

PIRACY AND THE FUTURE OF THE BOOK INDUSTRY IN NIGERIA

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PREAMBLE

This topic, with particular reference to the second part, that is the future of the book industry in Nigeria, is of critical importance because of the centrality of the book industry not only to national development, but indeed national survival. All great thinkers and far-sighted nation-builders are agreed that the bedrock and most potent weapon of rapid national development and transformation to modernity is sound education and literacy for the generality of the citizenry.

Since no educational system can be properly sustained without adequate provision of reading materials, it follows that the book industry must necessarily play a vital role in nation building. It forms an important cornerstone of the educational infrastructure on which the success of all efforts in other areas of national development depends. It is apposite and worthwhile, therefore, that we should examine, with deep concern, any threats, real or potential, to the viability and maximum contribution of this industry.

The topic is also of great interest at this time of our national life when the book industry is confronted with varied and very serious problems, to the extent that it is currently engaged in a 'life and death struggle' a situation which is already seriously undermining the entire educational system of the nation.

THE BEGINNING OF PRINTING AND PUBLISHING IN NIGERIA.

Naturally, formal education led to formal writing and this was followed by printing and publishing. Citing J.O. Hunwick as an authority, Oyeoku¹ claimed that if we disregarded primitive carvings and rock signs, formal writing could be said to have begun in Nigeria with the arrival of the Muslim religion in the Western Sudan in the latter half of the 11th century during the Almoravid movement.

This writing, which was in Arabic, was mainly produced by the pious scholars, royal chroniclers, travellers, merchants and the like. It later spread into Northern Nigeria with the advance of Islam and along the Niger and beyond to the Oyo Empire.. The coastal tribes were to encounter formal writing at a much later date, with the advent of the Portuguese explorers in the early 16th century.

The first centre of Portuguese contact with Nigeria was the Kingdom of Benin and the first books were presumably in Portuguese and Latin. However, the impact of these early contacts was minimal until the second half of the 19th century when the activities of missionaries became pervasive in the south of the country.

These missionaries attempted to spread their teachings through making available to the inhabitants and converts mainly religious books, such as the catechisms and other devotional literature. In order to further promote the availability of these books and facilitate the teaching of reading and writing, the missionaries set up printing presses. By the end of the 19th century, local newspapers emerged and generally the pattern was set for the present book situation in Nigeria.

CURRENT STATE OF PRINTING AND PUBLISHING IN NIGERIA.

As would be expected, until very recent times, the book industry in Nigeria, and particularly the printing and publishing arms of it, were monopolized by foreign-based multi-national publishing houses, which merely established local appendages as marketing outlets for their products. In many cases, these appendages have since metamorphosed into Nigerian-dominated companies even though they are still strongly affiliated to their foreign partners.

Prominent among such companies are Longman Nigeria Ltd. (1961), Heinemann Educational Books (Nig.) Ltd. (1962), Macmillan Nigeria Publishers Ltd. (1965), Thomas Nelson (Nig.) Ltd. (1969) and University Press Ltd. (1978). As from the early fifties, Nigerian-based and wholly indigenous publishing houses began to spring up in trickles. Early comers to the scene included the Ibadan University Press, founded in 1951, Ilesanmi Press & Sons (Nig.) Ltd. (1955), Onibonoje Press & Book Industries (Nig.) Ltd. (1958) and John West Publications Ltd. (1962).

Since the 1970's and particularly following the indigenization drives of the Federal Government in 1974 and 1977, not only have the local appendages of multinational book companies gained considerable autonomy, but also many wholly indigenous printing and publishing houses have arrived on the scene. According to the *Publishers' International Directory*, issued in 1982, there were over 450 publishers and printers in Nigeria as at 1982, while one Isaac Olu Akinmayowa in his unpublished *Directory of Printing and Publishing in Nigeria* (1981) claimed that there were over 600 printing and publishing establishments - large and small - in Nigeria.

However, in spite of the apparent remarkable increase in the number of publishing and printing houses in Nigeria, the total output of the book industry in the country is still deplorably low. Available statistics show, for example, that in 1980,

the book industry in Nigeria produced only a total of 2,316 titles, made up of 1,416 books and 900 pamphlets! In that year, the total value of Nigeria's book export was under 8,000 naira, whereas in 1977, Nigeria imported books worth a whopping 54 million naira.

