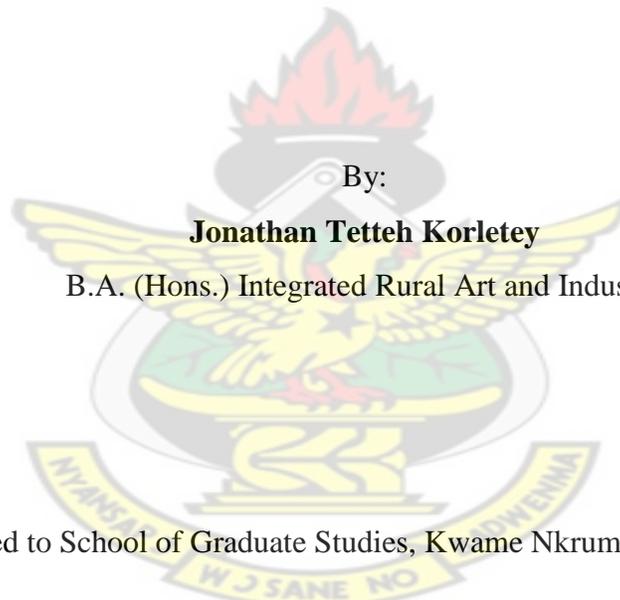


**KWAME NKURUMAH UNIVERSITY OF SCIENCE AND TECHNOLOGY,
KUMASI**

FACULTY OF ART
COLLEGE OF ART AND SOCIAL SCIENCES

TOPIC:
COPYRIGHT AWARENESS AT KNUST



By:
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DECLARATION

I hereby declare that this submission is my own work towards the MA Publishing degree and that, to the best of my knowledge, it contains no material previously published by another person nor material which has been accepted for the award of any other degree of the university, except where due acknowledgement has been made in the text.

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ABSTRACT

The study examined the level of copyright awareness in educational institutions from the context of Kwame Nkrumah University of Science and Technology (KNUST). The study focuses on the measures put in place by Kwame Nkrumah University of Science and Technology to prevent copyright infringement and the good practices that are being followed to ensure that copyright is properly observed at the university. The study gathered enough data to examine the impact of copyright awareness on the use, creation and protection of copyright materials. The study showed that most of the students in Kwame Nkrumah University of Science and Technology think of copyright as an instrument that prohibits others from using information resources without the authors' permission. One of the major observations that call for a serious concern, in this study, is the fact that Kwame Nkrumah University of Science and Technology lacks proper Copyright Policy and this policy gap is a potential vacuum likely to hold back access to knowledge and stifle innovation in the long run. That notwithstanding, based on the research findings and review of related literature of the study, it was highly recommended that the university should have a copyright policy to address copyright issues that arise from the use of copyright materials by Students and Lecturers.

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Now unto him that is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us, unto him be glory ... Eph. 3:20-21. I thank God Almighty for His grace and mercy in executing this study. I wish to extend my profound gratitude to all my Lecturers for preparing me for this study and bringing out this scholarly substance in me.

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CHAPTER ONE

INTRODUCTION

1.1: Background to the Study

The premise of this study is set on the assertion that “the problem of illegal photocopying and plagiarism could potentially result from uncertainties or a lack of awareness of users” (Wahid, 2011). However, it is obvious that tertiary education revolves around the use of other peoples’ resources as well. At Kwame Nkrumah University of Science and Technology (KNUST), Lecturers rely upon copyrighted works through fair use to make allowance for great flexibility in the course of teaching their Students as the Students also rely heavily on the understanding and the use of the expression of other peoples’ ideas, arguments, evidence, concepts, and theories to support their own and also to facilitate their learning.

Unfortunately, there is lack of copyright awareness and understanding in the academic institutions. Some people, including Lecturers, Students and School Administrators fail to notice that the use of other peoples’ expression of ideas, concepts, and theories without due acknowledgement is offensive. Some also think that using copyrighted materials does or does not require permission from the author or the copyright holder at all times. Following this critically, one can therefore hypothetically attribute the cause of piracy - illegal photocopying and plagiarism to the lack of awareness of the copyright of the authors of these works.

Considering that KNUST forms part of the major users of copyright-protected materials in Ghana. It would not be wrong to probe into the level of ‘copyright’ awareness of the

University Community with regards to the appropriation and the daily use of other people's works in the promotion of knowledge and the dissemination of knowledge and knowledge-based products.

This is because the university also has a central library block resourced with various copyright-protected materials including the large collection of internal and pre-subscribed books, articles, journals, textbooks, essays, encyclopaedias, dictionaries, letters, reports, memoranda and other published materials which are available to members of the University Community for the production of term papers, essays, report, thesis or dissertation, articles, journals and other scholarly publications. This calls for prudent and cogent copyright policy document to enable the University to effectively regulate, monitor and protect its intellectual property, academic and institutional values and defend its teaching, research and service mission through effective policy and awareness drive.



Plate 1.1: A perspective view of KNUST Central Library Block

1.2: Statement of the Problem

At KNUST, Lecturers and Course Designers often use copyrighted materials to teach and also to design courses, as the Students also often consult copyrighted materials to meet their educational course work requirements. Consequently, in such an environment, lack of copyright awareness may result in uncontrollable copyright infringement activities.

For instance, one can easily notice that the absence of proper copyright/intellectual property right policy at KNUST among other things has contributed to the mushrooming of commercial photocopy centres and other copyright infringement activities among Students. This was confirmed in a cursory survey, where it came to light that these commercial photocopy centres are not effectively regulated. In spite of this unfortunate situation, there are no copyright awareness notices displayed at these places where photocopying activities are undertaken — thus, notices that would inform the Students and other users of the quantity of materials that may be legally photocopied for permitted use or fair use under section 19 of the Copyright Act, 2005 (Act 690). In other Universities, there are clear Copyright Policies to guide teaching, learning and the promotion of knowledge whiles not infringing on authors' rights.

One may even wonder what happens at a University where there is no Copyright Policy in this era where Copyright Infringement has become more evident with the emergence of advanced technology, as it is now possible to copy any material in volumes and works that are likely to be protected by copyright. The situation at KNUST reveals that many Students, who cannot afford the prices of materials and textbooks, now make photocopies of essential texts and materials for their academic work at the detriment of the copyright holders.

Resulting from the lack of Official Copyright Policy for KNUST, The University Faculty members and Students are at ‘liberty’ to use copyrighted works with impunity, with no recourse to who it may hurt. However, it can only be concluded that the detriments caused by copyright infringement do not only affect authors, but also publishers and other stakeholders in the publishing industry. It is therefore prudent, in no other time than now, to investigate the level of copyright awareness at KNUST.

1.3: Objectives of the Study

The objectives of this study are to find out

1. What Students and Lecturers of KNUST know about copyright?
2. What measures are there to prevent infringement of copyright at KNUST?
3. The good practices that are being followed to ensure that copyright is properly observed in KNUST.

1.4: Significance of the Study

Since the creation and ownership of knowledge-based products remain an important aspect of the socio-economic development of an individual and as well as the nation, this study will be a significant endeavour in promoting copyright concerns as a national business. The outcomes of the study will form the basis for awareness-raising in support of the institutionalisation of systems that facilitate the protection and easy access to learning materials. The study is particularly important, given that there are also frequent reports of disagreements among copyright stakeholders on matters pertaining to access to knowledge in Ghana. Educators can avoid copyright infringement and legally use copyright-protected materials if they understand and comply with the permitted use of copyright guidelines. It

is hoped that the study will contribute to the development of policies that will foster copyright awareness and access to teaching and learning materials at KNUST.

1.5: Scope of the Study

Delimitation

The study focused on examining the level of copyright awareness at KNUST, through the context of copyright law. The legal framework of this study is the Copyright Act, 2005 (Act 690) on the use of print literary works in academic institutions in Ghana.

1.6: Definition of Terms

Artistic work: means irrespective of artistic quality any of the following works: painting, drawing, etching, lithograph, woodcut, engraving, print, fashion design and wood design; photography not comprised in an audio visual film; map, plan or diagram; sculpture; work of architecture in the form of building or model; or work of applied art, whether handicraft or produced on an industrial scale.

Anthology: a collection of many works, published in one work.

Article: a short work published in a newspaper, magazine, or newsletter.

Author: the writer of a work.

Bibliography – this includes all sources which you have read and have informed your work whether you have mentioned or quoted from them or not.

Cite: to quote, to copy another's ideas and give credit to that author, writer, and thinker.

Citation: a parenthetical reference, a “tag” to identify the quotation source.

Copy: means a reproduction of a work in a written form.

Database: a retrievable collection of articles, restricted to subscribers, used online.

Edition: an edition suggests more than one revision has occurred, e.g. 6th ed.

Editor: compiles a work; an editor may also write comments in a work, e.g. Ed. Tom Ho.

Essay: a commentary or composition, often found in anthologies.

In-text citation: the parenthetical reference that allows reader to identify the source of a quotation in a research paper from the Works Cited list.

Literary work: includes novels, stories or poetical works; textbooks, treaties, histories, biographies, essays or articles; encyclopaedias, dictionaries, directories, anthologies, databases or compilation of data or other material, whether in machine readable form, which by reason of the selection or arrangement of contents constitutes intellectual creations.

Journal: a peer reviewed publication, non-commercialized, for a field of study.

Paraphrase: to put a quote into one's own words, but retains the entire original author's ideas and must still be cited with a parenthetical reference.

Publisher: a person who undertakes the publication of a work and issue copies to the public usually for sale.

Reference – this includes only sources that you have mentioned or quoted from in your work.

Source: Information from book, film, letter, magazine, website, database article, interview, etc. used to support a research project.

Work: a source or publication.

1.7: Organisation of Work

This research will be organized in chapters. *Chapter one* which is the introductory chapter contains the Background of the Study, Statement of the problem, Objectives of the study, Significance of the study, Scope of the study (limitation/delimitations), Definition of terms, and Organisation of the work.

Chapter two of the study is a literature review of the research. The chapter opens with an introduction and discussion of the research process. It will further focus on the review of theoretical and empirical literature relevant to the study. The chapter will however conclude with the summary of what previous researchers have said and how they relate to the subject of this study.

The *third chapter* will also present the research methodology for the study. The approach suitable for this research will be the *Mixed Approach*, with a combination of *qualitative* and *quantitative methods* using survey in a form of questionnaire and interviews as data collection strategies. Where necessary, documents will be were analysed.

The presentation and analysis of data collected for the study are also discussed in *chapter four*. The data collected will be described and discussed according to the survey conducted and the interview responses collected by the researcher.

Chapter five of the study will be the conclusion which will summarize the entire study with recommendations and suggestions to set a platform for further study to be conducted on the subject. The chapter concludes with list of References used in the entire study and Appendices.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.1: Introduction

This chapter reviews the various literature related to the study of copyright awareness. It opens with an introduction and discussion of the research process, and reviews both theoretical and empirical literature relevant to the study while looking at the theoretical and practical issues that can be analysed about the topic. The chapter concludes with a summary of what the literature review mean and how it relates to the study.

The researcher agrees with Kawooya (2007) that the literature review of this study is a snapshot rather than an exhaustive treatment of scholarships and civil society work on copyright in education and research. This is because a significant portion of the literature is not situated in the African context mainly as African scholarship on the topic is scanty to non-existent.

For instance, according to Adusei et al. (2010, p.69), “in Ghana, the subject of copyright has received relatively little attention in the academic literature.”

However, “the ‘outside’ scholarship and experiences are drawn upon to the extent that they reflect similar situations” (Kawooya, 2007) as pertains in Africa and Ghana in particular.

2.2: The Search Process

To obtain both theoretical and empirical insight into the issues of copyright awareness at KNUST and all other educational environments, the main sources of information for the research will be libraries and the internet.

Library Research: Library research has always remained an integral part of both social and scientific research. It is a storehouse of knowledge where books, articles, journals, e-resources, and others can be obtained for research works. The researcher will however consult several literature in different libraries such as KNUST Main Library, College of Art Library, and the Department of General Art Studies Library. Various literature will be reviewed on copyright in order to obtain the requisite theoretical background needed to conduct the study.

The Use of Internet: The researcher intends to use the internet since it is regarded as the communication technology for the diffusion of new information for the beginning of a new era of knowledge. To obtain a global perspective of copyright issues, the researcher will consult several journals, articles, letters, e-books, etc. on the internet.

2.3: REVIEW OF THEORETICAL LITERATURE

This section considers various theoretical issues that can be analysed about Copyright and Copyright Awareness. It narrows the discussion to Awareness of Copyright Protection and user-access in the form of Permitted Use of Works Protected by Copyright, which are very important tools for copyright holders and users.

2.3.1: The Concept of Copyright

Khan (2002, p. 490) defined intellectual property to include the creations of the human mind, involving the human intellect.

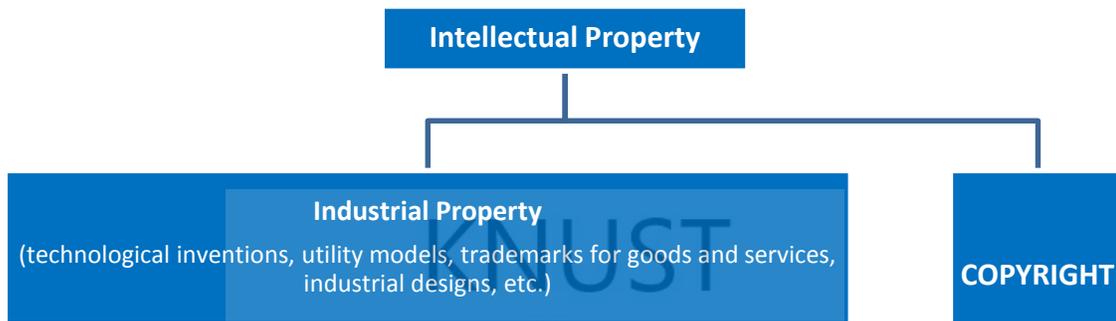


Fig. 2.1: Branches of Intellectual Property

Fig. 2.1 actually gives a clear picture of Intellectual Property (IP) having two branches. One deals with *Industrial Property*, comprising technological inventions, utility models, trademarks for goods and services, industrial designs, etc. and the other being *Copyright*. This clearly supports Khan's (2002, p.490) definition, since both Industrial Properties and Copyright basically involve the creations of the human mind, and of the human intellect.

2.3.2: What is Copyright and Copyright Awareness?

What is Copyright?

Due to the misconception of people about copyright law, Story (2009) cautions about how copyright terms and laws are defined and what they mean. As the prominent African American novelist, Morrison (1987, p. 190) explained that "definitions belong to the definers – not the defined." This is because copyright means different to different people.

Story (2009), in a further discussion, argued that “many seemingly neutral definitions put forward by agencies such as the World Intellectual Property Organisation (WIPO), a leading copyright ‘definer’, are misleading and, quite frankly, self-serving and propagandistic.” The same source also argued that the WIPO’s definition of the term ‘copyright’ hides more than it reveals. For instance, WIPO defines copyright as “a legal term describing rights given to creators for their literary and artistic works” (<http://www.wipo.int/about-ip/en/copyright.html>).

In his opinion, Story (2009) considered copyright as “a legal system which regulates the creation, ownership, control and use, by the public, of products resulting from certain specified creative activities that are directed by the human brain which includes the writing of books.” In a supportive opinion, Taylor (2007) added that “the resulting products of such activities are called “expressions” or “works” in the legal terminology of copyright.” This means, copyright law across the world plays a common role of regulating the creation, ownership, protection and use of human intellectual expressions, such as books, journals and other information resources.

Although, a cursory review of the literature, however, reveals that copyright means different to different people. Some people view copyright as a form of exclusive rights, while others, consider it to be a form of intellectual property. This was why Story (2009) stated that “the laws of some other countries, such as the USA, do not explicitly state that copyright is a form of property.”

1. Copyright as a Form of Exclusive Rights: A study by Carrie (2001) revealed that “one of the exclusive rights of copyright holders is the right of reproduction, or the right to

make a copy.” This is clear from the composition of the word ‘copyright’. Copyright as a compound word, ‘copy’ and ‘right’ literary has to do with the ‘right to copy’ as indicated by Story (2009) that “at its most basic level, copyright law gives the owners of copyrighted work the ‘right to copy’, modify and distribute their expressions or works as well as a series of related activities.”

The report of the Commission on Intellectual Property Rights (2002) emphasised that “copyright grants exclusive rights to the *creators* of original literary, scientific and artistic works.” A similar idea was expressed by Kaw (1999) to conclude that “copyright is given by the law to *creators* of literary works.” It is however clear that copyright is a law intended to protect a creator's original idea, theories, and concepts that are fixed in tangible form (Strong 1981; Lakhan and Khurana, 2008, p. 1).

This indicates that copyright is a legal instrument and as such has legal implications because “it regulates knowledge production, distribution, access and use” as suggested by Kawooya (2007). Hoorn and van der Graaf (2006) also said “copyright also pertains to the exclusive rights to publish and distribute a work” including the right to “exercise control over copying and other exploitation of works by others” (Jones, Benson & Benson, 2002). The implication is that, “If others want to do any of these things, they have to get permission from the copyright owner” (Apple Computer Inc., 2006).

According to Bosumprah (2009) the term *exclusive rights* “comprise two main sets of rights, the economic rights and moral rights” of authors. Bosumprah (2009), Kaw (1999) and Dankey and Akussah (2008) also shared a similar view when they literally agreed that

economic rights of an author include the exclusive right in respect of the work to do or authorize the doing of any of the following:

- *The reproduction of the work in any manner, form or quantity.*
- *The translation, adaptation, arrangement or any transformation of the work.*
- *The public performance, broadcasting and communication of the work to the public.*
- *The distribution to the public of original or copies of the work by way of sales.*
- *The commercial rental to the public of original or copies of the works.*

Further to this, under moral rights of section 6 of the Copyright Act, 2005 (Act 690), it is stated that “the creator has the sole right to claim authorship of the work and in particular to demand that his/her name or pseudonym be mentioned whenever and wherever the work is used.” This implies that the author has the right to object to any distortion, mutilation, rearrangement or other modification of his work that might be prejudicial to his honour or reputation.

