



**The awareness of copyright laws at the University of Venda
Library**

Maropene Thomas Ramabina

**Submitted in fulfilment of the requirements for the degree of Master of
Information Studies (full research) in the School of Social Sciences,
College of Humanities, University of KwaZulu-Natal, Pietermaritzburg,
South Africa**

2022

Declaration

I, *Maropene Thomas Ramabina*, declare that:

1. The research reported in this dissertation, except where otherwise indicated, is my original research.
2. The dissertation has not been submitted for any degree or examination at any other university.
3. The dissertation does not contain other persons' data, pictures, graphs or other information unless specifically acknowledged as being sourced from other persons.
4. The dissertation does not contain other persons' writing unless specifically acknowledged as being sourced from other researchers.
5. The dissertation does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source is detailed in the dissertation and the References sections.

Maropene Thomas Ramabina



Date

20 December 2022

Zawedde B Nsibirwa

Date

Dedication

To God be the glory, I thank God, the Father, the Son and the Holy Spirit for giving me the strength and wisdom to complete this study. I dedicate this dissertation to all my family members, friends, relatives, church members and colleagues for their support, guidance, understanding, friendship, prayers, and assistance before, during and after this research study. I thank all of you from the bottom of my heart.

“It is not what we have in life, but who we have in our life that matters”.

J.M. Lawrence.

Abstract

Academic libraries are essential components of universities as they facilitate research, teaching and learning. They are stocked with copyrighted information including print and electronic resources such as books, eBooks, journal articles, caselaw, legislation, theses and dissertations, online newspapers and databases. In addition, library training, workshops and meetings are often held virtually on Microsoft Teams and Zoom platforms. In all these areas and resources, copyright law is involved. However, copyright laws worldwide are constantly failing to keep pace with the practices that digital technology now facilitates. Consequently, infringing copyright in a digital world is increasingly easy. Library staff and users are faced with many copyright questions covering issues such as copyright ownership, copyright limitations and fair use, copyright licensing agreements, and textbook and other digitisation initiatives.

Library staff and users need to know what they can or cannot do with each item or resource they consult, and they need to understand copyright licenses. A poor understanding of copyright can lead to copyright compliance problems and may be frustrating for the faculty, the students and the library. In addition, tertiary institutions are concerned about the risks of litigation likely to be brought against them due to unintentional copyright infringement by their staff and students who may be unfamiliar with the finer points of copyright law.

This study investigated the awareness of copyright laws on the part of library staff and final-year and postgraduate law students from the University of Venda (UNIVEN). The study was undertaken at the UNIVEN campus in Thohoyandou, in the Limpopo Province of the Republic of South Africa. The study was underpinned by the social responsibility theory and the literature review focused on topics such as the purpose, the limitations of copyright, the South African Copyright Act and the Copyright Amendment Bill, as well as some relevant copyright conventions. Also reviewed were several copyright awareness studies. The study sample comprised 38 library staff and 112 final-year and postgraduate law students. The latter were selected using a random stratified sampling method. The study adopted a largely quantitative research approach in the form of a

questionnaire-based survey. Google Forms was used for data collection, SPSS was used for data analysis, and conceptual content analysis was used for the responses to the open-ended questions.

Results of the study show that the UNIVEN Library staff and the law students are familiar with basic copyright matters such as policies, copyright protection, public domain, and copyright limitations. However, their level of copyright knowledge was limited on topics such as copyright ownership and copyright enforcement on campus. Both sets of participants could benefit by attending copyright workshops and webinars arranged under the auspices of the copyright officer. A further recommendation is that the UNIVEN Library must develop a copyright policy or guidelines for staff and students.

Acknowledgements

I would like to thank Jesus Christ, my Lord and saviour, for His mercy throughout my entire life and during my Master's studies.

My sincere gratitude goes to my supervisor, Dr Zawedde Nsibirwa, whose guidance, encouragement, constructive criticism and suggestions helped to shape this study. Without her guidance, support, coaching and assistance this study would not have been completed.

I would like to thank the University of KwaZulu-Natal (UKZN) for granting me a scholarship to pursue this study and the UNIVEN for granting me the staff University Capacity Development Grant, which assisted with travelling and accommodation expenses. I would also like to thank the SALI Trust for their grant which assisted with the data analysis, editing, printing and binding costs of the research project. I cannot forget to thank the UNIVEN Library management for granting me a leave of absence from work to complete my studies. To the library staff of UKZN, thank you for your support.

Thanks to the UNIVEN management for permitting me to carry out my study at their library. My sincere appreciation also goes to the UNIVEN Library staff and the final year and postgraduate law students for participating in my study. A special word of thanks to the academics from the UNIVEN School of Law, and the UKZN librarians and law students on the Pietermaritzburg campus for participating in various capacities. Their contribution and the data they made available to me helped to complete this work. Finally, thanks to Dr Gift Dafuleya who assisted with the analysis of the data.

Contents

Declaration.....	ii
Dedication.....	iii
Abstract.....	iv
Acknowledgements	vi
List of tables	xii
List of figures	xiii
List of acronyms and abbreviations	xiv
Chapter one: Introduction.....	1
1.1 Introduction.....	1
1.2 Context of the study.....	3
1.3 Background to the study.....	4
1.4 Research problem	6
1.5 Research objective	8
1.6 Research questions.....	8
1.7 Rationale for the study.....	8
1.8 Definitions of important terms and concepts.....	9
1.9 Conceptual and theoretical framework	10
1.10 Research methodology.....	10
1.11 Delimitations and limitations of the study.....	11
1.12 Structure of the study	12
1.13 Summary	12
Chapter two: Conceptual framework, theoretical foundation and literature review	14
2.1 Introduction.....	14
2.2 Conceptualisation	14
2.3 Social Responsibility Theory	15
2.4 Literature review	20
2.4.1 PART A: Overview of copyright.....	20
2.4.1.1 Copyright law	20
2.4.1.2 Origin of copyright.....	21
2.4.1.3 Purpose of copyright.....	22
2.4.1.4 Limitations or exceptions of copyright protection	22

2.4.2 Part B: Copyright statutes and acts.....	24
2.4.2.1 The relevant international statutes.....	25
2.4.3 PART C: South African Copyright Legislation	27
2.4.3.1 South African Copyright Act 98 of 1978.....	27
2.4.3.2 South African Copyright Amendment Bill	29
2.4.4 PART D: Copyright in academic libraries	33
2.4.4.1 Copyright monitoring and enforcement in academic libraries	33
2.4.4.2 Copyright and photocopying at academic libraries.....	36
2.4.4.3 Digitisation of works in academic libraries	38
2.4.4.4 Open Access movement.....	40
2.4.4.5 Copyright issues and the COVID-19 pandemic lockdowns.....	41
2.4.5 PART E: Studies on awareness of copyright law in academic libraries worldwide	43
2.4.5.1 Asia.....	45
2.4.5.2 Europe	45
2.4.5.3 USA	46
2.4.5.4 Brazil.....	48
2.4.5.5 Canada	48
2.4.5.6 Africa.....	49
2.4.5.7 Similarities and differences between the reviewed awareness studies and the current one	50
2.5 Summary	51
Chapter three: Research methodology.....	53
3.1 Introduction.....	53
3.2 Research paradigm	53
3.3 Literature search and review	55
3.4 Research design.....	55
3.5 Research method	56
3.6 Study population.....	57
3.6.1 Library staff	57
3.6.2 Law students.....	58
3.6.3 Sampling method and sample size	58
3.7 Data collection technique	60
3.7.1 Questionnaire.....	61

5.2.1.1 Copyright awareness	108
5.2.1.2 Copyright infringement, monitoring and challenges	123
5.2.2 Discussion of results relating to law students.....	128
5.2.2.1 Awareness of copyright laws and policies.....	128
5.2.2.2 Law students' awareness of other copyright issues	132
5.2.3 General observations concerning the results from library staff and law students	139
5.2.4 Summary.....	141
Chapter six: Summary of results, conclusions, and recommendations	142
6.1 Introduction.....	142
6.2 Overview of the study	143
6.3 Summary of the main results.....	143
6.3.1 What is the level of copyright awareness of the library staff?.....	144
6.3.2 What is the level of copyright awareness of the law students?	145
6.3.3 Who is responsible for monitoring copyright violations in academic libraries?	146
6.3.4 What problems are encountered with regard to the enforcement of copyright laws in academic libraries?.....	147
6.4 Conclusions drawn	148
6.5 Recommendations of the study	149
6.6 Future research	150
6.7 Final remarks.....	151
6.8 Summary	152
List of works cited	153
Appendices.....	161
Appendix A	161
Questionnaire for library staff.....	161
Appendix B	165
Questionnaire for law students	165
Appendix C	168
Research covering letter	168
Appendix D	169
Informed consent form.....	169

Appendix E	171
UKZN ethical clearance letter	171
Appendix F.....	172
UKZN ethical clearance renewal.....	172
Appendix G	173
Permission to conduct research at the University of Venda.....	173
Appendix H	174
Proof of editing letter.....	174

List of tables

Table 1: Protection of copyright works	29
Table 2: Table for determining sample size from a given population	60
Table 3: Student population and sample size	60
Table 4: Gender of library staff	73
Table 5: Job titles of library staff	75
Table 6: Library staffs' awareness of South African legislation	76
Table 7: Implementation of legislation covering digital environment	76
Table 8: What copyright law protects	78
Table 9: Copyright limitations	80
Table 10: Fair use/dealing	81
Table 11: Copyright training/workshops for library staff	81
Table 12: Availability of copyright officer at workplace	83
Table 13: Library orientation team	84
Table 14: Library staffs' familiarity with online copyright licenses	84
Table 15: Copyright ownership	87
Table 16: Responsibility for copyright infringement monitoring	88
Table 17: Gender of law students	90
Table 18: Implementation of legislation covering digital environment	93
Table 19: Availability of copyright policy on campus	94
Table 20: What copyright law in South Africa protects	95
Table 21: Copyright limitations	97
Table 22: Fair use/dealing	97
Table 23: Photocopying and fair use	98
Table 24: Copyright training/workshops for law students	98
Table 25: Copyright ownership	102
Table 26: Responsibility for copyright infringement monitoring	103
Table 27: Buying of prescribed textbooks	103

List of figures

Figure 1: Library staffs' age group	73
Figure 2: Library staffs' qualifications.....	74
Figure 3: Availability of copyright policy	77
Figure 4: Duration of copyright for print materials	79
Figure 5: Library staffs' understanding of public domain.....	79
Figure 6: Frequency of dealing with copyright issues or queries at work.....	82
Figure 7: Library staffs' level of confidence in providing guidance and advice on copyright	83
Figure 8: Library staffs' awareness of institution responsible for granting copyright permission.....	85
Figure 9: Likelihood of being caught for copyright violation	86
Figure 10: Law students' age.....	91
Figure 11: Law students' level of study.....	91
Figure 12: Law students' familiarity with South African Copyright Act	92
Figure 13: Law students' familiarity with the CAB.....	93
Figure 14: Law students' knowledge about the duration of copyright for print materials	95
Figure 15: Law students' understanding of public domain	96
Figure 16: Law students' understanding of copyright protection for journal articles	99
Figure 17: Law students' understanding of copyright protection for eBooks...	100
Figure 18: Likelihood of getting into trouble for copyright violation	101

List of acronyms and abbreviations

ACRL	Association of College and Research Libraries
CAB	Copyright Amendment Bill
COVID-19	Coronavirus 2019
DALRO	The Dramatic, Artistic and Literary Rights Organisation
DRM	Digital Rights Management
ICT	Information and Communication Technology
ILL	Inter-library Loan
IP	Intellectual Property
LIASA	Library and Information Association of South Africa
LLB	Bachelor of Laws
OAJ	Open Access Journals
PASA	Publishers Association of South Africa
POPI Act	Protection of Personal Information
RRO	Reproduction Rights Organisation
SABINET	Southern African Bibliographic Information Network
SMS	Short Message Service
SPSS	Statistical Package for the Social Sciences
TPM	Technological Protection Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UCC	Universal Copyright Convention
UFH	University of Fort Hare
UKZN	University of KwaZulu-Natal
UK	United Kingdom
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UNIVEN	University of Venda
UTANA	Uganda Textbook, Academic and Non-fiction Authors
VLE	Virtual Learning Environment
WCT	WIPO Copyright Treaty
WIPO	World Intellectual Property Organisation
WPPT	WIPO Performances and Phonograms Treaty

Chapter one: Introduction

1.1 Introduction

Academic libraries face numerous copyright challenges when they move into the digital world. If one copies, photocopies, scans, digitises a work or downloads something from the internet, the right of reproduction must be taken into account (Fernández-Molina, Moraes and Guimarães, 2017). It is these issues that the law of copyright covers. Copyright is part of the family of intellectual property (IP) rights; IP is an umbrella term for related intellectual creations. It is a term that describes “the ideas, inventions, technologies, artworks, music and literature, that are intangible when first created, but becomes valuable in tangible form as products” (Harms, 2012: 12). Examples of IP are trademarks, patents, design rights, copyright, piracy, trade secrets, and topographies amongst others. “All topics under the heading of IP have in common the fact that a certain amount of intellect has been displayed in achieving the results for which protection is granted” (UNESCO, 2010: 10). However, the question of how well these IP rights protect the rights or service the community is debatable (Olaka and Adkins, 2010).

Copyright is a fundamental and complex law because of rapidly changing technological advancements, especially in libraries. The shift from analogue to digital affects how libraries conduct their business and offer their services to their users. Digital technology has not only “radically transformed the means of creating and diffusing intellectual works, but it has also had a direct impact on copyright law, which has undergone recent modifications on the international level and in different national laws” (Fernández-Molina, Moraes and Guimarães, 2017: 242). Digital resources (which include databases, e-journals and e-books) are “subscriptions”, as opposed to printed information, which is acquired as property by the library (Darkey and Akussah, 2008).

While both print and electronic resources are purchased, the latter is different from buying a physical item as it involves subscriptions and licenses. This is a major stumbling block for libraries, especially users (staff and students) who need to know what they can and cannot do with each work consulted. As pointed out by Fernández-Molina, Moraes and Guimarães (2017), every license is different

and the layman does not readily understand its contents; furthermore, the contents of the license may not be easy to access. Copyright laws around the world have always fallen short of the practices that digital technology now enables. So, copyright infringement in the digital world is getting increasingly easier (Morrison and Secker, 2015).

Most of the tasks library staff now do involve some aspect of copyright. Knowledge of copyright requires a basic understanding of copyright law, an understanding of how to use the information ethically, and the ability to understand how licences and the use of free resources interact with legislation. Many institutions have students and staff from around the world and library staff also need to have a general understanding of international copyright (Nilsson, 2016). Library staff are expected to be responsible for enforcing these IP rights in their various libraries. Because librarians can provide support and advice to users, they are taking on a new role as trainers/consultants on copyright issues and have, for example, proven particularly helpful in the fight against plagiarism (Fernández-Molina, Moraes and Guimarães, 2017). This means that librarians are taking on two roles – the first by providing access to digital information for users and the second by looking after the interests of copyright holders (Nilsson, 2016).

Since copyright affects access to information, it is important to know whether library staff, who offer information to their community, have sufficient copyright knowledge to provide information to the users and, at the same time, balance the interests of copyright owners. It is imperative that the people (such as library staff) assigned the responsibility of copyright enforcement have the resources and support to perform this responsibility effectively and efficiently (Albitz, 2013). It is thus important in a developing country like South Africa to determine whether library staff are familiar with or knowledgeable about copyright provisions at their workplaces. It is also equally important to determine whether library users are aware of the copyright provisions concerning the information they get in libraries. It is with these issues that this study is concerned.

A poor understanding of copyright can lead to copyright compliance issues and frustration among faculty, students, and library staff (Nilsson, 2016). Global studies such as the one conducted by Davis-Kahl and Hensley (2013) for the Association of College and Research Libraries (2010) and Educause (2013) dealt with copyright awareness in academic libraries. Polak (2009), Nicholson (2012) and Mzayi (2016) are some of the research studies done on copyright matters in South Africa. The current study will build on this knowledge and specifically focus on whether the University of Venda (UNIVEN) library staff and students (specifically law students) are familiar with copyright provisions on campus. It is evident that this area has not been explored.

1.2 Context of the study

The UNIVEN and the University of Limpopo (UL) are the two universities in the Limpopo province of the Republic of South Africa. The UNIVEN was established in 1982 (UNIVEN, 2022). It is classified as one of South Africa's most comprehensive rural universities and is located in the Thulamela Municipality, Vhembe District, in the Limpopo province. Edwards (2015: 51) defined rural universities in the South African context “as universities established by the apartheid government to serve ethnic groups such as Sotho, Tswana, Venda, Xhosa, and Zulu”. Like other historically disadvantaged universities in South Africa, the UNIVEN was established to serve the black population, particularly Tshivenda speakers (Edwards 2015). “Under the new political dispensation in 1997, it was mandated to be a comprehensive university that offers career, academic and vocationally focused programmes that address rural development and poverty alleviation” (Nkomo and Sehoole, 2007: 236)

The UNIVEN had over 17 000 registered students in 2021, of which 1 200 were LLB and Criminal Justice students. Regarding catchment areas, most students come from rural areas around the Vhembe district and other provinces in the country. Recently, the university has been attracting students from other African countries like Zimbabwe, Zambia, Malawi, Nigeria and Ghana.

The UNIVEN Library has 40 staff members, both librarians and library assistants. It has access to both current and historical information and materials. The Law

library is a library within the main library building and is reserved for LLB and Criminal Justice students. It has four staff members, three of whom work during the day while the fourth works in the evening. The mission of the UNIVEN Library is to provide a comprehensive information service to its internal and external university community (Tlakula and Fombad, 2017). Advanced information and communication technologies (ICTs), well-trained library staff and the development of a comprehensive library collection ensure that the UNIVEN Library achieves its mission (Tlakula and Fombad, 2017).

The UNIVEN was chosen specifically because it is one of the previously black disadvantaged universities, located in a poor, rural area dominated by students from disadvantaged educational and financial backgrounds who are, in the main, not well prepared for higher education (Tlakula and Fombad, 2016). A statement by the Minister of Higher Education referred to the university as a rural university (as defined by Edwards above) that attracts some of the poorest students in the higher education sector (Nzimande, 2009). In addition, Tlakula and Fombad (2016: 863) note that:

Most students who attend this university for the first-time lack basic information-handling skills, including basic computer skills. Most of these students also come from technologically disadvantaged schools and, therefore, are poorly equipped to use computers to access information that is available mainly electronically.