Today, the state of the book industry is still extremely worrisome and the future appears very bleak and certainly very unpromising. This situation has been brought about by many prevailing adverse factors, some of which will be examined later in this paper. But perhaps, at this juncture, we should turn our attention to piracy and examine the extent to which it has contributed or is capable of contributing to the misfortunes of the book industry in Nigeria.

PIRACY, COPYRIGHT AND THE BOOK INDUSTRY

Webster's Third New International Dictionary (1976, ed.) defines 'piracy' as 'an unauthorized appropriation and reproduction of another's production, invention, or conception, especially in infringement of a copyright'. In a similar vein, the Chambers Twentieth Century Dictionary (Revised ed. 1972) gives the definition as 'unauthorized publication; infringement of copyright.'

It is clear, therefore, that piracy can only occur where there is a clearly spelt-out copyright law.

Copyright laws have existed for ages in many countries and just as there are national copyright laws, so also are there international copyright laws. For example, in the United States, copyright is rooted in the Constitution and legislation enacted by Congress. It is designed, according to Article 1, section 8, clause 8, of the US Constitution, "to promote the progress of science and the useful arts."²

This legislation which grants authors of intellectual works and other creative person the exclusive right for a specific period of time to copy or otherwise multiply, publish, sell and distribute them, as well as prepare derivative works based upon the copyrighted work, was enacted as far back as 1790. This statute has been amended or enlarged many times since then, the latest being the Copyright Act of 1976 (effective January 1, 1978) which revised in its entirety the old 1909 copyright law to take cognizance of the new technologies.

Following the lead of the U.S. of 1790, France enacted its own copyright law in 1793 and Germany in 1839. By the end of the 19th century, most advanced countries had some provision and various terms of protection for literary and other works, running from the publication date or from the date of the author's death.

As a complement to these national laws, moves began in 1828 in Denmark to establish an international code. They took the form of reciprocal treaty arrangements between individual countries by which foreign authors received the same protection as did indigenous authors. In 1885, a uniform international system of copyright was initiated by the Berne Convention. The customary term of protection is the author's lifetime plus 50 years. Most countries subscribed to the Convention except the U.S. and Russia. The U.S. continued to protect its domestic printing industry up to 1955 when it joined the Universal Copyright Convention (Unesco 1952).

While the Berne Convention prescribed a minimum level of protection, the Universal Conven-

tion was based on the concept of "national treatment", that is, each member country treating works by citizens of other member countries as it would those of its own citizens. The Soviet Union joined the Berne Convention only in 1973.

THE NIGERIAN COPYRIGHT LAW AND PIRACY

Apart from being a signatory to international copyright conventions, Nigeria has its own copyright law which is currently embodied in Decree No. 61 of 24th December, 1970 and up-dated by Copyright Decree No 47 of 20th December 1988. Earlier on, the Copyright Act 1911 of the United Kingdom had been in force in the country. Some of the salient provisions of the 1970 decree are:

- (1) the copyright law shall apply to (a) literary works, (b) musical works, (c) artistic works, (d) cinematography films, (e) sound recordings, and (f) broadcasts.
- (2) copyright shall be conferred . . . on every work eligible for copyright of which the author or, in the case of joint authorship, any of the authors is at the time when the work is made a qualified person, that is to say -
 - (a) an individual who is a citizen of, or is domiciled in Nigeria, or
 - (b) a body corporate incorporated by or under the laws of Nigeria.
- (3) . . . copyright in a literary, musical or artistic work or in a cinematograph film shall be the exclusive right to control the doing in Nigeria of any of the following acts, namely -
 - (a) the reproduction in any material form
 - (b) the communication to the public, and
 - (c) the broadcasting
 of the whole or a substantial part of the work either in its original form or in any form recognisably derived from the original.
- (4) Copyright is infringed by any person, who without the licence of the owner of the copyright -
 - (a) does, or causes any other person to do, an act, the doing of which is controlled by the copyright, or
 - (b) imports into Nigeria, otherwise than for his private and domestic use, or distributes therein by way of trade, hire or otherwise, or by way of trade exhibits in public, any article in respect of which copyright is infringed . . .
- (5) The copyright in a literary, musical or artistic work other than photographs shall expire twenty-five years after the end of the year in which the author dies. However, copyright in works of Government, state authorities and international

bodies shall subsist until the expiration of fifty years from the end of the year in which the work is first published and shall then expire.

- (6) Subject to this Decree, infringements of copyright shall be actionable at the suit of the owner of the copyright in the High Court exercising jurisdiction in the place where the infringement occurred; and in an action for such an infringement, all such relief by way of damages, injunction, accounts or otherwise shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other proprietary rights.