Following the above, Bosumprah (2009) concludes that “both sets of rights (economic and moral) belong to the creator” while Kaw (1999) added that “in the case of a literary work, these sets of rights belong to the author.” However, “the exercise of these rights means that the creator can use the work himself, can give permission to someone else to use the work or prohibit others from using the work” (Bosumprah, 2009). The general principle is that copyright protected works should be used with the authorization of the owners of the rights. Unless the owner grants permission or a *Legal Escape Clause* called a *Users’ Right* such as, “This document may be *freely* distributed contingent upon the fact that it is distributed as a whole document. This includes printing it as a whole document or providing it as a resource by linking to it” (Johns, Fox, and Silvia (eds.), 2004). It means if this clause is not

available, then “everyone else in the world is legally forbidden from exercising this right” (Strong 2009).

In another study by Henderson (2008) there are really three groups who can enjoy legal rights of copyright. They are

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 also have legal rights through exceptions and limitations to creators’ rights.

Ordinarily, the author is the first owner of copyright in a work (Kaw, 1999; Strong, 2009).

In an isolated opinion, Strong (2009) concludes that “copyright is an *exclusive right* of copyright owners and an *excluding right* for others.”

2. Copyright as a form Intellectual Property: Some scholars view copyright as a form of *property* and for that matter *intellectual property* since it involves the creation of the mind. This dimension is based on the assertion made by Montagnes (1991) that “copyright is a form of intellectual property (IP).” Similar idea was also expressed by Dankey and Akussah (2008) that “copyright is part of the family of intellectual property rights.” As we can see in fig. 2.1.

Bomsel and Ranaivason (2009, p.4) also support the fact that copyright is a property right and further described it as a form of private ownership. This is because “some countries declare that the copyright is itself a form of private property” (Strong 2009). In other words, copyright is above all a property right and more precisely a form of private ownership. According to Demsetz (1967 in Bomsel and Ranaivason, 2009) “copyright as a private

ownership implies that the community recognises the right of the owner to exclude others from exercising the owner’s private rights.”

Copyright as a form of property right, according to Strong (1981) can assume a form of property like land. What this means is that, you can sell it, leave it to your heirs, donate it, or lease it under any sort of conditions; on the other hand, you can divide it into separate parts; and you can protect it from almost every kind of trespass.

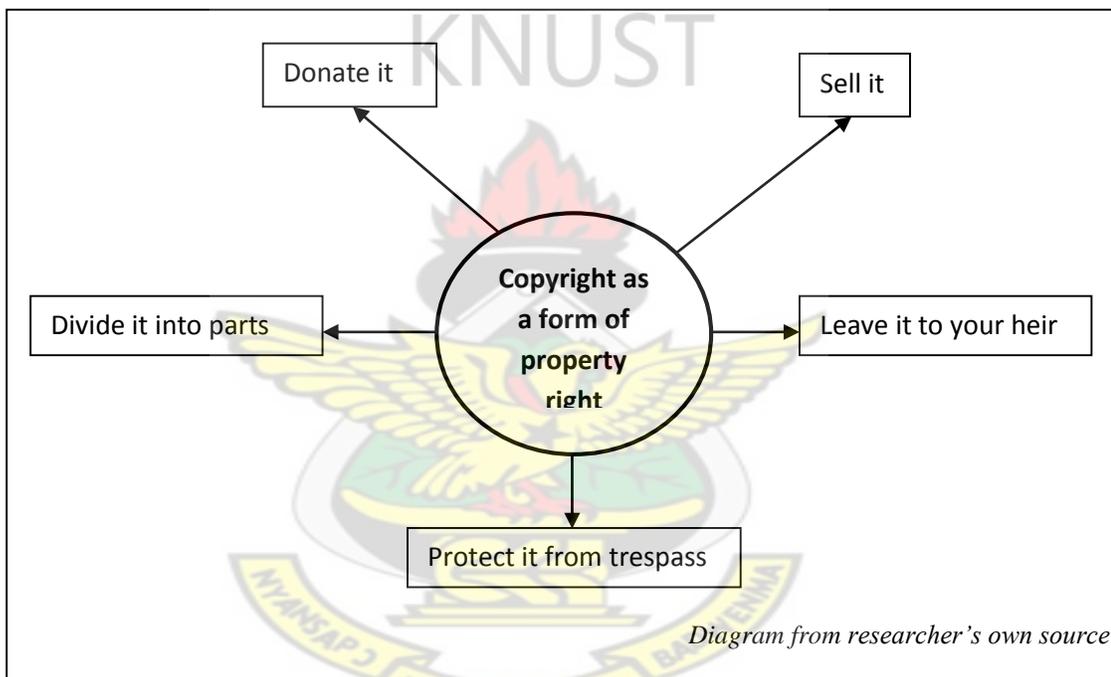


Fig. 2.2: Characteristics of copyright as a form of property right

In another instance, Strong (1981) went on further to say that “like property in land, copyrights can be subjected to certain kinds of public use that are considered to be in the interest of the public.”

“As a form of property, countries which are members of the Berne Convention or United Copyright Convention have established copyright laws as legal property forms, endorsed by the state, which

is not subject to public trespass and abuse. Books and other printed works are the forms of known “literary properties” with property-like qualities and protection. Unlike other types of properties, copyright works are considered as forms of intangible property and intangible means incapable of being touched” (Strong, 2009).

What is Copyright Awareness?

There is no standard definition for “Copyright Awareness.” However, some critics have argued that awareness can only be defined in the light of what is being manifested in all forms of perception, knowledge and consciousness. In each expression, awareness is revealed as the ability to perceive (perception), know (knowledge) or the state of being conscious (consciousness).

Simply defined, awareness means you are aware of something. Let us say “I am aware of road accidents” it is qualified as “Road Accident Awareness.” Similarly, when “I am aware of copyright”, this also is “Copyright Awareness.” This means whenever there is awareness of something, that thing becomes the qualifying subject for awareness.

On this wise, copyright awareness is perceiving, knowing and being conscious that copyright exists in all forms of perception, knowledge and consciousness. It is the state of having conscious knowledge about copyright in a perceived manner. When users of copyright materials exhibit this sense of awareness in an educational institution, it gives authors the opportunity to enjoy the economic value of their works and motivates their authorship.

Copyright awareness can be developed when conscious efforts are made to bring it into fruition. For instance, when copyright notices are displayed at various points where copyright materials are mostly used.

The importance of copyright awareness can be noticed in its absence. That is to say that the absence of copyright can be noticed when there is the problem of uncontrolled copyright infringement activities such as plagiarism and piracy within an academic setup.

2.3.3: Awareness of Copyright Protection

Awareness in all spheres of life is very challenging. In the same vein, Awareness of Copyright Protection has also remained a globally controversial aspect of copyright law in respect of works eligible for copyright protection, works not protected by copyright and authors' protection under the copyright protection. This, however, reveals that a lot of people have little or no knowledge in this regard.

1. Works Eligible for Copyright Protection: “The objective of copyright has always been to protect the interest of creators or authors together with the dissemination of knowledge and information” (Ashok, 2010, p. 46).

“This is because the law recognises that authorship requires an investment of time, effort and skills. Once expressed in tangible, physical form, an idea can be copied by others; this is the reason why the law provides protection against copying of those works that have been copyrighted” (Bosumprah, 2009).

According to Strong (2009) “the regulatory scope of copyright protection keeps on expanding as the reach and power of copyright expands globally.” This means some works that were generally excluded from copyright protection are now often classified as copyrighted works. In Ghana, however, these copyrightable works include many types of

literary works, such as “novels, Textbooks, Essays or Articles, Encyclopedias, Dictionaries, Directories, Letters, Reports, Memoranda, Lecture Notes, etc. (Bosumprah, 2009).” Each of the above mentioned works is eligible for copyright protection if it is *original in character and expressed in a tangible form or fixed*.

Thus, “*originality and fixation* are generally the two basic requirements for a work to be entitled for copyright protection” (Osman, 2010). This is why “Copyright protects only the expression of ideas, e.g. in words and illustrations, as with all written contents and images” (Apple Computer, Inc., 2006). Hence “ideas alone are not protected” (Intellectual Property of Singapore, 2007). And this is why copyright law will not protect you for having a good idea, until you do something positive to express it in a way that it can be shared with the rest of the world (Jones et al., 2002).

As interpreted from how the Intellectual Property of Singapore (2007), originality may mean that there is a degree of independent effort in the expression of your idea.

Fixation on the other hand has to do with the fact that your idea must first be reduced into a definite medium of *expression* which can be perceived, reproduced or communicated to others before considered eligible for copyright protection. Chapo (2010) defined fixation as “a tangible, fixed form of expression.” In other words, the work must be an original work in a tangible, fixed form of expression.

In addition to originality and fixation, Dwinedi and Sahora (2005), added that “copyright also requires that for a work to be eligible for copyright protection, the work must have an identifiable author which is termed *Identifiable Author Requirement (IAR)*.” The Berne

Convention also considers that copyright is based on the identification of a person originating a work. In other words, every work eligible for copyright protection must have an identifiable originating author. Article 7.3 of the Berne Convention provides for countries belonging to the convention *not* to protect anonymous or pseudonymous works in respect of which it is reasonable to presume that their authors have been dead for *fifty years*.

However, Ghana being to a member of the Berne Convention, under section 14 of the Copyright Act, 2005 (Act 690), provides that where a work is published anonymously or under a pseudonym, the economic rights of the author referred to in section 5 are protected until the expiration of *seventy years* from the date on which the work was either made, first made available to the public, or first published, whichever date is the later. Perhaps this is based on the assertion made by Jones et al. (2002) that “all published works start with an original idea, and all ideas have authors” who may be identified or unidentified.

2. Works Not Eligible for Copyright Protection: While according to Jones et al. (2002) “copyright is not only a reward for authorship, but a protection for investment.” Chapo (2010) observed that “the scope of copyright protection can be a confusing area of the law.” This is because “certain materials are not protected by copyright” (Apple Computer, Inc., 2006). These include the following:

Ideas, Theories, and Facts

Section 2 of the Copyright Law of Ghana, Act 2005 (Act, 690), makes it clear that “copyright protection shall not extend to ideas, concepts, procedures, methods or other

things of a similar nature.” This is because copyright law is built upon a number of concepts. “The most fundamental of them is that copyright applies only to expressions and not to ideas” (James, 2004). This also means that copyright law does not also protect theories, but it does protect the creative expression of a theory as stated earlier on.

Although it is true that “all published works start with an original idea, and all ideas have authors” (Jones et al., 2002), it is also true that copyright does not protect ideas only (Strong, 2009; Dankey and Akussah, 2008). That is why it was said earlier on that, “copyright law will not protect an author for having a good idea, until the author does something positive to express the idea – in effect, for putting it into a form where it can be shared with the rest of the world” (Jones et al., 2002).

Concerning originality, Litman (1994 in Dankey and Akussah, 2008) and Apple Computer Inc. (2006), argued that indeed no newly created copyrighted work can be truly original. For example, a play written about a death caused by the greed of two sisters can be protected, but the underlying idea of *two greedy sisters* causing a death cannot be protectable. This is because if the ideas were protected, there wouldn't be much creation of new work. All authors are consciously or unconsciously, directly or indirectly exposed to, informed and inspired by the earlier works and thoughts of others. So where lies in the originality in the creation of their work. And according to Dankey and Akussah (2008) “all creations are based to some extent on what came before and no creation is completely original.” This clearly indicates that indeed protection of copyright materials is currently facing a lot of challenges.

Except that generally, it is accepted that copyright law does not also protect facts; as facts are generally in the public domain (Apple Computer Inc., 2006). For example, as in this study, the researcher might spend years researching Copyright Awareness at KNUST and discover new facts about copyright awareness. When the research is published, someone else can likely use the facts from the research to describe copyright awareness in their own way.

Materials in the Public Domain

According to Apple Computer Inc. (2006),

Copyright laws do not protect Creative Works that are in the “public domain.” The reason is that no one owns these works and anyone can use them. Creative works become part of the public domain when:

- *The copyright has expired.*
- *The copyright owner did not renew the copyright.*
- *The copyright owner designates the work as public domain.*

In the Copyright Law of Ghana - Copyright Act, 2005 (Act 690), copyright works fall into the Public Domain under the following circumstances:

- When the duration for the protection of the work has expired.
- Works by authors who for some reasons have decided to renounce their rights.
- Foreign works that do not enjoy protection in the country.

Under any of these circumstances, “Anyone is allowed to use such works for teaching, research and education. One can also create out of such work, but cannot exploit it for commercial purposes without any form of authorization” (Bosumprah, 2009).

In summary, Chapo (2010) categorises works not eligible for copyright protection in three broad categories, thus:

1. **works that are not fixed;** he said if a work is not tangible, copyright protection will not apply, for example, the statements made by experts in a round table discussion.
2. **Ideas, procedures and methods.**
3. **Titles, names, short phrases, and slogans;** “some titles and short phrases are considered common idiom of the English language and cannot be copyrighted. Phrases like “Read my lips” may be free for anyone to use” (Apple Computer Inc., 2006).

As Apple Computer Inc. (2006) also concludes that “anyone can use works not protected by copyright law freely without obtaining permission.”

3. Copyright Protection for Authors: Another kind of copyright protection is protection for authors. According to James (2004),

“The most important argument advanced for copyright protection is the need to shield authors’ personality from distortion and ensure economic returns to them for their creative efforts which forms both the moral and economic right of an author. The concept of protection of author’s personality emerges from the view that every creative work is an extension of the creator’s self-image.”

This protection involves the right to claim authorship of the work and restrict or claim damages in respect of any distortion, mutilation, modification or other in relation to the work, which would be prejudicial to the honour or reputation of the author. This is fundamental to authors’ rights, thus “the economic rights and moral rights of the author” (Bosumprah, 2009).

Economic Rights of Authors

According to Ashok (2010), the economic rights of an author are “those rights which help authors to reap economic benefits” of their work. These rights include the rights related to *reproduction and distribution*. Thus “copyright provides protection to creators and other

rights holders in the form of more or less exclusive rights over reproduction, and other uses of their works” (Boyer, 2004). Cox (2010) also sees economic rights of an author in the light of “a copyright holder having the exclusive right to *distribute* his or her work. Where the right to distribute encompasses the right to sell or authorize the initial sale of a copy of the work.” According to the United States Copyright Office (2009), reproduction of a copyrighted work can take the form of *making copies*, by photocopying or any other method of duplicating materials.

In Ghana, the author of any protected copyright work has the exclusive economic right in respect of the work to do or authorize the doing of any of the following according to section 5 of the Copyright Act, 2005 (Act 690):

- *The reproduction of the work in any manner, form or quantity.*
- *The translation, adaptation, arrangement or any transformation of the work.*
- *The public performance, broadcasting and communication of the work to the public.*
- *The distribution to the public of original or copies of the work by way of sales.*
- *The commercial rental to the public of original or copies of the works.*

However, section 7 of the law claim that:

“In the absence of any contract to the contrary, the economic right of a work shall vest in an employer or a person who commissions the work where the employed or commissioned author has created the work in the course of the employment or commission.”

Moral rights of authors

The Copyright Agency Limited (2009, p.1) defines moral rights as the rights provided to creators under copyright law in order to protect both their reputation and the integrity of

their work. In other words “moral rights protect the personal and reputational, rather than purely the monetary value of a work to its creator” (Rosenblatt, 1998).

This is the reason why section 6 of the Copyright Act, 2005 (Act 690) of Ghana, in addition to the economic rights, grants the author of protected copyright work the sole moral right

- (a) *to claim authorship of his or her work and in particular to demand that his or her name or pseudonym be mentioned whenever and wherever the work is used, and*
- (b) *to object to and seek relief in connection with any distortion, mutilation or other modification of the work where that act would be or is prejudicial to the reputation of the author or where the work is discredited by the act.*

Oppenheim (1996) identifies that in contrast to the economic rights, moral rights give the creator of a work three rights.

1. *The first is the right of the author of a work to be acknowledged as the author or creator; “thus it gives the author the right to be attributed (or credited) for his or her work” (Australian Copyright Council 2006, p. 3).*
2. *The second is the right to object to his or her name being attributed to something he or she did not create or “not to have his or her work falsely attributed” (Australian Copyright Council, 2006, p.4).*
3. *The third is the right not to have his or her work subjected to "derogatory" treatment, i.e. to some amendment that impugns his or her integrity or reputation.*

Significant to these right are:

- The right to be acknowledged as the creator of the work (*right of attribution*)
- The right to object to derogatory treatment of the work (*right of integrity*)

Right of attribution –Section 6 of the Copyright Act, 2005 (Act 690) of Ghana claims that “the creator of a work has the sole right to claim authorship of his or her work and in particular to demand that his or her name or pseudonym be mentioned whenever and

wherever the work is used” as supported by the Australian Copyright Council (2006), including when the work is

- **“Reproduced”** (such as by making photocopies, copying by hand, scanning or printing out a copy of a digital file);
- **“Published”** (made public for the first time);
- **“Communicated”** to the public (such as putting the written work onto a website, faxing or emailing digital files containing the work); or
- **“Adapted”** (translated or adapted from a literary to a dramatic work).

Right of integrity - The Australian Copyright Council (2006) also states that:

“The right of integrity is the creator’s right not to have his or her work subjected to ‘derogatory treatment’ where ‘derogatory treatment’ means doing anything in relation to the work which prejudices the creator’s honour or reputation. This could include distorting, mutilating or materially altering the work in a way that prejudices the creator’s honour or reputation.”

In relation to this, the Copyright Law of Ghana - Copyright Act, 2005 (Act 690), recognises that “the author has the right to object to any distortion, mutilation, rearrangement or other modification of his or her work that might be prejudicial to his or her honour or reputation” (Bosumprah 2009).

Again, unlike economic right, Rosenblatt (1998) observed that “moral rights are not transferable, and end only with the life of the author.” In Ghana, section 9 of the Copyright Act, 2005 (Act 690) states that:

“The owner of copyright may transfer the economic rights in section 5 to another person either in whole or in part, but the transfer whether in whole or in part shall not include the moral rights referred to in section 6.”