1.3 Background to the study

The primary laws governing copyright in South Africa are the Copyright Act 98 of 1978 and the recently passed Copyright Amendment Bill of 2018 (CAB) which addresses the digital era.

(*Note:* Both the Act and the Bill are freely accessible from the South African Government website: <https://www.gov.za/>)

In 1996 South Africa became one of the 120 member states (at that time) of the World Intellectual Property Organization (WIPO) to address questions relating to the impact of new digital technologies on copyright and related rights (UNESCO, 2010). Copyright law strikes a balance between the interests of authors and users. Authors are given control over the use of their works and must be paid for it; users

need public access to the work but must use it fairly and reasonably (Morolong, 2006). Most of the information resources that make up the collections of university libraries are copyrighted works, meaning that many of the day-to-day activities of these libraries are in contact with copyright (Nilsson, 2016; Fernández-Molina, Moraes and Guimarães, 2017). Technology has brought further copyright challenges, and library users look up to the library staff to provide guidance in terms of dealing with these challenges.

It is crucial for institutions, particularly libraries and their users, to be conversant with copyright issues given that the sharing of information is more easily done in this digital era. The management of universities are concerned about the risks of litigation that can be brought against them due to unintentional copyright infringement by their staff members (and students) who may be unfamiliar with the finer points of copyright law (Di Valentino, 2015). For example, Access Copyright, a collective society, filed a lawsuit against York University in Canada, alleging that faculty members had copied protected works outside the scope of user exceptions in the Canadian Copyright Act (Di Valentino, 2015).

As alluded to above, there are many studies on copyright awareness in academic libraries around the world and, in general, their findings are that the copyright knowledge of library staff is insufficient (Fernández-Molina, Moraes and Guimarães, 2017). Studies such as that of the Association of Research Libraries (2010), Olaka and Adkins (2010), the Association of College and Research Libraries (ACRL) (2013), and Charbonneau and Priehs (2014) examined the awareness of copyright laws at various institutions and these are discussed in detail in Chapter two.

There is extensive literature on copyright in South Africa but research on the awareness of copyright in academic libraries is limited. Copyright-related studies include those of Conroy (2006) who did a comparative study of technological protection measures in copyright law, Polak (2009) who focused on copyright and digital music collections, Nicholson (2012) who investigated accommodating persons with sensory disabilities in South African copyright law, and Mzayiya (2016) who researched the role of academic libraries in South Africa in the

promotion of copyright amongst users. To the best of the researcher's knowledge, there seems to be no published research on copyright awareness in academic libraries (focusing on both library staff and students) in the country. It is anticipated that the current study will address this gap and assist in generating new knowledge in this area.

1.4 Research problem

Research is about finding a solution to a problem or an answer to a question (Du Plooy, Davis and Bezuidenhout, 2014). The UNIVEN Library's purpose is to support teaching and learning, research and community engagement and, as noted, it catered for 17 000 students in 2021. The library provides both print and electronic information resources. Tlakula and Fombad (2017: 862) point out that the

Online resources comprised e-books; e-journals; electronic articles, theses and dissertations; and online newspapers and databases, such as those offered through EBSCOhost, e-journal packages offered by publishers such as Emerald and Sage, indexing and abstracting databases, reference databases (biographies, dictionaries, directories, encyclopaedias), numeric and statistical databases, e-images, e-audio/visual resources, among others.

These information resources have their authors or creators and are protected by the South African Copyright Act 98 of 1978 and its subsequent amendment. Academic libraries and users cannot use these information resources as they please; rather, they need to be guided by copyright law. From the researcher's observation (as a librarian at the UNIVEN Library), copyright infringement in the library's photocopying areas seems to persist despite the copyright notices attached to some sections. Also, it is evident that most users are not aware of copyright protection concerning digital information.

Academic libraries play a vital role in facilitating the university's research, teaching and learning objectives. They help ensure that library users access systems of knowledge and information relevant to their studies and research to achieve academic excellence (Darkey and Akussah, 2008). With the advent of technology, library users can access electronic information by clicking a computer mouse. Thus, as noted, it becomes easy to infringe copyright in the digital environment

(Morrison and Secker, 2015). Furthermore, as these technologies develop, questions involving the copyright of published material become increasingly important (Darkey and Akussah, 2008). When library users are faced with copyright challenges, they look to the library staff for guidance on these issues.

In environments like universities, where libraries serve thousands of students, monitoring such large numbers of students to ensure there are no copyright violations appears to be a problem (Mzayiya, 2016). While many mechanisms are (and have been) put in place to monitor copyright infringement at academic libraries, such as establishing copyright laws, policies, protective technology measures, use of licenses, and better administration and enforcement, infringement has persisted (Olaka and Adkins, 2010). As custodians of information, library staff are among those expected to be responsible for enforcing IP regulations in libraries (Olaka and Adkins, 2010). However, questions emerge such as: Do the library staff know how to monitor copyright infringement? Are they familiar with the South African Copyright Act, its limitations and exceptions clause, and the CAB? Do library staff and users know what they may or may not do with copyrighted work?

In light of the above, this study aimed to determine whether the UNIVEN Library staff and students, specifically senior law students, are aware or familiar with copyright provisions on campus. Library staff must understand copyright to perform their daily duties and to guide and advise users about it. If they are not familiar with copyright provisions, this could negatively affect access to information by users. This would, in turn, affect scholarship, as the user would not be served with the needed information to advance scholarship (Masango, 2007). Similarly, it is also crucial for students to be familiar with copyright provisions concerning the information that they are using from academic libraries. Users unfamiliar with copyright provisions can easily infringe copyright law (Masango, 2007). It is thus vital for institutions, particularly libraries and their users, to be conversant with copyright law and policies to avoid litigation particularly as infringing copyright has become so much easier in this digital era.

1.5 Research objective

The main objective of this study was to investigate the awareness of copyright on the part of library staff and students at the UNIVEN. Four research questions were drawn from this main research objective and these are listed below.

1.6 Research questions

Research questions relate to the problem that the researcher is trying to solve in the project (Bui, 2014). The following four questions were addressed:

1. What is the level of copyright awareness of the library staff?
2. What is the level of copyright awareness of the law students?
3. Who is responsible for the monitoring of copyright violations in academic libraries?
4. What problems are encountered with regard to the enforcement of copyright laws?

1.7 Rationale for the study

Copyright law affords the creators or authors of works with moral rights, which allow them to claim authorship of their works and respect their integrity. This law does not only protect the rights of authors; it also considers the rights and needs of the community to access knowledge and information. Therefore, a balance is needed between the two conflicting rights – the rights of authors to be compensated for their works and the rights of the public to access the same information (UNESCO, 2010). ICTs are exacerbating this conflict because it is easier for users to access, share and distribute information electronically. This need to create a balance is what makes a study on copyright law fascinating.

This study is important because it will contribute to our understanding of the awareness of copyright issues among UNIVEN Library staff (librarians and library assistants) students, specifically senior law students. It will also enable the UNIVEN management, including library management, to decide whether there is a need to create or update copyright policies on campus. The study may also assist the government and library associations such as the Library and Information Association of South Africa (LIASA) to better understand how copyright issues affect library staff and users and how they can be addressed.

Finally, the study will raise awareness of copyright issues among library staff and law students including who is responsible for enforcing copyright law in academic libraries.

1.8 Definitions of important terms and concepts

Important terms and concepts used in the study are defined to give a clear and concise meaning in reference to their use in the context of the study. Most of these definitions have been extracted from *Merriam-Webster's Online Dictionary and Thesaurus* (Merriam-Webster, 2016).

- **Academic libraries** - are non-profit libraries established by universities or tertiary institutions to support or provide information to their users (Merriam-Webster, 2016). In this study, academic libraries refer to libraries of universities and colleges.
- **Analogue** - The Internet Advisory Board (2022) states that analogue is everything before digital. Examples of analogue resources are vinyl records, tape cassettes and card catalogues.
- **Author of a copyrighted work** - means the person who first makes or creates the work (Merriam-Webster, 2016).
- **Awareness** - means the quality or state of being aware: knowledge and understanding that something is happening or exists – for example, copyright awareness (Merriam-Webster, 2016).
- **Copyright** - is a legal term used to describe the rights that creators have over their literary and artistic works (WIPO, 2016).
- **Copyright infringement** - a failure to uphold the requirements of copyright law, duty, or obligation (Merriam-Webster, 2016).
- **Digitise** - to convert something (such as data or an image) from analogue to digital form (Merriam-Webster, 2016).
- **Fair dealing** - a legal doctrine that portions of copyrighted materials may be used without permission of the copyright owner provided the use is fair and reasonable, does not substantially impair the value of the materials, and does not curtail the profits reasonably expected by the owner (Merriam-Webster, 2016). Fair dealing is a term used in South Africa; fair use is used in other countries such as the United States of America (USA).

- **Intellectual property (IP)** - property (such as an idea, invention, or process) that derives from the work of the mind or intellect, for example, copyright (Merriam-Webster, 2016).
- **Law students** – refers to final year LLB and postgraduate students in the School of Law at the UNIVEN.
- **Library staff** – for the purposes of this study, library staff are defined as all employees of the library comprising of Administrative staff, library assistants, qualified librarians, Head of library Departments and Library Director.
- **Library users** – refers to the clientele or patrons of the academic library. They are the people who come to the library for assistance. In academic libraries, the term refers to students, academics, administration staff and community members who make use of the library services.
- **Published edition** - means the first print by whatever process of a particular typographical arrangement of a literary work (Merriam-Webster, 2016).

1.9 Conceptual and theoretical framework

Both a conceptual and theoretical framework were used for this study. Conceptualisation can be defined as specifying exactly what the researcher means by the terms used in the research (Sequeira, 2014). The concepts used are thoroughly explained and are drawn from South African copyright legislation and dictionaries. The concepts, such as copyright, copyright protection, copyright awareness, and academic libraries, among others will be explained in greater detail in Chapter two.

The study will also be anchored in the Social Responsibility Theory. The theory addresses a research question requiring the investigation of an entity responsible for monitoring copyright violations in academic libraries and will also be discussed in detail in Chapter two.

1.10 Research methodology

The study followed the positivist research tradition. The knowledge that is established “through this positivist worldview is based on careful observation and

measurement of the objective reality that exists in the world” (Du Plooy, Davids and Bezuidenhout, 2014: 49). In line with positivism, a quantitative research approach using questionnaires with a few open-ended questions was used. According to Apuke (2017: 41), this approach “deals with quantifying and analysing the variables to get the results. It involves the utilisation and analysis of numerical data using specific statistical techniques to answer questions like who, how much, what, where, when, how many, and how.” A census was used to select the library staff while stratified sampling was used to select the law student participants. The questionnaires were distributed online using Google forms and data from the returned questionnaires were analysed using SPSS in the main. The research methodology is described in detail in Chapter three.

1.11 Delimitations and limitations of the study

The purpose of any research work is to resolve a certain or identified research problem within a specific area or locality (Du Plooy, Davis and Bezuidenhout, 2014). The study only focused on copyright, one of the many branches of IP; the other branches comprise patents, trademarks, piracy, and design rights. It focused, in particular, on the awareness of copyright laws at the UNIVEN from the perspectives of library staff (both qualified librarians and library assistants) and the library users (fourth-year and postgraduate law students) who use these resources daily. The study did not involve academics, administrative staff, or students from other disciplines because the researcher believed that doing so would result in the scope of the study being too broad for a Master’s dissertation.

Data collection was done from mid-December 2021, mainly at the beginning of the festive season. Most library staff were in recess at this time and, as a consequence, did not respond to emails. The researcher then used short message service (SMS), WhatsApp messaging and phone calls to contact library staff. From the students’ side, there was a reluctance among some of the students to participate in the study as were busy finalising their final year research papers and did not have time to participate. Furthermore, several students were already at home for recess and while some promised the researcher that they participate in the study from home and did so, others did not. Getting students to participate from home was difficult because they either did not have data or had network

challenges. Also, most of these students depend on the wireless network provided by the university when on campus. However, despite these challenges, a reasonable response rate was achieved.

1.12 Structure of the study

The study is structured as follows:

Chapter one: Introduction to the study. The introduction and background to the study were outlined. The research problem, research objective, research questions and rationale for the study were described. Other aspects covered included the definitions of important terms, the methodology followed, and the limitations and delimitations of the study.

Chapter two: Literature review, conceptual and theoretical framework. The relevant literature for the study is reviewed and the conceptual and theoretical frameworks underpinning the study are discussed.

Chapter three: Research methodology. The methodology followed in the study is outlined and a detailed discussion of the chosen research method is offered. The data collection instruments, sampling method and data analysis employed in the study are provided.

Chapter four: Presentation of results. The results are presented and analysed based on the study's research questions. The results are presented in the form of tables and figures.

Chapter five: Discussion of results. The results as presented in Chapter four are discussed in light of the relevant literature and conceptual and theoretical framework.

Chapter six: Summary of results, conclusion and recommendations. This, the final chapter, concludes the study. A summary of the main results is given, followed by the conclusions, recommendations and suggestions for future research.

1.13 Summary

Chapter one outlined the introduction and background to the study, the problem statement, the research objective and questions, and the rationale and limitations of the study. A brief overview of the conceptual and theoretical framework and

research methodology was provided. The definitions of essential terms relevant to the study were given as well as the limitations and delimitations of the study. The chapter ended with an overview of the structure of the study.

The next chapter will focus on the literature review and conceptual and theoretical framework.

Chapter two: Conceptual framework, theoretical foundation and literature review

2.1 Introduction

This chapter reviews the relevant literature regarding the awareness of copyright laws in academic libraries worldwide. As pointed out by Du Plooy, Davis and Bezuidenhout (2014), a good, well-planned literature review forms a vital part of any research work. The literature review is divided into five parts: Part A provides an overview of copyright; Part B examines international copyright statutes and acts; in Part C, South African copyright law is discussed; Part D provides an overview of copyright in academic libraries; and finally, Part E reviews studies done on the awareness of copyright in academic libraries. The chapter, however, starts by discussing conceptualisation and the theoretical foundation of the study.

2.2 Conceptualisation

Conceptualisation and theoretical framework were used to underpin this study. Conceptualisation is defined as specifying exactly what the researcher means by the terms used in the research (Sequeira, 2014). According to Smyth (2004: 2) "A conceptual framework is an effective tool to structure research and assist a researcher in making meaning of subsequent findings. Each framework should be intended as a starting point for reflection about the research and its context." Nsibirwa (2012) defines concepts as a theory's principles or building blocks. Concepts must be clarified to draw meaningful conclusions about them (Babbie, 2004). Clarifying concepts can help shed light and help others better understand the research by revealing the various influencing factors. The concepts used in the study are thoroughly explained and are drawn from copyright legislation and conventions internationally as well as other literature both local and international. The local legislation comprises the South African Copyright Act 98 of 1978 and amendments, including the CAB of 2018 as the proposed primary law governing copyright in the country. South Africa is part of an international community; therefore, any study of copyright law requires looking at copyright laws from other countries and other relevant international treaties such as the Berne Convention and the WIPO. These international copyright

provisions offer proper guidance toward the best international practice in copyright law.

As alluded to in the introduction to the chapter above, it is Parts A to C in the literature review that follows (2.4) where these conceptual issues are elaborated on and discussed.

2.3 Social Responsibility Theory

Apart from using a conceptual framework, this research study was also anchored in the Social Responsibility Theory to specifically address research question three, which requires investigating the entity responsible for monitoring copyright violations in academic libraries. Du Plooy, Davis and Bezuidenhout (2014) point out that theories are based on the careful examination of data that serve as evidence for a particular explanation of a phenomenon. In other words, theories explain and predict various aspects of human behaviour (Thyer, 2001). Vijesh and Mohanan (2018: 82) argue that social responsibility:

is an ethical framework that suggests that an entity, be it an organisation or individual, must act to benefit society at large. Social responsibility is a duty every individual has to perform so as to maintain a balance between the economy and the ecosystems. Social responsibility provides a way for the information profession to concern itself with the social dimensions of service and be aware of the social impact of that service.

The Social Responsibility Theory, as further alluded to by Uzuegbunam (2013), allows institutions to have specific primary responsibilities to maintain the stability of society. Racelis (2018) argues that social responsibility and inclusivity are topics that are becoming critical in public discourse and the economic realm, and libraries are no exception. Every organisation or institution, libraries included, must also focus on its obligation to contribute to the well-being of communities and society (Racelis, 2018). Hines (2015: 2) argues that

librarianship has begun a transformation from a profession concerned primarily with providing access to, storage of and protection of information resources to a profession with an ultimate goal of promoting libraries as community centers connecting people with needed information.

In India, libraries have been identified as institutions that play a critical role in the development and education of societies. Libraries educate communities by providing information and knowledge. Vijesh and Mohanan (2018: 82) suggest that

The social information centers and village knowledge centers have transformed India into an information society, where information and knowledge resources are considered as prime and significant factors for development.

Academic libraries do not just collect information, they also organise, preserve, and make knowledge easily accessible. They support the universities' core mission by supporting teaching and learning, research, and community development. Libraries have been early adopters of digital technologies and have provided leadership and training to their users and are characterised according to their collections, content, services, and expertise (Vijesh and Mohanan, 2018).

Academic librarians play a key role in fulfilling its mission of providing a safe and equitable educational environment and educating socially responsible citizens. Vijesh and Mahonan (2018) and Racelis (2018) point out that social responsibility is an ethical concept and provides a way for the information profession to concern itself with the social dimensions of service and be aware of the social impact of that service. Libraries are social institutions that keep relations with their customers through the services offered. Racelis (2018: 3) further argues that

library social responsibility can be looked at on a 4-stage continuum: responsibility for the library collection; responsibility for employees; responsibility to library users; and finally, responsibility yonder, by asserting that information professionals be responsible to users and non-users alike, that is, to society in general.

Libraries should have a lecture hall, an exhibition lobby and a conference room to organise workshops, lectures, debates, exhibitions, training, music concerts and other social and cultural programmes. Library staff should participate in these community development programmes. Library staff should educate socially responsible community members by providing a secure place to learn, grow and thrive (Vijesh and Mohanan, 2018). The Johnson Presidency in the US in 1964 promulgated the Library Services and Construction Act which provided federal aid to improve educational quality and opportunities in schools, in order to help the

President's program to help poor and working class Americans (Racelis, 2018). As part of this Social Responsibility theory, four community coordinators in an underprivileged part of Brooklyn, New York, decided to speak to people directly, individually, and in groups, on the uses to which they can put the library. The coordinators set up a library shop wherever the customers are, by means of a mobile book van, "Sidewalk Service," equipped with loudspeaker, films, and projector. In its 3B project, Brooklyn places a ready reference collection in beauty shops, bars, and barbershops to stimulate an interest in books and in the use of the nearest branch library (Winnick and Lyman, 1967: 2).

