana Library Board Memo: Consideration of Proposal for Photocopier Operators. September 6, 2007

1. The university should close down all photocopying enterprises that are
  - a) not covered by explicit agreement/contract with the University, and
  - b) not properly authorized.
2. The University should have a legal advisor on matters of copyright.

Photocopying assists students to duplicate essential texts and materials. As stated above, many students who cannot afford the prices of materials and textbooks also turn to photocopying the books at a fraction of the cost. Ogunrombi and Bello state that, “it is difficult to explain whether students and researchers infringe copyright laws because they are ignorant of such laws or are deliberately ignoring the laws.”<sup>18</sup> However, bearing the circumstances that faces our institutes of higher learning, there is no other viable alternative for students and researchers to access and distribute information.

### **The Fair Use/ Permitted Use Principle**

The fair use or permitted use principle, also known as *exceptions* to the rights of copyright owners, is an important part of copyright laws. The fair use principle is a privilege for someone other than the copyright owner to use a copyrighted work without seeking permission from the copyright owner or sometimes paying a fee.<sup>19</sup> According to Amegatcher, copyright is not an absolute right; therefore, the principle of “permitted use” enables people, within limits to use freely the works of others.<sup>20</sup>

Litman argues that, no newly created copyrighted work can be truly original.<sup>21</sup> All authors are consciously or unconsciously, directly or indirectly exposed to, informed and inspired by the earlier works and thoughts

---

<sup>18</sup> Ogunrombi, S and Bello M (1999) “Photocopying and the Awareness of Copyright in Tertiary Institutions in Bauchi State, Nigeria” *African Journal of Library Archives and Information Science*, Vol.9 No.1, p.50

<sup>19</sup> “The Copy South Dossier: Issues in the Economic Political and Ideology of Copyright in the Global South” (2006) edited by Alan Story, Colin Darch and Debora Halbert. Canterbury: Researched and Published by the Copy/South Research Group pp.14-15

<sup>20</sup> Amegatcher, A (1993) “Ghanaian Law of Copyright” Accra Ghana: Omega Law Publishers, p.49

<sup>21</sup> Litman, J (1997) “Revising Copyright Law for the Information Age” 75 *Oregon Law Review* p.966-967

of others. Therefore, they are obliged to contribute “free samples” from their own works to the marketplace of ideas. The fair use exception to copyright infringement has always been based on the recognition of the paramount public interest in the copying or reproduction of copyright material for certain purposes such as research, study and criticism.

### **Permitted use of work protected by Ghana Copyright Act, 2005**

The permitted use of work protected by Copyright in the Ghana Copyright Act, is not only adequate, but a dilemma to librarians.<sup>22</sup> Section 19 (2) b which limits the reproduction of a book to only sections or chapters of the book is simply not fair. Rather, students need unlimited access to complete books. Again, section 21(1), which restricts libraries that are “not for gain” to making only a single copy of a book for replacement or for preservation purposes, will only aggravate the chronic shortage of books and materials for students. The Berne Convention<sup>23</sup> for example, does not expressly restrict the number of copies of material that can be made for teaching purposes. It is needless, therefore, for legislators in Ghana to restrict the number of copies that can be made under the permitted use clause. For instance, libraries and archives could be allowed to make a reasonable number of copies of highly used but otherwise unavailable books for research and preservation purposes - and this would certainly not deprive the author of the fruits of his labour. Because when students have access to a book and they have read it, they may become interested in it and then they would want to buy it.

In addition, the “permitted use” clause is limited only to Libraries and Archives “with activities that are not for gain.” This is not fair to Private Tertiary Institutions and Universities that have room for the large number of students who could not find a place in the Country’s Public Tertiary Institutions.

Again, section 21 (3)<sup>24</sup> portrays libraries and librarians as enforcers and controllers of copyright rather than service providers. Indeed, if libraries are to assume such a role, it would jeopardise the cordial relationship between

---

<sup>22</sup> Ghana Copyright Act, 2005 (Act 690)

<sup>23</sup> “Berne Convention for the Protection of Literary and Artistic Works” (Paris Text 1971) <http://law-ref.org/BERN/article3.html> (Last visited June 16, 2008)

<sup>24</sup> The section states: “The library or archive shall under subsection (1) ascertain that the copy is to be used solely for the purpose of study, scholarship or private research.”

them and their users. If University Libraries are to strictly interpret the permitted use exemption in the Ghana copyright law, students and academics from the country's Universities will find it very difficult to undertake research and publishing activities.