From the above, it is clear that copyright laws are designed to protect primarily the interests of authors, and indirectly those of all other persons or bodies connected with the book industry. The prevalence of piracy is bound to constitute a very strong disincentive to authors and also adversely affect the business and profits of printers, publishers and book sellers.

At a recent annual general meeting of the Nigeria Publishers Association, the President, Mr. Francis Ogunniyi, alleged that more than N200 million was being lost yearly to book pirates in the country by the Nigeria Publishers' Association. He went further to describe 'piracy' in the publishing industry as representing bare-faced plundering of intellectual property and according to him "it dents both creativity and national income."³

Mr. Ogunniyi, regrettably, did not make clear how he arrived at this staggering figure. Neither did he give an indication of the perpetrators of this heinous crime. An impartial observer would, in the circumstance, be inclined to infer that if the crime exists on any scale near what is being suggested by Mr. Ogunniyi, most of the culprits would certainly be found among members of his association. For who else would pirate popular literary works for quick and large profits but those who live by printing and publishing?

However, in the absence of reliable statistics, my suspicion is that piracy in Nigeria has not reached anything near the alarming proportions which Mr. Ogunniyi was quoted as having suggested. As far as I can recollect, very few, if any, cases of piracy have been brought to the public notice in recent times and law suits in respect of piracy are few and far between in Nigeria.

To my mind, therefore, piracy, at least within Nigeria, has not yet constituted a major problem to the book industry. It is also not likely to assume more disturbing dimensions in the future as long as the copyright law subsists and particularly if the members of the Nigeria Publishers Association adhere to a code of conduct that strictly upholds the provisions of Decree 61.

The only other potent source of piracy of Nigerian books would be the very few countries that do not subscribe to international copyright conventions. In which case, Nigerian books could be pirated

and widely distributed within such countries. But even in that eventuality, that would not constitute any significant threat to the book industry in Nigeria as long as such pirated Nigerian books, are barred, as they are by Decree 61, from being imported into Nigeria.

At present and for the foreseeable future, book exports from Nigeria are and will remain negligible. Therefore, the marketing of pirated copies in a few recalcitrant countries cannot have any significant impact on the book industry in Nigeria. It would seem to me, therefore, that the Nigerian government, and particularly those directly involved in or affected by the book industry, i.e. authors, publishers, librarians, etc. should concern themselves with more serious problems that are currently plaguing the industry and are threatening to put its future in jeopardy.

MAJOR PROBLEMS OF THE BOOK INDUSTRY

These problems are legion and we can only mention a few of them that constitute major obstacles to the development and growth of the industry. First is the dearth of indigenous entrepreneurs with the right motivation and sufficient capital to establish large printing and publishing houses. Most of our indigenous entrepreneurs are only interested in quick and huge profits on their investments.

They want to recover their capital outlay as fast as possible, attaching little or no importance to the contributions that their investments ought to make to the development of the nation. In other words, their motives are almost exclusively profit-oriented, selfish and devoid of any significant element of patriotism.

As further disincentives to would-be or budding printers and publishers, there are acute shortages of active local authors, adequately trained technical manpower and appropriate and affordable equipment. Happily, local authors for primary and secondary school level books are increasing daily, but this is far from being the case in respect of tertiary level books, nearly all of which are still being authored by foreigners and imported from abroad.

Also, there are still very few training institutions for local personnel in book production, with the result that workers with the technical know-how to effectively man the industry are scarce. Moreover, badly required equipment have to be imported and their costs are invariably prohibitive. There is also the serious problem of competition with local appendages of multi-national publishers and booksellers for the limited Nigerian market for books. In such a competition, the local entrepreneurs are usually at a serious disadvantage in terms of competitive prices and distribution facilities.

Added to the above are the acute scarcity and consequent exorbitant prices of material inputs, such as paper, including newsprint, ink, board, etc. The book industry currently depends almost entirely on foreign sources for these materials and yet the prevailing financial and import restrictions in the

country make their importation a most unattractive, if not suicidal, economic venture. Unfortunately, not much is being done by way of producing some of these materials locally. Government efforts at establishing paper mills in the country have so far not yielded any significant result.

In fact, only recently, the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria was quoted in one of the Nigerian newspapers as describing the Iwopin Paper Mill venture as a disaster. The reality, therefore, is that the only paper mill worth the name in Nigeria is the one at Jebba and not only is its output infinitesimal as compared to the demands of the book industry, but also its products are as expensive, if not more expensive than imported ones.