Oppenheim (1996) and Bosumprah (2009) also shared a similar idea that moral rights remain with the author even if he or she assigned the economic right to a publisher.

According to Oppenheim (1996), “it is worth noting that in some circumstances, moral rights can never exist, for instance if an author is an employee who is paid to produce a manuscript, the author cannot acquire moral rights to that manuscript.”

As stated earlier on, in Ghana, according to the Copyright Act, 2005 (Act 690),

“where a work is published anonymously or under a pseudonym, the economic rights of the author referred to in section 5 are protected until the expiration of seventy years from the date on which the work was either made, first made available to the public, or first published, whichever date is the later, but if the identity of the author is known or is no longer in doubt before the expiration of that period, the rights of the author shall be protected during the life of the author and seventy years after the death of the author.”

However, according to section 18 of the act,

“the moral rights of authors under section 6 exists in perpetuity and these rights shall be enforceable by the author, during the lifetime of the author, and after the author's death, by the author's successors, whether or not the economic rights vested in the author under section 5 are still vested in the author or the successor in title of the author.”

4. Economic Importance of Copyright Protection: According to Picard and Toivonen (2004), “one way to approach the problem of achieving optimal levels of copyright protection is to analyse the economic impact of copyright industries.” This type of measurement is also useful to determine the need for and outcomes of development policies designed to encourage economic growth and wealth generation through the industries that produce copyrightable materials. The source also claims that there is an exchange between copyright protection and the total amount of wealth created through copyrighted works. Thus the total value created by copyrighted works increases as the protection increases from zero. However, as the protection increases, there is a point beyond which the total

wealth produced by copyright begins to decrease. This occurs because as the level of protection increases, the cost of enforcement also increases as there is a rise in consumption. At some point, market failure occurs in the form of increased piracy resulting in decreasing demand for copyrighted works.

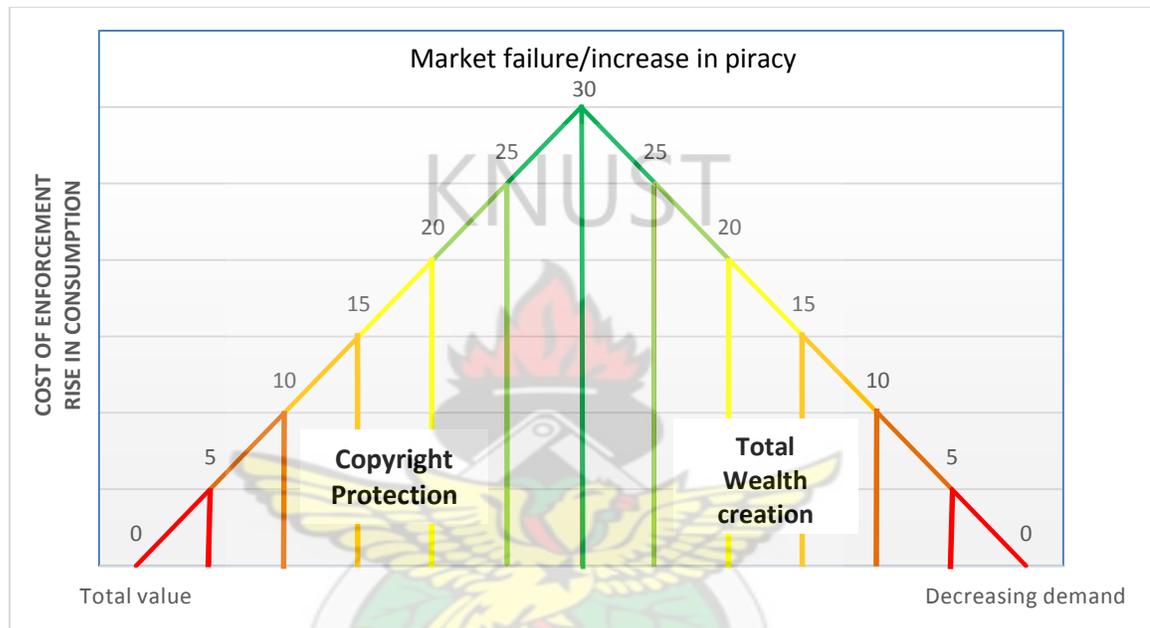


Diagram from researcher's own source

Fig. 2.3: Exchange between copyright protection and total wealth creation

2.3.4: Permitted Use of Works Protected by Copyright

According to Darkey and Akussah (2008), “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” known as *fair use* or *permitted use*. This is because copyright law everywhere makes a provision where copyright protected works can be used for certain purposes without prior authorisation of the authors or the acts being considered

as an infringement of the authors' right. This principle of *fair use* in Ghana is referred to as *permitted use*.

The *fair use* or *permitted use* principle, also known as *exceptions* to the rights of copyright owners, is an important part of copyright law. This is because the fair use principle is a privilege for someone other than the copyright owner to use a copyrighted work for 'criticism, comment, teaching (including multiple copies for classroom use), scholarship, or research without seeking permission from the copyright owner or sometimes paying a fee. In other words, if a work falls within *fair use*, it may not be necessary to obtain permission from the copyright owner (Apple Computer Inc., 2006; Dankey and Akussah, 2008).

Bosumprah (2009) also observed that the Copyright Act of Ghana makes provisions for a wide range of uses which do not necessarily require the prior authorization of the copyright owner. Some of these uses are for private or domestic purposes, as teaching, research, education etc. Following this, Section 19 of the Copyright Act, 2005 (Act, 690) provides that:

“The use of a literary or artistic work either in the original language or in translation shall not be an infringement of the right of the author in that work and shall not require the consent of the owner of the copyright where the use involves:

- 1. The reproduction, translation, adaptation, arrangement or other*
- 2. Transformation of the work for exclusive personal use of a person,*
- 3. If the user is an individual and the work has been made public.”*

However, “copyright is not an absolute right; though it enables people, within limits to use freely the works of others” (Amegatcher, 1993 in Dankey and Akussah, 2008), according

to Apple Computer Inc. (2006) these four factors must be considered to determine whether a particular use is “fair”:

- ***The purpose and character of the use*** - *Is it for commercial purposes or non-profit educational purposes?*
- ***The nature of the copyrighted work*** - *Is the work factual in nature (scholarly, technical, scientific, and so on) or is it a creative expression, such as a work of fiction, a poem, or an image?*
- ***How much of the work is being used*** (as compared to the whole work)? *The larger the amount you use, the less likely it will be considered a fair use.*
- ***Does the use affect the commercial value of the work?***

If the use would negatively impact the market for or value of the copyrighted work, these factor would weigh against fair use.

2.3.5: Bibliographic Citations or Referencing Styles

One way of preventing copyright infringement is by providing bibliographic citations or references to materials used. Thus, the use of a standard *referencing style* or *bibliographic citation* is very important in producing academic papers to avoid plagiarism. A publication by Academic Writing Help Centre (2009) implied that Students and other users of scholarly writings draw arguments, evidence, concepts and theories from other sources to build upon theirs, support their own argumentation or to make a point in their works. Referencing therefore becomes an act of acknowledging a source of information or ideas employed in a piece of academic writing.

This is because, academic research and education allows for the use of other peoples’ expressions of words, ideas or opinions to influence and support discussions, arguments, explanations and findings without compromising the use of a standard referencing style to acknowledge the source of the information or ideas.

Although another publication by the Central Queensland University (2000) indicates that “there are different systems or styles of referencing used in academic writing.” According to the publication by Johns, Fox, & Silvia, (eds.) (2004), “to make writing credibly simpler, writing style organizations provide writers with standard formats in which to write and cite sources.” The most commonly used ones are the Harvard, APA (American Psychological Association), MLA (Modern language Association) and the Chicago Styles. However, a proper referencing style must be used. This may vary according to the area of study. Works Cited, References, Cited References or Bibliographic pages provide readers with information about the sources which contributed to the content of a text or project. The sources may be cited as footnotes, endnotes, and in-text citations.

However, irrespective of the style of referencing one chooses to use, according the Nottingham Trend University (2010), “there are two interrelated parts to citing references, namely *citing* and *referencing*”:

- 1) ***Citing*** - the way the writer refers from the text to the sources used (i.e. the references)
- 2) ***Referencing*** - the process of creating a list of source cited in a work. In other words, providing a consistent description of the elements needed to identify a specific source, providing, author (s) names (s), date of publication, title, place of publication, publisher, etc. This reference list is located at the end of the work.

For instance, the APA, Harvard, MLA and the Chicago styles require that:

	APA	Harvard	MLA	Chicago
Basic in-text referencing				
In-text reference where the author of the source is known	(Author's surname, date, page number) Example: (Smith, 2012, p. 99)	(Author's surname and date in text) Example: (Smith, 2012:99)	(Author's surname and page number in text) Example: (Smith 99)	(Author's surname date, page number) Example: (Smith 2012, 99)
In-text reference to more than one source	(Khan, 2009, p.20; Smith, 2005, p. 19; Cox, 2011, p. 30)	(Khan, 2009:20; Smith, 2005:19; Cox, 2011:30)	(Khan 20; Smith 19; Cox 30)	(Khan 2009, 32; Smith 2005, 5; Cox 2011, 30)
A book by two authors When quoting a book with more than 1 author in the text, use the word 'and' between the names; if the reference is in parentheses, use '&'. Example: James and Mark (2000, p.122) (James & Mark, 2000, p.40)	(Author(s) last name, Year, page no) Example: James and Mark (2000, p.122) (James & Mark, 2000, p.40)	(Author(s) last name, Year: page no) Example: James and Mark (2000:122) (James & Mark, 2000:40)	(Author(s) last name and last author last name. page no) Example: James and Mark (122) (James and Mark 122)	(Author(s) last name Year, page no) Example: James and Mark (2000, 122) (James and Mark 2000, 122)
A book by three or more authors All the names have	(Author(s) last name, Year, page no) Example: (Riesman, Denney &	(Author(s) last name, Year: page no) Example: (Riesman, Denney &	(First Author's last name et al. page no) Example: (Riesman et al. 40)... Riesman (40)...	(Author(s) last name Year, page no) Example: (Riesman, Denney and

<p>to be in the first reference to the work.</p> <p>SUBSEQUENT: references, only the first author's name is stated, and the abbreviation 'et al.' is used.</p>	<p>Glazer, 2009, p.40)...</p> <p>SUBSEQUENT: (Riesman et al., 1968, p.40)...</p> <p>When referring to a work by six or more authors, cite only the surname of the first author followed by et al. (not italicized and with a full stop after "al"), and the year for the first and subsequent citations.</p>	<p>Glazer, 2009:40)...</p> <p>SUBSEQUENT: (Riesman, et al. 1968:40)...</p>		<p>Glazer 2009, 40)</p> <p>Four or more authors are as the first author "et al."</p> <p>(Riesman et al. 2009, 40)</p>
<p>In-text citation for more than one publication of the same author in the same year</p>	<p>Johnson (1994a, p.48) ...</p> <p>(Johnson, 1994b, p.56) ...</p>	<p>Johnson (1994a:48) ...</p> <p>(Johnson, 1994b:56) ...</p>	<p>The author's name is not sufficient to indicate which one you are citing. In these cases you must also add a specific title after the author's name. The best way to do this is either shorten the title as much as possible or mention the author and/or title in your introductory sentence.</p> <p>Example:</p>	<p>(Johnson 2009b, 218)</p> <p>(Johnson 2009a, 45-56)</p>

			(Johnson, "Transgressing" 27) (Johnson, Ink 207)	
<p>Different authors with the same surname</p> <p>When you refer to publications by different authors with the same surname, use their initials in the reference:</p>	B. Smith (2000) F. Smith (2001)	B. Smith (2000) and F. Smith (2001)	(B. Smith 27) F. Smith (79)	(B. Smith 2000) F. Smith (2001)
<p>A book with an institution, organization or association as author</p> <p>The official name of the body is used as author. You can also use the name of the body as part of the sentence.</p>	<p>(Organisation name, ,Year, Page no)</p> <p>Example: (Rand Afrikaans University, 2001, p.48)...</p> <p>Rand Afrikaans University (2001, p.30)...</p>	<p>(Organisation name, Year, Page, no)</p> <p>Example: (Rand Afrikaans University, 2001:48)</p> <p>Rand Afrikaans University (2001:30)</p>	<p>(Organisation name Page no)</p> <p>Example: (Rand Afrikaans University 25)...</p> <p>Rand Afrikaans University (25)....</p>	<p>(Organisatio n name Year, Page, no)</p> <p>Example: (Rand Afrikaans 2001, 32)...</p> <p>Rand Afrikaans (2001, 32)...</p>
Referencing other sources				
<p>A book with only one author</p>	<p>Seagrave, S. (2009). <i>Copyright Infringement</i>. Baltimore:</p>	<p>Seagrave, S. (2009). <i>Copyright Infringement</i>.</p>	<p>Author last name, First name. <i>Title</i>. Place of Publication:</p>	<p>Seagrave, Steven. <i>Copyright Infringement</i>. Baltimore:</p>

	Johns Hopkins University Press.	Baltimore: Johns Hopkins University Press.	Publisher, Year of publication. Example: Seagrave, Steven. <i>Copyright Infringement.</i> Baltimore: Johns Hopkins University Press, 2009. Print.	Johns Hopkins University Press, 2009.
A book by two authors	McLean, Bethany & Peter Elkind. (2006). <i>Compensatory education for the disadvantaged</i> . New York: College Entrance Examination Board.	McLean, Bethany & Peter Elkind. (2006). <i>Compensatory education for the disadvantaged</i> . New York: College Entrance Examination Board.	McLean, Bethany and Peter Elkind. <i>Compensatory education for the disadvantaged</i> . York: College Entrance Examination Board, 2004. Print.	McLean, Bethany and Peter Elkind. <i>Compensatory education for the disadvantaged</i> . Princeton: Princeton University Press, 2006.
A book by three or more authors In the reference list, provide the initials and surnames of the first six authors, and shorten any remaining authors to et al.	Meyer, B.S., Anderson, D. Brown, & Karen R. (2009). <i>Learning to About Copyright: A Guidebook</i> . Belmont, CA: Wadsworth Pub.	Meyer, B.S., Anderson, D. Brown, & Karen R. (2009). <i>Learning to About Copyright: A Guidebook</i> . Belmont, CA: Wadsworth Pub.	First Author Last name, First name et al. <i>Title</i> . Place of Publication: Publisher, Year of publication. Example: Meyer, B.S., Anderson, D. Brown, and Karen Raccanello. <i>Learning to About Copyright: A Guidebook</i> . Belmont, CA: Wadsworth Pub., 2009. Print.	Meyer, Beckles Smith and others. <i>Learning to About Copyright: A Guidebook</i> . Belmont, CA: Wadsworth Pub., 2009.
Two or more works by the same author in	Johnson, P.D. (1994a). <i>Nature rebels: A social</i>	Johnson, P.D. (1994a). <i>Nature rebels: A social history of</i>	Johnson, P. D. <i>Nature rebels: A social history of enslaved black</i>	Johnson, Paul Duke. 1989a. <i>Nature</i>

<p>the same year</p>	<p><i>history of enslaved black women in Barbados.</i> Iowa City: U of Iowa P.</p> <p>Johnson, P.D. (2002b). <i>The Nature of Home: A Lexicon and Essays.</i> London: Routledge. London, England: Cassel.</p>	<p><i>enslaved black women in Barbados.</i> Iowa City: U of Iowa P.</p> <p>Johnson, P.D. (2002b). <i>The Nature of Home: A Lexicon and Essays.</i> London: Routledge. London, England: Cassel.</p>	<p><i>women in Barbados.</i> Iowa City: U of Iowa P, 1994. Print.</p> <p>---. <i>The Nature of Home: A Lexicon and Essays.</i> London: Routledge. London, England: Cassel, 2002. Print.</p> <p>For other entries, use three hyphens followed by a full-stop. The three hyphens stand for exactly the same name or names as in the first entry. List the titles in alphabetical order (ignoring the article <i>A</i>, <i>An</i>, or <i>The</i> at the beginning of a title).</p>	<p><i>rebels: A social history of enslaved black women in Barbados.</i> London: Zed.</p> <p>-----, 2002b. <i>The Nature of Home: A Lexicon and Essays,</i> London: Routledge. London, England: Cassel.</p> <p>A 3em dash (six unspaced hyphens) replaces the name after first appearance. These entries are arranged chronologically by year of publication.</p>
<p>A book with an institution, organization or association as author</p>	<p>Kwame Nkrumah University of Science and Technology (2002). <i>The new university: A practical guideline.</i> Kumasi, Ghana: University Press.</p>	<p>Kwame Nkrumah University of Science and Technology. (2002). <i>The new university: A practical guideline.</i> Kumasi, Ghana: University Press.</p>	<p>Organisation name. <i>Title.</i> Place of Publication: Publisher, Year of publication.</p> <p>Example: Kwame Nkrumah University of Science and Technology. <i>The new university: A practical guideline.</i> Kumasi, Ghana:</p>	<p>Kwame Nkrumah University of Science and Technology. 2005. <i>The new university: A practical guideline.</i> Kumasi, Ghana: University Press.</p>