Libraries can provide free computer use, free meeting rooms, literacy programmes, and help with language skills and job-searching, over and above more familiar services (Racelis, 2018). According to Racelis (2018), there is a growing number of libraries demonstrating ways of extending service to their total clientele. As part of this social responsibility theory, American Library Association (ALA) exerted efforts to provide services and programming to help those experiencing homelessness through outreach and promotion. It has designed a toolkit to help library staff and librarians create helpful and valuable services for homeless people (American Library Association, 2012).

Certain libraries have responded well by eliminating rules that discriminated against the homeless, for instance, by making it easier for them to access the library's computers, which are often used for both job searches and entertainment by homeless and low-income people. Some have hired social workers to work directly with homeless patrons. Overall, libraries have added services in order to aid a growing class of patrons (Social Responsibilities Round Table, 2012)

As part of this Social Responsibility theory, Croatian Zagreb City Libraries, various models of organising library services for the homeless such as information literacy and creative workshops for the homeless; assisted article writing; occasional sales of items made by the homeless; promotions of programmes that include the homeless and bonding activities (Racelis, 2018). At the Syracuse University in New York, Project ENABLE (Expanding Non-discriminatory Access by Librarians Everywhere) a combined basic/train-the-trainer training to create inclusive libraries that address information needs of students with disabilities was

established to provide face-to-face professional development in summer workshops. It was made for library services, programmes and activities to be made accessible to people with disabilities (Small et al, 2014). The Bookmobile programme was established in Texas with the mission to reach people deprived of proper library service to poor communities. These travelling librarians and bookmobiles brought reading pleasure to families in isolated farms and ranches and library advocates and librarians found bookmobiles as an affordable means of bringing library services to rural people, thus drumming up interest in the development of local libraries. All told, supporters of child welfare and education embraced the mission and ideals of travelling libraries and became their primary advocates (Cummings, 2009).

The Indian Rajagiri College of Social Sciences established an outreach programme with the major live lab reaching out the communities and the society at large through various field offices established across the state of Kerala. The live lab is involved in different fields of social work such as child rights, child protection, child sponsorship, community health, family welfare, women empowerment and youth development. The college's library helps to give training assistance for setting up of libraries in the communities and providing all the necessary Information and resources for this venture. This library also gives an opportunity to the students to earn some money while they are studying in the college. The Programme will attempt to inculcate appropriate social traits and knowledge amongst the students which will enable them to act/work as student volunteers. The library generally provides scanning services and documentation services for this programme (Vijesh and Mohanan, 2018: 85).

In South Africa, libraries can organise training and workshops on modern issues affecting society such as gender-based violence (GBV), child protection, human rights, lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual (LGBTQIA), healthy living, xenophobia, water and sanitation, women and youth development, entrepreneurship, IP, and literacy programmes (Vijesh and Mahonan, 2018). These programmes should also include educating users about copyright.

Libraries also have the social responsibility of protecting the rights of the authors of the resources contained in the library. This can be done by library staff educating each other and their library users about copyright provisions on campus (in the case of an academic library) and in communities (in the case of a public library). Library staff must empower users by educating them on how to use library resources and how to respect copyright laws governing those resources in both hardcopy and electronic format.

Library staff thus have an ethical concern (or responsibility) in terms of copyright that leads them to a particular social responsibility. Ethics generally is the moral philosophy concerned with the standards of good and bad conduct, the rightness or wrongness of an action (Uzuegbunam, 2013). Uzuegbunam (2013: 5) further states that the basic tenets guiding the Social Responsibility Theory, and which further drives home the ethical dimension of the social responsibility principle includes

accepting and carrying out certain societal duties; setting high professional standards of truth, accuracy, objectivity, balance and informativeness; regulating itself in accordance with the law; having media pluralism – multiplicity of voices – to represent divergent viewpoints; accountability to society, their medium and others; and that people have the right to expect them to perform creditably.

Teaching and educating library users about copyright provisions and monitoring them is part of this social responsibility. Since academic libraries are custodians of knowledge produced by various authors, they have to guarantee that an author's work is protected by ensuring that users do not plagiarise or infringe copyright (Mzayiya, 2016). Steiner and Alston (2000: 380) argue that the protection of the authors' labour is guaranteed by Article 27(2) of the Universal Declaration of Human Rights, which states, "Everyone has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is the author". By educating users on copyright and by monitoring their usage of library resources in terms of copyright, library staff are not only abiding by the Universal Declaration of Human Rights above, but they are also abiding by their social responsibility to do so.

2.4 Literature review

A literature review is defined as learning what is already known and not known (Babbie, 2004). “The general purpose of a literature review is to gain an understanding of the current state of knowledge about a selected research problem” (Du Plooy, Davis and Bezuidenhout, 2014:287). The theoretical and conceptual framework guides what literature is reviewed. The literature review demonstrates to the reader that the researcher is familiar with the different works (in the form of, for example, books, theses, journal articles and reports) done on the topic. As outlined in the introduction to the chapter, the review is presented in five parts.

2.4.1 PART A: Overview of copyright

In Part A various aspects of copyright including its origin and the issue of fair use are discussed.

2.4.1.1 Copyright law

History has shown that copyright law was initially drafted in a world where IP was always embodied in a physical form, such as in a book or journal (Besek et al., 2008; Polak, 2009). In this digital age, the physical (or hardcopy) format is increasingly being superseded by resources in digital (also referred to as electronic) format. Thus many resources or works such as websites are not produced in hard copy and are only available for listening or viewing in digital or electronic form. Electronic journals (e-journals) are available on the market by licence, but the terms of use may not permit the creation or retention of archival copies (WIPO, 2016). Copyright law protects the form of expression, not the idea itself (WIPO, 2016). It protects the owner of an exclusive right from anyone who copies or otherwise inappropriately uses the particular form in which the original work is expressed (WIPO, 2016). The legal protection of literary and artistic works under copyright prevents only unauthorised use of the expressions of ideas (WIPO, 2016).

UNESCO (2010: 10) defines copyright as:

A branch of law that grants authors (writers, musicians, artists and other creators) protection over their works. Such protection consists in providing authors with ownership or property rights (or exploitation rights), which

consider their material interests. Under copyright, authors are entitled to protection against unauthorised use of their works and a possible share in any earnings from its use by the public.

The WIPO (2016:4) states that “copyright refers to the act of copying an original work which, in respect of literary and artistic creations, may be done only by the author or with the author’s permission”. It is evident that the WIPO’s definition is leaning toward copyright infringement.

The Dramatic Artistic and Literary Rights Organisation (DALRO) (2021) states that copyright controls how one uses creative works made by other people. It gives exclusive rights to the original creator to receive payment in royalties for all reproductions and use of the work. The definition is similar to UNESCO’s, which focuses on the rewards to copyright owners for their creative works. The common factors in these definitions of copyright are that the public may use a work produced by an author but the author must be rewarded for their labour. The users must use the work responsibly, and permission must be sought where necessary.

2.4.1.2 Origin of copyright

On 10 April 1710, a law previously known as The Statute of Queen Anne was passed by the Parliament of Great Britain (UNESCO, 2010). It was granted royal assent and became known as the Statute of Anne owing to its passage during the reign of Queen Anne (UNESCO, 2010). It was the first law on copyright in the modern sense of the term since it recognised, for the first time, the existence of an individual right for authors to be protected, albeit only for their books (UNESCO, 2010). According to Nicholson (2012: 26) “The Statute of Anne transformed the stationers’ copyright which had been used as a device of monopoly and an instrument of censorship into a trade regulation concept to promote learning and curtail publishers’ monopoly.” The Statute of Anne is traditionally seen as a historic moment in the development of copyright, and the first statute in the world to provide for copyright (WIPO, 2016).

The first copyright statute encouraged learned men to compose and write valuable books (Masango, 2006). “It was introduced to protect the author and to give formal recognition to the legal right of authorship. Its objective was to

encourage learning” (Nicholson, 2012: 26). Hofman (2008) argues that the statute was not well-drafted, and only after court cases and further legislation was the meaning of some of its provisions settled. According to Deazley (2003), the statute concerned the reading public, the continued production of helpful literature, and the advancement and spread of education.

After the Statute of Anne, the USA introduced its first copyright law in 1790, followed by France in 1791 and these were considered the first international pieces of legislation for copyright (Schonwetter, 2006). Other countries soon followed the French example, and by the mid-nineteenth century, many states, including some in Latin America, had already enacted national copyright laws (UNESCO, 2010).

2.4.1.3 Purpose of copyright

Nicholson (2012) argues that the purpose of copyright is that the greater public interest is served by giving authors an incentive to create and by encouraging the dissemination of new knowledge. Sheat (2004: 489) states that

The purpose of copyright law is to balance the rights of creators to earn a living from their works against the need for public access to their work. This balance is done by providing copyright exceptions that allow fair dealing with copyright works. Through such exceptions, prescribed libraries have the right to copy extracts of copyright works for individual users.

2.4.1.4 Limitations or exceptions of copyright protection

Like other laws in a country, copyright protection also has its limitations or exceptions and these are outlined below.

2.4.1.4.1 Fair use/dealing of copyrighted works

Fair use refers to the “idea that a reasonable portion of copyright material should be allowed to be reproduced so that it does not infringe on the copyright of that material” (Groenewald, 2011: 9). In other words, the fair use privilege states that the material can legally be reproduced in limitation without the copyright owner's permission, especially for educational purposes and for the public good (Darkey and Akussah, 2008; Polak, 2009). The fair use or permitted use principle, also known as exceptions or limitations to the rights of copyright owners, is an integral

part of copyright laws (Darkey and Akussah, 2008). Masango (2005: 129) points out that “Fair dealing allows individuals to copy printed works which have not gone into the public domain without being charged with copyright infringement”.

Fair use serves as the primary protection for free speech, which might otherwise be constrained if the monopoly rights given to copyright owners were absolute. It ensures that the balance between the interests of copyright owners and users can be maintained and that copyright law does not stifle the creativity it intends to foster (Hirtle, Hudson and Kenyon, 2009; Nicholson, 2012). Fair use provides essential protection to libraries, archives, and non-profit educational institutions. When those organisations reasonably believe their use of copyrighted work is fair, many of the most stringent remedies in copyright law cannot be applied (Hirtle, Hudson and Kenyon, 2009). Schonwetter (2006) argues that the fair use principle is based on the belief that all copying should not be banned, especially in socially important areas such as criticism, journalism, education and research.

Fair use is a term used in the USA, and fair dealing is commonly used in Commonwealth countries, including South Africa. Dean (1987) argues that fair use and fair dealing are synonymous. However, Visser (2009) disagrees, arguing that the two are not the same. He states that fair use is a general defence against copyright infringement in United States law, whereas fair dealing in terms of s12(1) of the South African Copyright Act is a limited exception for specifically enumerated purposes like research, private study, criticism or review, and reporting current events. Therefore, fair dealing in South African law is more restricted than fair use in United States law (Groenewald, 2011). However, the term fair dealing is often used interchangeably with fair use in the literature (Polak, 2009). The two terms are used interchangeably in this study.

There is no consensus on the quantity of material that will qualify as fair dealing (Masango, 2005). South African copyright law does not specify how much one may copy within the bounds of fair dealing but it must be for one's use. So, multiple copies are fair dealing (DALRO, 2021). For example, librarians need to know what percentage constitutes a reasonable percentage of copies and what users intend to do with copyrighted material. Some say a fair amount means 10% of the work.

In libraries, the belief is that photocopying a book chapter at a time is allowed (Masango, 2005).

The greater the number of pages included the greater the chance the activity will not qualify as fair use (Masango, 2005; DALRO, 2021). In other words, if a patron uses too much of a work, doing so may fall outside the fair use principle. In addition, if the “heart of the work” is taken, even if it is a small amount, the use is unlikely to be fair (Hirtle, Hudson and Kenyon, 2009). The heart of the work has never been defined, and the courts are left to interpret it. Sometimes, a short video clip, a picture or a paragraph can qualify as the heart of the work.

Fair use, according to the DALRO (2021), is based on “the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion used about the whole and the effect of the use on the potential market for the work”. The DALRO (2021) warns that if one’s copy deprives the rights holder of their income, it is not fair use. Marques (2017: 331) argues that work is “usually fair if it can serve the dual purpose of stimulating the public’s wealth of knowledge without diminishing incentives for creativity”.

2.4.1.4.2 Libraries’ exceptions

Section 13 of the South African Copyright Act contains limited exceptions (also referred to as exemptions) for education and libraries, which have not been updated since 1978 (Nicholson and Kawooya, 2008). Although the exemptions are not media-specific, they apply to the main method of reproduction used 30 years ago, for example, photocopying. The current section of the Act fails to address the needs of libraries and education, particularly in the digital age (Nicholson and Kawooya, 2008). However, Section 12 D (1-8) of the South African CAB contains useful education and research exceptions to address the main copyright legislation gaps.

2.4.2 Part B: Copyright statutes and acts

In the beginning, international protection of copyright was ensured based on bilateral copyright agreements. These are agreements whereby only two countries were involved. However, these agreements failed to provide a reliable

legal basis for cross-border trade with protected works as they were limited in scope and varied widely (UNESCO, 2010). The rule of territoriality stated that copyright law protects works in the country where the work was produced (Fernández-Molina, Moraes and Guimarães, 2017). It meant that a work produced in South Africa was not protected in a foreign country, and foreign works did not have protection in South Africa. However, the situation drastically changed from the mid-nineteenth century onwards, when countries started to conclude bilateral treaties for the reciprocal protection of authors' rights (UNESCO, 2010). Creations of the mind can be enjoyed anywhere at any time and are not confined to a country's boundaries (UNESCO, 2010). These treaties offer more universal protection for all copyright works.

2.4.2.1 The relevant international statutes

The section will briefly examine some of the international statutes relevant to copyright law.

2.4.2.1.1 Berne Convention

The Berne Convention for the Protection of Literary and Artistic Works provides the foundation for the governance of copyright law internationally (Besek et al., 2008). There are over 140 countries that have signed this declaration and South Africa is also a member, having signed in 1928. "The Berne Copyright Convention was formulated in 1886 to promote greater uniformity in copyright law and give copyright owners full protection in all member states" (Darkey and Akussah, 2008: 434). The Berne Convention establishes specific minimum standards for the protection to be accorded to works of other member states on the same basis and the same degree of protection as the works of that country (Malan, 2000).

Thus, under the principle of "national treatment", works originating in one contracting state are protected in any other contracting state in the same way that these states protect works originating in their territory (WIPO, 2016). Simply put, it means that a member state must protect the works of other member states in the same way it protects its own works (Nicholson, 2012). The Berne Convention provides for minimum copyright protection standards in that the works, whether

published or not, of authors from the signatory countries are protected during the authors' lifetime and for 50 years after their death.

2.4.2.1.2 Universal Copyright Convention (UCC)

The Universal Copyright Convention (UCC) was adopted at the 1952 Diplomatic Conference convened by UNESCO in Geneva. It was adopted to secure multilateral copyright relations between the countries of the Berne Convention and those outside the Convention, which found the Convention's standards incompatible with their standards of development or their legal traditions (UNESCO, 2010).

Among the most important reasons for the incompatibility was the lack of recognition of moral rights, the generally shorter term of protection provided by their national laws and the existence of formalities as a condition for protection, such as registration of works. The Universal Copyright Convention of 1952 provided a solution to these problems. It prescribed that the formalities required by the national law of a contracting state should be considered to be satisfied if all the copies of a work originating in another contracting state carry the symbol © accompanied by the name of the copyright owner and the year of the first publication (UNESCO, 2010: 85).

According to the UK Copyright Act, the UCC is of limited importance currently as most countries have signed the Berne Convention (Polak, 2009).

2.4.2.1.3 World Intellectual Property Organisation (WIPO)

On 20 December 1996, representatives of approximately 120 countries adopted the "WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) at a Diplomatic Conference on Certain Copyright and Neighbouring Rights. The treaties were designed to address questions about the impact of new digital technologies on copyright and related rights" (Magara, 2016). The WCT and the WPPT incorporate and update all achievements of the Berne, Rome, and the TRIPs Agreement (UNESCO, 2010). The purpose of the WIPO is "to promote the protection of intellectual property throughout the world and to ensure administrative co-operation and coordination among the intellectual property unions" (Polak, 2009: 30). The WIPO negotiates treaties that help make copyright laws more consistent between nations and make it possible to fight

piracy worldwide, regardless of the copyright holder's location or the infringer's location (Polak, 2009; Fernandez-Molina and Muriel-Torrado, 2017).

This section has described major international copyright conventions, namely, the Berne Convention, the UCC and WIPO. Part C, which follows, examines copyright legislation in South Africa.

2.4.3 PART C: South African Copyright Legislation

The section focuses on the main copyright legislation in South Africa and the new CAB.

2.4.3.1 South African Copyright Act 98 of 1978

Like many other African countries such as Kenya, Nigeria, Uganda and Ghana “South Africa inherited her first intellectual property laws from her former colonial masters, the Netherlands and Great Britain” (Riby-Smith, 2017: 216). As amended, the South African Copyright Act 98 of 1978 is the main copyright law in the country. It lays out the rules for what is protected, what it is protected from and how long it is protected for (DALRO, 2021). Copyright is territorial which means that the protected rights, the method of protection and the period differ from country to country. However, the principle of copyright protection is common to all nations that are signatories to the Berne Convention and the UCC as described above.

South African copyright law became outdated because it received little attention from legislators; it emulated European law and ignored that South Africa is a developing country. “South Africa’s copyright regime was commonly thought to compare favourably with legislation enacted in Western Europe and other developed countries” (Riby-Smith, 2017: 216). The Copyright Act contains limited exceptions for education and libraries, especially in this digital age. The Act conflicts with the South African Constitution and several other laws which mandate access to information by the public (Nicholson and Kawooya, 2008). It is also discriminatory and conflicts with legislation protecting disabled persons. Furthermore, it does not allow persons with sensory disabilities to access public

or private information (Nicholson and Kawooya, 2008). Nicholson (2012: 56) elaborates as follows:

Since the Copyright Act has no exceptions for blind and visually impaired people, the South African Library for the Blind has had to rely on licensing agreements with the Publishers Association of South Africa (PASA) to do works, including government copyrighted works, accessible in alternative formats, e.g. Braille or via text-to-speech software (Nicholson, 2012). Units servicing disabled persons at educational institutions have to obtain copyright clearance from copyright owners for conversion of all material, including government copyrighted works, needed for study purposes for blind and print-handicapped and deaf students who need more visual texts or speech-to-text conversions.