These problems, in combination, would appear to forecast a very bleak future for the book industry in Nigeria unless they are countered as soon as possible. It is important, therefore, that we conclude this paper by addressing ourselves to the ways by which at least some of the problems could be removed or/and their effects considerably ameliorated.

POSSIBLE SOLUTIONS

We have argued earlier that a sound education system is the key to all developmental efforts of a nation. In the same way, books and the book industry necessarily constitute an indispensable cornerstone of education. In Nigeria, the educational sector has grown tremendously since independence. For example, primary school enrolments which stood at a modest 200,000 in 1960 rose to over 15 million in 1984 and it is estimated that by the year 2000, the population of primary school pupils would be 35 million!

The rise at the secondary and tertiary levels is also phenomenal, with enrolments jumping from 400,000 in 1973 to well over 3 million in 1984, and from barely 3,000 in 1962 to about 135,670 in the 1985/86 session in the secondary schools and universities respectively. In a recent article in the *Daily Times* of Wednesday, September 7, 1988, Professor Segun Adesina, the Director of the Nigerian Educational Research and Development Centre (NERDC) was reported as estimating the book requirements of the country at all levels of education at about N3.1 billion a year. This he further broke down to N1.7 billion for both primary and secondary levels and N1.4 billion for the tertiary level.

Also, one Toni Okey Ndibe, in a 1984 article in the *National Concord* of February 15 of that year opined that between 60% and 70% of books used at the primary and secondary school levels were written by Nigerians while the rest was made up with imports. He, however, added that the requirements at the tertiary level were largely met by book imports. It is doubtful if the situation has changed substantially today and obviously the aspirations of the Fourth National Development Plan (1981-1985) which envisaged 100% local production of the book requirements for the primary and junior secondary levels,

have not materialized and they are not likely to materialize in the near future if the current trend in our book industry persists.

Unfortunately, such persistence would not only seriously undermine our formal educational system but it would gradually worsen the illiteracy rate in the country which the Unesco office of Statistics and a recent report on adult literacy survey of the Federal Government put at 62% in 1987. The reports warned that this figure was likely to leap to about 74% at the end of this century if urgent steps were not taken to halt the slide.

Some of the steps suggested as a means of arresting the deteriorating situation and ensuring a vibrant book industry include positive government participation and intervention by way of the establishment and adequate funding of a National Book Development Council and in some cases, a State Publishing Company. The idea of National Book Development Councils in African countries originated at a meeting of experts from 23 African states, held at Accra (Ghana) between 13th and 19th February, 1968.

The meeting, which was convened at the instance of Unesco, was to formulate a concerted programme for the development of national book industries in the continent up to 1980. The meeting examined the book situation in Africa and found that only six African countries produced books in national languages and that in some countries there was no publishing at all.

It was estimated that book production amounted to only six titles per year for every million inhabitants and that no more than one-thirtieth of a book was available per person per year. It also discovered that the bulk of the books issued were textbooks and, in consequence, provided little reading material with which to prevent the newly-literate masses from relapsing into illiteracy. The meeting then decided that each African country should establish a national book development council, or equivalent body, as the main means of promoting national publishing and distribution facilities.

The objectives of a national book development council, as summarized by Julian Behvstock, include the following:

- (a) to serve as an intermediary between the book professions and the government in order to ensure the integration of book production and distribution into overall economic and social plans; to act as the spokesman for the industries in questions of finance, taxation, customs regulations involving the government;
- (b) to initiate measures that would help to prevent or correct conditions prejudicial to book development and to promote activities and plans for national book development;
- (c) to encourage the formation of professional associations relating to reading materials where these do not already exist and to strengthen such associations that are already in being;

- (d) to promote, assist and, where necessary, co-ordinate plans for concerted action on such questions as the training of personnel;
- (e) to establish suitable machinery for the promotion of the reading habit and conduct other research essential to the full development of book industries;
- (f) to provide information related to the book trade and practices which can serve the development of books and reading generally; and
- (g) to undertake such additional activities as are requested by the industry or the government in order to ensure the balanced production and distribution of books and reading materials, e.g., language development, translation Bureaux, textbook evaluation, experimental sales techniques, etc.

Generally, the prime function of a national development council should be to ensure that book development is integrated into overall national development planning. The totality of the Council's activities should at all times create a conducive atmosphere for all those engaged in the various arms of the industry to practice their trade unhindered and for the book industry itself to bloom in line with the demands of the educational and other sectors of the society.