			University Press, 2005. Print.	
A book with (an) editor(s)	Driver, B. (Ed.). (2006). <i>Infringement of Copyright Law</i> . Basingstoke, UK: Macmillan Education Ltd.	Driver, B. (Editor). (2006). <i>Infringement of Copyright Law</i> . Basingstoke, UK: Macmillan Education Ltd.	Editors(s) last name, First name and last editor's First name Last name. Ed(s). <i>Title</i> . Place of Publication: Publisher, Year of publication. Example: Driver, Broisen, ed. <i>Infringement of Copyright Law</i> . Basingstoke, UK: Macmillan Education Ltd, 2006. Print.	Terrence J. McDonald, <i>Infringement of Copyright Law</i> , ed. Driver, Broisen (Basingstoke, UK: Macmillan Education Ltd, 2006), 33.
Second, further or revised editions	Auletta, K. (2000). <i>The mechanics of copyright</i> . (7th ed.). New York: Homes and Meier.	Auletta, K. (2000). <i>The mechanics of copyright</i> . 7th edition. New York: Homes and Meier.	Auletta, Ken. <i>The mechanics of copyright</i> . 7th ed. New York: Homes and Meier, 2000. Print.	Auletta, Ken, <i>The mechanics of copyright</i> , 7th ed. (New York: Homes and Meier, 2000), 163-64.
Book with no author	<i>The Concise Macquarie dictionary</i> . (2000). New South Wales: Lane Cove.	<i>The Concise Macquarie dictionary</i> . (2000). New South Wales: Lane Cove.	<i>The Concise Macquarie</i> . New South Wales: Lane Cove, 2001. Print. <i>Italicized Book Title in Caps</i> . City of Publication: Publisher, Year of publication.	<i>The Concise Macquarie</i> . (New South Wales: Lane Cove, 1912).
Article in a book (Encyclopaedia)	Posner, Rebecca. (2000). Relativity. In <i>The new encyclopaedia</i>	Posner, Rebecca. (2000). Relativity. In <i>The new encyclopaedia</i>	Posner, Rebecca. "Relativity." <i>The Encyclopaedia Britannica</i> . (2000). Print.	Posner, Rebecca, <i>The new encyclopaedia Britannica</i> . Chicago:

<p>If an entry has no byline, place the title in the author position.</p>	<p><i>Britannica</i> (Vol. 26, pp. 501-508). Chicago: Encyclopaedia Britannica.</p>	<p><i>Britannica.</i> (Vol.26:501-508). Chicago. Encyclopaedia Britannica.</p>	<p>Volume and page numbers are not necessary because the entries in the source are arranged alphabetically and therefore are easy to locate. If a reference work is not well known, provide full publication information as well.</p>	<p>Encyclopaedia Britannica. 2000.</p>
<p>Printed journal</p>	<p>Mann, S. (1985). Introduction to Copyright Law. <i>Australian journal of copyright</i>, 3 (2), 25-29.</p> <p>Only indicate the issue number after the volume number if each issue begins on page 1.</p>	<p>Mann, S. (May 1985). Introduction to Copyright Law. <i>Australian journal of copyright</i>, 3(2):25-29.</p> <p>If a journal or newsletter does not use volume numbers, include the month, season, or other designation with the year.</p>	<p>Author(s) last name, First name and last author's First name Last name. "Title of Article." <i>Title of Journal</i> volume. Issue (year): pages.</p> <p>Example: Mann, Susan. "Introduction to Copyright Law." <i>Australian journal of copyright</i>. 59.1 (2000): 835-62.</p>	<p>Mann, Susan. "Introduction to Copyright Law." <i>Australian journal of copyright</i>, no. 59 (2005): 33-56.</p>
<p>Published dissertation or thesis</p>	<p>Crowe, B. D. (2003). <i>Practice of copyright at universities</i>. Doctoral dissertation. California: Institute of Integral Studies.</p> <p>Crowe, B. D. (2003).</p>	<p>Crowe, B. D. (2003). <i>Practice of copyright at universities</i>. Doctoral dissertation. California: Institute of Integral Studies.</p> <p>Crowe, B. D. (2003). <i>Practice of copyright at</i></p>	<p>Author. <i>Title in italics</i>. Dissertation, School. Ann Arbor: ProQuest/UMI, date. (Publication No. [number].)</p> <p>Crowe, Byron Dan. <i>Practice of copyright at universities</i>. Dissertation, California Institute of Integral Studies.</p>	<p>Author, year. Title in italics. [Degree] dissertation, school. Ann Arbor: ProQuest/UMI, date. (Publication No. [number].)</p>

	<i>Practice of copyright at universities.</i> MA Thesis. California: Institute of Integral Studies.	<i>universities.</i> MA Thesis. California: Institute of Integral Studies.	Ann Arbor: ProQuest/UMI, 2010. (Publication No. AAT 3411606.) Crowe, Byron Dan. <i>Practice of copyright at universities.</i> MA Thesis, California Institute of Integral Studies. Ann Arbor: ProQuest/UMI, 2010. (Publication No. AAT 3411606.)	Crowe, Byron Dan. 2010. <i>Practice of copyright at universities.</i> PhD dissertation, California Institute of Integral Studies. Ann Arbor: ProQuest/UMI. (Publication No. AAT 3411606.) Crowe, Byron Dan. 2010. <i>Practice of copyright at universities.</i> MA Thesis, California Institute of Integral Studies. Ann Arbor: ProQuest/UMI. (Publication No. AAT 3411606.)
Unpublished dissertation or thesis	McVay, L. A. (2006). <i>Authors, Audiences, and Elizabethan Prologics.</i> Unpublished master's thesis, Wits	McVay, L. A. (2006). <i>Authors, Audiences, and Elizabethan Prologics.</i> Unpublished MA thesis. Johannesburg: Wits University.	McVay, Lori Ann. "Authors, Audiences, and Elizabethan Prologics." MA thesis. Johannesburg: Wits University, 2006. Print.	McVay, LoriAnn, "Authors, Audiences, and Elizabethan Prologics " (MA thesis, Johannesburg: Wits

	University, Johannesburg, South Africa.			University, 2006), 450-51.
Government Publications	Department of Education. (1995). White Paper on Education. <i>Government Gazette</i> . (Vol. 375, No. 45621).	Department of Education. (1995). White Paper on Education. <i>Government Gazette</i> . (Vol. 375, No. 45621).	Department of Education. White Paper on Education. <i>Government Gazette</i> , Nov. 1995. Web. 20 May 2008.	Department of Education. 1993. White Paper on Education. <i>Government Gazette</i> . Department of Education.
Booklet, pamphlet or leaflet	South African College of Advanced Education. (2004). <i>Referencing: the footnote and Harvard system</i> [pamphlet]. Johannesburg: Wits Technikon.	South African College of Advanced Education (2004). <i>Referencing: the footnote and Harvard system</i> (pamphlet). Johannesburg: Wits Technikon.	South African College of Advanced Education. <i>Referencing: the footnote and Harvard system</i> . Pamphlet. Johannesburg: Wits Technikon, 2004. Print.	South African College of Advanced Education, <i>Referencing: the footnote and Harvard system</i> , pamphlet, Johannesburg: Wits Technikon.
Electronic sources				
Internet site with author If possible, determine content author, page title, site title or site owner, and the URL. Include an access date	Peterson, S. (2002). <i>Greenpeace wins media war</i> . Retrieved November 25, 2006 from http://www.independent.co.uk/international/green25.htm	Peterson, S. (2002). <i>Greenpeace wins media war</i> . Available from: http://www.independent.co.uk/international/green25.htm (Accessed 25 November 2006).	Begin with the name of the author and the title of the site, italicized. Then give the sponsor or publisher of the site; the date of publication or last update; the medium (Web); and the date you accessed the source. If the Web site has no title, substitute a description, such as home page, for the title, neither	Author's name. Year. <i>Title of website</i> . Eds. If Any. Sponsor of the Site if not the Author. <URL in Brackets> (Date Accessed). Example: Peterson, Susan. 2002. <i>Greenpeace</i>

or, if available, a date that the site was last modified.			italicized nor in quotation marks. Example: Peterson, Susan. <i>Greenpeace wins media war</i> . Susan Peterson, 2002. Web. 24 Jan. 2006.	<i>wins media war</i> . < http://www.independent.co.uk/international/green25.htm > (14 July 2004).
Electronic copy of a journal article retrieved from database	Faris, M. (2004). Role of early supervisory experience in supervisor performance. <i>Journal of Applied Psychology</i> , 24, 443-449. Retrieved October 23, 2000, from PsycARTICLES database.	Faris, M. (2004). Role of early supervisory experience in supervisor performance. <i>Journal of Applied Psychology</i> , 24:443-449. Available from PsycArticles database: http://http://performance.ttu.edu/kairos/2.1 (Accessed 23 October 2000)	Author(s) last name, First name and last author's First name Last name. "Title of Article." <i>Journal title</i> Volume. Issue (Year): Page numbers. Database. Web. Day Month Year accessed. Example: Faris, Marc. "Role of early supervisory experience in supervisor performance." <i>Journal of Applied Psychology</i> 27.4 (2004): 429-454. EBSCOhost. Web. 5 April 2011	Faris, Marc. "Role of early supervisory experience in supervisor performance." <i>Journal of Applied Psychology</i> 24, no. 4, August 20, 1998. < http://performance.ttu.edu/kairos/2.1 > (5 April 2011).

Table 1.1: Examples of standard referencing styles and formats

According to the Nottingham Trent University (2010) "some people tend to refer to *Reference List* when they actually mean *bibliography*" and vice versa. According to the source, although one may be pardoned for, interchangeably, using the two terms, however, the two terms still strictly refer to different things. Bibliography actually includes all sources which one has read and have informed his or her work, whether he or she have

mentioned, quoted from them or not. The difference is that, in the Reference List, only sources that were mentioned or quoted from in the work are listed.

2.4: REVIEW OF EMPIRICAL LITERATURE

Bosumprah (2009) establishes the empirical implication of copyright when he said “copyright is not a mere theory. It is a practical and an important tool for the protection of creativity.” This section, however, considers various empirical issues that can be analysed about the subject of copyright in this study.

2.4.1: Copyright and Education

2.4.1.1 Copyright and Access to Knowledge

According to Armstrong, De Beer, Kawooya, Prabhala and Schonwetter (eds.) (2010, p.4),

“framing the interfaces between copyright and education through the lens of access to knowledge does not seek to diminish the value of appropriately designed copyright systems. On the contrary, it recognises copyright’s integral role in the production and dissemination of knowledge to achieve a full and comprehensive exchange of information necessary for the functioning of a healthy democracy and educational attainment that reaches a higher level to ensure human and economic development.”

This, according to Darkey and Akussah (2008, p. 436), is because

“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. Therefore, educational materials need to be made accessible to people so that they can enjoy the arts and share in the scientific advancement of the global economy”

Sallfors (2007 also in Darkey and Akussah, 2008) claimed that “copyright law creates an array of access problems.” For instance, searching for and obtaining information through the internet can be expensive because of copyright restrictions. Many research-related internet sites and databases require IP recognition or passwords for access to the sites. This means 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 comes with a validity period.

Staincliffe (2006 in Darkey and Akussah, 2008) also observed that “in other parts of the world, copyright places huge financial burdens on academic institutions.” For instance, a huge sum of money has to be paid by KNUST to subscribe to some journals and other periodicals every year.

This situation is seen as a global challenge to all universities. In another observation by Story (2007 in Dankey and Akussah, 2008), at the University of Kent, England, the three most used Online Journal services are Science Direct, Springerlink, Wiley InterScience. According to the same source the university pays Elsevier, the world’s largest academic journal publisher, about £200,000.00 a year (which is about US \$400,000.00 and Ghc1,080,000.00) to provide full text availability of the journals in the Science Direct database.

This is the reason why Crews (2006) objected that, “the academic and research community members care because copyright affects every aspect of their academic life.” As a matter of fact everything they create and use in their teaching, learning, and research is protected under copyright. The Administrators, faculty, staff, and Students are all creators as well as users of literary works. Most of them write articles and books, and prepare original teaching

material. They also make creative uses of existing copyrighted works, building on them to create new knowledge. As a consequence, they rely tremendously on *'permitted use'* of intellectual works, since other copyrighted works can be infringed with such simple actions as photocopying, scanning, downloading, digitizing and uploading materials.

On the other hand, this community immensely benefits from both the protection of copyright ownership and the maximum utilization of the legal exceptions granted by copyright laws.

Furthermore, academic institutions and their libraries are working environments encompassing employees-employer joint responsibilities that are increasingly involving complex issues related to ownership and management of new creative and intellectual works (Monotti and Ricketson, 2003; McSherry, 2001). Abdulla (2007) said “regardless of technological changes, the goal for Librarians, educators, and scholars is to find that equilibrium whereby the widest access to scholarly works is ensured while the intellectual property of copyright holders is protected.”

2.4.1.2 Academic Libraries and Copyright Awareness Issues

According to Darkey and Akussah (2008) “academic libraries are important components of universities as they facilitate research, teaching and learning.” For instance KNUST library can be said to be traditionally involved in the process of acquiring, storing, organizing and disseminating information to satisfy the needs of users, whether they are academicians, researchers or Students.

This is why Gasaway (2000 in Darkey and Akussah, 2008) sees that “one of the core values of Librarians is providing or fostering ‘information to the people’ for the creation of new intellectual property; building on the old.” However, copyright awareness is also necessary to achieving serenity in the way people access and use the information provided by the libraries. Since the library is a place where user access a collection of other people’s works, awareness is necessary to improve the users’ quotation and citation techniques to avoid plagiarism and also to create more room for creativity needed for the authorship.

2.4.1.3 Photocopying Practices in Universities

According to Igbeneghu (2009), “photocopying service is very popular among scholars because it makes it possible for them to have copies of any material conveniently thereby saving them from going through the pains of copying whatever they need by hand whenever they visit the library.”

In spite of the usefulness of photocopying, authors and publishers have argued that photocopying poses a threat to the development and free flow of information. This is because of the rate of photocopying activities going on in different parts of the world (Lahood and Sullivan, 1975). A study by Adusei, et al. (2010, p.76) found out that, “in the universities, photocopying activities exceed the limits allowed under formal copyright law, the justification being that there are inadequate textbooks in the university libraries to support the large student population.” The study also found out that, Students generally cannot afford to buy the textbooks that are available for sale, especially those published by foreign companies.

These factors are the causes of the increase in photocopying activities going on in different parts of the world. For instance, Taylor (1988 in Igbeneghu, 2009, p. 116) stated that, “in the United Kingdom, the state school system has been estimated to use 90 million copy pages per year. In the university sector, a survey of a single Australian University showed that 2.1 million pages were copied in one academic year.”

However, the situation is not different from what is happening at KNUST. Other studies conducted have proven that more than 600 million impressions of library photocopying are made yearly on library photocopying machines at various universities.

At KNUST, there is also a large scale of photocopying going on within and around the university campus. For instance, an estimate of over one thousand copies could be said to be made especially during mid-semester and final examination periods across the various photocopying centres.

Despite all these, Kyle (1983 in Igbeneghu, 2009, p. 118) stated that “one of the most important advantages of photocopying is that books are made more accessible to users, without exposing the original to damage from overuse, vandalism or theft” which I think is not a bad idea. Similarly to what Kyle said, Amodeo (1983 in Igbeneghu, 2009, p. 118) also stated that the presence of photocopying machines in the library for photocopying purposes is also to prevent the mutilation and theft of books.

2.4.2: Awareness of Copyright Infringement (ACI)

Osman (2010) defined “copyright infringement as the unauthorized use of a copyrighted work in a manner that violates one of the copyright holder’s exclusive rights and does not

fall into any of the exceptions or limitations on the holder's rights.” Based on this Awareness of Copyright Infringement (ACI) can be said to be the awareness that is created when people become aware, conscious, alert, and responsive that unauthorised use of works that are copyrighted is prohibited. One will however agree with Davidson (2010) that “before we can discuss what constitutes” Awareness of Copyright Infringement (ACI), it’s probably a good idea to lay out what specifically are the *rights* that are granted by copyright law that are likely to be infringed. In Ghana, According to Bosumprah (2009), “copyright is infringed when a work protected by copyright is used in any of the following ways without any permission from the copyright owner:

- Reproduction, duplication, extraction or importation into the country not for personal use but for commercial purposes.
- Distribution of the work for sale in Ghana.”

This is because a work exploited in the above mentioned manner may be prejudicial to the honour or reputation of the author. This is why section 41 of the Copyright Act, 2005 (Act 690) regards an act contrary to the rights of an author as provided under sections 5 and 6 as infringement of copyright. So, since the copyright owner has the exclusive right to do all of those things (or to permit others to do them), infringement can happen when someone does any of them without the copyright owner’s permission (Davidson, 2010).

Davidson (2010), however agrees with other scholars that “the majority of copyright infringement suits involve *unauthorized*”

- Reproduction (as in copying a work) through photocopying, and this according to Panethiere (2005), is one of the common ways of infringing copyright in literary works.

- Distributing (as in copies of the work) through piracy. According to Panethiere (2005) this happens through unauthorised manufacturing and selling of works in copyright – what Osman (2010) regarded as *Counterfeiting* or the creation or distribution of imitations of genuine works with the intent to deceive the public about their authenticity.
- Use of someone else's ideas or words, as in plagiarism, or using someone else's ideas or words without properly crediting the source, Osman (2010).

Further to this, Panethiere (2005) argued that

“it is not necessary for a whole work to be reproduced or for more than one reproduction to be made for an infringement of copyright to occur. An infringement of copyright occurs so long as a substantial portion of a work is reproduced or other copyright use is made of it.”

This is because what is a substantial portion is often subjected to a qualitative rather than a quantitative test. It is the quality or essence of what has been taken rather than the amount that is taken that will often determine whether the portion taken is substantial or not.

2.4.2. 1: Plagiarism and Copyright Infringement in Education

Plagiarism and piracy are the common forms of copyright violation in the academic environment. Judging from the definition of plagiarism as defined by Osman (2010) “the use of someone else's ideas or words without properly crediting the source”, Maupin (2010) considers *academic plagiarism* as “an occurrence of a situation whereby a student presents another person's words or ideas as his own in an academic paper without attributing the source.” Globally, this makes academic plagiarism an act of academic dishonesty. For instance, in U. S. and other parts of the world, educational institutions, especially colleges

and universities, regard plagiarism as a serious breach of academic honesty and integrity. Students who commit plagiarism are suspended or expelled from the school or at least get a failing grade in the course for which they committed the offence. According to a publication by the University of Canberra Library and Academic Skills Program (2010), the University imposes strict penalties on Students who are found to contravene the university's Student Academic Integrity Policy (SAIP) which is available in *UC Student Guide to Policies*. This situation is however not different from what we have in KNUST. This is because KNUST also has such a provision in the KNUST's Student Guide.

