



# Exploring copyright knowledge in relation to experience and education level among academic librarians in Kenya

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## KEYWORDS

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**Abstract** Since the year 2001, Kenya's copyright regime has extensively been shaped by Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement; World Intellectual Property Organization Copyright Treaty; Africa Growth Opportunity Act (AGOA); and The Cotonou Agreement, which have advocated for effective copyright administration and management structures in addition to stiffer penalties for those who violate copyright laws. Despite better administrative structures being put in place, copyright infringement in Kenya has persisted. Being able to balance the needs of rights owners and information consumers becomes a critical role librarians have to play. Knowledge about copyright, thus, becomes critical. Despite the fact that librarians in Kenya are not a homogenous group, how knowledgeable the different librarian cadres are concerning copyright issues is least understood. The *raison d'être* for this study is to find out whether different cadres of librarians based on academic qualifications differ in the level of knowledge on copyright issues. A questionnaire was used to collect data. Results indicate no statistically significant difference in self-reported knowledge of copyright among the five librarian cadres based on their education level and neither is there a statistically significant difference based on librarians' years of service. Statistically significant differences among the five librarian cadres exist when we compare "tested knowledge" of copyright issues. Evidence of insufficient mastery of provisions in the Kenyan copyright law does exist. © 2012 Elsevier Ltd. All rights reserved.

## Introduction

Information is a critical component in socio-economic and cultural development and is especially critical in the

education sector of any country. Nonetheless, it can be owned and traded like any other commodity (May, 2002). Between the year 2002 and 2008, product export from creative industries worldwide grew from \$205 billion to

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\$407 billion (United Nations, 2010). This is an indicator of the high stakes and value associated with creative industries and has led to production, dissemination, access, consumption and ownership of information products becoming highly regulated and controlled through the use of intellectual property rights mechanisms with copyright being one of them.

Proponents of strict copyright regulation and control of information products argue that without such measures, information creators will not have the incentive to continue creating more information products (Carlaw, Oxley, & Walker, 2006; Park & Ginarte, 1997). However, this argument has been challenged on the grounds that strict copyright enforcement does not protect the interest of marginalized societies (Andreasson, 2006). Opponents of strict copyright mechanisms suggest that in developing countries such as Kenya, strict enforcement of copyright will prevent developing countries from growing their copyright industries (Nicholson, 2006). The most radical view on the role of copyright in society is that taken by Smeirs (2000) who wants copyright to be abolished because it is being used as a tool by developed nations to marginalize people in developing countries.

Kenya is a developing country in eastern Africa. In 2000, 50% of the population was in poverty and in 2008, 40% were unemployed (World Factbook, 2011). Most of the people live a communitarian life where sharing of what one owns is a virtue. This characteristic rubs rights owners the wrong way on many occasions, as Kenya is a net importer of information products.

Table 1 demonstrates that Kenya is a net importer of creative industry products despite steady growth of its industry. In 2010, the net worth estimate of Kenya's textbook industry was KSH 10 billion (\$14,285,714). However, 35% of its estimated earnings are lost through book piracy (Ngunjiri, 2010). In the year 2000 alone, the Kenyan textbook industry lost KSH 8 million (\$114,285) due to piracy (Wa Micheni, 2008).

Copyright infringement is common and has persisted over the years in Kenya (Ngunjiri, 2010; Wachira, 2008). This is despite stronger copyright control and regulatory mechanisms such as stricter laws, use of technology protective measures, use of licenses, better administration, and enforcement that have been put in place over the years. Kenyan universities and academic libraries in particular, are being singled out by KOPIKEN, Kenya's reprographic materials licensing body, as facilitating copyright infringement and not doing enough to curb infringement.

**Table 1** Import and export of creative industry goods in Kenya.

Goods	Export in \$million		Import in \$millions	
	2002	2008	2002	2008
Total for creative industry	11	58	62	135
Publishing	3	29	28	56
Books	1	9	12	17

Source: UNCTAD Statistical Database, 2011.

## Problem statement

Librarians' awareness and knowledge of copyright has not been systematically studied in developing countries, and Kenya is no exception. Studying Kenyan libraries is complicated by the fact that Kenya has five different cadres of librarians that are based on education. Librarian cadres exist for those holding doctoral degrees, master's degrees, bachelor's degrees, diplomas, and certificates; librarians in these cadres usually have very different administrative and technical responsibilities. Because librarians in different cadres have different responsibilities, there is limited understanding of what members in each cadre know about copyright or may experience when they are faced with copyright queries. Despite the large number of cadres, librarians tend to be regarded by the library-using community as one homogeneous group, and the differences between cadres are not evident to library users.

This study will demonstrate Kenyan librarians' knowledge of copyright issues, and whether that knowledge differs based on educational qualifications or duration of service. This understanding will become the starting point for designing effective strategies to curb copyright infringement in academic institutions in Kenya. In addition, it will be an indicator of the extent to which teaching of intellectual property rights ought to be emphasized in library school curriculum in Kenya.

Research questions investigated were: Does level of copyright awareness/knowledge differ among the various cadres of academic librarians in Kenya? Does level of copyright awareness differ among the various academic librarians in Kenya based on the duration a librarian has worked in libraries?

## Review of the literature

### Kenya and the global intellectual property rights regime

Copyright enforcement in Kenya has been a challenge. Enforcement was originally entrusted to the Attorney General's Office, which is plagued with a complex bureaucracy and insufficient resources to carry out this mandate. The globalization of the information society brought concomitant growth in the development of copyright instruments employed in the global governance of production, processing, access, storage, dissemination and consumption of information. To be part of the global intellectual property dispensation, Kenya became a signatory on two intellectual property instruments that were intended to try and create a homogenous copyright regime across the world. These were the Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the World Intellectual Property Organization (WIPO) copyright treaty, signed by Kenya in 1994 and 1996 respectively. The adoption of these two instruments meant Kenya had to write and implement more stringent copyright laws to ally themselves to the international copyright regime that required better administration and enforcement mechanism of copyright at a national level.

Non-compliance with any aspect of these international copyright agreements may drive developed nations to invoke

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