### **The Internet and Libraries**

Searching for and obtaining information through the Internet can also be expensive because of copyright restrictions. In the digital environment, not all sites are free. Many research-related Internet sites and databases require IP recognition or passwords for access to the sites. If a library does not hold the proper license, its users will not have access. In most cases, the license operates like a subscription and is valid only for one year, or for some other designated period of time. For example, the Faculty of Law Library at the University of Ghana had access to the Human Rights Quarterly Online courtesy of The Raoul Wallenberg Institute; however, the library was informed that access to the HRQ was not perpetual, but for only one year: 2007.<sup>25</sup>

Likewise in other parts of the world, copyright places huge financial burdens on academic institutions. In New Zealand, the total amount of money paid by the country's universities to the copyright licensing office in 2004 amounted to some \$2 million. The Chief Executive Officer of Copyright Licensing in New Zealand was reported to have admitted that licensing in the educational sector has almost reached saturation level.<sup>26</sup>

In another example, at the University of Kent, England, the three most used Online Journal services are:

- 1) Science Direct
- 2) Springerlink
- 3) Wiley InterScience

---

<sup>25</sup> Sallfors, A (2007) Sallfors's E-mail Response of March 12, 2007 to Questions Regarding Access to Electronic-Journal, Human Rights Quarterly

<sup>26</sup> Staincliffe, P (2006) "The Nonsense of Copyright in Libraries: Digital Information and the Right to Copy"  
[http://eprints.rclis.org/archive/00007466/01/Nonsense\\_copyright.pdf](http://eprints.rclis.org/archive/00007466/01/Nonsense_copyright.pdf) (Last visited June 17, 2008).

The university pays Elsevier, the world's largest academic journal publisher, about £200,000.00 a year (about US \$400,000.00) to provide full text availability to the journals in the Science Direct database.<sup>27</sup>

By contrast, in Ghana, none of the Universities teaching science subjects provide free access for their students and staff to these three popular databases. However, there are a number of databases that allow free access to some Academic Journals (for the very poorest countries in the south) and at reduced costs for some others. Such academic journals can be found at the University of Ghana, Balme Library website <http://library.ug.edu.gh/>.

The best way for academic institutions in Ghana to escape this copyright burden is to form consortiums to negotiate better licensing deals and to assist with training, management of electronic resources and fund raising. The question remains, though, whether these consortiums will be able to command large enough resources to pay the necessary licensing and subscription fees.

### **Protection of Digital Material**

Protection of digital content is another issue facing University of Ghana Libraries. For example, the Faculty of Law Library pays \$1,500 as a yearly servicing and subscription fee (apart from the purchasing fee) for the Ghana Law Reports (Digital Attorney), a computer application available on CD ROM that was installed on some computers in the library. Because of its high value, the CD ROM is not in the possession of the library and students are not allowed to copy it. Any time a student attempts to copy it, the entire system shuts down and everyone in the library suffers for it. Sometimes it takes days or weeks before the vendor comes over to re-install it.

Formally, the Faculty of Law Library, as the largest law collection in Ghana, allowed researchers, judges and attorneys to use its print collection. However, it is now reluctant to allow outsiders to use the Digital Attorney because the library depends on subscription services and the library is not able to work out an acceptable payment scheme for them.

### **The visually impaired**

---

<sup>27</sup> Story, A (2007) Webs of Copyright Researchers: Questions for Researchers p.25

According to the Programmes Manager of the Ghana Association for the Blind, there were 44 registered blind students in the country's universities during the 2007-2008 academic year.<sup>28</sup> The greatest obstacle to the blind and the visually impaired in accessing information in the libraries comes from the fact that the original format in which books and other published materials are printed (or available on the Internet) is not accessible to them. For such materials to be usable, they must be converted into an accessible format. Such a format could be large print, for those with low vision, or audio, or even in Braille.<sup>29</sup> Unfortunately, in Ghana there is no local or foreign publication (textbook) available in accessible format for the blind; therefore, university libraries convert materials into Braille, copy works, read out notes and other texts for the blind. This is a serious problem because copyright doctrine dictates that all these functions are the exclusive rights of the copyright holder.

