

## THE ROLE OF INTELLECTUAL PROPERTY AND ANTI-PIRACY LAWS IN NATIONAL DEVELOPMENT AND TRANSFORMATION

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### **Abstract**

*Proper implementation of intellectual property and anti-piracy laws will play significant roles in Nigeria's quest for development and transformation. However, there appears to be some daunting challenges that overtly or covertly affect the realization of such goals. These challenges include carefree plagiarism and wholesale download of other people's work without due acknowledgement; outright stealing of other people's intellectual property without useful contribution to improving the quality; recycling the same information by different authors, thus, reducing research activities to a mere 'copy and paste' phenomenon; reduced spirit of hard work that goes with investigation, experimentation and analysis of information due to full scale plagiarism; inadequate supervision of students' and/or lecturers' academic activities to ensure that quality, standard and independence are maintained. These factors have increasingly lowered the qualities of research works and have thus failed to contribute positively to national development and transformation. What seems to promote the abuse of intellectual property rights in Nigeria include schooling in proxy, inadequate coverage of scheme of work, increased sophistication in examination malpractice, lack of/ or inadequate use of instructional materials/resources and high degree of impersonation. To build sound educational base that will galvanize the socio-economic growth of the nation, the enabling laws to intellectual property rights should be activated and those found contravening them be adequately dealt with. It is the author's firm belief that with the right environment, such as the establishment of e-library and e-learning centres and with motivation of researchers through research grants, researchers will be able to make positive contributions towards national development and transformation.*

**Key Words:** Intellectual Property, Anti-piracy Laws, National Development and Transformation

### **Introduction**

Education is seen as the bedrock for national development all over the world. The axiom that "no nation can rise above the quality of its educational system" holds sway till date. This was clearly reemphasized by Hajia

Abdullahi, Permanent Secretary of Ministry of Education, during the World Teachers Day in 2015 in Abuja (Sumaina, 2015). The deterioration of Nigeria's social and economic enterprises to irredeemable status has been attributed to the systemic decay in the nation's education industry.

Online education system that ought to improve the content and quality of education across the world has only succeeded in lowering quality in the Nigeria's case. All that most students and sometimes teachers/lecturers and supposedly researchers do in today's Nigeria is to download, cut and paste information from the internet without any personal input; even when such information has little or no relevance to the subject in question.

What has become more worrisome in recent time is that the supervising agencies, particularly, the Anti-Piracy Agency and the Copyright Laws that ought to be responsible for ensuring that standard is maintained have degenerated in this regard and field supervisors see field work exercises as opportunities to amass wealth. These supervisors most often connive with the management of institutions and as a result, turn blind eyes to the enforcement of quality and standards. This, has however, reduced the level of academic integrity in the nation's educational system, and the result is quite harrowing.

Today, books are churned out in large number by lecturers who failed to carry out rigorous research with a view to building on existing knowledge. Looking deep down, it has been discovered that in most cases, financial considerations were the driving force. It is also observed that students, who never attended classes, or those who wrote poorly researched projects are awarded the best of degrees even when the contents of the materials presented were nothing to write home about. We should bear in mind that the nation stands to gain when things are done the right way and lose when the contrary is the case.

To keep pace with modern global reality, our educational programmes must be systematically diagnosed, overhauled and repositioned through genuine efforts by doing that which is right and needful in terms of infrastructural provisions, materials supply and personnel development with a view to galvanizing the nation's education enterprise into positive action.

### **Aims and Objectives**

This research sets out to achieve the following aims and objectives:

- (i) Determine the extent of abuse of intellectual property rights of individuals
- (ii) Examine factors that tend to lower the quality of education in Nigeria.
- (iii) Examine the laws put in place to protect the intellectual property rights of individuals
- (iv) Examine the effects of plagiarism on the intellectual growth of academics
- (v) Suggest ways to building academic integrity amongst authors and researchers towards national development and transformation
- (vi) Recommend measures that will act as checks to unbridled display of academic dishonesty amongst Nigerians.