Most publishers, including the Government Printer, do not provide alternative formats or make the source files available to users. After obtaining copyright permission, educational institutions with specialised units have to scan and edit whole works for students. Alternatively, students must find a facility to do this for them. The entire process is very time-consuming and costly. In addition, the quality of scanned copies for students is often inferior, which affects the final converted product. Ultimately, access is affected, negatively impacting students' progress (Nicholson and Kawooya, 2008).

Nicholson and Kawooya (2008: 6) describe further shortcomings of the Act including its failure to address digitisation. In this regard, they point out that section 13 of the Regulations in the South African Copyright Act

permits limited exceptions for teaching in a classroom situation and for libraries and archive depots. The regulations do not have any provisions for visual, aural or learning disabilities, distance learners, or literacy training purposes. The Act does not address digitisation, preservation and curation in the digital environment to enable libraries and archives to carry out their mandates in terms of other Acts of Parliament. They have no provisions for adaptations, translations, parodies, broadcasts or public performances for non-commercial or educational purposes (Nicholson and Kawooya, 2008: 6).

Section 1 (1) of the South African Copyright Act provides that for a literary, musical or artistic work, the term "author" bears its ordinary meaning, namely that of the maker or creator of the work (Malan, 2000). Section 2 (1) of the Act lists works protected by copyright law, as shown in Table 1 below.

Table 1: Protection of copyright works

Works protected by copyright	Works not protected by copyright
Literary works	Short phrases
Musical works	Single words
Artistic works	Works not in a tangible format e.g. ideas
Cinematograph films	Names and titles
Broadcasts	Slogans
Programme-carrying signals	Commonly known facts that are not the subjects of original authorship
Sound recordings	
Published editions	
Computer programs	

According to Section 3(2) (a) of the South African Copyright Act, “copyright protects literary or musical works during the author's lifetime plus 50 years after their death” (McCahe, 2005); this is similar to the situation in Canada, Kenya and Uganda. South Africa's term of protection is under the Berne Convention (Groenewald, 2011). According to the DALRO (2021) “In the case of works of joint or multiple authorship, protection continues until 50 years after the death of the longest surviving author. If the work has not been published before the author dies, the term of copyright continues to subsist for 50 years after the end of the year publication takes place”.

2.4.3.2 South African Copyright Amendment Bill

This section discusses the South African Copyright Amendment Bill (CAB) of 2018.

2.4.3.2.1 Background and purpose of the CAB

The South African Department of Trade and Industry (DTI) took the initiative in proposing amendments to the South African Copyright Act 98 of 1978. The purpose of these amendments was to modernise an increasingly outdated piece of legislation (Riby-Smith, 2017). The CAB was established to overcome the challenges of the Copyright Act which innocently ignored most of the population

to benefit a few (Fubbs, 2019). The Act was criticised on the basis that it restricts access to information for most citizens and has many weaknesses. While the Act formed a solid, court-tested foundation on which a modernised regime may be built, it was in dire need of being brought into line with contemporary South African technological and social reality (Riby-Smith, 2017).

As pointed out above, many of the definitions from the 1978 Act are outdated and inappropriate for modern South Africa (Riby-Smith, 2017) while some terms are not defined at all. In terms of the latter, for example, fair dealing is not defined, and it has left it in the user's hands to justify copying, and this uncertainty restricts access to information (Riby-Smith, 2017).

Another way the 1978 Act restricts access to specific works is by rendering it illegal to create braille, text-to-speech or local language versions without obtaining the rights holder's consent. The result is that visually and hearing impaired South Africans and those not fluent in English have reduced access to a great deal of copyright work (Riby-Smith, 2017: 217).

The imbalances in the prevailing copyright law in South Africa led to the development of the CAB, which also considers the digital environment. The Bill was developed because South Africans pay more for access to copyrighted content, especially people living with disabilities (for example, those with visual and hearing impairments) as their materials have to be converted into a more accessible format and this can be costly to do (Moagi, 2002). The cost of knowledge in the country was (and still is) found to be too high.

As alluded to above, the 1978 Act also fails to address the implications of creating digital copies of copyrighted works in hardcopy to be used, for example, in distance learning. Nor does it explicitly address the use of technological protection measures (TPM) and digital rights management (DRM) for the enforcement of digital media access restrictions (Fubbs, 2019). The current Act restricts digitisation, conversion from old to new technologies, and format-shifting for preservation and access purposes (Crowster, 2021).

The CAB was informed by international, regional and local research reports, WIPO treaties, TRIPS, Berne, the EIFL Model Copyright, research studies on

limitations and exceptions for libraries and archives, documents, policies and the South African Constitution (Crowster, 2021). The International Federation of Library Associations (IFLA) also made an input supporting the CAB by writing a letter to the President of the Republic of South Africa (Nicholson, 2021). Many countries, such as Australia and Ireland, follow the Bill with keen interest; it will be a model for developing and developed countries if passed into law (Nicholson, 2021).

Section 12 A of the CAB addresses fair use; Sections 12 B and C address exceptions relevant to scholarly communication publishing, teaching and learning, research and innovation, and creativity. Section 12 C permits transient copies and adaptations inherent in digital processes (Nicholson, 2021). Section 12 D addresses useful exceptions for education and research, which are long overdue. Nicholson (2021) argues that the circumstances in which educational institutions are permitted to make copies of whole or significant parts of copyright works are limited to specific, legitimate purposes and not for commercial purposes, which is fair and reasonable. Section 12 D (2) of the CAB allow extracts and journal articles to be included in course packs for educational purposes. Results from an international survey show that global publishers allow course packs in their licenses and Canada and India are two of the countries that support and include the exception of course packs in their copyright laws (Nicholson, 2021). Section 12 D 7(a-d) addresses open access deposits. The CAB allows authors (or librarians to assist authors) to deposit a manuscript for publication (at least 50% from public funding) in an open-access institution. Nicholson (2021) is of the view that this provision should be fully supported as it provides access to those who funded the research.

Section 12 D 7e of the CAB addresses unenforceable agreements and should be welcomed by authors and libraries as many of them have been at the raw end of a contract. The CAB ensures that the contracts will not override legitimate copyright exceptions in the future. This clause is intended to balance the playing fields between publishers and those they contract with, such as authors, libraries, creators and others. This provision does not prohibit or otherwise interfere with open licenses or voluntary dedications of work to the public domain (Nicholson,

2021). This provision has been adopted from the EIFL Model Copyright law and is in the Singapore Copyright Law and the European Union's (EU) Unfair Contract Terms directive (Nicholson, 2021).

Section 19 C of the CAB provides practical limitations and exceptions to enable and empower libraries and archives to carry out their total statutory mandates without having to clear copyright and pay high fees for everything related to the digital environment (Crowster, 2021). This section empowers entities like libraries and archives to fulfil their constitutional mandates in the 21st century and the Fourth Industrial Revolution era (Nicholson, 2021). Section 19 C, Nicholson (2021) argues, will enhance South Africa's collaborative programmes already in place, such as Open Science, Open Educational Resources, Open Data, and the SKA Project with the EU and other countries.

Section 28 of the CAB proposes certain penalties for criminal offences; a transgressor may be imprisoned for up to 10 years and be fined up to R50 000 if found guilty of copyright infringement.

2.4.3.2.2 Benefits of the CAB

According to Crowster (2021), the CAB is progressive, forward-looking and empowers libraries and archives to effectively carry out their statutory mandates in the digital era. The CAB aligns South African copyright law with other progressive copyright regimes and international treaties. It introduces limitations and exceptions for libraries and archives, which many developed countries have enjoyed for years. The CAB also redresses omissions, restrictions and imbalances in the current copyright law and updates and “future proofs” South African copyright law for the 21st century and the Fourth Industrial Revolution (Crowster, 2021).

This section examined the South African Copyright Act and the CAB. The former is the primary copyright law in the country. The CAB is yet to be formally legislated. In Part D that follows, the focus shifts to copyright in academic libraries.

2.4.4 PART D: Copyright in academic libraries

Part D addresses specific copyright issues in academic libraries relevant to the study, namely, copyright monitoring and enforcement, photocopying, digitisation, open access, and issues arising from the Coronavirus (COVID-19) lockdowns.

2.4.4.1 Copyright monitoring and enforcement in academic libraries

This section focuses on the monitoring and enforcement of copyright laws in academic libraries. Libraries, copyright owners and users can play a role in monitoring and enforcing copyright in libraries because they are closest to the scene. It is argued that individuals knowledgeable of IP issues, such as librarians and information professionals, have a special responsibility for creating copyright policies and encouraging understanding of, and resolving problems regarding, copyright infringement (Mzayiya, 2016). Librarians need to recognise their vital and unique role in the Sub-Saharan region's social and educational upliftment of illiterate people (Nicholson, 2012). One way of achieving this is through systematic information literacy programmes that include IP issues as part of the syllabus (Ercegovic and Richardson Jr, 2004).

In Uganda, Magara (2016) notes that an institution called Uganda Textbook, Academic and Non-Fiction Authors (UTANA) is responsible for monitoring copyright infringements. Mzayiya's (2016) study at the University of Fort Hare library in South Africa found that librarians do not monitor copyright infringements. The study found that lecturers monitor in class when marking students' work and report any copyright infringements to the university. The researcher believes that it is the responsibility of everyone (academic departments, authors, libraries and library staff, copyright officers, publishers, and library users) to monitor for copyright violations in academic libraries. There is a copyright law in the country and one of its purposes, amongst others, is to deter people from copyright infringements, and this law binds everyone. Professionals must strike a balance between being seen to police copying and offering timely advice and support (Morrison and Secker, 2015).

Anyone can use a copyrighted work after acquiring authorisation from the rights owner or under the umbrella of limitations or exceptions. Using the Copyright Act

as allowed by the law falls under copyright enforcement. Copyright enforcement can be divided into two: enforcement of copyright laws in an analogue environment on the one hand and a digital environment on the other. In the former, it can be easier to enforce copyright laws because it is territorial – it can usually be done at a specific place or location where the print materials are being used. The digital platform, however, is wider and broader, has a comprehensive or global reach, and the enforcement of copyright is, as a consequence, challenging (UNESCO, 2010).

Digital technology has improved the enforceability of rights by offering copyright owners a variety of technological tools to control the use of their works (UNESCO, 2010). The territorial copyright enforcement procedures that were followed in the analogue world were inadequate to deal with infringements in cyberspace (UNESCO, 2010). Copyright owners, therefore, devised several ways to protect their works against this inadequacy, namely, contractual conditions and technological protection; for example, those seeking access to the product must click on the button to accept the terms and conditions (contractual obligations) and passwords and encryption (technological protection) (Jansen, 2005). It was discovered that this technological protection is vulnerable to hacking, which is why the WIPO Copyright Treaty of 1996 was established to deal with this problem.

Academic libraries must play a role in educating library users about copyright to ensure that they abide by the law. One of the ways by which academic libraries can encourage copyright compliance and enforcement is by inviting distinguished guests such as lecturers from other institutions, lawyers, judges and others to address the library and its users on several legal issues, including copyright. Academic libraries can enforce copyright laws by putting up required notices in all photocopying areas in the library to make users aware of the dangers of copyright infringement. Academic libraries should also have internal disciplinary procedures when library users infringe on copyright, while copyright holders have the right to take legal action against infringers.

Copyright holders can play a role. Education about copyright and enforcement of the law is also the responsibility of the copyright holders if they find that their rights

have been infringed. The creator or copyright owner can enforce rights administratively and in the courts by inspecting premises for evidence of production or possession of illegally made-pirated goods related to protected works. The owner may obtain a court order to stop such activities and seek damages for financial and recognition loss.

It is also the responsibility of the users to obey copyright laws. The users can, for example, check on the website to see if they can copy or print that information; otherwise, they will have to seek permission from the copyright holder. Most reputable websites provide the contact details of the owners.

Some institutions such as the University of Pretoria, University of the Witwatersrand, University of KwaZulu-Natal and Stellenbosch University have copyright officers in their libraries. The University of Limpopo library has copyright guidelines on its website. Similarly, the University of the Witwatersrand has two library guides (LibGuides) on general copyright issues for staff and students. The reason for these initiatives and having a copyright officer presence is to ensure that their institutions comply with copyright law. The copyright officers also apply for copyright clearance on behalf of their academic staff members. A copyright officer is responsible for protecting the university from copyright infringement thereby benefiting not only the academic library but the university as a whole.

The DALRO (mentioned above) was established in 1967 in Braamfontein, Johannesburg. It is a multi-purpose organisation that acts on behalf of authors, artists, and publishers and which administers a broad spectrum of copyright in literary, dramatic and artistic works. The DALRO currently administers public performance rights, broadcasts rights and reproduction rights in published works (DALRO, 2021). The organisation oversees copyright issues for all the arts in the country. DALRO was granted full membership status of the International Federation of Reproduction Rights Organisation and began to license reproduction rights in the higher education sector in 1990.

When a university enters into a licence agreement with DALRO, it has the full responsibility to abide by its rules concerning copyright. If one wants to photocopy

more than is permissible by the Copyright Act, then permission is needed from the DALRO. It is mandated by most publishers and authors worldwide to administer their reprographic reproduction rights and issue licenses. On receipt of an application, the DALRO will advise if the copyright clearance has been granted or denied. If granted, the DALRO will provide a cost quotation (DALRO, 2021).

2.4.4.2 Copyright and photocopying at academic libraries

Academic libraries are essential components of universities as they facilitate research, teaching and learning (Darkey and Akussah, 2008). However, as Kawooya, Veverk and Lipinski (2015: 341) point out:

Library initiatives involving scanning, interlibrary loan, electronic document delivery, content licensing, digital preservation, photocopying, electronic reserve (e-reserve), and more, directly or indirectly raise copyright questions.

Copyright can be defined as the right to make copies (Morolong, 2006) while the term photocopying covers most of the processes used to permanently reproduce text (Onoyeyan, 2018).

Copyright exists in many things we use daily in the library, for example, newspapers, books, magazines, journals, photographs, maps and charts, illustrations and designs, audio cassettes, videos and films, television and radio broadcasts, computer programs and databases (Mzayiya, 2016: 13).

Books play a critical role in education. To produce graduates of high calibre with a good quality of education requires the availability of relevant books in the chosen disciplines for use by students (Okiy, 2005). University libraries face funding challenges and cannot buy all textbooks, journals and other learning and teaching materials needed by their student (and academic staff) population. The situation has resulted in students, lecturers and librarians being forced to photocopy entire books and journals that are needed for courses because the materials are either out of print or too expensive for students and most library budgets (Darkey and Akussah, 2008).

Photocopying services are thus in heavy demand and play a significant role in academic libraries supporting teaching and learning, research and community engagement. As noted above, some books are out of print and generally

unavailable and academic libraries rely on photocopied versions to assist users in this regard. In addition, many print copies of books are published in Europe, the USA or Asia and are too expensive for local libraries in Africa and, as a consequence, photocopying services emerged as a solution (Darkey and Akussah, 2008). Big commercial photocopying machines are found in many academic libraries to address the challenges. Students are easily able to access photocopying facilities, enabling them to reproduce even whole books and journals (Okiy, 2005). The practice of photocopying in the library helps prevent the mutilation and theft of books (Onoyeyan, 2018)

While the development of photocopying services has helped many libraries to provide better services to their users, ensuring better access to library materials, this has often been at the cost of infringing copyright laws (Okiy, 2005). If one copies, photocopies, scans, or digitises a work, the right of reproduction must be taken into account, as would occur when something is downloaded from the Internet (Fernández-Molina, Moraes and Guimarães, 2017). Photocopying without permission is a copyright violation (Onoyeyan, 2018). However, the fair use exception applies which is based on recognising the paramount public interest in copying or reproducing copyright material for certain purposes such as research, study and criticism (Darkey and Akussah, 2008). Hirtle, Hudson and Kenyon (2009: 80) pose an important question (and provide an answer) concerning library liability and photocopying infringement:

Could a library be liable for contributory infringement for patron use of photocopiers located in the library? Possibly. The library could be viewed as materially contributing to the infringement by providing the copiers on which the infringing acts occur. If the library knew or should have known that patrons were copying more than permitted under fair use, they could be liable. If the library received a profit from the photocopying, or even if the act saved wear and tear on its volumes or obviated the need to purchase additional copies, the argument could be made that the library was receiving direct financial benefit from the acts of infringers that the library could theoretically control.

However, Section 108 of the US Copyright Act provides an exemption from indirect copyright liability for libraries and archives for any infringement acts

performed by users at the photocopying sections if there are proper, clear and visible signages or notices (Hirtle, Hudson and Kenyon, 2009).

2.4.4.3 Digitisation of works in academic libraries

This section focuses on digitising works in academic libraries, a critical copyright issue. The South African Copyright Act 98 of 1978 has been criticised for not permitting the digitisation of library materials as discussed earlier.

2.4.4.3.1 What is digitisation?

One cannot talk about copyright without mentioning digitisation because it profoundly affects or impacts copyright law. Digitisation converts an analogue signal or code into a digital signal (Udem, Okeke and Onwurah, 2015). A digitised work can be played back to reproduce the original analogue experience. Any tangible work can be recorded in digital format, and new works can be created in digital format. Digitisation thus creates a standard form in which all types of work can be made available to users (Jansen, 2005). Digitisation brings changes to the way scholarly works are acquired and used and helps preserve precious materials (Udem, Okeke and Onwurah, 2015).

Users no longer need to be physically present in libraries to use copyrighted works. However, a digital copy should not be seen as a replacement for the original piece; therefore, the original document should be cared for even after digitisation. Preservation remains a secondary benefit of digital projects (Udem, Okeke and Onwurah, 2015). Hirtle, Hudson and Kenyon (2009: 223) make the point that the increasing use of digital technologies raises several logistical concerns related to copyright. The authors go on to state that

Institutions are aware that digitisation raises the possibility of copyright infringement. Hence, reasons for implementing systems to facilitate copyright compliance, such as centralised copyright management offices; copyright instruction programs to ensure that staff knowledge of copyright is current; and the use of new licensing models, including requesting broader rather than purpose-specific licenses and investigating new open licensing models (Hirtle, Hudson and Kenyon, 2009: 223).