The Council is, therefore, the main spokesman and advocate for the industry with the government, consequently the Council has to see the development and perpetuation of a good relationship between the book industry and the government as one of its most crucial responsibilities.

In Nigeria, the Government has established the Nigerian Book Development Council (NBDC) as an arm of the Federal Ministry of Education. It is not clear, however, the extent to which the Council has been active and effective. Judging by the present fate of the book industry in the country, it would seem that the existence of the Council has not made any appreciable difference to the book industry.

In addition to this Council, there exists the Nigerian Educational Research and Development Centre (NERDC) which has been given the mandate to produce or encourage the production of certain vital books that cannot be mass produced due to limited demand and are, therefore, unattractive to profit-oriented commercial publishers. Thus, the NERDC has to finance the publishing of such special books as joint ventures with the universities as one of the means of encouraging university lecturers to write more books.

Other organizations involved in non-profit-oriented book publishing are the International Board on Books for Young People (IBBY) and the Children's Literature Association of Nigeria (CLAN). Both of these are non-governmental organizations in the area of book publishing for children. While the former (IBBY) is an international organization, whose Nigerian branch is called the National Section, the latter (CLAN) is a local body founded in 1979 by a

group of volunteers comprising educationists, editors, librarians, teachers, radio and television producers and children's page editors in newspapers.

Some African countries, such as Ghana and Zambia, have even experimented with the idea of a State Publishing House as a way of making books generally available at affordable prices and promoting the publishing of books by local authors. For example, the Ghana State Publishing Corporation (perhaps the first of such state-sponsored publishing companies in Africa) was established in 1965. In order to take off on a sound footing and remain viable, it signed contracts with five British publishers, i.e., The Oxford University Press, Evans Brothers, Longman, George Allen & Unwin and Macmillan & Co.

The terms of the contracts, as listed by A.K. Brown,⁵ were:

- (a) The publishers give permission to the Corporation to print and distribute in Ghana certain textbooks published by the overseas publishers (i.e., textbooks specially selected and ordered by the Ministry of Education).
- (b) The Corporation pays to the publishers royalty on each book so distributed at the rate of 17½ percent of the U.K. published price in force at the time each agreement was concluded.
- (c) The royalties are paid in sterling in London.
- (d) The agreements are renewed annually and there is provision for settling disputes.
- (e) Books printed under these agreements are not sold outside Ghana and each copy is so marked with words to the effect that their sale is limited to Ghana only.
- (f) The Corporation bears the cost of any of alterations or corrections made in the books.

However, these experiments in Ghana and other places have not been a total success and the chances of their success in large Countries such as Nigeria are even much more remote. Some of the major obstacles to success include the fact that there is a strong danger of the existence of the Corporation resulting in state control rather than state participation. The consequence of such a state of affairs may mean that the Corporation would be allowed to publish only those works that the government approves of. There is also the problem of bureaucracy which generally renders state-owned companies financially unviable and eventually very inefficient.

In my opinion, therefore, it is highly undesirable for the Nigerian government to engage in direct participation in book production and distribution. Rather, the government should, through appropriate bodies, aid indigenous publishers and encourage the establishment of new publishing houses.

In order to revitalize the book industry in Nigeria and ensure a safe future for it, the Nigerian

government should adopt the suggestions of A.K. Brown which sum up the aid needs of the industry as:

- (i) support from funds specifically set up for the development of the book industry;
- (ii) where necessary, governments should help subsidise publication of desirable manuscripts on application from indigenous publishers;
- (iii) preferential treatment should be given to indigenous publishers;
- (iv) governments should offer long-term, low-interest capital for purchase of material;
- (v) paper stock should be exempted from taxes;
- (vi) printing and publishing equipment should be exempted from import duty;
- (vii) postal rates should be reduced for books; and
- (viii) if possible governments should create special agencies for organised distribution of books both to schools and to the general public, irrespective of their locality.

CONCLUSION

In summary, what I have done so far in this paper is to slightly shift the emphasis of the topic from piracy to the future of the book industry in this country. This I have done deliberately because, as I have mentioned earlier, I do not believe that piracy so far constitutes a major problem to the book industry in this country and therefore it does not deserve undue attention.

On the other hand, I feel deeply concerned that the multifarious problems currently besetting the book industry in this country are so overwhelming that unless viable solutions are found to them very soon, the educational system may collapse with disastrous consequences for not only the present generation of Nigerians but also for posterity.

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