In other instances, college Students who commit plagiarism face the loss of their degrees upon discovery of the offence, college faculty members who plagiarize the work of other scholars face serious consequences as well, professors who commit plagiarism may lose their tenure and face the loss of their jobs and reputations, whereas an academic institution which is found guilty faces permanent loss of credibility. This is because plagiarism has many effects on education – not only on Students and scholars who commit the offence but the institution as a whole. Plagiarism damages the reputation of schools as places of learning and intellectual inquiry. According to Hall (2010), this is because “when Students or Lecturers present others' work as their own, they fail to develop and use their critical thinking skills, which are necessary for learning.”

However, “in order for a student to avoid being accused of plagiarism, it is important for that student to first understand what constitutes academic plagiarism” (Maupin, 2010).

2.4.2. 2: Some Well Known Copyright Infringement Cases

According to Kumar (2010), “a clearer understanding of copyright infringement can best be obtained by studying some well-known famous copyright infringement cases that shed light on copyrights and ‘fair use’ as follows”:

1. Feist Publications vs Rural Tele Services Co (1996)

Feist Publications came out with a telephone directory that contained peoples' phone numbers arranged in a certain format. The same format was adapted by Rural Tele Services without any changes in their directory. Feist Publications brought in a lawsuit against Rural Tele Services, calling it a copyright infringement.

The case was struck down, as Feist did not include any kind of original data. If Feist had used any special format that took much effort, such as including maps, etc. alongside the phone numbers, it would have been a case of copyright violation. However, as it was just a simple arrangement of phone numbers, the verdict was in favour of Rural Tele Services Co.

2. Princeton University Press v. Michigan Document Services (1996)

Michigan Document Services was involved in creating packages of study material for the Students of the University. A professor supplied the course material and Michigan Document services, a photocopying organization, took photocopies of the material and converted it into a booklet for sale to Students at the University.

There was a clause of ‘fair use’ in this case. The photocopying company could have paid a nominal fee to the University and then used the material. This was available to anyone

who wished to use the material. However, the photocopying company paid for only the original and then started making photocopies of the study material. The court considered that it was not *'fair use'* and penalized the photocopying company.

2.4.3: Copyright enforcement

Although “copyright law grants protection for copyrighted works in order to achieve a goal, thus the advancement of knowledge and learning” (Seidel, 1966), according to Bomsel and Ranaivoson (2009), “copyright enforcement based upon legal deterrence is to stop the loss of economic value of copyrighted works” from “theft, infringement, and piracy” (Picard and Toivonen, 2004). From an economic point of view, “copyright enforcement appears as internalization means with social costs which include the costs, related to the exclusion of unauthorized users” (Bomsel and Ranaivoson, 2009). This gives copyright enforcement, economic cost implications.

Copyright is enforced by a successful implementation of copyright enforcement policies when pirated copies are made more costly by taxing new reproduction technologies, by intercepting and destroying illegal copies, or by prosecuting and penalizing distributors of pirated goods. Meanwhile, enforcement mechanisms must be balanced against policies to improve the lot of Students and researchers at KNUST.

While in Ghana, “Section 21 (3) of the Copyright Act, 2005 portrays libraries and Librarians as enforcers and controllers of copyright rather than service providers” (Dankey and Akussah 2008), according to Horten (2008) “the European Union has no policy on

copyright enforcement in respect of the specific issues related to copyright.” This is because copyright enforcement policy in the European Union raises a range of civil liberties issues. For example, the potential users may be sanctioned by private enforcement methods, and receive summary justice by abrupt disconnection mid-transmission, without the right to defence.

2.4.4: Current State of Copyright Awareness in Education

Many scholars believe that the rate of frequent copyright infringements among Students and other users of copyright materials in the academic environment is an indication that the awareness of copyright is still extremely low, especially, today that technology has made it easier to photocopy, plagiarize and pirate other people’s materials. This shows that there is little respect for creativity, so copyright protection is considered unnecessary. The high price of foreign and quality books is another major factor. As they are luxury goods, people still like pirated books.

2.4.5: Importance of Copyright Law to the Nation –Ghana

There are a variety of types of indicators to assess the economic impact of copyright in Ghana. According to Picard and Toivonen’s model, “these include measurements of income, employment, wealth generation (value added), contributions to gross domestic product (GDP) and gross national product, increase in overall productivity, exports, and multiplier effects” (Picard and Toivonen, 2004).

Story (2002, p. 95) claims that “copyright-based industries have developed into a huge source of wealth and employment creation in the knowledge-based global economy.” This

is why “WIPO define copyright-based industries as industries that are wholly engaged in the creation, production and manufacturing, performance, broadcast, communication and exhibition, or distribution and sales of works and other protected subject matter” (Geneva, 2003, p. 85).

If this according to Story (2002, p. 95), has increased the overall combined value in the US, for instance, at such a rapid rate in the last twenty or thirty years, that together they currently contribute more than \$460 billion to US gross domestic product and sold almost \$80 billion in exports in 1999. Following this, however, for a developing country such as Ghana, this provides both enormous opportunities and challenges. According to UNESCO (1998) “copyright has emerged as one of the most important means of regulating the international flow of ideas and knowledge-based products, and will be a central instrument for the knowledge industries of the 21st century.” This means any country that control copyright has a significant advantage in the emerging, knowledge-based global economy. The fact is that copyright ownership is largely in the hands of the major industrialized nations and of the major multimedia corporations placing low per capita income countries as well as smaller economies at a significant disadvantage.

The same source, also indicates that “copyright-related issues have become increasingly relevant and important for developing countries as they enter the information age and struggle to participate in the knowledge-based global economy.”

Copyright however deserves special attention in Ghana not only because most Ghanaians lack awareness of the copyright law, but because the world’s economy is exponentially advancing in information and communication technologies in transforming the production,

dissemination and storage of information. Since access to knowledge and information is surrounded by laws, policies and regulations, it is important for Ghana to understand the concept of 'fair use' or 'permitted use' and their impact on developing countries. These issues need to be addressed to ensure that developing countries have access to important knowledge-based products as they seek to bring education to all, facilitate research, improve competitiveness, protect their cultural expressions and reduce poverty.

In recent years, a number of studies have documented the economic impact of copyright on national economies. According to Picard and Toivonen (2004),

“Copyrighted works and materials have different influences and importance in different sectors of the economy. For some sectors or industries they have fundamental importance, that is, the industries that would not exist without copyrighted works and other matter. These industries are called core copyright industries.”

Picard and Toivonen (2004) identified three industries utilising copyright-protected material in value creation

1. ***Core copyright industries***, which operate nearly exclusively with copyrighted works and other subject matter. The task of these industries is to create, produce, or distribute copyrighted works and other subject matter. All activities in these industries are tied to copyrighted works and other subject matter.
2. ***Copyright-dependent industries***, Copyright-dependent industries are largely dependent on copyrighted works and other subject matter, producing either production or consumption goods for copyright protected material. In some studies the industries in this category are called copyright hardware industries because they include industries manufacturing hardware to be used in the creation, production, or consumption of the copyrighted works.
3. ***Other copyright industries***.

The economic radiating effect of copyright, as shown in Picard and Toivonen's diagram, is realised when they are produced, distributed, and used. According to them this also causes the radiating effect of economic book publishing.

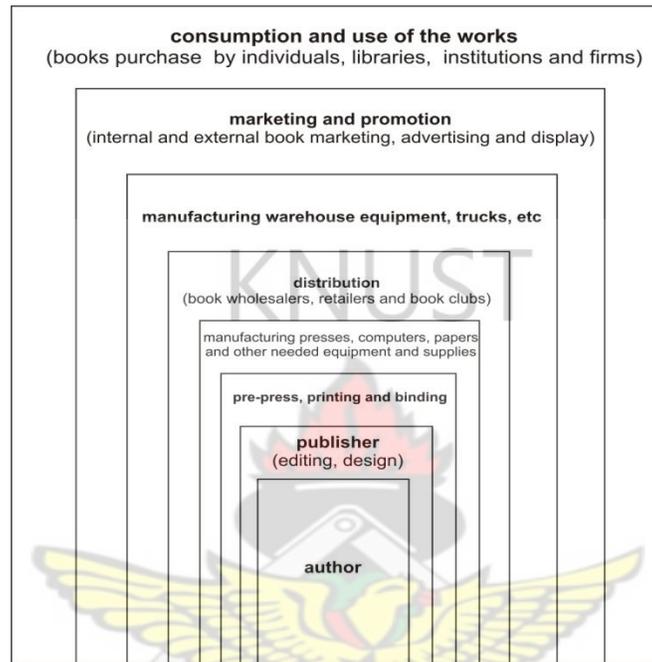


Fig. 2.4: Example of the Radiating Effect of Economic Book Publishing

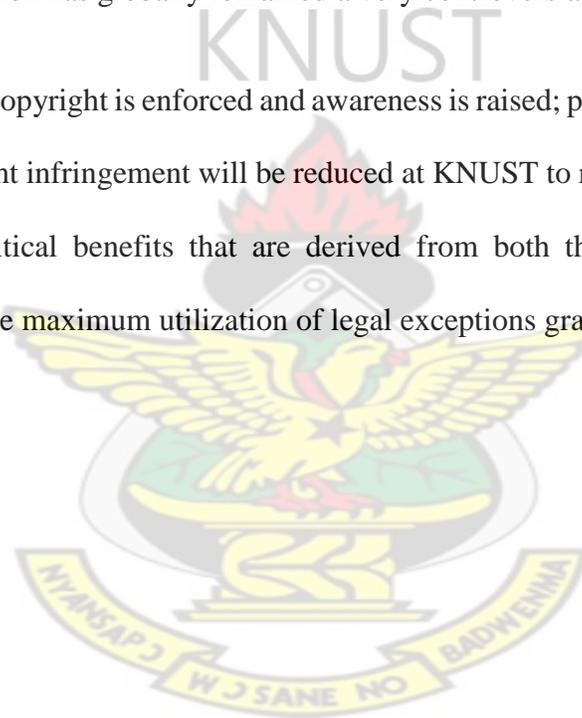
Based on this, Jones et al. (2002) could not be wrong to say that “knowledge creation is important to the socio-economic, cultural and political development of every nation.” In my opinion, however, copyright may play an important role in the advancement of knowledge creation in Ghana when authors are rewarded and given exclusive rights to exercise control over copying and other exploitation of their works by others in academic communities.

2.5: Summary of what the Literature Review mean and how it relates to the Study

The literature review reveals that there is virtually little academic literature available on copyright in Africa and Ghana in particular. This is because the subject has received relatively little attention among Ghanaian scholars.

While there is a global concern of copyright law to fight plagiarism, piracy and other forms of copyright infringement by offering protection for copyrighted works, the scope of copyright protection has globally remained a very controversial aspect of copyright law.

However, when copyright is enforced and awareness is raised; piracy, plagiarism, and other forms of copyright infringement will be reduced at KNUST to realize the socio-economic, cultural and political benefits that are derived from both the protection of copyright ownership and the maximum utilization of legal exceptions granted by copyright laws.



CHAPTER 3

METHODOLOGY

3.1: Overview

In this chapter, the researcher discussed in detail the research design; the population and sampling techniques employed in the study; the tools for data collection and data collection procedure.

The researcher further presented, discussed and analysed both the primary and secondary data gathered for the purpose of the study.

3.2: Research Design

The research design in this study entails gathering, organizing and synthesising research materials used to study the problem of the statement.

3.2.1: Research Perspective

The research perspective of this study is the *Mixed Approach*. The study generated both *qualitative* and *quantitative data*. This method was chosen because the researcher wanted to collect and analyze data, integrating the findings to draw inferences using both *qualitative* and *quantitative approaches* in studying what Students, Lecturers and Administrators of KNUST know about copyright law; what measures are there to prevent infringement of copyright law at KNUST and what good practices are being followed to ensure that copyright law is properly observed at KNUST.

3.2.2: Research Type

To achieve the objectives of the study, the researcher employs the *case study* method to make empirical inquiries into the research topic. The study explores, describes and explains the statement of the problem.

3.2.3: Research Context and Participants

The researcher carried out the study on KNUST campus, focusing on Administrators, Students and lectures as the main participants. The researcher conducted sampling to obtain the accessible population for the study.

3.3: The Population Sample and Sampling Procedure

3.3.1: Population Sampling

The study, which sought to investigate copyright awareness at KNUST drew a population of Students, Lecturers and Administrators to respond to *questionnaire* and *interviews* in order to obtain the necessary information needed to achieve the objectives of the study. The sample was drawn from the users and creators of information resources at KNUST, including Students, Lecturers, The Deputy Registrar (Academic & Student Affairs) and The University Librarian (as The Administrators). A sample of 500 respondents was created among the Students and supported with interviews with Lecturers from the six (6) Colleges, The Deputy Registrar (Academic & Student Affairs) and The University Librarian.

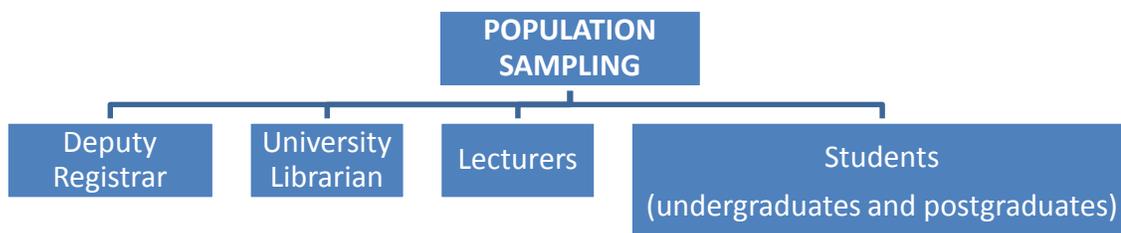


Diagram from researcher's own source

Fig. 3.1: Diagram of the Population Sample and Sampling Procedure

3.3.2: Sampling Procedure, Technique and Coding

Both probability and non-probability sampling methods (Trochim, 2006) were used in the study with *simple random, stratified* and *purposive samplings*. Whilst *stratified samples* according to Mugo, (n.d.) helps to independently select a separate simple random sample from various populations with each forming a *stratum*, *purposive sampling* is done with a purpose in mind, usually with one or more specific predefined groups (Trochim, 2006).

Simple Random Sampling

The *simple random sampling* was used to select the departments where Lecturers were interviewed. Because the researcher cannot interview Lecturers from all the 93 academic departments out of the sum of 105 research and academic department in the school, it became necessary to select a sizeable number of eight (8) Lecturers from (8) departments. The sample, of eight (8) Lecturers, was selected to represent each department with at least one (1) Lecturer, so as to have a sizable number to work with and fair representation of departments. The sample was drawn from the population of departments found in the six (6) colleges of the Kwame Nkrumah University of Science and Technology, to select one

department from each college (larger colleges such College of Art and Social Sciences and College of Health Sciences had two (2) departments selected from each college).

Table 3.1: Number of Colleges and Departments at KNUST

No.	College	No. of Departments/research centres	No. of Departments/Lecturers Selected
1.	College of Agriculture and Natural Resources	13	1
2.	College of Architecture and Planning	6	1
3.	College of Art and Social Sciences	20	2
4.	College of Engineering	11	1
5.	College of Health Sciences	34	2
6.	College of Science	9	1
	TOTAL	93	8

The eight departments were *randomly* selected from the six colleges in a draw using MICROSOFT EXCEL.

The lists of the departments were coded numerically (as 1, 2, 3...) in an EXCEL spreadsheet. Then, in the column right next to it, the function =RAND() which is EXCEL's way of putting a *random number* between 0 and 1 in the cells was also generated. The function =RAND() returns a *random number* greater than or equal to 0 and less than 1, evenly distributed (this changes on recalculation). The researcher then, sorted both columns - the list of the departments and the *random number* (using the random numbers). This rearranged the list in random order from the lowest to the highest *random number*.

	A	B	C	D	E	F	G	H	I	J	K
1	<i>College of Agriculture and Natural Resources</i>										
2	3. Department of Crop Science	0.523944022	1st								
3	1. Department of Agricultural Economics, Agribusiness and Extension	0.848335272	2nd								
4	10. Department of Silviculture and Forest Management	0.975756126	3rd								
5	7. University Research Station, Awomaso-Kumasi	0.684027075	4th								
6	8. Department of Agroforestry	0.704739702	5th								
7	5. Department of Soil Science	0.694006206	6th								
8	6. Boadi Cattle Project, Boadi-Kumasi	0.932009214	7th								
9	2. Department of Animal Science	0.797701805	8th								
10	4. Department of Horticulture	0.348152119	9th								
11	11. Department of Wildlife and Range Management	0.006927073	10th								
12	9. Department of Freshwater Fisheries and Watershed Management	0.429405491	11th								
13	13. Department of Silviculture and Forest Management	0.089082227	12th								
14	12. Department of Wood Science and Technology	0.465552763	13th								
15											
16											
17	<i>College of Architecture and Planning</i>										
18	1. Department of Architecture	0.764098779	1st								
19	5. Centre for Land Studies	0.55811856	2nd								
20	4. Department of Planning	0.348590458	3rd								
21	6. Centre for Settlements Studies	0.856935213	4th								
22	3. Department of Land Economy	0.697746726	5th								
23	2. Department of Building Technology	0.671533335	6th								
24											
25											
26	<i>College of Art and Social Sciences</i>										

Plate. 3.1: Random selection of sampled departments

The 8 departments selected from the above exercise were

1. Department of Crop Science
2. Department of Architecture
3. Department of Sociology and Social Work
4. Department of Painting and Sculpture
5. Department of Geomatic Engineering
6. Department of Herbal Medicine
7. Department of Medical Laboratory Technology
8. Department of Chemistry

Stratified Sampling

According to Mugo (n.d.), with *stratified sampling*, we can divide the population of Students enrolled at the Kwame Nkrumah University of Science and Technology into different groups based on some characteristics or variables like their levels of education. For instance, anybody in the First Year will be in group A, Second Years will be in group B, Third Years will also be in group C, Fourth Years, in group D, and all Postgraduates, in group E. These groups all put together is referred to as *strata*, with each forming a *stratum*. The same source also said, we can then randomly select from each *stratum* a given number of units which may be based on proportion such as in the case of this study. Thus:

$$\frac{\text{Population sampled}}{500} \times 100\% = \% \text{ of respondents}$$

Table 3.2: Number of Students selected for the study

Parameter	Population sampled	Percentage of sample population
First Year	150	30%
Second Year	125	25%
Third Year	90	18%
Fourth Year	85	17%
Postgraduate	50	10%
TOTAL	500	100%

According to George, Bright, Hurlbert, Linke, St. Clair, & Stein, (2006), we can conclude that this sample involving 90% undergraduates (First Year to Fourth Year) and 10%

postgraduates is large for the study, as we can represent all categories of Students and still have the benefits of such the study.