2.4.4.3.2 Benefits of digitisation

If academic libraries digitise materials, then users can, with the necessary technology, easily access these materials without any problems. Digitisation thus improves access to library resources, not only researchers but everyone with the necessary resources and permissions can have access to these digitised materials (Udem, Okeke and Onwurah, 2015). When library resources are in digital format, multiple users have unimpeded access to the same material simultaneously. Furthermore, digitisation also addresses the issue of distance, as patrons do not have to travel to libraries that hold hard copies of library materials before they can access and use them (Udem, Okeke and Onwurah, 2015).

2.4.4.3.3 Challenges of digitisation

Digitisation, as alluded to above, is not without challenges. One must have an Internet connection to access the digitised material. Digitisation can be a costly undertaking and as a result Internet sites are increasingly limiting access to subscribers only (Shaik, 2015). Digitisation is expensive, especially when dealing with unique materials, and requires staff to work longer hours or additional staff need to be hired for this purpose (Amollo, 2011). Another disadvantage is that users can manipulate and modify digital copies, for example, authors' names can be altered, and content can be edited (Jansen, 2005). As Conroy (2006) notes, Digitisation threatens authors' economic and moral rights and their enforcement. It also threatens to upset the existing balance between the rights of creators and users" (Conroy, 2006).

Importantly (and a further disadvantage) is that digitisation requires financial and human resources and knowledge of copyright laws (Polak, 2009). Permission is required for digitising someone's work (Amollo, 2011). The copyright owner must be located and permission sought before digitisation. Libraries must not digitise their works if they do not know the copyright issues surrounding the project. Physical ownership does not mean an institution owns the right to reproduce it (Udem, Okeke and Onwurah, 2015). Thus, before digitising materials in the library, the library must consider whether the digitised material will violate copyright law (Amollo, 2011).

Manuals on the successful conduct of digitisation projects suggest that copyright is widely perceived to be a problem in making cultural heritage materials available online due to difficulties in ascertaining whether or not the copyright has expired, identifying and locating rights holders to obtain the appropriate permissions, and general uncertainty about the application of copyright in the digital environment (Dryden, 2010). Hirtle, Hudson and Kenyon (2009) emphasise that cultural institutions must always consider copyright law when digitising works or putting digital content on the Internet.

2.4.4.4 Open Access movement

Most academic libraries are unhappy with the current state of scholarly publishing because of expensive subscriptions which have forced many libraries to cancel their subscriptions to hundreds of titles (Denicola and Denicola, 2011). Universities complain that commercial publishers obtain research papers for free and then charge exorbitant prices to sell the results back to the universities that paid for the research in the first place (Denicola and Denicola, 2011). The situation has been a long-standing dilemma in scholarly publishing. The existence of copyright on scientific works allows journal publishers to earn significant profits for what appears to be an activity that can just as well be done within the scientific community itself (Mueller-Langer and Watt, 2010). The emergence of the Open Access (OA) movement was a response to this situation.

In the USA, the Public Library of Science (PLOS) opened its database to the public and its journals were immediately freely available online. Users may download, reprint or redistribute the articles on the condition that authors are credited for their work (Denicola and Denicola, 2011). PubMed Central is another example of an OA database which provides free access to the full text of research articles in the life sciences (Masango, 2006). OA is thus another model that affects or influences copyright works.

The Berlin Declaration of Open Access defines OA as a new model of scholarly communication through which the author and right holder of scholarly work grant to all users a free, irrevocable, worldwide right of access to, and a license to copy, use, distribute, transmit, and display the work publicly (Redalyk, Clase, and In-Com UAB, 2003).

OA scholarly communication is achieved through two main channels: Open access journals (OAJs) for electronic refereed journals (also called the gold route, where researchers publish their works in peer-reviewed journals) and self-archiving (also known as the green route, where authors make their research output available through their Web sites or OA archives such as institutional repositories) (Redalyk et al., 2003). The concept of “copyleft” can also be mentioned in this context. It was developed by Richard Stallman of the Free Software Foundation. The concept is accompanied by a reversed symbol ©. It implies that the public “owns” products and software and can use the information without fear of being accused of infringement (Masango, 2006). Wikipedia is another household name available on OA; it is an invaluable starting point for researching various topics. Currently, the encyclopedia is widely consulted by researchers and scholars for information or as an object of inquiry. OA content initiatives are numerous and emerge at rates too high to keep up with (Kawooya, 2007).

2.4.4.5 Copyright issues and the COVID-19 pandemic lockdowns

Universities in developed and developing countries were forced to shut down due to the spread of the deadly COVID-19 pandemic. In India, for example, the government decided to close schools, colleges and universities until a vaccination was developed (Naik, Deshpande, Shivananda, Ayey and Patel, 2021). Craig (2020: 1) describes the initial impact of the pandemic and its effect on copyright:

When the Covid-19 pandemic swept across the world in early 2020, most educational institutions from Dublin to Delhi were forced to close their classroom doors and take their teaching online. Textbooks were abandoned in student lockers, and library books were left untouched on shelves. Teachers had to change to remote delivery methods to ensure students could complete the ill-fated semester. But amidst the rapid move to Zoom Rooms, Course Moodles, home-recorded lectures, and posted PDFs, copyright restrictions reared their heads, casting into doubt the legality of the online learning practices that had suddenly become nothing short of necessary.

The realities of a world battling COVID-19 forced nations to rely more than ever on the Internet for communication, work, commerce, education, and entertainment (Trimble, 2020). Trimble (2020:407) continued, saying that

This increased reliance has intensified the need to find answers to many questions regarding the copyright law implications of actions on the Internet. Because of the sudden switch to online education that Covid-19-related restrictions have caused, many educators have been wondering how copyright law exceptions and limitations might apply differently when they teach online rather than when they teach in person in a classroom. Suppose the lecturer reproduces a video clip and uploads it on the Learning Management Platform for their class. Would this action be covered or permissible under copyright exception or limitation or by fair use doctrine? And which country's copyright laws will be governing these scenarios?

The COVID-19 situation was (and still is) a wake-up call on many fronts. The importance of many of the issues that the pandemic brought to the attention of humanity certainly eclipsed the importance of any copyright law issues that the situation has highlighted. "But to the extent that the situation provides a sensible lesson for copyright law, the lesson is that a comprehensive review of transnational issues in copyright law is warranted to address questions such as those arising in the scenario above" (Trimble, 2020: 407). The problem begins with copyright's surprising reach. Today's copyright laws protect virtually everything written, drawn, sung, performed, or recorded, with protection lasting from 50 to well over 100 years, as discussed earlier. They protect not just against wholesale copying but also the copying of any substantial part of a work with considerable ambiguity as to what counts as "substantial", also as discussed earlier under fair use. While making copies was once arduous, digital technologies mean that almost every online activity involves multiple digital reproductions. Copyright laws also protect against unauthorised public performance, which includes online communications (Craig, 2020). Craig (2020) went further to argue that

As some temporary measures, some copyright collectives (which administer copyrights for owners) offered a temporary increase in the percentage amount of permitted copying. One Canadian collective, Access Copyright, joined with publishers to launch a "Read Aloud program" for a limited catalogue of books, temporarily waiving license fees for educators' online story times – but on the condition that the educators give written notice providing a full accounting of what and how much was being read by and to whom, and subject to the condition that recordings were later destroyed (Craig, 2020).

Though copyright seems to be the root of these problems above; it can also be the solution. Most of the activities that academics and librarians worry about could already be protected by copyright through copyright exceptions or limitations, exceptions for education and training, and fair use defence for education or private study (Craig, 2020). The challenge is that most of the copyright laws of different countries are outdated and a good example of this is the South African Copyright Act. There is copyright legislation which does not have clauses covering remote learning, and some fair use provisions do not extend to copying for educational purposes. It means most of the country's copyright laws must be updated to address remote learning (Craig, 2020; Trimble, 2020). The situation was (and still to a certain extent is) untenable in these times of library lockdowns and learning in isolation. Access to education and knowledge is a matter of human rights and essential to advancing equality. Regarding continuing the vital practice of educating and learning in the age of COVID-19, copyright law should not unduly impede what technology makes possible (Craig, 2020: 4).

The Supreme Court of Canada has stated that copyright is supposed to achieve “a balance between promoting the public interest in the encouragement and dissemination of works of the arts and intellect and obtaining a just reward for the creator” (Craig, 2020). This balance is critical and must be preserved in the digital environment as it is protected as it is on print materials. If reading aloud to a class or showing an illustrative image on a PowerPoint slide was lawful in a classroom, it should be lawful in the online classroom (Craig, 2020).

2.4.5 PART E: Studies on awareness of copyright law in academic libraries worldwide

The section focuses on studies involving the awareness of copyright law in academic libraries worldwide. It will also focus on the few studies involving students' awareness of copyright law. As pointed out earlier, library staff are expected to be conversant with copyright issues because they deal with them daily at their workplace. Users of copyrighted information are also expected to respect and abide by copyright laws.

Library staff range from library assistants to the library director. Because copyright affects access to information which in turn greatly influences education, library staff must not only be aware of but also have sufficient expertise in copyright issues to be able to offer relevant advice to library users. Information literacy courses provided by library staff to users contribute towards the awareness of copyright laws because IP issues are always covered, especially if they are made compulsory (Ercegovic and Richardson, 2004; Mangadi, 2019; Mashiyane, Bangani and Deventer, 2020) The awareness helps ensure that the needs of creators or owners of information, on the one hand, and the needs of the public to receive and use the information are balanced (Olaka and Adkins, 2010). With regard to students' awareness, Chou, Chan, and Wu (2007: 1043) gave the following reasons for its importance:

some students copy information directly from websites and turn it in as their original work without citing the source; some carelessly download copyrighted music or movies for their entertainment; some claim that they have to copy software, instead of purchasing legitimate material, in order to finish their homework; and some share and keep forwarding online text, pictures, videos or animations to their friends and relatives. It seems that students are not fully aware that most online information is copyrighted and infringement of copyright, whether consciously or not, is a widespread problem among students.

Expertise is the attribute one possesses in terms of skills and knowledge in performing a task, engaging in decision-making, communicating, and showing a sense of responsibility (Farrington-Darby and Wilson, 2006). Expertise is also defined as a measurable process and behaviour (Olaka and Adkins, 2010). Olaka and Adkins (2010) pointed out that in most definitions, expertise is characterised by experience in a given domain and the ability to solve problems and make decisions related to the problem in a way that tends to be consistent. Expertise is also about the optimisation of performing a given task. However, measuring expertise does not depend on one thing – it is subjective and can rely on the context, level of difficulty of the task at hand, expected outcome and knowledge of the issues. A general assumption is that people/professionals with significant expertise will offer reliable, effective, efficient, and better service that maximises a client's satisfaction (Olaka and Adkins, 2010). In terms of awareness (the focus of the studies reviewed below) Olaka and Adkins (2010) consider it the first step toward deeper understanding (Olaka and Adkins, 2010).

2.4.5.1 Asia

Two studies by Chou, Chan and Wu (2007) on copyright awareness were conducted on Taiwanese students, and the results showed numerous misunderstandings about fundamental aspects of copyright law. For example, the students believed that information on the Internet can be used carelessly because the information on the Internet differs from information in print format.

2.4.5.2 Europe

Oppenheim and Woodward (2004) surveyed 47 participants in a British copyright listserv to determine how academic libraries in the UK dealt with copyright enquiries, how they kept themselves up-to-date and how difficult they found the current copyright environment. The study found that respondents were generally fairly confident in handling queries, and they often had back up in the form of colleagues, lawyers or external staff. Many of the librarians were advising people within their organisation, not just library users, and more than half of the respondents ran training internally. The study concluded that the librarians from academic libraries felt they needed more training on copyright matters because their copyright knowledge was not good (Oppenheim and Woodward, 2004).

Another UK study by Morrison and Secker (2015) examined academic library staffs' knowledge of national and international copyright issues and policies. The findings suggest that UK professionals' knowledge levels on copyright issues are higher than those in other countries. The participants were found to have a high copyright literacy level. In addition, UK institutions are also more likely to have a copyright policy and an individual responsible for copyright.

Also in the UK, the National Union of Students (NUS) in 2013 explored students' attitudes toward copyright. Over 2 000 students in institutions of higher learning were surveyed and it was found that their understanding of copyright issues was limited (Morrison and Secker, 2015).

A study by Nilsson (2016) concerning copyright literacy among academic librarians found that there was a lack of copyright knowledge in general. Nilsson

(2016) recommended focusing on copyright matters in the library and information science (LIS) curricula.

Finally, in terms of Europe, research done at the University of Granada in Spain on professors found their copyright knowledge to be poor. The survey involved only those who carried out online teaching, as it was considered that they would be more familiar with copyright matters since their teaching material was imparted following the model of the OpenCourseWare consortium with a corresponding Creative Commons license (Fernandez-Molina, Moraes and Guimeraes, 2017). Another study at a Spanish University found that even though most law students were familiar with the Act, the university still needed to organise student copyright awareness programmes on campus. More copyright literacy programmes must be designed for university students (Fernandez-Molina and Muriel-Torrado, 2017).

2.4.5.3 USA

Gould, Lipinski and Buchanan (2005, using peer assessment, found that library administrators of research libraries in the USA had a higher awareness of copyright provisions of the 1976 USA Copyright Act than other library staff of those libraries. Their study found that 73.6% of library administrators were rated as having a high to very high awareness of copyright issues as opposed to 54.3% of the other library staff. Regarding familiarity with the Copyright Act provisions, 57.3% of library administrators and 42.6% of the general library staff were rated as having a high or very high understanding of the provisions. Generally, librarians had less awareness and familiarity with copyright provisions than library administrators.

While not focusing on library staff or students, a study on two academic health sciences campuses in the USA found that faculty had limited knowledge of copyright laws (Smith et al., 2006). The study surveyed 446 faculty members and found that 56% had limited knowledge of copyright, 6% did not know and 88% reported that they did not have any formal knowledge or training in copyright (Smith et al., 2006).

Adler, Butler, Aufderheide and Jaszi (2010) investigated how 65 academic and research librarians in the USA interpreted fair use principles. The librarians were asked in interviews about their employment of fair use in five key areas of practice: support for teaching and learning, support for scholarship, preservation, exhibition and public outreach, and serving disabled communities. The librarians confirmed that they constantly encounter fair use questions from users and believed that they need to understand copyright to be effective librarians or archivists. When librarians have questions about copyright law, they have various legal resources to which they can turn. Some of the librarians in the study reported having access to either specialised legal counsel located within the library or staff members with specialised training who serve library copyright needs full-time (Adler, Butler, Aufderheide and Jaszi, 2010). The study revealed that librarians generally understood fair use principles, they were aware of the doctrine, its status as a flexible rule of reason, and some general categories of behaviour it may protect. However, they lacked consensus about applying fair use, its interpretation, and other copyright limitations and exceptions (Adler, Butler, Aufderheide and Jaszi 2010).

The University of Minnesota Libraries' Copyright Program surveyed and interviewed faculty, instructors, researchers, librarians, and library employees to document their knowledge of critical areas of copyright law that intersect with common academic practices (Sims, 2011). All respondents were found to have considerable weaknesses and gaps in their knowledge around many vital issues. Library staff appeared to have a much more robust understanding of copyright concepts than faculty members. Misinformation and misconceptions about copyright were visible among participants. The findings show that all campus populations need further education about the complicated issue of fair use (Sims, 2011).

Charbonneau and Priehs (2014) examined awareness of various copyright policies, copyright partnerships on campus, and training issues in academic libraries. They found that 56.5% of academic librarians, library administrators and staff felt comfortable with the current copyright policies, especially fair use. This

statistic is worrying and it is evident that the library staff members in this study need to be made aware of and increase their knowledge of copyright in an academic library context. It also needs to be noted that fair use is a small portion of copyright and having an incomplete understanding of copyright policies can lead to copyright compliance problems for users (Charbonneau and Priehs, 2014). It was found that just over 57% of the librarians indicated that they had received copyright training through webinars from various organisations and guest presentations from copyright lawyers. Just under 40% indicated that they need more structured copyright training in the form of regular updates and refresher courses on copyright topics such as current copyright cases, course reserves and eBooks (Charbonneau and Priehs, 2014). It is evident that training was a significant concern and the authors suggested that more comprehensive training was needed to help close the gaps in the library staffs' knowledge of copyright.

2.4.5.4 Brazil

As in the final study mentioned under the USA above, a copyright awareness study done among academic librarians in Brazil found that there were essential gaps in knowledge about copyright law and, also like the above study, recommended that more training be needed to solve the challenge (Fernandez-Molina, Moraes and Guimeraes, 2017). The study found that there was serious confusion about moral and economic rights and there were some respondents who did not know that Brazilian copyright law does not have limitations and exceptions. However, the participants did get some correct answers to questions concerning the duration of copyright and public domain, among others (Fernandez-Molina, Moraes and Guimeraes, 2017).

2.4.5.5 Canada

In Canada, Dryden (2010) studied archivists' knowledge of copyright law. The study population comprised 154 repositories that were identified using the Archives Canada portal. Dryden (2010: 84) pointed out that

For this study, quality of knowledge is understood to reflect accuracy and currency (that is, the extent to which respondents correctly understand the relevant provisions of the Act, and the extent to which their knowledge is up-to-date in that it reflects recent amendments and case law). It is also assumed that

institutional policy documents and websites are just as much evidence of archivists' knowledge as questionnaire responses and interviews because repositories' policies are written by staff archivists.

The study revealed that the Canadian archivists who participated correctly understood aspects of copyright law; they understood the current version of the copyright law and provided accurate knowledge of fair dealing (Dryden, 2010). However, it was found that some participants referred to the older edition of copyright law and not the current Canadian Copyright Act. Others misunderstood the term copyright protection, aspects of the 1997 amendments for posthumous works and photocopying provisions, and the duration of moral rights. Furthermore, there were a few participants who were unaware of the 2004 amendments to Canadian copyright law (Dryden, 2010). The author went on to note that

The accuracy of archivists' copyright knowledge is uneven. At the same time, some appear to have a correct understanding of particular provisions of the Act, while others misunderstand aspects of copyright in ways that may have consequences for access and use or that may put the repository in a position of infringing copyright, albeit unintentionally (Dryden, 2010: 113).