Not long ago, the Parliament of Ghana passed, the Persons With Disability Act 2006, Act 715. Unfortunately, the legislation woefully fails to address the issue of providing access to copyrighted materials in accessible formats for the blind and visually impaired. Section 22 of the act merely states that "A public library shall as far as practicable be fitted with facilities that will enable a person with disability to use the library." This does not go far enough to address the educational needs of the blind and visually impaired. Until, Copyright laws are revised to grant exceptions for the blind and visually impaired to use copyrighted educational materials in all formats; University libraries will most likely continue to contravene the copyright law – some knowingly and some unknowingly.

### **Distance learning**

Many private institutions and Ghana's universities have embarked on various distance education programs in order to cope with the large number of students seeking admission into the country's public tertiary institutions and universities. To date, however, the concept seems to have borne little fruit. The most common reason given is that the cost of distance education is more expensive than conventional education and thus its survival rate is diminishing.<sup>30</sup> In 2007, University of Ghana had to re-launch its distance

---

<sup>28</sup> Osew-Owusu, A (2008) Interview response to questions on the effect of copyright law on the blind and the visually impaired in universities in Ghana, 25 January 2008

<sup>29</sup> The Copy South Dossier pp.89-95

<sup>30</sup> Ibid

education programme. One scarcely mentioned reason for the high cost of distance education is the high cost associated with the operation of copyright laws. Copyright laws create an array of access problems. In distance education, teaching materials are often copied and distributed to students. Instructors and course designers often use copyrighted materials to design courses and to teach them, and students often have to consult copyrighted materials to meet educational requirements. In Ghana, the Co-ordinator of the University of Ghana distance education program claims that copyright charges are inclusive of the cost of the course materials.<sup>31</sup>

Additionally, distance learners cannot access databases because of access problems stemming from copyright issues. To improve distance learning, copyright laws need to be improved to allow distance learners to have access to scientific journals and books at subsidized prices. In other cases, copyright laws should not hinder local publishers from publishing most of the copyrighted foreign books that are used in universities in Ghana, and should sell these materials at affordable prices both to students in residence and to distance learners.

Generally, educational institutions in Ghana depend largely on print sources, as the volume of digitized material has yet to fully catch up with print libraries. It is also significant to note that there is a general absence of copyright cases against educational institutes in Ghana. Therefore, the issue of copyright is not yet a major concern for academic libraries as it is in western countries. Even so, it is certain that copyright has served as a barrier to the development of distance learning and education in Ghana.

### **The problem with copyright**

In the digital environment, the basic principles of copyright law are more difficult to apply; copyright law was originally drafted with print format in mind. Therefore, in digital contexts, copyright law has always been based on the notion of the “copy.” One of the exclusive rights of copyright holders is the right of reproduction, or the right to make a copy.<sup>32</sup> Before the advent of technology, a copy was a tangible, physical object that previously was difficult to produce, labor-intensive and costly to produce. The developments of the photocopy machine and other digital technologies have made it easier

---

<sup>31</sup> Badu-Nyaku, S (2007) Interview response to questions on the effect of copyright law on distance education in university of Ghana, 5<sup>th</sup> December 2007

<sup>32</sup> Carrie, R (2003) “Libraries in today’s digital age: The copyright controversy” <http://www.michaellorenzen.com/eric/copyright.html> (Last visited June 27, 2008)

to make copies and digital copies have become more difficult for copyright owners to manage and control.

Copyright is not a stimulus to creativity. Those who desire to create a work will do so because the expression of the idea is what is important to them. The desire to be published is only one of several principal driving forces in a person creating a work.<sup>33</sup> But, Peter Aseidu, the writer of the popular *Aki-Ola* series (the best-selling mathematics series in Ghana) or J. K. Rowling of *Harry Potter* fame, do not need copyright as incentives to write more books. Besides, in the present technological era, it is worthy to recognise also that people see reward not only in monetary terms. For example, a professor may get a promotion when he publishes. He also gains satisfaction when he sees students and colleagues quoting his works. Such personal, intangible benefits shared by the authors seem to be enough to motivate them to further inspiration.