Purposive Sampling

The Deputy Registrar (Academic & Student Affairs) and The University Librarian were *purposefully sampled* to collect particular data from them. This is because according to Learning (2005), *purposive sampling* targets a particular group of people. For example, data was collected from The Deputy Registrar (Academic & Student Affairs) and The University Librarian regarding measures put in place to prevent infringement of copyright law at KNUST and the good practices that are being followed to ensure that copyright law is properly observed at KNUST.

3.4: Data Sources

Two kinds of data were collected for this study, which included the *primary* and *secondary* data. The primary data were collected through a *survey* and *interview*. The secondary data, however, were derived from the findings which had been stated in previously published documents and studies in journals, books, and internet as well as literature relevant to the research objectives and the statement of the problem. The researcher collected the secondary data from libraries at KNUST as well as from the Internet.

3.5: Instruments for Data Collection

The researcher used the *survey* and *interview* as the primary strategy to obtain the needed information among the study population to determine the current situation of the statement of the problem. The essence of the two instruments used in the data collection was to achieve the objectives provided in the study. In the investigation of the study regarding what Students and Lecturers of KNUST know about copyright, it is essential that the first inquiry will reach the concerned people. In the first phase of the study, *survey* was implemented among the population of Students. Through the *survey*, the knowledge of the participants was tested to determine their respective awareness of copyright law.

In the second phase of the study, *interviews* were also conducted with The Administrators including The Deputy Registrar (Academic & Student Affairs) and The University Librarian as well as Lecturers, seeking to ask questions about the measures put in place by the university to prevent infringement of copyright law at KNUST as well as the good practices that are being followed to ensure that copyright law is properly observed. The *interviews* had a purpose to recognise the various copyright policies in the university and how they are enforced to prevent copyright infringement. *Semi-structured interview* guides were used. The researcher also conducted informal interviews where necessary.

3.6: Data Collecting Procedures

Survey - Within the survey, the use of *questionnaire* was prioritized. The researcher designed and administered a *questionnaire* to the Students to respond to questions about copyright law at KNUST.

Interview - The researcher also made personal contacts to obtain information from The Deputy Registrar (Academic & Student Affairs), Librarian and Lecturers using *interview* guides. Copies of the interview guides were given to the respondents a week earlier before the actual time for the *interview*. This was to give the respondents prior notice on the information needed so that they would be well prepared to give the necessary information.

3.7: Data Analysis and Presentation

The data collected were analysed using the SPSS and MICROSOFT EXCEL. The researcher used the Statistical Package for Social Sciences (SPSS) to process the data which was later represented using the MICROSOFT EXCEL. All the responses were transcribed and coded into meaningful numerical categories. For instance, “Awareness of citation” was coded 1= YES, 2=NO. The data were analysed using *descriptive statistics*, including percentages and frequency generated from the responses elicited from the survey. George et al. (2006, p. 4) suggested that, using this method of *descriptive statistics* of coding will make it possible to apply both *quantitative* and *qualitative* techniques to analyse the verbal data. The *quantitative analysis* of results will also help to provide a basis for comparison among disciplines as well as an overall summary of the study. Chi (1997, p.1) also suggested that, using *quantitative analysis* of verbal data analysis makes the interpretation of the results of a *qualitative data* less subjective and yet maintaining the richness of its context.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF RESULTS

4.1: Overview

This chapter consists of results of *questionnaire* and *interviews* used in the collection of data for the study. The results from the *questionnaire* and *interviews* were put together analytically as *primary data*. These data were analysed and interpreted accordingly, giving the study a scholarly dimension. In order to conveniently interpret the data, the results of the *questionnaire* are presented in tables and charts and were, where necessary, supported by the findings from the *interviews*.

The results from the *questionnaire* were presented before the *interviews*. In instances where the two results tend to address a common issue, the researcher presented one to complement or support the other.

4.2: Results from Questionnaire

The five hundred (500) *questionnaire* distributed to 500 Students and interviews with Lecturers from the six (6) colleges were all successful, including the *interviews* with The Deputy Registrar (Academic & Student Affairs) and The University Librarian. This represents a total of 100% coverage of the data collection as planned. However, to build a foundation for a close analysis of the study, the researcher discussed in this part the opinions of the various participants of the study as recommended by Beebe (2008).

4.2.1: Distribution of opinions

4.2.1.1: The Background of KNUST Students

The background of the Students was studied in two aspects:

1. Year of study
2. Programme of study

All the 500 Students who responded to the *questionnaire* were grouped into five categories. Table 4.1 and Fig. 4.1 set out the distribution of the Students by their *year groups* and *programmes of study* respectively as recommended by Beebe (2008), indicating that 30% (n=150) of the respondents are in First Year, 25% (n=125) are in the Second Year, 18% (n=90) in Third Year, 17% (n=85) are also Fourth Year Students and 10% (n=50) are Postgraduate Students.

Table 4.1: A distribution of Students by their year groups

Year of study	Number of respondents	Percentage of respondents
First year	150	30%
Second year	125	25%
Third year	90	18%
Fourth year	85	17%
postgraduate	50	10%
TOTAL	500	100%

Inferring from table 4.1, it is right to conclude that the number of first year students for each academic year is significantly more than those in the respective years of study. This

means, the number of Students who use copyrighted materials keeps on increasing at each passing year and as such calls for the concern that much awareness should be created among them on copyright.

In figure 4.1, it is realised that out of the 500 students, 62% (n=310) of them studied science based programmes whilst 38% (n=190) of them studied arts/humanities based programmes. This is because there are more science based programmes at KNUST than the arts/humanities.

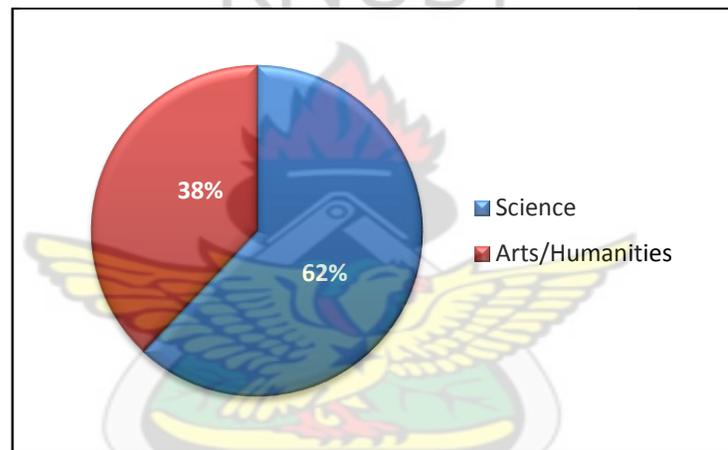


Fig. 4.1: A distribution of Students by their programme based

The fact that 62% of the Students studied science based programmes and 38% of them studied arts/humanities based programmes implies that we have more Students who depend on various information resources such as journals, textbooks, articles, encyclopaedias, dictionaries, directories, reports, and lecture notes in the sciences than those who depend on such information resources in the arts/humanities, but whatever the case may be, the variations in the number of Students who depend on these information resources in their academic pursuits at KNUST may ultimately have various impacts on publishers, authors

and their works. In a situation like this, authors can only enjoy the economic value of their works when copyright awareness is viewed seriously in academic institutions. Although according to Kawooya (2007 as cited by Omoba, 2009) copyright establishes public interest in literary and artistic creations, including the use of knowledge-based products for scholarship and research without resorting to the right-holder. Omoba (2009) also said users of such works must, however, recognise and acknowledge the rights of the authors. And this is very important as long as Students continue to use the works of authors and publishers in their academics, thus if we want to reap the full benefits of copyright.

4.2.1.2: Students' Awareness of Plagiarism

The study indicated that more than half of the total student respondents, representing 67% (n=335) are aware of plagiarism as an aspect of copyright law. During a separate interview, it was confirmed that the university is not being faced with copyright infringement issues because the Students and Lecturers are aware of the copyright law and its implications. According to the interview, it came to light that the KNUST library takes it as a separate duty to educate Students on plagiarism, which is also contained in article 13 of the Students' guide book. This is done during freshers' orientation at the beginning of every academic year. On this wise, the Students are made aware of the fact that plagiarism in any form is a serious offence, punishable by dismissal from the university and are advised to credit any material they use in their work that are taken from other sources. The extract in Plate. 4.1 is the portion of the Students' guide that is used by the KNUST library in this exercise.

13. Plagiarism in any form is a serious offence punishable by dismissal from the University. Candidates are advised to credit any material used in their work that has been derived from another source. When in doubt, Candidates are advised to consult their Supervisors and/or Heads of Department.

Plate. 4.1: An extract from the KNUST students guide on plagiarism

Figure 4.2 however shows the distribution of Students who are aware of the concept of plagiarism in relation to those who do not know what constitute the act of plagiarism.

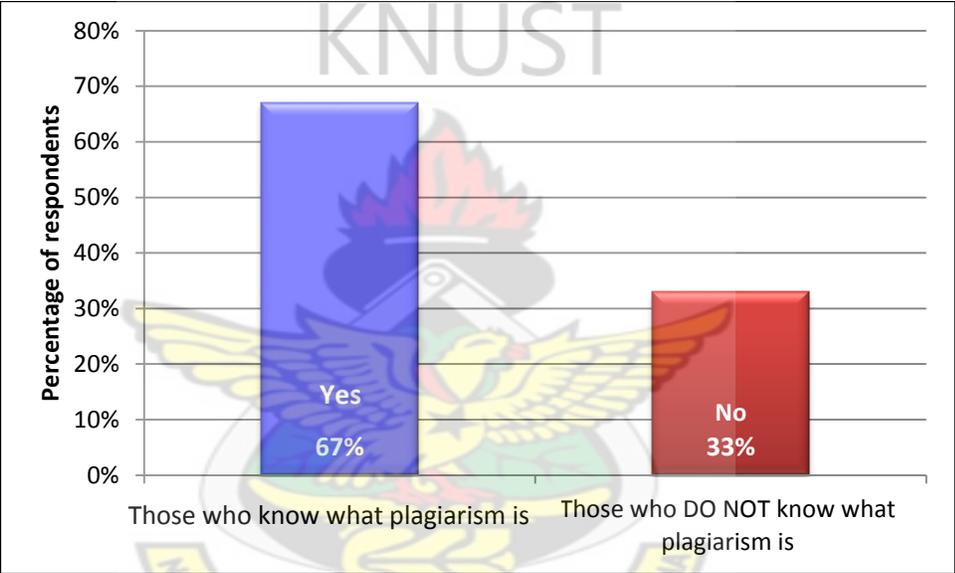


Fig. 4.2: A distribution of Students’ awareness of plagiarism

However, presenting the above data separately and distributing them according to the various sampled year groups and programmes of study of the Students as indicated in the table 4.2. It is evident that, despite the fact that the university library spends time to educate freshers’ on plagiarism, coupled with the effort of the university administration to include the subject in the Students’ guide, relatively, most of the First and Second year Students still lack knowledge about plagiarism.

Table 4.2: Students' Awareness of Plagiarism

Parameter	Variable	Total Population	No. Of Respondents	Percentage
<i>Those who know what plagiarism is</i>	First year	150	80	16%
	Second year	125	55	11%
	Third year	90	75	15%
	Fourth year	85	85	17%
	Postgraduate	50	40	8%
	Total	500	335	67%
<i>Those who DO Not know what plagiarism is</i>	First year	150	70	14%
	Second year	125	70	14%
	Third year	90	15	3%
	Fourth year	85	0	0%
	Postgraduate	50	10	2%
	Total	500	165	33%

4.2.1.3: Students' Perception about Plagiarism

Out of the 67% Students who said they know what plagiarism is, 51% of them, representing a little more than half of the total population could define plagiarism correctly. The remaining 16% had different perceptions about what plagiarism means. Some of them perceived plagiarism to be the photocopying or scanning of literary works; the creation,

distribution or imitation of genuine works with the intent to deceive the public about their authenticity. However, the Students who had the correct perception about plagiarism perceived it to be the use of someone else’s expression of ideas or words without crediting the source. Nevertheless, some of the Students still had explicit doubts about what plagiarism means. This indicates that out of the 67% Students who perceive they understand the concept of plagiarism; there are others among them who, in reality, lack its fundamental understanding and what it constitutes. This is why Maupin (2010), concludes that, in order for a student to avoid being accused of plagiarism, he or she must first understand what constitutes academic plagiarism.

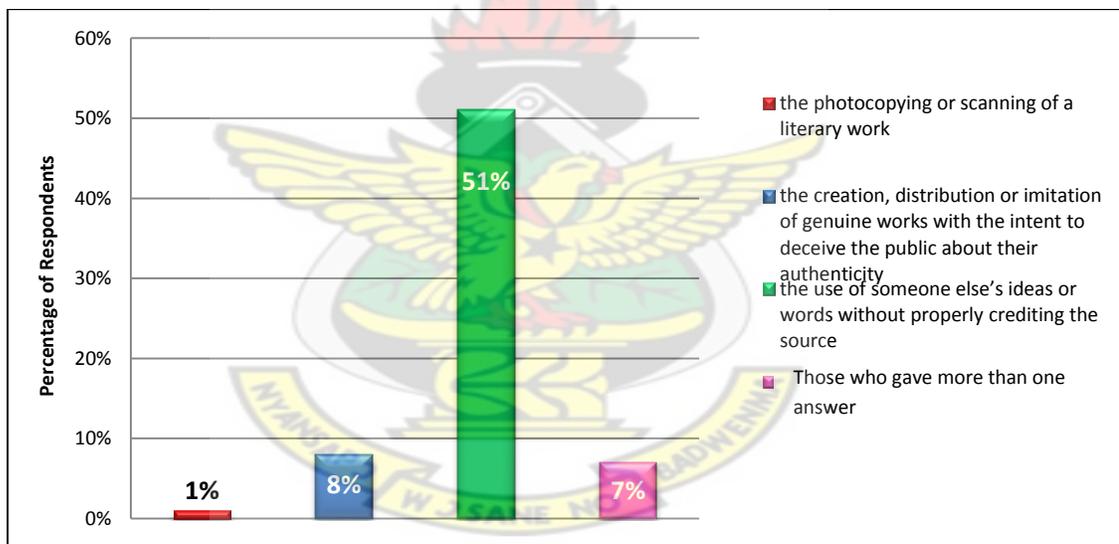


Fig. 4.3: A distribution of Students’ understanding of plagiarism

4.2.1.4: The Use of Information in the Students’ Academic Work

According to Darkey and Akussah (2008), “knowledge is power” and universities are globally considered as places where knowledge is created and imparted into individuals. The same source also revealed that “academic libraries play a vital role in universities’

quest for academic excellence by ensuring access to systems of knowledge and information relevant to the pursuit of enquiries and studies” by Students and Lecturers. The diagram below reveals the forms and some identified sources where Students obtain information for their academic works. The study revealed that KNUST Students obtain information in three forms but from varied sources for their academic works.

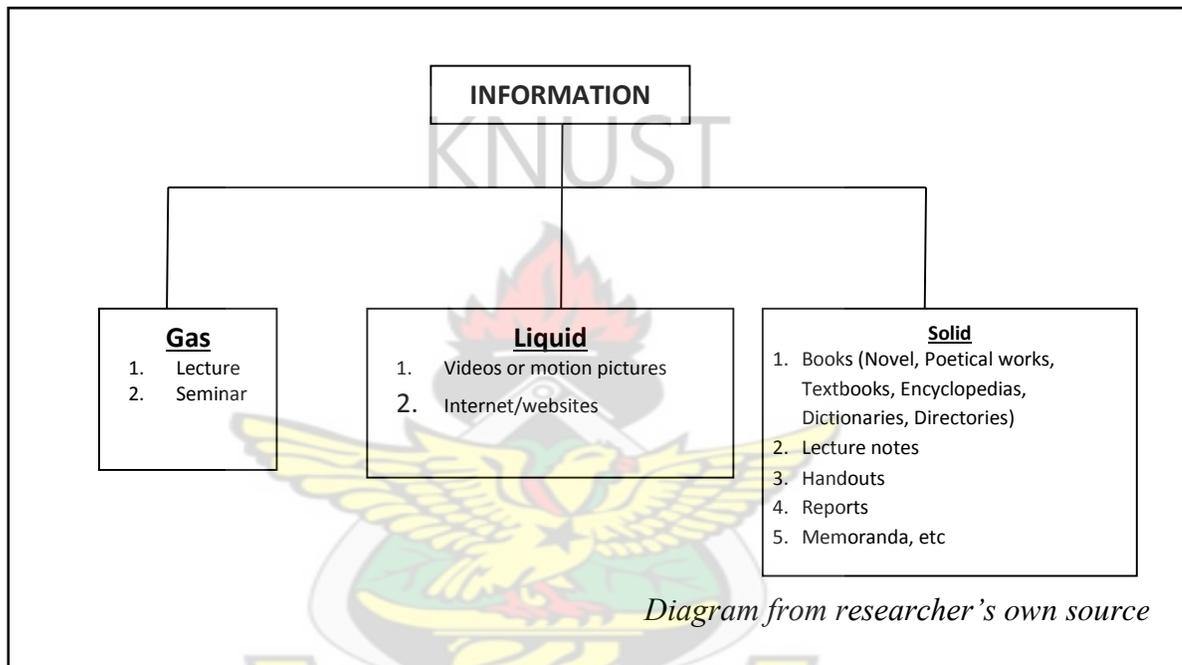


Fig. 4.4: Form and sources of information

Some of these information are the kind of:

1. ***Information obtained in a form of gas*** – this includes the kind of information that the Students obtain in verbal words such as at lectures and seminar presentations.
2. ***Information obtained in the form of liquid*** – the kind of information which the Students perceive in a vision where the same information is transported from one place to another or be presented at different places at the same time as in the flow

of a river such as in motion pictures or videos (e.g. the video of Julius Caesar). They also obtain information in texts as liquid when they cut (fetch) the text from their original sources and paste them into another. For instance, information from internet or websites.