Four years after the Dryden study, another Canadian study was undertaken by Di Valentino (2015) to determine university faculty awareness and perceptions of copyright as it affects teaching and learning. The study found that most participants were aware of copyright policies or guidelines at their institutions, but few knew whether their institutions offered copyright training.

2.4.5.6 Africa

In South Africa, Masango's empirical survey in 2007 appears to be the only study in the country on the awareness of copyright laws. The study population comprised acquisitions and reference librarians, consortia managers, and informed users as well as corporate rights holders. It was found that there were some incorrect perceptions on the part of participants about the copyright of digital information. When the respondents were questioned about copyright and licensing agreements, it was shown that there was a high level of ignorance among most of them about copyright law. The participants wrongly believed that there are different laws governing print and digital information. They were under

the impression that copyright law deals with print information while licensing agreements deal with digital information (Masango, 2007). Masango (2007: 90) concluded that “Where librarians and users are educated and are abreast of what copyright protects, it may help to curb misconceptions and lead to improved access to digital content that will help in promoting scholarship.”

A study by Kawooya (2007) in Uganda found that copyright awareness was limited to general principles. Researchers and students when photocopying were disregarding copyright rules and the possibility that the library or even student photocopying was within fair use for educational purposes was rarely cited as sufficient grounds to photocopy (Kawooya, 2007).

Olaka and Adkins' (2010) study of 167 academic librarians' knowledge of copyright issues in Kenya found that the academic librarians were moderately knowledgeable about copyright issues and the authors concluded that it was imperative to increase their knowledge of copyright law. Just under 90% of the librarians correctly identified the Kenya Copyright Board as the organisation charged with the registration and overseeing of copyright protection of materials. When asked about the four steps that determine whether usage of copyrighted materials qualifies as fair use or not, 58% were not able to mention any of the steps, and only 32% were able to name one step. The librarians were asked to list any copyright treaty that they knew and while 25% were able to mention one (the Berne Convention) the majority (74%) were unable to do so. Just as in Dryden's Canadian study, Kenyan academic librarians were found to be ignorant of the copyright act and misinterpreted most of the provisions of the act (Olaka and Adkins, 2010). As emerged in previous studies, the librarians reported or felt that they would benefit from additional copyright training.

2.4.5.7 Similarities and differences between the reviewed awareness studies and the current one

There are similarities and differences between the above awareness studies and the current one. The Asian study was done on students only and no library staff were involved. Oppenheim and Woodward's (2004) UK study focused on academics only. The Spanish research by Fernandez-Molina, Moraes and

Guimeraes (2017) on copyright awareness focused on professors, whereas Gould, Lipinski and Buchanan's (2005) study in the USA focused on library administrators only. The USA study by Smith et al (2006) was done on faculty members at two academic health sciences campuses. Adler, Butler, Aufderheide and Jaszi's (2010) study investigated how academic and research librarians interpreted fair use (it only focused on fair use principles). This current study focused on all copyright issues.

The University of Minnesota's study by Sims (2011) surveyed faculty, instructors, researchers, librarians, and library employees to document their copyright knowledge. No students were involved in the study. Charbonneau and Priehs' (2014) study on copyright awareness also focused on librarians and library staff (but not students). Dryden's (2010) Canadian study surveyed archivists. Olaka and Adkins' (2010) Kenyan study focused on academic librarians' copyright knowledge. The only research similar to the current one in terms of a focus on students was done by the NUS, which explored students' attitudes towards copyright at institutions of higher learning in the UK, and the Asian study by Chou, Chan and Wu (2007), which was on copyright awareness of students.

The current study surveyed all levels of library staff, irrespective of their positions and qualifications at the UNIVEN Library. Also surveyed were final-year and postgraduate law students at the institution.

2.5 Summary

This chapter reviewed literature relevant to the study on awareness of copyright laws and issues in academic libraries. It began by discussing conceptualisation and the theoretical foundation of the study. The remainder of the chapter was divided into five parts: Part A provided an overview of copyright; Part B examined international copyright statutes and acts; Part C discussed South African copyright law; Part D provided an overview of copyright in academic libraries; and finally, Part E reviewed studies done on copyright awareness from around the world.

The research methodology used in the study will be discussed in the next chapter.

Chapter three: Research methodology

3.1 Introduction

Research refers to a search for knowledge, an art of scientific investigation. “It can be defined as a scientific and systematic search for pertinent information on a specific topic” (Kothari, 2004: 1). Research methodology is a way to solve a research problem systematically. It may be understood as the science of studying how research is done scientifically (Kothari, 2004). The research methodology is where the researcher provides the various steps adopted in a study to address a research problem and its logic.

This chapter describes the research methodology used in the study to investigate the level of copyright awareness of library staff and senior law students at the UNIVEN. Aspects covered include the research design, paradigm and method, the study population, sampling and the sampling procedure. The research instruments in the form of questionnaires are discussed as is their validity and reliability established through conducting a pretest. The process of administering the instruments is described as well as the challenges in doing so. The analysis of the collected data is outlined and the chapter ends with an overview of the ethical considerations of the study.

3.2 Research paradigm

A clear understanding of the philosophical foundations of research will undoubtedly help research students opt for and justify the choice of a particular framework or paradigm (Du Plooy, Davis and Bezuidenhout, 2014). A research paradigm can be defined as the general theoretical assumptions, laws, and techniques for their application that the members of a particular scientific community adopt (Chalmers, 1982). Willis (2007) defined a research paradigm “as a comprehensive belief system, worldview, or framework that guides research and practice in a field”. According to Khaldi (2017)

Understanding research paradigms help one to make appropriate choices about their research questions or hypothesis, the type of research instruments to be used, the steps involved in the collection of the data, and ultimately, the procedure used for the analysis and discussion of the collected data.

While there are various paradigms, two main paradigms form the foundation for the social sciences, namely, positivist and interpretivist (Nsibirwa, 2012). This study was anchored in the positivist research paradigm. The knowledge that is established through a positivist worldview is "based on careful observation and measurement of the objective reality that exists in the world" (Du Plooy, Davis and Bezuidenhout, 2014). This philosophy or worldview combines the tenets of rationalism and claims that although theories may rely on reasoning, they are only authentic if they can be verified through observations and measurements (Khaldi, 2017).

The positivist approach stresses the importance of conducting social science research by focusing rigorously on causal relationships between behaviours and other measurable and directly observable social phenomena (Du Plooy, Davis and Bezuidenhout, 2014). In a similar vein, Khaldi (2017) states that the positivist paradigm

assumes that social reality is composed of measurable objective facts which can be precisely measured by the researcher who can use statistics to test causal relationships, and it favours a hypothetico-deductive procedure that advocates quantitative measurement.

The importance of objectivity is emphasised which requires the researcher to be unbiased and detached from the phenomenon under study (Khaldi, 2017).

Nsibirwa (2012) points out that all paradigms are based on assumptions, and none can be unquestionably right (Nsibirwa, 2012). No matter what paradigm a researcher works within, they should adhere to specific values regarding controlling bias and maintaining objectivity in terms of both the research process itself and the conclusions drawn (Kumar, 2005). A study is shaped by the researcher's assumption about how the world can be investigated and is based on how other experts in the field investigated their studies successfully (Nsibirwa, 2012). A research paradigm must be linked to the different research approaches such as qualitative and quantitative methods.

3.3 Literature search and review

A good, well-planned literature review forms an essential part of any research work. In this section information on the same topic is gathered from a variety of sources. It helps the reader when the review is organised clearly, logically and coherently. "The general purpose of a literature review is to gain an understanding of the current state of knowledge about a selected research problem" (Du Plooy, Davis and Bezuidenhout, 2014: 287). The literature collected and reviewed forms the foundation of a conceptual framework that allows the reader to understand research questions and methodology choices better. It also demonstrates that the researcher knows the different works on the topic. In addition, a literature review reveals methodologies employed by other researchers with similar projects (Kumar, 2005). Chapter two of this study comprised the literature review underpinning the main objective of this study, that is, to establish the awareness of copyright laws of library staff and senior law students at the UNIVEN.

3.4 Research design

A research design "is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure" (Kothari, 2004: 31). It must contain a clear statement of the research problem, procedures and techniques to gather information, the population to be studied, and methods to be used in the processing and analysing of the data (Kothari, 2004). According to Mzayiya (2016: 41)

The research design is also known as the implementation arrangement of the study. It is a systematic arrangement which enables the researcher to answer research questions and attain the research objectives using the collected data.

A research design can be compared to designing and building a house where there is a need for a solid foundation and a plan to structure the way forward to achieve the best results (Nsibirwa, 2012). The research design should be prepared with great care as any error in it may upset the entire project. The research design has a significant bearing on the reliability of the results arrived at and, as such, constitutes the foundation of the entire edifice of the research work (Kothari, 2004). A survey design was used for this study. Survey research typically uses questionnaires to gather data from a selected group of people (Cresswell,

2018). Babbie (2004) considers survey research as the most frequently used method in the social sciences and the best method for collecting data that describes an issue.

3.5 Research method

Sarantakos (1997) defines research methods as the tools of data generation and analysis. According to Cohen, Manion and Morrison (2007) methods refer to a range of approaches used in research to gather data which are to be used as a basis for inference and interpretation for explanation and prediction. Most research methods can be classified based on the distinctions between qualitative, quantitative and mixed methods research approaches (Cohen, Manion and Morrison, 2007). The two basic research approaches (also referred to as methods) used in this study qualitative and quantitative (Kothari, 2004). Both methods have their strengths and weaknesses, and various types of research are suited to one approach rather than the other (Nsibirwa, 2012). A qualitative approach to research is concerned with the subjective assessment of attitudes, opinions and behaviour. Research in such a situation is a function of a researcher's insights and impressions. A qualitative approach to research generates non-quantitative data or data in a form that cannot be subjected to rigorous quantitative analysis (Kothari, 2004). Generally, focus group interviews, projective techniques and in-depth interviews are used in a qualitative approach (Kothari, 2004).

The quantitative approach involves data generation in a quantitative form that can be subjected to rigorous quantitative analysis formally and rigidly (Kothari, 2004). In simple terms, the quantitative method involves collecting numerical data or data which can be counted (Polak, 2009). Quantitative research can also be defined as any data that are in numerical forms, such as statistics and percentages. Qualitative research, in contrast, asks broad questions and collects "word data" from participants (Mzayiya, 2016). The quantitative approach can be further sub-classified into inferential, experimental and simulation techniques. The inferential approach to research is to form a database from which to infer characteristics or relationships of a population (Kothari, 2004).

This study adopted a quantitative research approach with a few open-ended questions (which are associated with a qualitative approach) and used the inferential type of quantitative research method, as described above. According to Apuke (2017: 40)

The method deals with quantifying and analysing the variables to get the results. It involves the utilization and analysis of numerical data using specific statistical techniques to answer questions like who, how much, what, where, when, how many, and how.

The advantage of quantitative research is that it is conclusive, and its results can therefore be inferred to the rest of the population.

3.6 Study population

A study population refers to a large group from which a smaller representative group known as a sample of the study population is drawn (Babbie, 2004). The objective of this study was to investigate the level of copyright awareness of library staff and senior law students at the UNIVEN. The objective determined the study population, namely, library staff and law students from the institution. The researcher targeted all 40-library staff, ranging from the library assistants to the library director. Senior, that is final year and postgraduate, law students were targeted. Although copyright law applies to everyone on campus, the law students were purposively chosen because it is more relevant to their studies as they are taught to comply with the laws of the country. They are custodians of the laws of the country; law students are future law enforcement professionals and should be aware of copyright laws. In addition, law students at UNIVEN are doing a compulsory legal ethics module which teaches them to appropriately use their moral compasses. Furthermore, it was assumed that final-year and postgraduate students have been in the system long enough to fully understand copyright provisions on campus. For feasibility purposes, final year and postgraduate students were chosen as involving law students from all levels would be too ambitious for a Master's study.

3.6.1 Library staff

As noted, all 40 members of the library staff were targeted. Thus, the study did not distinguish between seniority, qualifications, and library staff positions. The researcher believes that all library staff must be familiar with copyright provisions,

especially in this digital era. Copyright training must be provided to all library staff at UNIVEN because they encounter copyright queries on daily basis. As alluded to in Chapter two, librarians and library staff, as purveyors of information, are among those who are expected to be responsible for enforcing IP rights and regulations in their libraries (Olaka and Adkins, 2010). The authors continued to argue that there are stronger copyright mechanisms to curb copyright infringement in libraries through stricter copyright laws, use of technology protective measures and use of licenses, better administration and enforcement have been put in place. However, copyright infringement has persisted. In addition, there are numerous ongoing copyright issues requiring urgent attention such as copyright ownership on a journal article published by university staff, access to electronic books and others, and the library community looks to the librarian for guidance on such issues. In a study of Canadian academic libraries, Horava (2010) found that responsibility for copyright activities was distributed across library position levels, including library administrators, librarians, and staff within various departments.

3.6.2 Law students

Also as noted, the study targeted final year (LLB) and postgraduate students in the School of Law at the UNIVEN. The final year and postgraduate student population in the 2021 academic year totalled 210. The number was made up of 113 final year students, eight Honours students, eight Master's students and three PhD students. A sample of 132 students was drawn and the sampling method and sample size are described below.

3.6.3 Sampling method and sample size

The best scenario for every researcher is to test all the participants to obtain reliable, valid and accurate results. If testing all the individuals is impossible, that is the only time one relies on sampling techniques (Sharma, 2017). Sampling is selecting cases to be observed from a study population (Babbie, 2004) and is often used when it is not appropriate to study a whole population due to time or resource constraints (Mzayiya, 2016; Sharma, 2017). Polit and Beck (2004) agree that it is more economical and practical to gather information from the sample rather than from the whole study population. According to Babbie (2004), there

are two main methods of sampling in research, namely, probability sampling and non-probability sampling. Davies and Hughes (2014) point out that selecting a sampling method depends on the study because there is no right or wrong method in selecting a sample – the chosen method has both strengths and weaknesses.

The probability sampling method (also referred to as random sampling) was used to select the sample of final-year and postgraduate law students at the UNIVEN. According to Kothari (2004: 59), probability sampling is

mainly used in quantitative studies and it ensures that each element in a study population stands a chance to be included in the sample, and the expected findings would be the same if the sampling has to be repeated many times.

An advantage of probability (or random) sampling is that one can generalise the findings and in the case of this study the findings could be generalised to the population of law students targeted.

More specifically and to ensure that all categories of final year and postgraduate law students were represented in the sample, a stratified random sampling method (also called proportional or quota sampling) was used to determine the number of students in the study. It is a method of sampling that involves the division of a population into smaller subgroups known as strata (Nguyen, Shih, Srivastava, Srikanta, Tirthapura and Xu, 2021). A random sample from each stratum is taken in a number proportional to the stratum's size compared with the population. These subsets of the strata are then pooled to form a random sample (Nguyen, Shih, Srivastava, Srikanta, Tirthapura and Xu, 2019) that best represents the populations being studied or, in other words, a sample that is representative of the population (Sharma, 2017). Stratified random sampling has numerous applications and benefits, such as studying population demographics and life expectancy (Kothari, 2004). Thus, a stratified random sampling method (or the proportional random sampling method) was used to select the final-year and postgraduate UNIVEN law students participating in the study.

A sample design also lays down the number of items to be included in the sample, that is, the sample size. The sample size for the final year and postgraduate law student population was established by referring to the table for determining

sample size created by Krejcie and Morgan (1970). This table (Table 2 below) provided a final sample size of 132 final-year and postgraduate law students. The number was calculated from the study population of 210 senior law students. Table 3 below reflects the student population and the sample size once proportional stratified random sampling had been applied

Table 2: Table for determining sample size from a given population

TABLE FOR DETERMINING SAMPLE SIZE FROM A GIVEN POPULATION

N	S	N	S	N	S	N	S	N	S
10	10	100	80	280	162	800	260	2800	338
15	14	110	86	290	165	850	265	3000	341
20	19	120	92	300	169	900	269	3500	246
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	351
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	181	1200	291	6000	361
45	40	180	118	400	196	1300	297	7000	364
50	44	190	123	420	201	1400	302	8000	367
55	48	200	127	440	205	1500	306	9000	368
60	52	210	132	460	210	1600	310	10000	373
65	56	220	136	480	214	1700	313	15000	375
70	59	230	140	500	217	1800	317	20000	377
75	63	240	144	550	225	1900	320	30000	379
80	66	250	148	600	234	2000	322	40000	380
85	70	260	152	650	242	2200	327	50000	381
90	73	270	155	700	248	2400	331	75000	382
95	76	270	159	750	256	2600	335	100000	384

Note: "N" is population size
"S" is sample size.]

Source: Krejcie and Morgan (1970)

The formula to calculate the final sample is shown below:

$$\text{Sub-unit} \times \text{Sample Size} / \text{Student population} = \text{Final sample}$$

Table 3: Student population and sample size

Sample group	Population	Sample size
4 th Years	179	113
Honours	13	8
Masters	12	7
PhD	6	4
Total	210	132

3.7 Data collection technique

There are two types of data, namely primary and secondary data. The primary data are collected afresh and for the first time and thus are original. On the other

hand, secondary data are those that have already been collected by someone else and passed through a statistical process (Kothari, 2004). There are several methods of collecting primary data in surveys and descriptive studies such as observation, interviews and questionnaires (Kothari, 2004)). This study used questionnaires to collect data from the library staff and law students. The questionnaire is a popular data collection instrument, particularly in the case of extensive enquiries. Private individuals have adopted it as have researchers, private and public organisations, and governments. The questionnaire as the survey instrument which was used in the study is elaborated on below

3.7.1 Questionnaire

A questionnaire consists of several questions printed or typed in a definite order on a form or set of forms. The questionnaire can be physically distributed or emailed to respondents. It can also be shared with respondents through a platform such as Google Forms. A request is made to the persons concerned to answer the questions and return the questionnaire. Unless otherwise stated, the respondents have to answer the questions independently (Kothari, 2004). The survey questionnaire is essential and relevant because it gathers data on a once-off basis, is convenient in time, and is economical (Nsibirwa, 2012). Kothari (2004), notes that it is economical even when the sample is large and is widely spread geographically. The questionnaire is also free from the interviewer's bias and the written answers are in the respondents' own words. Using questionnaires thus enhances objectivity and supports statistical analysis (Mzaiya, 2016). Respondents usually have adequate time to give well-thought-out answers. On the other hand, some of the disadvantages are the low rate of return associated with questionnaire-based surveys and the bias due to non-response is often indeterminate. Furthermore, respondents need to be literate in the language of the questionnaire and cooperative (Kothari, 2004).