### **Definition of Terms:**

The following terms are defined to give clear understanding of the matter under discussion:

- (i) **Intellectual Property:** This refers to the creation of the mind, such as an invention, literary and artistic works, designs, symbols, names and images used in commerce ([www.wipo.intellectualproperty](http://www.wipo.intellectualproperty)).

Intellectual Property rights enable individuals to earn recognition or financial benefit from what they invent or create.

- (ii) **Anti-piracy Laws:** Anti-piracy Laws refers to copyright protection. It is designed to prevent the unauthorized use or reproduction of copyright materials.

(<https://en.oxforddictionaries.com>). Copyright is a legal term used to describe the rights creators have over their literary and artistic works. Copyright covers range of issues from books to music, paintings, cinematographic films, sound recordings and broadcast, drawing, painting, maps, etcetera (Copyright Act Cap C.28 LFN 2004).

- (iii) **National Development:** Dawe (nd) defines National Development as the ability of a country to improve the social welfare of the people through the provision of social amenities such as quality education, potable water, transportation infrastructure, medical facilities, energy and power, security and other services with the aim of achieving real per capita income as well. (<https://www.researchgate.net/publication>)

- (iv) **National Transformation:** This refers to change in a positive direction of a nation's socio-cultural, physical, economic, political and religious spheres of life. National Transformation has to do with improvement in the quality, content

and capacities of existing infrastructures in a society such that they will be able to cope with the present demands and future prospects of a people. National Transformation is also seen in the observable change in behaviour, orientation and attitudes of a people that are directed towards social harmony, peace and security of the people. The new approach to growing the economy with improved methods of agricultural practices, trade and investment, industrial development, production and consumption patterns, energy and power, communication, transportation, tourism and hotel services are indices of national transformation.

#### **Statements of the Problem:**

The nation's educational growth has been seriously challenged by certain actions that are detrimental to national development and transformation. Such challenges include:

- (i) Carefree plagiarism and wholesale download of other peoples work without due acknowledgement and thus reducing research activities to mere 'copy and paste' phenomenon.
- (ii) Outright stealing and recycling of other people's intellectual properties without useful contribution towards improving their qualities lowers standard.
- (iii) Lack of due diligence by researcher's lower standard that would have made their work contribute to national development and transformation.
- (iv) Proper supervision of research works to ensure qualities, standards and

independence in content and approach are lacking in most cases.

- (v) Inability of the existing law to prosecute those who blatantly display academic dishonesty further encouraged them to continue in the act.

There is a general decline in the standard of education in Nigeria today. The Centre for Academic Integrity (2014) sees academic dishonesty in the form of cheating in an examination by students and other forms of dishonest behaviour by teachers, lecturers and researchers.

According to Wikipedia (2015), most graduates today lack the knowledge, skills and competences that are required to carry out meaningful and flawless academic and research work due largely to the kind of training they received. The general decay is due to the fact that most students do not physically attend lectures, do not carry out project work, or the services agents to do their assignments or even write their examinations for them. These problems are accentuated by poor registration of students and inadequate information from biometric data capturing processes.

There is also the dearth of teaching and learning materials that would have made teaching and learning processes practically oriented. Most libraries, laboratories, workshops and studios only exist in name and not in equipment and materials needed to aid and promote teaching and learning in practical ways.

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Transformation

Nations are developed by people with knowledge, skills and competence. Such people have vision and ready to make sacrifices for the good of humanity. These people develop ideas, programmes and processes with a view to improving the wellbeing of the people. It is therefore important that these inventors and developers are protected from being pirated or plagiarized so that they will be able to reap the benefits of their endeavours. Some of the roles intellectual property and anti-piracy laws play in Nigeria are highlighted below.