3. ***Information obtained as solid*** – this include the kind of information that the Students obtain from written or printed hard copy materials such as books, newspapers, journals, etc.

The figure below shows that nearly all the student respondents, representing 97% (n=485) fall within the domain of those who use information in all these forms and from other sources to enrich their academic works. This means, both the Students and Lecturers use people's expressions of ideas or words which The Library, Durham College and OUIT (2011) acknowledges that they are likely to obtain from books, articles and websites written by other people to support their research papers, lab reports or any other type of academic assignments. The publication by The Library, Durham College and OUIT (2011) however warned that when using someone's information, Students must indicate where that information came from (thus, credit must be given where credit is due). Therefore, failure to do so results in committing plagiarism and according to the interview conducted, plagiarism is a serious offence at KNUST. However, in order to avoid this academic dishonesty, it is important for the Students to be aware that they have the obligation to properly reference their research papers, lab reports or any other type of academic assignments.

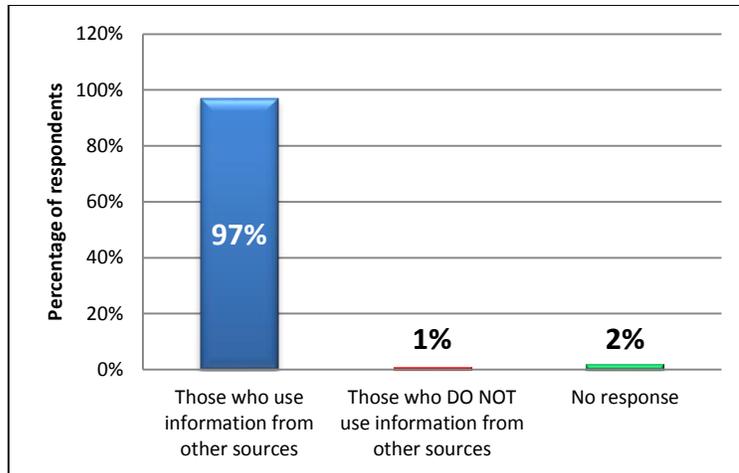


Fig. 4.5: The use of information in Students' academic work

4.2.1.5: Students' Awareness about Citation of References

Most of the Students, thus 97% (n=485), expressed that they are aware that they have to cite sources of information they use in their academic works as seen in the figure below.

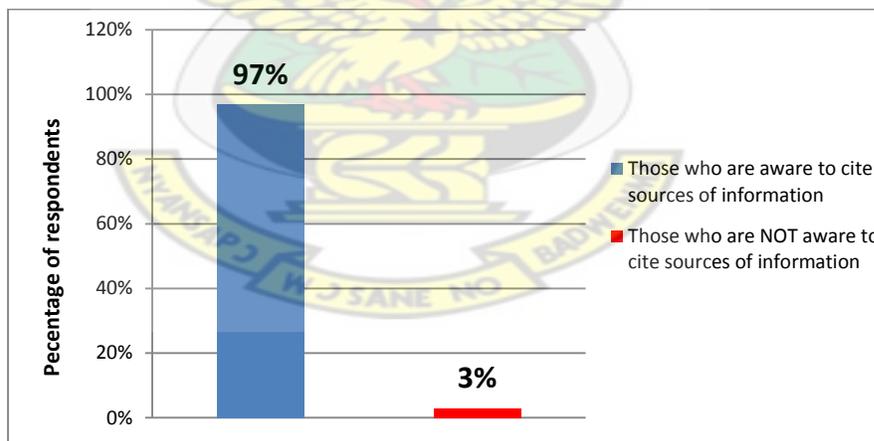


Fig. 4.6: Students' awareness about citation of references

We can therefore expect, based on the facts in fig. 4.6, that majority of the Students have the culture of citing references of their works. But the question is; does it really reflect the

true nature of the situation that all the 97% of the Students who claim they are aware of citing references of their works actually do so? Figure 4.7 gives us the insight to help answer this question.

4.2.1.6: The Practice of Citing References among Students

Inferring from fig. 4.6 and fig. 4.7, one can now easily realise the relationship between the number of Students who are aware that they have to credit sources of information they use in their academic work and the number of Students who are not aware as against the number of Students who were found to practically acknowledge sources of information they use in their academic works and those who do not. Out of the 97% Students who said that they are aware of acknowledging sources of information they use in their academic works, 58% were found to practically do so. We can see from fig. 4.7 that there was an increase in the number of people who said they are aware that they have to cite sources of information they use when they actually DO NOT do so.

Whatever the case is or may be, citation of references is very important in every academic work and Nottingham Trend University, (2010) has given three reasons why Students must cite references, including

1. To acknowledge other writers.
2. To demonstrate the body of knowledge upon which a research is based.
3. To enable all those who read the materials to locate its sources easily.

This means, citation or referencing is the way through which acknowledgement is given and sources of information used in various course works and research papers, credited.

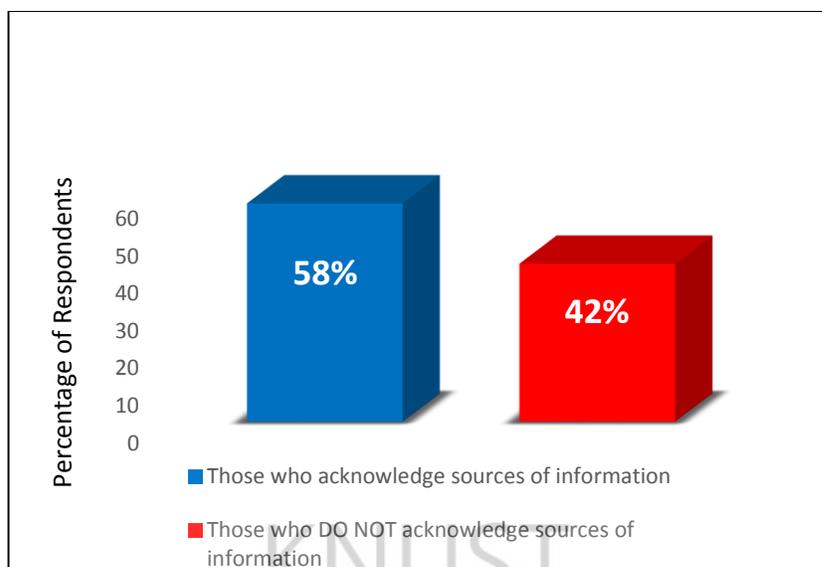


Fig. 4.7: The Practice of Citing References among Students

4.2.1.7: Standards of Referencing Styles used among the Students

Studies have shown that there are different formats for providing credits (also known as *bibliographical citation*) to other sources within a research paper and other academic assignments (The Library, Durham College and OUIT, 2011). Out of the total of 58% Students in fig. 4.7 who were found to practically acknowledge sources of information they use in their academic works, 16% out of them were identified to use what is accepted as the *standard referencing styles*, mainly APA, MLA and Chicago styles. These styles of referencing require the Students and other users of copyrighted materials to make both *in-text* and *bibliographical citations* of all sources used or cited in their works as indicated in Plate. 4.2. The plate 4.2 however shows an example of a *standard APA referencing style*.

REFERENCES

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Plate 4.2: An example of standard referencing style

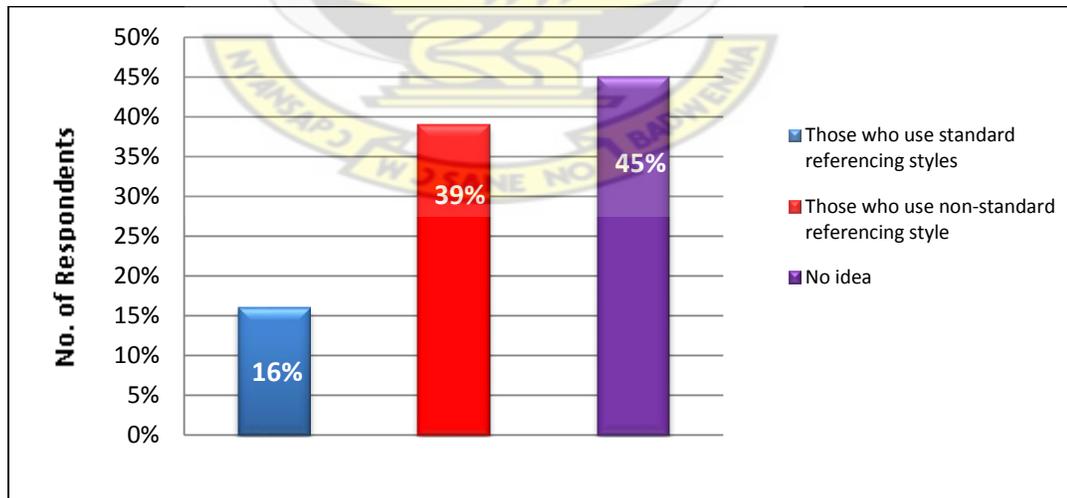


Fig. 4.8: Students' standard and non-standard referencing styles

Figure 4.8 indicates that a total of 55% of the Students do not either use proper referencing styles or have an idea about the different formats for providing credit to sources of information in their papers and other academic assignments. This is however a great concern if this is the situation among Students who are required to use *standard referencing formats* to identify the information they used and give credit to their creators. Plate 4.3 however gives an example of *non-standard referencing style* from a student's work who attempted using the APA style of referencing.



BIBLIOGRAPHY

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Plate 4.3: An example of non-standard APA referencing style from a student's work

Although this referencing was accepted for an undergraduate thesis, but looking at the referencing list at a glance, one may easily believe that it is up to the standard accepted for an undergraduate thesis but upon critical analysis the researcher thought otherwise based upon the reasons discussed in the next pages.

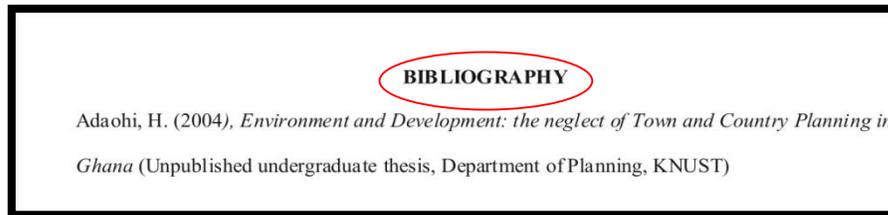


Plate 4.4: An Example of Heading for creating APA Reference List

Although the APA style requires the header *References* centered at the top of the page, it is clear from the heading in plate 4.4 taken from plate 4.3 that the student preferred to use BIBLIOGRAPHY to REFERENCES which confirms the claim by the Nottingham Trent University (2010) as discussed in the literature that “some people tend to refer to Reference List when they actually mean bibliography” and vice versa. Although it still stands to reason that one may be pardoned for interchangeably using the two terms, however, the two terms still strictly refer to different things. It is therefore important for the Students to understand the difference between BIBLIOGRAPHY and REFERENCES when they are referring to all sources which they read and informed their work, whether they have mentioned or quoted from them or not and when they are referring to only sources that they have mentioned or quoted from in your work respectively.

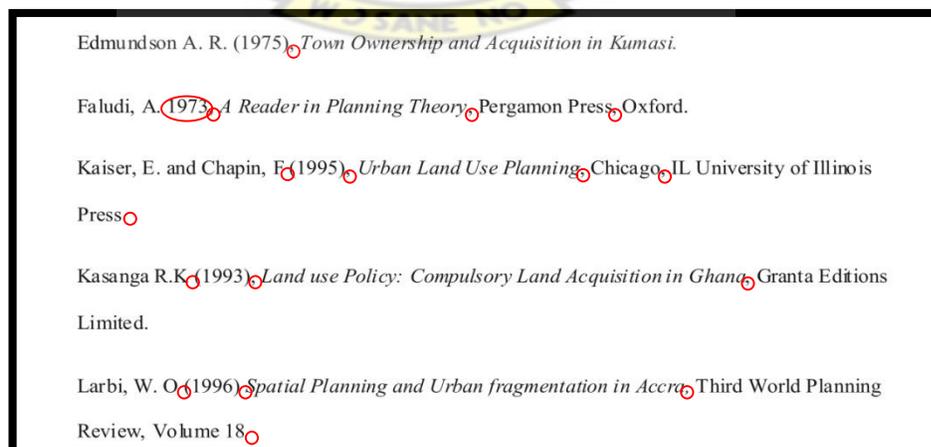


Plate 4.5: An Example of a non-standard APA referencing Format

It can also be seen from plate 4.5 that even though the various elements of referencing such as the *author, date of publication, title of book, place of publication, publisher, and other Information* are available, based on the guidelines for *standard referencing format* by the Publication manual of the American Psychological Association, an APA citation must have the following format:

1. A *full stop* at the end of each element (*Author(s) or Editor(s). Date. Title of Book. Title of Article. Title of Periodical. Volume. Pages. Place of Publication. Publisher or Database. Other Information.*), *except* a retrieval statement that ends with a web address.
2. The publication date must be in *brackets* and add a *full stop* ().
3. APA also requires hanging indent.
4. Entries should begin flush left, and the second and subsequent lines should be indented, such as in the example below.

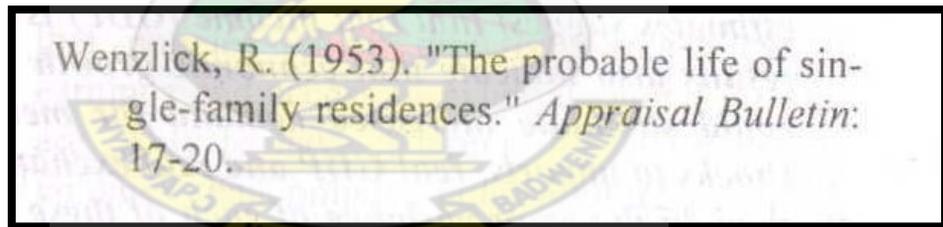


Plate 4.6: An Example of standard APA referencing Format

Comparing the format used in plate 4.5 with plate 4.6, it is obvious that most of the elements mention above are lacking in plate 4.5 which is a sample of a work submitted by a student.

Finally, it is also evident from Plate 4.7 that the entries in Plate 4.3 are not alphabetically arranged. As we can see in plate in 4.7 which was also taken from plate 4.3.

C Conyers D. and Hills P. (1984) *An Introduction to Development Planning in Third World Countries*, John Wiley and Sons, New York.

T The New Charter, *Daily Guide*, 4th December, 2007 Issue No. 2198, (pg.14)

E Edmundson A. R. (1975), *Town Ownership and Acquisition in Kumasi*.

F Faludi, A. 1973, *A Reader in Planning Theory*, Pergamon Press, Oxford.

K Kaiser, E. and Chapin, F (1995), *Urban Land Use Planning*, Chicago, IL University of Illinois Press

Plate 4.7: An Example of non-standard format of APA reference list

All these factors, considered, make this style of referencing *non-standard* and non-conformable to any of the referencing styles mentioned in this study.

4.2.1.8: How Students Acquire Referencing Skills

Like any other pedagogical agenda, *bibliographic citation* or *referencing skills* can be acquired through teaching and learning. The study revealed that out of the 97% of the Students who use information from other sources in their academic works, a total of 91% of them have, in one way or the other, been exposed to how to cite references in their academic works by their course Lecturers, friends and through examples seen in books.

Figure 4.9 gives these distributions accordingly.

Since there are different formats of *bibliographic citation*, The Library, Durham College and OUIT (2011) advised Students to check with their instructors to identify their preferred formats as their instructors may prefer to use a different style apart from the APA style or may even prefer to use a different edition of the APA guidelines.

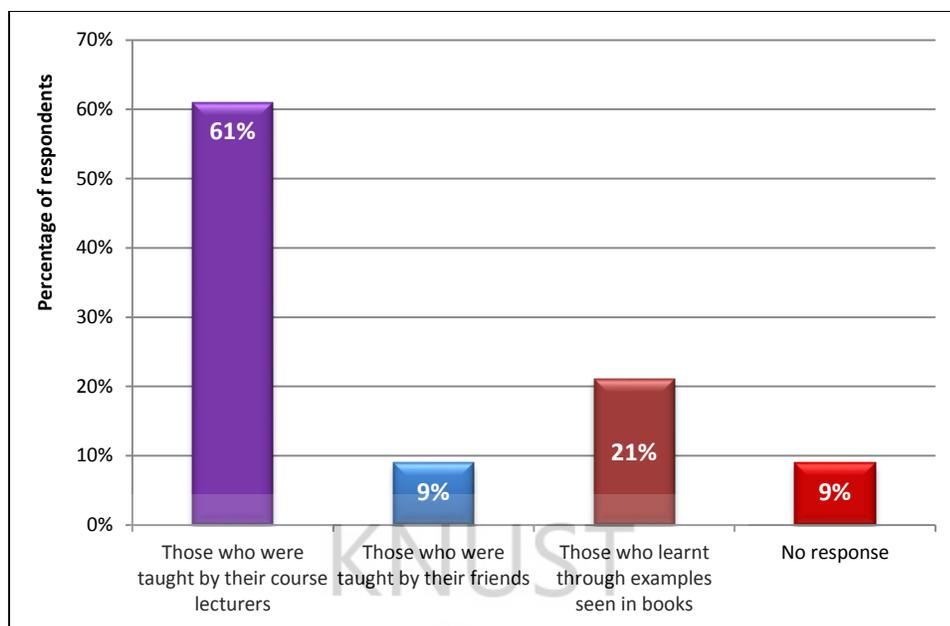


Fig. 4.9: How the Students acquired referencing skills

4.2.1.9: Students' Knowledge about Copyright

In an open-ended question, the Students were asked to express their knowledge about copyright.