Thus, in essence, a questionnaire is a list of questions made to be answered by the respondent (Nsibirwa, 2012). It is considered by many to be the heart of a research project and must be carefully constructed and set up for it not to fail (Kothari, 2004). According to Mzaiya (2016: 47), "The questionnaire is most frequently a very concise, pre-planned set of questions designed to yield specific

information to meet a particular need for research information about a pertinent topic”.

3.7.1.1 Types of questions

There are two types of questions that can be asked in a questionnaire, namely, open-ended questions on the one hand and closed questions on the other. These are elaborated on below.

3.7.1.1.1 Open-ended questions

Open-ended questions are those which allow respondents to express themselves in their answers freely; they are not limited in terms of their responses (Kothari, 2004). They are very attractive for smaller-scale research or for questionnaire sections that invite honest, personal comments from the respondents (Polak, 2009). One of the main disadvantages of open-ended questions (apart from requiring more “work” on the part of the respondent) is that they can be difficult and time-consuming to analyse.

3.7.1.1.2 Closed-ended questions

Closed-ended questions are those which require a yes, no or don't know response or ones in which a range of possible responses is given and the respondents are required to choose which response or responses apply to them (Kumar, 2005). Polak (2009: 31) outlines the advantages and disadvantages of closed-ended questions:

Disadvantages are that they do not enable respondents to add any remarks, qualifications and explanations to the categories, and there is a risk that the categories might not be exhaustive and that there might be bias in them and the advantage is that researchers consider them to be quick and easy to complete.

Kumar (2005) makes the important point that the responses to closed-ended questions are easier (and quicker) to analyse.

3.7.1.2 Question wording and sequence

Another aspect of a questionnaire to consider is the question sequence, which must be clear with each question smoothly following the preceding one. Questions that are easiest to answer need to be put at the beginning. The first

few questions are fundamental because they will likely influence the respondent's attitude towards cooperating and completing the questionnaire. The opening questions should be such to arouse human interest (Kothari, 2004). Question formulation and wording are further aspects to consider in a questionnaire. The researcher should ensure that each question is very clear because any misunderstanding can do irreparable harm to a survey. The question should also be impartial to avoid a biased picture of the actual situation. Questions should be constructed with a view to their forming a logical part of a well-thought-out tabulation plan. According to Kothari (2004), in general, all questions should be easily understood, should be simple, that is, should convey only one thought at a time, should be concrete and conform as much as possible to the respondent's thinking.

3.7.1.3 Questionnaires used in the study

When constructing the two questionnaires used in the study the researcher was mindful of the various points outlined above. Kumar (2005) notes that the construction of research questionnaires is critical, and it becomes easier if the questions asked have been adapted from a previous study and done by experts in the field. In this regard, the questions used in the study were adapted and customised from those used in earlier studies such as Polak (2009), Olaka and Adkins (2010), Charbonneau and Priehs (2014), and Mzayiya (2016). Due to COVID-19 protocols at the University of Venda, online questionnaires using the Google Forms platform were used to collect data from both sets of participants.

As alluded to above, two questionnaires were used in the study – one directed at the library staff, and the second at the law students. Given the quantitative nature of the study, the majority of questions in both questionnaires were closed-ended. The questionnaire for library staff (Appendix A) had 25 questions, 18 of which were closed-ended (thus seven open-ended), and the questionnaire for law students (Appendix B) had 19 questions, 14 of which were closed-ended and six open-ended). In this regard, Creswell (2018) points out that using a quantitative method with a few open-ended questions helps to improve the quality of the research by minimising biases, limitations and weaknesses of one method (Creswell, 2018).

In terms of the structure and content of the questionnaires, the library staff questionnaire had four sections and that of the law students had three. The first three sections of each questionnaire were the same. Section 1 determined the demographic characteristics of the respondents, Section 2 concerned copyright legislation and policies, while Section 3 covered general issues in copyright law. Section 4 applied only to the questionnaire of the library staff and concerned monitoring and enforcement of copyright laws.

3.8 Pre-testing the instruments

It is always advisable to pre-test the research instrument (that is, the questionnaire). In an extensive enquiry, the significance of the pretest is apparent. Pre-testing the survey (more broadly) is, in fact, the replica and rehearsal of the primary survey. Such a survey brings to light the questionnaires' weaknesses (if any) as well as any shortcomings regarding the survey techniques. From experience gained in this way, improvements can be effected (Kothari, 2004). A good questionnaire helps and encourages respondents to provide precise, impartial and complete information that can be used to answer the study's research questions (Nsibirwa, 2012). Pre-testing is done to identify unclear and ambiguous questions and to re-word these questions to make them clear and unambiguous (Polak, 2009; Nsibirwa, 2012). Pre-testing is thus conducted to ensure that participants correctly interpret the questions (Olaka and Adkins, 2010).

Various people were involved in pretesting the questionnaires. The researcher sent the questionnaires to a UNIVEN lecturer, an experienced researcher, and an IP expert to check the validity and reliability of the questions. The questionnaire for library staff was subsequently sent to the Library Director and the law Subject Librarian at the University of KwaZulu-Natal (UKZN) for pretesting. The law students' questionnaire was distributed to 10 randomly chosen fourth-year and postgraduate law students at the UKZN for pretesting.

3.8.1 Changes made to the questionnaires

The feedback from the respondents who participated in the pretest was generally positive and few problems were encountered in completing the questionnaires. However, some suggestions were made and these were implemented to improve the questionnaires. The changes made were as follows:

- **Library staffs' questionnaire**

Question 4: "Senior Library Assistant" job title was added to the questionnaire.

Question 24: What challenges, if any, have you encountered concerning copyright at your library? The term "if any" was added to the question.

- **Law students' questionnaire**

Question 15: This question was added to the questionnaire. "Do you know whether the eBooks you access from library databases are protected by copyright law?"

3.9 Reliability and validity of instruments.

Using appropriate instrumentation for data gathering is vital to ensure reliability and validity. Validity is the ability of a tool to measure the variables one intends to measure, and reliability refers to the uniformity and reliability of a research tool in measuring a specific variable (Brink, 2003). As outlined above, the questionnaires were given to library staff and final-year law students to pretest and were also given to specialists for their input on reliability and validity. Bertram and Christiansen (2014) point out that study participants are more likely to speak honestly (and their responses to be valid) if anonymity is ensured and their responses cannot be traced directly back to them. The researcher thus reassured both sets of participants (library staff and law students) that their names were not required and, as a consequence, their responses to the questions would remain anonymous.

To further ensure that the responses to the questions posed were reliable and valid, the researcher approached an experienced UNIVEN researcher in the IP field to evaluate the questions in the instruments to determine their

representativity and how comprehensively they covered the concepts being researched. Based on the input provided some questions were adjusted.

3.10 Administering the instruments

The researcher distributed the questionnaires after implementing changes that were identified during the pretest. Due to the COVID-19 protocols in place at the UNIVEN (and the UKZN for the pretest), online questionnaires using Google Forms were used to collect data from both sets of participants (library staff and law students). WhatsApp was used to circulate the Google forms link to participants (a link was sent to the library staffs' WhatsApp group, and those of the final year and postgraduate students). Email was also used for the library staff. WhatsApp is one of the world's most widely used social messaging platforms, with over one billion people now using the service (Coleman and O'Connor, 2019) and was a useful mechanism to communicate with the study participants. Data was collected from library staff and final-year and postgraduate law students from 13-31 December 2021.

An informed consent form (Appendix D), permission to conduct research letter (Appendix G) and ethical clearance form (Appendix E) were attached to the WhatsApp message and the email sent to the library staff. A cover letter (Appendix C) was also attached to Google Forms. The cover letter is critical to the success of a questionnaire and sets the tone for the whole survey (Schutt, 2012). The cover letter explained the objectives of the study and how the library staff and students could benefit from the study. Emails, telephone calls, SMSs, and WhatsApp communication were used as reminders to both sets of respondents. As noted above, respondents were given three weeks to complete the questionnaires.

3.11 Data collection experiences and challenges

This section will describe some of the experiences and challenges the researcher faced while collecting data from the participants.

3.11.1 Library staff

No challenges were experienced with the library staff. However, four respondents complained that the questionnaire was difficult to complete and said that they would have needed to consult with the South African Copyright Act to answer some questions and to be conversant with this piece of legislation. One respondent stated that questions 5 and 6 (see Appendix A) exposed his poor knowledge of the subject, and he was ashamed. Question 5 asked if library staff were aware of the South African Copyright Act and CAB and question 6 asked library staff if they knew whether the country had implemented legislation covering copyright issues in the digital environment.

3.11.2 Law students

The researcher worked with two class representatives/leaders for the final year and postgraduate law students. The representatives facilitated the link to Google Forms being sent to the WhatsApp groups of the two sets of students. Reminders to the students were also sent via the WhatsApp groups. The researcher also asked three final-year students to assist by sending reminders to their classmates via WhatsApp. Seven reminders were sent to the students. It was easy for the researcher to work with the class representatives because he had worked with them throughout the year 2021 when arranging law library training sessions for the final year and postgraduate students. Such personal connections usually work very well in Africa (Olaka and Adkins, 2010). The researcher felt that collecting data on copyright could create awareness regarding the subject matter and it is highly likely that this did occur.

3.12 Data presentation and analysis

Data analysis is used to convert data into findings pertinent to the original research question/s (Blanche, Blanche, Durrheim, and Painter, 2006). The researcher must use a data analysis method that fits the study's design and that will present answers to the research question (Mzayi, 2016). Bowling (2009) argues that data analysis may use either a qualitative or quantitative method. The first step in processing data is to ensure that the data is clean and free from inconsistencies and incompleteness (Kumar, 2019). The process is called editing and involves looking at the completed instruments for errors, incompleteness,

misclassifications, and gaps in information. After editing the data, it needs to be coded for the computer to understand the data. Whatever data entry method is used, the data must be checked carefully for errors – a process called data cleaning (Schutt, 2012). The Statistical Package for the Social Science (SPSS) was used to analyse all the data collected from closed-ended questions, and the analysed data were reported using percentages, tables and figures. The responses to the open-ended questions in both questionnaires were analysed using conceptual content analysis. The process involves the analysis of occurrences of words, themes and phrases (Schutt, 2012). Kumar (2019) states that a concept is chosen for examination and analysis in conceptual analysis, and this involves quantifying and tallying its presence.

Finally, information on demographic characteristics such as age, gender, and level of study was taken into consideration for purpose of data analysis

3.13 Research ethics

Ethical considerations are crucial in academic and other research. Ethical issues arise from interacting with other people, animals and the environment (Nsibirwa, 2012). Ethics refers to the methods, procedures or perspectives that tell us how to act and analyse complex problems and issues (Du Plooy, Davis and Bezuidenhout, 2014). It is about what is considered acceptable and unacceptable behaviour from the researcher. In other words, there are standards which are used to ensure that information is appropriately obtained. Social researchers need to know what is proper and improper in carrying out social research (Nsibirwa, 2012). Questions about informed consent, confidentiality, trust, harm, access, power, deception and secrecy are all issues that the researcher has to consider before and during the research project (Nsibirwa, 2012).

In this study, the researcher complied with the ethical guidelines described by the National Research Foundation (NRF), UKZN and UNIVEN ethics policies. Permission to conduct research at the UNIVEN was given by the Research and Innovation Directorate. The UKZN's Humanities and Social Sciences Research Ethics Committee gave ethical clearance for the study (Protocol reference

number: HSSREC/00002224/2020 and Appendix E). The researcher obtained informed consent (Appendix D) from the research participants. Informed consent means that participants have adequate information regarding the research, can comprehend the information and have the power of free choice, thus enabling them to consent to or decline participation in the research (Du Plooy, Davis and Bezuidenhout, 2014).

Detailed explanations of the nature and purpose of the study and the importance of their participation were also given in a cover letter on Google Forms. The respondents were assured that participation in the survey was voluntary and that failure to comply would not result in any penalties. The researcher gave the respondents his contact details in case they needed to contact him regarding the study and their participation therein. The respondents were assured that their anonymity and confidentiality would be maintained by the researcher. Anonymity occurs when even the researcher cannot link a participant with the information for that person (Polit and Beck, 2004). Confidentiality is maintained when participants are protected in a study, individual identities are not linked to the information provided, and are never publicly divulged (Polit and Beck, 2004). The researcher asked the respondents not to write their names or personal details on the questionnaire forms. In addition, the researcher refrained from discussing the responses with others and only the researcher and his supervisor had access to the completed questionnaires.

3.14 Summary

The chapter covered the research design used in the study to gain answers to the research questions. The study population, sampling procedure and sample were described. The study used a quantitative approach associated with the positivist paradigm. In line with the approach and paradigm, the data were collected through two questionnaires which contained predominantly closed-ended questions. The administration of the questionnaire was described as well as the problems and challenges experienced. SPSS was used to organise and analyse the quantitative data collected while content analysis was used to analyse the responses to the open-ended questions. Reliability and validity of the results were

ensured through pre-testing the instruments and adhering to ethical principles as prescribed by both the UNIVEN and the UKZN.

The results of the investigation are presented in the following chapter.

Chapter four: Presentation of results

4.1 Introduction

The study's main objective was to investigate the awareness of copyright on the part of library staff and law students at the UNIVEN. This chapter presents the results of the study. As described in the previous chapter, the majority of questions in the two questionnaires used to collect data were closed-ended and thus quantitative in nature. The results of these questions are presented in quantitative form using descriptive statistics via both figures and tables. The qualitative results stemming from the open-ended questions are presented via descriptive text and quotes (Polak, 2009). All the percentages are rounded off to one decimal point. To begin with, the response rate of both sets of participants is described below.

4.2 Response rate

Babbie and Mouton (2001) argue that a response rate of 50% is acceptable for analytical purposes; 60% is considered good, and 70% is very good. As a rule of thumb, the results of a study can only be generalised if the rate of non-response is below 30% (Schutt, 2012). The research data was collected electronically, which usually has network and data challenges for the participants. However, despite this, the researcher was very satisfied with the response rate (see below) from both sets of participants.

4.2.1 Library staff

The response rate for library staff was, in terms of Babbie and Mouton's ratings above, very good (arguably excellent). Thirty-eight of the 40 library staff participated yielding a response rate of 95%. Reasons for this high response rate could be the close working relationship between the researcher and his library staff colleagues and that several of the staff are currently pursuing their Honours, Masters and PhD studies. It does appear that people doing their own research tend to be supportive of others' research work as found by Olaka and Atkins (2010) in their study of academic librarians and copyright in Kenya. This support was evident in the current study.

4.2.2 Law students

Of the 132 final year and postgraduate law students comprising the sample, 112 participated in the study by completing the questionnaire, thus providing another very good response rate of 84.8%. The good relationship that the researcher had with the class representatives (described in the preceding chapter) may have assisted in achieving this very positive response.

4.3 Questionnaires results

In the first instance, both questionnaires collected demographic information from the two sets of respondents. This was followed by questions relating to awareness of copyright legislation and policies and thirdly, questions concerning general issues in copyright law. The fourth set of questions was directed at the library staff only and these covered the monitoring and enforcement of copyright laws.

The results relating to library staff are presented first and these are followed by those relating to the students.

4.3.1 Results for library staff

This section presents the results relating to the library staff. The order in which the results are presented follows the order of the questions in the research instrument.

4.3.1.1 Demographic data

The researcher collected demographic data of the participants to understand their characteristics. Demographic data are also used to determine whether participants' backgrounds influenced the way they answered questions (Nsibirwa, 2012).

Gender

In terms of gender, of the 38 respondents, 23 (60.5%) were female while 15 (39.5%) were male. See Table 4 below. Thus, the majority of the library staff respondents were female.

Table 4: Gender of library staff

N=38

Responses	Count	%
Male	15	39.5
Female	23	60.5
Total	38	100

Age

The highest number of respondents were between the ages of 41 and 50, with 18 (48%) indicating that they fall under this age group. The age group with the least number of respondents was the 20 to 30-year group with two (5%) respondents. Figure 1 below provides the remaining results. As can be seen, there was no respondent over the age of 60.

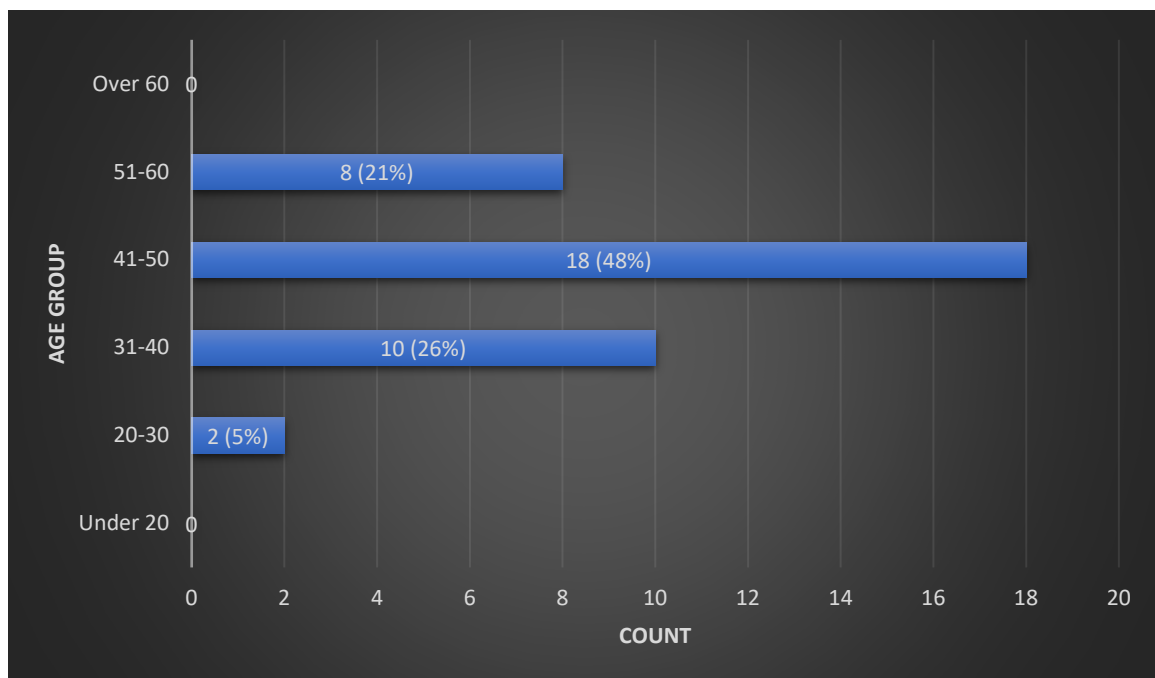


Figure 1: Library staffs' age group

N=38

Qualifications

The researcher was interested in knowing the qualifications of library staff. Education and training play a crucial part in preservation as it affects how staff take care of and relate to the collections; therefore, knowledge of staff skills is

essential (Nsibirwa, 2012). As can be seen in Figure 2 below, the highest number of respondents, 11 (29%) had a degree. The highest educational qualification was the PhD and it was held by two (5%) respondents. The lowest educational qualification, that is, a matric was held by four (11%) respondents. In general, the majority of respondents were well-educated formally with 89% having some form of tertiary qualification.