Copyright does not protect originality. All creations are based to some extent on what came before and no creation is completely original. Ideas come from reading or viewing or listening to other creations, and imagination is stirred in the same way. Copying broadens the horizon of access. The more a work is copied, the more likely it is to be seen. All creators naturally want their work to have the widest audience, yet copyright acts to restrict the widening of the audience, contrary to the notion of free and wide access to information.<sup>34</sup>

Libraries have no direct gain in protecting authors' copyrights. Rather, these laws often hamper their role as information providers and libraries' attempts to enforce copyright can jeopardise the cordial relationship between librarians and their clients. In the digital world, libraries often have to ask for permission from content owners in order to use the content. In a developing country like Ghana where communication systems are often inadequate and most libraries are poorly funded, copyright restrictions will effectively deny users valuable information necessary for local and even national development.

### **Recommendations and Conclusions**

---

<sup>33</sup> Staincliffe, P. (2006) "The nonsense of copyright in libraries: Digital information and the right to copy"

[http://eprints.rclis.org/archive/00007466/01/Nonsense\\_copyright.pdf](http://eprints.rclis.org/archive/00007466/01/Nonsense_copyright.pdf) (Last visited June 9, 2008)

<sup>34</sup> Ibid

Educational materials such as textbooks are still a major source of knowledge for developing countries such as Ghana; therefore, it is important for law makers to make laws that enable students to have greater access to these materials. For example, Copyright Act 690, section 21 (1) “permitted use of protected copyright work by library and archive” should be extended to cover private tertiary institutions and universities that absorb a large number of students who could not find places in the country’s public tertiary institutions.

The utilization of the whole or part of a literary or artistic work for the purpose of teaching and learning should be expanded by our law makers to cover distance education. Universities in Ghana and other tertiary institutions should strengthen their local presses financially and technically so that they can become more viable. They can also assist them in getting rights for books first published in other countries that are used in their universities. In the same way, the University Bookshops should be supported and given adequate resources to order relevant books appropriate to the courses that are being undertaken in the various universities.

Reprographic reproduction activities have become very important to the functioning of the Public University System. Therefore, the University of Ghana, and for that matter the University of Ghana Library Board, should take a closer look at the activities of the commercial photocopy operators on the University of Ghana Campus. They must be properly registered with the University and the University of Ghana Library Board should ensure that photocopying activities are done in the most acceptable manner. The University should have a legal advisor on matters of copyright and the University of Ghana Library Board should appoint a Copyright Service Librarian, who will keep librarians and other members of the University Community informed about new developments in copyright. The Copyright Service Librarian would also be responsible for sensitizing and orientating students on copyright matters.

Government should provide more funds for University Libraries to procure more books and to subscribe to electronic resources. Government should also encourage and support local publishers and authors to engage in textbook writing and publishing for the tertiary level as is being done for the basic and senior high school levels. Currently, the majority of the textbooks used at the tertiary level are foreign owned and published outside the country. If such textbooks could be published locally and subsidized by the government, students would have greater access and at affordable prices.

As libraries in Ghana also enter the digital age, librarians must make every effort to maintain for users in any copyright law revision their rights to at least the same extent as they enjoyed them in print formats. This is even more important as licensing replaces purchasing, where access to content supplants ownership of content.

Librarians should educate themselves about copyright. For example, the present copyright law of Ghana is not formulated to protect the best interests of libraries and archives. Therefore, librarians and their representative organizations should be involved in any future national debates on copyright and should be consulted when the laws on copyright are being discussed and revised. This way, they can articulate the concerns applicable in educational contexts and that of their users. A meeting among all the stakeholders in the print publishing industry – authors, publishers, and librarians – should convene to decide the next line of action on the copyright law.

With a good balanced copyright law there is no reason why copyright should not increase the opportunities for authors, publishers and users to the benefit of access to the world's vast array of innovative and creative output.