Exactly half of the Students, representing 50%, gave responses that revealed that they had idea about the concept of copyright. However, all the responses given portrayed copyright as an instrument that prohibits others from using copyrighted works without the authors' permission. Although these Students use resources such as books and articles written by other people in their research papers, lab reports or any other academic assignments, they all failed to give responses that showed that they know about the aspect of the copyright law that talks about *permitted use* of works protected by copyright which according to Darkey and Akussah, (2008) is an important part of copyright law and the mechanism that

makes the copyright system function properly due to its system of exceptions and limitations to the author's and creator's ownership of his or her works.

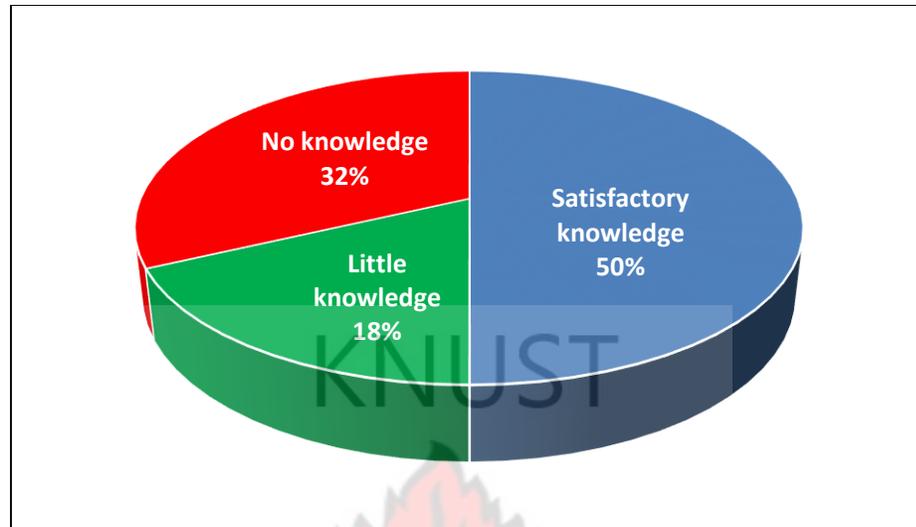


Fig. 4.10: The distribution of the Students' knowledge about copyright

4.3: Results from the interviews

4.3.1: Copyright policy at KNUST

The extract in plate 4.8 shows that KNUST has general regulations that are made under the University Act 1962, (Act 80) which binds every student and other units of the university such as the library and faculties.

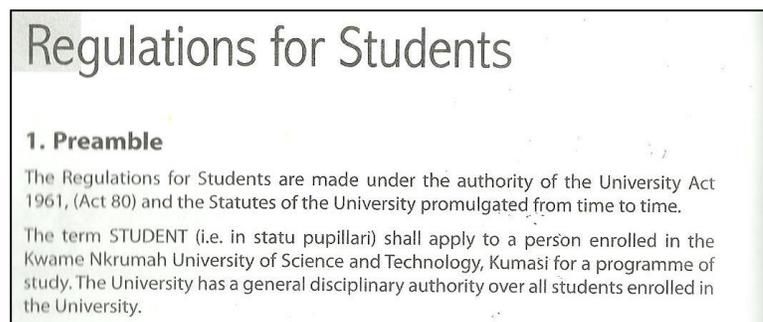


Plate. 4.8: Preamble of KNUST's regulations for Students

However, the information gathered from the interview revealed that these regulations do not address copyright issues in the university. In fact, The Deputy Registrar (Academic & Student Affairs) revealed that, “*KNUST as an academic institution has not developed or implemented policy to manage copyright infringement issues.*” While The University Librarian also lamented that

“there has also not been any copyright licensing scheme or written agreement involving the KNUST library that covers past examination papers, essays, reports, or dissertations, articles, journals and other scholarly publications. Neither has the library produced guidelines which cover copyright of books.”

Relating this to Crews’ (n. d.) assertion, it is however true that for most educational institutions, policy development is a complicated process. The institutions consider it to be involving lengthy deliberations and multiple levels of review and approval.

According to McLachlan (2009) and Crews (2006), in a community of Administrators, faculty, staff, and Students who are creators as well as users of literary works, lack of properly implemented copyright policy results in non-compliance to copyright laws that may eventually affect the institution as a whole, denying the community the benefits of both the protection of copyright ownership and the maximum utilization of statutory exceptions granted by copyright law. When not enforced, policies offer little defence against legal action (McLachlan, 2009).

To what Abdulla (2007) also said, that “regardless of technological changes, the goal of Librarians, educators and scholars is to find an equilibrium whereby the widest access to scholarly works is ensured while the intellectual properties of copyright holders are protected.” One can however say that it is therefore very important that copyright policies

are created, communicated, managed, updated and enforced at KNUST even though it has been confirmed that the university is not being faced with copyright infringement issues because the Students and Lecturers are aware of the copyright law and its implications.

Not only that, but according to Crews (n. d.), the Technology, Education And Copyright Harmonization Act (TEACH Act) also requires that an educational institution must “institute policies regarding copyright,” although the language does not detail the content of those policies, the institution must “provide informational materials” regarding copyright, and in this instance the language specifies that the materials must “accurately describe, and promote compliance with the laws of copyright.” These materials must be provided to “faculty, Students, and relevant staff members.”

The same source further specifies that the institution must provide "notice to Students that materials used in connection with their courses may be subject to copyright protection." However the interview with The Deputy Registrar (Academic & Student Affairs) revealed that KNUST does not provide such notices “*because copyright infringement has not really been a problem at KNUST as it is elsewhere.*”

In spite of this, a little more than half of the total student respondents, representing 51%, are aware that plagiarism involves the use of someone else’s expression of ideas or words without properly crediting the source (Osman, 2010) and the university regards plagiarism as a serious breach of academic honesty and integrity. They are also aware that Students who are guilty of plagiarism face at least a failing grade in the course for which they committed the offence or possibly, suspension or even expulsion from the university (Maupin, 2010). For instance, it was revealed during the interview that, a postgraduate

student who was found to have submitted someone else's thesis as his own was charged with plagiarism and had his thesis cancelled.

In another interview session with The University Librarian, it was revealed that

“Although the KNUST library has not produced guidelines which cover copyright of books, there are still some terms under which copyright protected materials may be copied in the libraries such that one cannot photocopy more than one article in a journal.”

Despite the fact that the university has no documented copyright policies, it regards plagiarism as an act of academic dishonesty. According to Section 19 of the Copyright Act 2005, (Act, 690), copying for personal use does not, however, permit the reproduction of a whole or a ‘substantial’ part of a book.

4.3.2: Copyright Observation at KNUST

Copyright observation occurs when copyright awareness is created. And since in this study, it has been established that more than half of the Students have developed the culture of citing references to sources of information they use in their works, it means that there is a great rise in copyright awareness and observation among the Students. As confirmed in the interviews that *“the university is not being faced with copyright infringement issues because Students and Lecturers are aware of the implications of the copyright law.”*

It has always been the duty of the library to educate Students on plagiarism, which is also contained in article 13 of the Students' guide book, during freshers' orientation and for that matter, the university has no documented complain against any copyright infringer or taken-down a notice of copyright infringement except that of a postgraduate Students who was found to plagiarise someone's thesis.

4.3.3: Copyright Enforcement at KNUST

Copyright enforcement is an act of implementing and upholding copyright law and statutes. This is important because “when Students or instructors present others' work as their own, they fail to develop and use their critical thinking skills, which are necessary for learning” (Hall, 2010). According to the interview, while some of the Lecturers are not aware of what KNUST is doing to ensure the enforcement of copyright observation, others lamented that “copyright observation is not being enforced for reasons being that the existence of permitted use allows the use of copyrighted materials for educational purposes.” One of the Lecturers, however, said

“Even if copyright observation is enforced, it will still be broken because there is no enabling environment for Students to get easy access to books which, of course, makes them create alternative means to make photocopies as they cannot afford the original ones.”

The same person also implied that the academic and copyright systems are such that they do not allow time to get permission from authors to make photocopies of pages from their books.

But if the university has a copyright policy as one of its regulations, it becomes mandatory for Members of the Academic staff, the Academic Board, Dean of Students, Senior Administrative Officers to ensure they are enforced as it is to other regulations documented in the Students guide book. The extract in Plate 4.9 buttresses this assertion.

3. Enforcement of Regulations

Members of the Academic Staff, the Academic Board, Residence Committee, Dean of Students, the Senior Administrative Officers, Hall Officers and other persons, so authorized for the purpose, shall maintain order and proper conduct and take appropriate disciplinary action against any student for misconduct,

Plate. 4.9: KNUST's Regulations Enforcement Policy

Measure taken by Lecturers to Prevent Plagiarism among the Students

All the Lecturers interviewed revealed that they do ensure that their Students acknowledge the sources of the information they use in their write-ups, especially, assignments, project reports, and lab reports submitted in any form, be it printed, power-point or via e-mail. This is done to prevent Students from plagiarising other people's works. Lecturers try as much as possible to use language, search engines, and other plagiarism detecting software and sites to detect where Students plagiarised.

In an attempt to prevent plagiarism among the Students, some of the Lecturers admitted that they prepare materials on how to acknowledge sources for their Students. Others also said they help their Students to do proper references by providing sources of materials used in preparing lecture notes for the Students.

Measures taken by the Lecturers against Students who plagiarise

During the interview, the Lecturers admitted that as technology has now made it easy to plagiarise other people's works. It has also made it easy to detect works that are plagiarised. One of the Lecturers said that in their efforts to maintain a high standard of academic

integrity, Students who plagiarised are not allowed to go free but are penalised for their action as they are marked down, trailed, or asked to redo the work.

4.3.4: Lecturers' Knowledge about Copyright

Some of the Lecturers interviewed confessed that they have neither seen a copy of the Ghanaian Copyright Act nor read about what it says about literary works, which happens to be the major facility for impartation and receiving knowledge. They rather tend to have almost full knowledge about the copyright law of the countries where they had their further education that bonded their use of copyright materials. Most of them were strict on policing or enforcing copyright observation among their Students not based on the concept of the Ghanaian Copyright Law but on how they were taught to observe copyright law during their education abroad.

4.3.5: Lecturers' Opinion about Photocopying on Campus

Although it is criminal to photocopy a whole book either than a portion of it, which is considered a substantial amount, Lecturers at KNUST consider photocopying as a necessary evil. Unlike Ghana, Students elsewhere find it unattractive to photocopy. They may prefer to buy the low edition of such books than to photocopy them. In Ghana, however, most Students cannot buy books because they are expensive, so they tend to create alternative means of getting them, through photocopying. Some Lecturers even prepare materials and ask Students to make copies, as a way of imparting their knowledge to them.

Although education is to allow free flow of information, looking at the advantages and disadvantages we have in Ghana, the major concern, however, is the commercial aspect of photocopying on Ghanaian campuses which makes it an act of infringement. This, thus, implies that if we are to police copyright to the latter, most of the respondents and other users of copyrighted materials will be affected.

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CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5. 1: Summary of Findings

Objective 1: What students and Lecturers of KNUST know about copyright law at KNUST?

Students' Knowledge about Copyright

Exactly half of the Students, representing 50% (which is not up to 100% as expected) were found to have satisfactory knowledge about copyright. However, their knowledge portrayed copyright as an instrument that prohibits others from using copyrighted works without the authors' permission did not reveal that they know about the aspect of the copyright that talks about *permitted use* of works protected by copyright.

Lecturers' Knowledge about Copyright

Most of the Lecturers interviewed knew about copyright. Less than 37.5% of the Lecturers confessed that they have neither seen the copy of the Copyright Act 2005 (Act 690) nor read about what it says about literary works. They rather tend to have almost full knowledge about the copyright law of the countries where they had their further education that bonded their use of copyright materials.

Objective 2: Measures that are there to prevent infringement of copyright law at KNUST.

The deputy registrar (Academic and Students Affairs) revealed that, “*KNUST as an academic institution has not developed or implemented any policy to manage copyright infringement issues*” with the exception of what is stated in article 13 of the Students Guide which has to do with plagiarism.

The University Librarian also lamented that:

“*Neither has the library produced guidelines which cover copyright of books.*”

Lecturers use mechanism to detect copyright infringement (plagiarism and piracy – illegal photocopy) among students and take actions against those who violate the law.

Objective 3: Good practices that are being followed to ensure that copyright law is properly observed at KNUST.

- The University has issued out
 - Warning statement to all students in the Students’ Guide to deter them from indulging in plagiarism.
 - Advised students to credit any material used in their work that has been derived from another source.
 - Guidance for students to consult their Supervisors and/or Heads of Department, when in doubt.

- The KNUST Library also educates the Students on plagiarism during freshers' orientation at the beginning of every year.
- Some of the Lecturers help their Students to do proper referencing by providing sources of materials used in preparing lecture notes for the students.
- More than half of the students, representing 58% were found citing references of materials they use in their course works.

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Conclusions

The study established based on the findings that:

- Copyright awareness is not up to the level expected at KNUST.
- KNUST does not have an elaborate copyright policy to manage the use of copyright materials.
- There is much to be done to ensure that copyright is properly observed at KNUST.

Recommendations

It is therefore recommended based on the findings and conclusion of the study that:

1. There is the need for policy development and implementation at KNUST.
2. Workshop and seminars should be organized for Students at their various faculties and departments to educate them on copyright in order to reduce copyright infringement.

3. Copyright notices for education should be placed at places where copyrighted materials are used such as The Library and Lecture Halls.
4. References in Students works should attract marks to motivate them to see the need of crediting sources of information they use their write ups.
5. Lectures should be always available to provide guidance to the Students referencing in works.

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APPENDICES

APPENDIX 1: QUESTIONNAIRE

APPENDIX 1.1: QUESTIONNAIRE ON “COPYRIGHT AWARENESS AT KNUST” FOR STUDENTS

The information required from you is purely for academic purpose in partial fulfilment for the award of Master’s Degree in Publishing Studies. Please, kindly use a few minutes of your time to express your views. All information provided will be treated confidentially.

Please tick or write where applicable.

1. Which year are you?

- First year Second year Third year Fourth year Postgraduate

2. My programme of study is _____

- Science based
 Arts/humanities/business based

3. Do you know what plagiarism is?

- YES NO

4. If YES, in your opinion, what is plagiarism?

- The creation or distribution of imitations of genuine works with the intent to deceive the public about their authenticity
- The use of someone else's ideas or words without properly crediting the source
- Photocopying or scanning a literary work

5. Do you use information from books, articles and websites in your academic work?

- YES NO

6. Do you know that you have to acknowledge the source of any information you use in your work, which has been obtained from another source such as books, articles and websites?

YES

NO

If NO, skip questions 7, 8, 9 and go to question 10

7. Do you therefore acknowledge sources of information you obtained from books, articles and websites when writing a research paper or any other academic assignment?

YES

No

Not always

8. If YES or NOT ALWAYS, what style do you use?

9. How did you learn the skill of citing references in your work?

I was taught by course Lecturers

I was taught by friends

I learnt it from examples seen in books

10. What do you know about copyright law?

APPENDIX 2: INTERVIEW GUIDE

APPENDIX 2.1: INTERVIEW GUIDE FOR KNUST THE DEPUTY REGISTRAR (ACADEMIC AND STUDENTS AFFAIRS)

1. Copyright Policies at KNUST

ITEM	RESPONSE
1. What measures are put in place by the university to prevent infringement of copyright?	
2. Has your university developed and implemented comprehensive policies to manage copyright infringement?	
3. Who are the main targets of the policies (e.g. Students, or lectures)?	
4. Are there any comments and suggestions you want to make concerning:	
a. Copyright awareness among Students and lectures at KNUST?	
b. Measures that are there to prevent infringement of copyright at KNUST?	
c. The good practices that are being followed to ensure that copyright are properly observed at KNUST?	

2. Copyright Observation at KNUST

ITEM	RESPONSE
1. How do you ensure that copyright is properly observed in the university by Students and Lecturers?	
2. Are copyright awareness and copyright infringement reduction programmes available in the university?	
3. Do you perform periodic evaluations of awareness of copyright in the university? If yes, how?	
4. What tools, if any, are employed in by university to monitor observation of copyright?	
5. What is the role of the university administration in promoting copyright awareness and copyright infringement reduction programmes in the university (please provide one or more examples)?	
6. Has the university ever filed a complaint against copyright infringer or taken-down a notice of copyright infringement? (Please provide one or more examples)?	

APPENDIX 2.2: INTERVIEW GUIDE FOR KNUST LIBRARIAN ON COPYRIGHT

1. Copyright Policies at KNUST Libraries

ITEM	RESPONSE
1. Are there any copyright licensing schemes or written agreements involving the library that cover past examination papers, essay, report, thesis or dissertation, articles, journals and other scholarly publications?	
2. Has the library produced guidelines which cover copyright of books? If NO, why?	
3. Please describe the terms under which copyright protected materials may be copied in the libraries.	
4. Does the law permit the libraries to make copies of copyright protected materials for educational purposes?	
5. What is your major concern regarding to the copyright infringement at KNUST?	

2. Copyright Observation at KNUST Libraries

ITEM	RESPONSE
1. Are copyright awareness and copyright infringement reduction education available in the university?	
2. Do you perform periodic evaluations of awareness on copyright in the library? If YES, how?	
3. What tools, if any, are employed in the library to monitor observation of copyright?	
4. What is the role of the library in promoting copyright awareness and copyright infringement reduction programmes in the library? (please provide one or more examples)	
5. Has the library ever filed a complaint against copyright infringer or taken-down a notice of copyright infringement? (Please provide one or more examples)	

APPENDIX 2.3: INTERVIEW GUIDE FOR KNUST LECTURERS

ITEM	RESPONSE
1. What in your opinion is KNUST doing to enforce copyright observation?	
2. Do you make sure that your Students do not plagiarise other people's works by citing references?	
3. What in your opinion do you think should be done to those who do not cite references to sources of information they used in their works?	
4. Have you ever seen a copy of the Ghanaian Copyright Act 2005 (Act 690) or read about what it says about literary works?	
5. What is your opinion about photocopying on campus?	