- (i) Intellectual property right facilitates innovation in science, education and technology (Kalanje). Innovation produces results that bring about improvement in socio-cultural, economic, political, religious and technological lives of a people.
- (ii) Intellectual property right gives protection to new ideas and investment. New ideas and investment often lead to higher creativity and originality. Individual writer, researcher and inventor resorts to originality as that will offer him/her better opportunity to making progress in the society.
- (iii) Intellectual property right can open new revenue streams, create jobs and boost growth in the nation's economy as individuals are challenged into developing copyrights (Misrahi).

- (iv) It also encourages entrepreneurship at Universities and Research Centres. By this, government offers incentives international to Universities and Research Centres to create start-up companies and push for collaboration between Language (2011) views Universities and small and/or medium scale industries.
- (v) Auditing, documentation and monetizing intellectual property are the potential values behind the publications of textbooks, teaching syllabi and pedagogical methodologies, examination papers, lectures and case studies.
- (vi) Observance of intellectual property right helps to increase productivity, diligence and hard work among the people.
- (vii) Intellectual property right gives room for competition and healthy rivalry amongst academics, researchers, scientists and inventors. Healthy rivalry brings about improvement in quality, contents and quantity of products in the society.
- (viii) Full implementation of intellectual property rights and anti-piracy laws will help unlock the hidden potentials in man and thus, promotes excellence.
- (ix) Implementation of intellectual property rights and the application of anti-piracy laws will help to eliminate academic dishonesty in the forms of plagiarism and impersonation

educators in diverse cultural settings. The American Heritage Dictionary of the English

impersonation as a false representation of a person with a

and thus unlock the hidden potentials in man for excellence.

Wendy (2008) sees plagiarism as a global issue that poses challenges to view to committing crime.

- (x) It will help reduce to the barest minimum the practice of schooling in proxy. This practice is common among students who are working somewhere as civil servants, security operatives, politicians or private individuals. They devise the means of attending classes, writing and submitting assignments, writing class test and even examinations through paid agents. As observed by Fishback (1911), these students most often obtain the best of grades on graduation but the effect is that they never possess the knowledge their certificates purportedly indicate since they had never been to any class or carried out any class activities.

### **How to Eliminate Academic Dishonesty in Institutions for National Development and Transformation:**

Academic dishonesty can be eliminated through the following measures:

- i. The relevant authorities should develop good learning environments through the provision quality infrastructures, relevant and

- adequate learning materials and making provisions for staff and personnel developments so that the culture of creativity, originality, hard work and independence become a way of life for the people.
- ii. Lecturers and students should adopt proper and up-to-date learning mode, using relevant school curriculum laced with relevant instructional resources so that they are able to acquire the required skills for research and development.
  - iii. Students/lecturers/authors and researchers should be made to write and present their works for vetting or editing before they are published so as to reduce the practice of wholesale downloaded of materials from the internet and other copyright materials.
  - iv. Full implementation and enforcement of intellectual property rights laws will help discourage plagiarism and other untoward academic activities amongst academics, researchers and inventors in the nation.
  - v. Every intellectual property, be it in the form of textbook, journal material or memo should be subjected to plagiarism test before they are allowed to be circulated to the public.

### **Summary/Conclusion**

The general rise in the rate of academic dishonesty in our institutions of learning cannot be divorced from the general decay in Nigerian society. Academic dishonesty has lowered hard work, dedication and integrity amongst the teachers, students and researchers to the extent that the products of the system cannot cope with the demands of modern society.

In this wise, this author wishes to recommend that the Anti Piracy and Copyright Laws of the Federal Republic of Nigeria be activated and used against any person found to have violated Intellectual Property rights of others to serve as a deterrent.

Also recommended is that the government and educational agencies should provide quality infrastructures, relevant and adequate learning materials and making provisions for staff and personnel developments so that the culture of creativity, originality, hard work and independence become way of life for the people. This will obviously reduce the desires of many people to plagiarize.

The culture of creativity, originality, hard work and independence will be effective ways to contributing to national development and transformation.

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