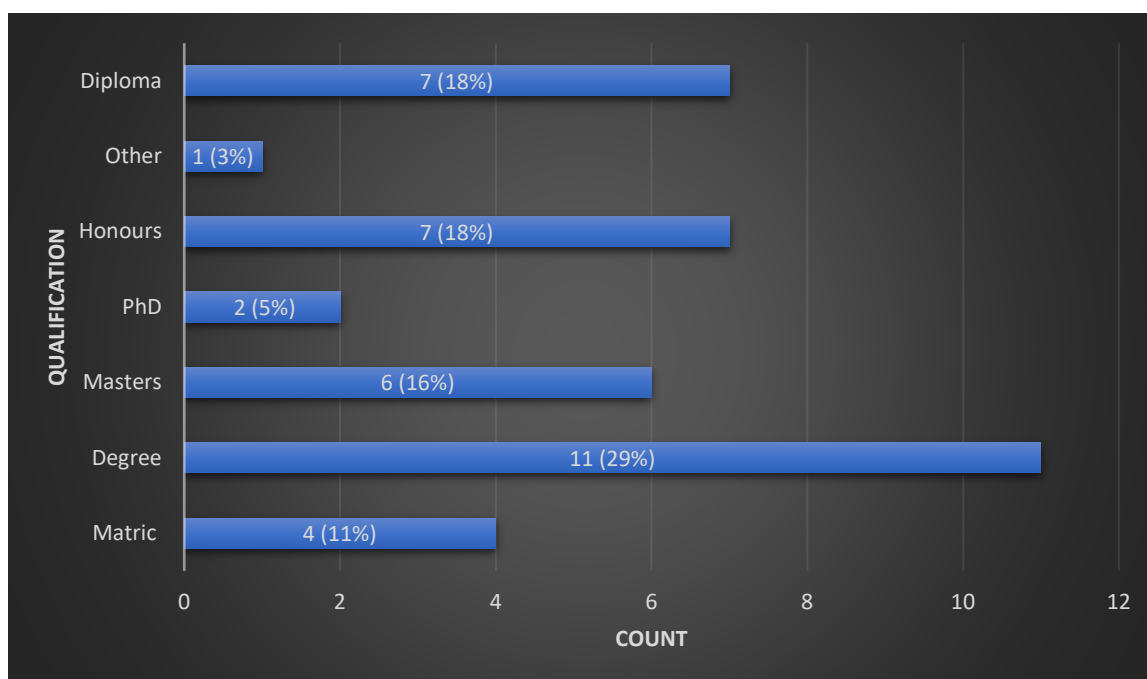


Figure 2: Library staffs' qualifications

N=38

Job title

The highest number of library staff respondents, 15 (39.5%) were Library Assistants, while the next highest number, 11 (29%) were Information Librarians. As can be seen in Table 5 below, the remaining respondents had a variety of job titles and the only other job title held by more than one respondent was Chief Library Assistant held by two (5.3%) respondents. Three respondents did not answer this question.

Table 5: Job titles of library staff

N=38

Position/title	Count	%
Library Assistant	15	39.5
Senior Library Assistant	1	2.6
Chief Library Assistant	2	5.3
Information Librarian	11	29
Executive Secretary	1	2.6
Senior Administrative Officer	1	2.6
Cataloguing librarian	1	2.6
Periodical librarian	1	2.6
HoD	1	2.6
Intern	1	2.6
Non-response	3	8
Total	38	100

4.3.1.2 Copyright legislation and policies

The second section of the questionnaire was central to the study and concerned the library staff respondents' awareness of copyright law (legislation) in South Africa.

4.3.1.2.1 Awareness of South African copyright legislation

The researcher wanted to know if the library staff were aware of the South African Copyright Act and the CAB (question 5). As reflected in Table 6, 29 (76.3%) respondents indicated that they were aware of the existence of the Copyright Act, while seven (18.4%) stated that they had heard of it. The remaining two participants (5.3%) said they had never heard of the Act. With regard to the CAB, 19 (50%) respondents stated that they were aware of it, while seven (18.4%) had heard of it. However, 10 (26.3%) respondents were unaware of the Bill. It is highly likely that the two respondents who did not respond were also unaware of the Bill.

Table 6: Library staffs' awareness of South African legislation

N=38

Copyright legislation	Aware of it		Heard of it		Not aware of it		Non-response		Total	
	Count	%	Count	%	Count	%	Count	%	Count	%
South African Copyright Act	29	76.3	7	18.4	2	5.3	0	0	38	100
Copyright Amendment Bill	19	50	7	18.4	10	26.3	2	5.3	38	100

4.3.1.2.2 Legislation covering copyright issues in the digital environment

The researcher wanted to determine if respondents were aware of any law which had been passed to address copyright in the digital environment. Of the 38 respondents, 24 (63%) indicated they were unsure, while eight (21%) answered yes to the question. Six (16%) indicated that no such legislation was implemented. (See Table 7 below.)

Table 7: Implementation of legislation covering digital environment

N=38

Legislation	Yes		No		Unsure		Total	
	Count	%	Count	%	Count	%	Count	%
Has South Africa implemented legislation covering the digital environment?	8	21	6	16	24	63	38	100

The eight respondents who answered yes to question 6 above, were asked to specify the legislation and the results are as follows:

Four of the eight respondents (50%) said they do not know or remember the law, while three (37.5%) indicated that it is the South African Copyright Act. One respondent (12.5%) said that it is the POPI Act.

4.3.1.2.3 Availability of library copyright policy

Question 7 asked respondents if their library had a copyright policy. Of the 38 respondents, 22 (58%) indicated that the UNIVEN Library has a policy. Four (10%) respondents said the library did not have a policy and 12 (32%) indicated that they were unsure. Figure 3 depicts the results.

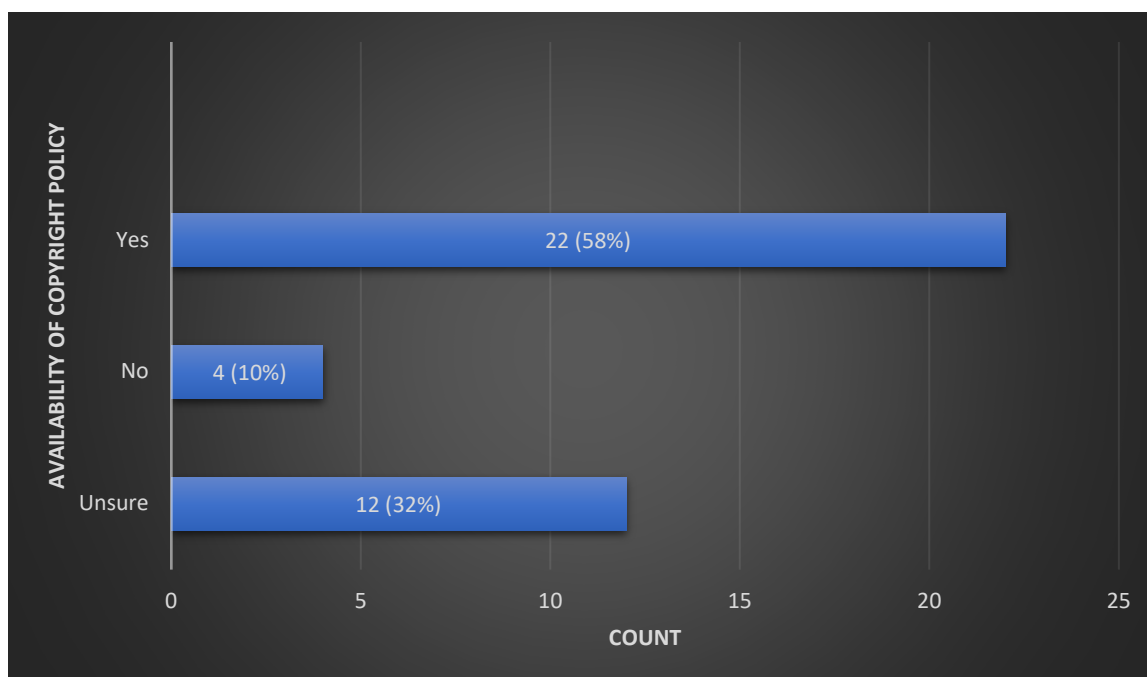


Figure 3: Availability of copyright policy

N=38

4.3.1.3 General issues involved in copyright

The third section of the questionnaire examined general issues involving copyright.

4.3.1.3.1 What copyright law in South Africa protects

In question 8, the researcher asked respondents what copyright law in South Africa protects. Several options were provided and respondents could tick more than one. Therefore, the total number of responses does not equal the total number of respondents, making the percentage in Table 8 exceed 100%. Twenty-seven (71%) respondents correctly indicated that the country's copyright law protects expressed and recorded ideas. Six (16%) incorrectly indicated that the law protects ideas still in our minds and not yet expressed while two, also incorrectly, indicated that it protects ideas not expressed. Five (13%)

respondents were unsure. In the “Other, please specify” category, one (2.6%) respondent stated that the copyright law in the country “protects the use and distribution of other people's works”, while a second (2.6%) respondent said that it “protects the right to control the use and distribution of artistic and creative works”.

Table 8: What copyright law protects

N=38

Copyright law protects	Count	%
Ideas still in our minds and yet expressed	6	16
Ideas that have been expressed and recorded	27	71
Ideas not expressed	2	5.2
Unsure	5	13
It protects the use and distribution of other people's works	1	2.6
Right to control the use and distribution of artistic and creative works	1	2.6
Non-response	1	2.6
Total	43	113

4.3.1.3.2 Duration of copyright for print materials

Question 9 determined respondents' awareness of the duration of copyright for print material. Of the 38 respondents, 16 (42.1%) correctly indicated that the duration of copyright in South Africa is the author's lifetime plus 50 years. In contrast, four (10.5%) stated that it is the author's lifetime plus 70 years. Eighteen (47.4%) respondents indicated that they were unsure. The results are depicted in Figure 4.

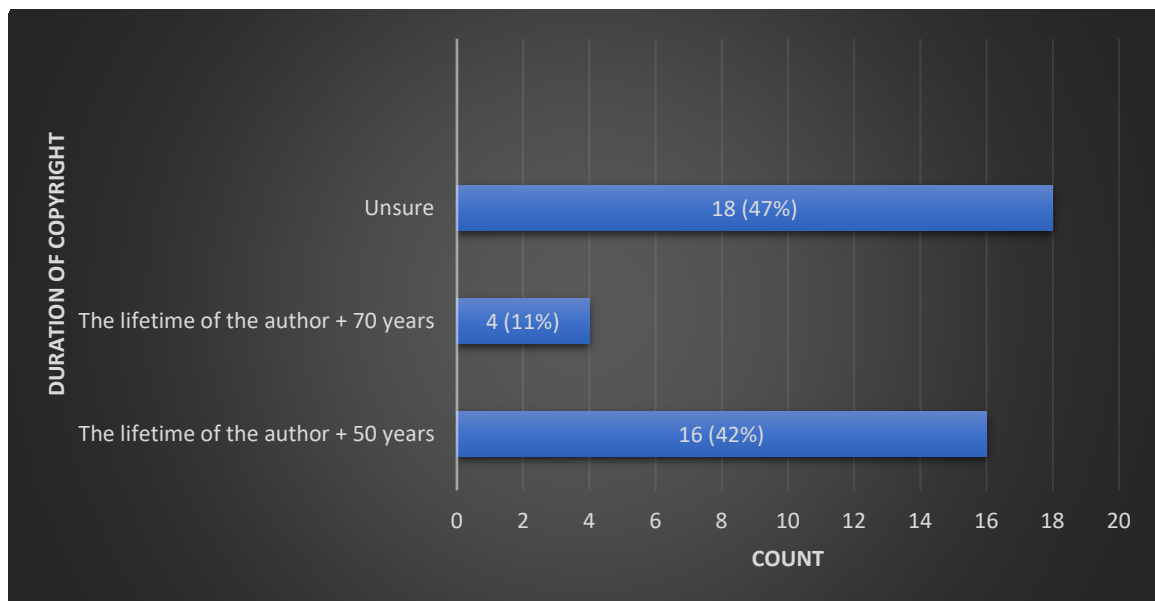


Figure 4: Duration of copyright for print materials
N=38

4.3.1.3.3 Public domain

In question 10 the library staff respondents were asked what they understood about the public domain. Three options were provided and 23 (61%) (61%) indicated that public domain means the work can be used freely without permission, while seven (18%) stated that it means copyright permission must be obtained first before the work is used. Eight (21%) respondents were unsure about the meaning of the public domain. Figure 5 reflects the responses.

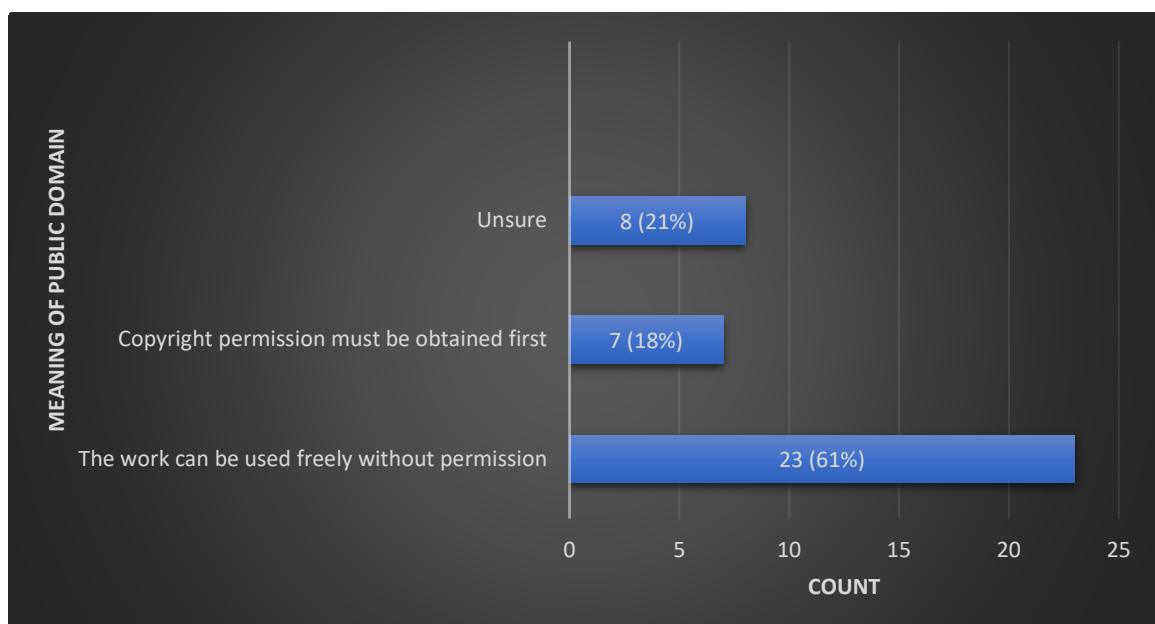


Figure 5: Library staffs' understanding of public domain

N=38

4.3.1.3.4 Limitations of the South African Copyright Act

Respondents were asked to indicate the limitations (or exceptions) in the South African Copyright Act. Twenty-one (55.2%) respondents said teaching, research and libraries are the limitations included in the copyright law, while 18 (47.3%) stated that private copying is a limitation. Fifteen (39.4%) indicated commercial purposes, and 12 (31.5%) indicated criticising someone's work is a limitation included in the copyright law. As evident in Table 9 below, respondents were encouraged to select all applicable options; therefore, the total number of responses does not equal the total number of respondents, making the percentage exceed 100%.

Table 9: Copyright limitations

N=38

Copyright limitations	Count	%
Private copying	18	47.3
Criticising someone's work	12	31.5
Teaching, research and libraries	21	55.2
Commercial purposes	15	39.4
Unsure	1	2.6
Total	67	176

4.3.1.3.5 Fair use/fair dealing

In question 12, respondents were asked to indicate whether the principle of fair dealing or fair use is the privilege for a user to use a copyrighted work without seeking permission from the copyright owner or paying a fee. As reflected in Table 10, of the 38 respondents, 21 (55.3%) said the statement was true, while 10 (26.3%) said the statement was false. Seven (18.4%) respondents were unsure.

Table 10: Fair use/dealing

N=38

Fair use principle	True		False		Unsure		Total	
	Count	%	Count	%	Count	%	Count	%
Principles of fair use is the privilege for one to use a copyrighted work without permission	21	55.3	10	26.3	7	18.4	38	100

4.3.1.3.6 Copyright training/workshops for library staff

The researcher wanted to know if the library or university offers copyright training/workshops to all library or university staff. As evident in Table 11, more than half of the respondents, 21 (55.3%) were unsure as to whether such training is offered. Twelve (31.6%) respondents indicated that it was not offered and five (31.3%) that it was.

Table 11: Copyright training/workshops for library staff

N=38

Copyright training/workshops	Yes		No		Unsure		Total	
	Count	%	Count	%	Count	%	Count	%
Training/workshops on copyright are offered to all library or university staff.	5	13.1	12	31.6	21	55.3	38	100

The five respondents who said that copyright training/workshops were offered were asked to elaborate. Their verbatim answers are listed below:

- *“The question did not apply to them”* (2 respondents)
- *“During library orientation”* (1)
- *“During library training”* (1)
- *“Some institutions have copyright officers who train library staff and users on the subject”* (1).

4.3.1.3.7 Frequency of dealing with copyright-related issues or queries at workplace

When respondents were asked how often they deal with copyright-related issues or queries at their workplace, the majority, 23 (61%) indicated that they do so sometimes, 10 (26%) indicated that they never do so and the remaining five (13%) indicated that they always deal with copyright-related issues or queries. Figure 6 graphically depicts the responses.

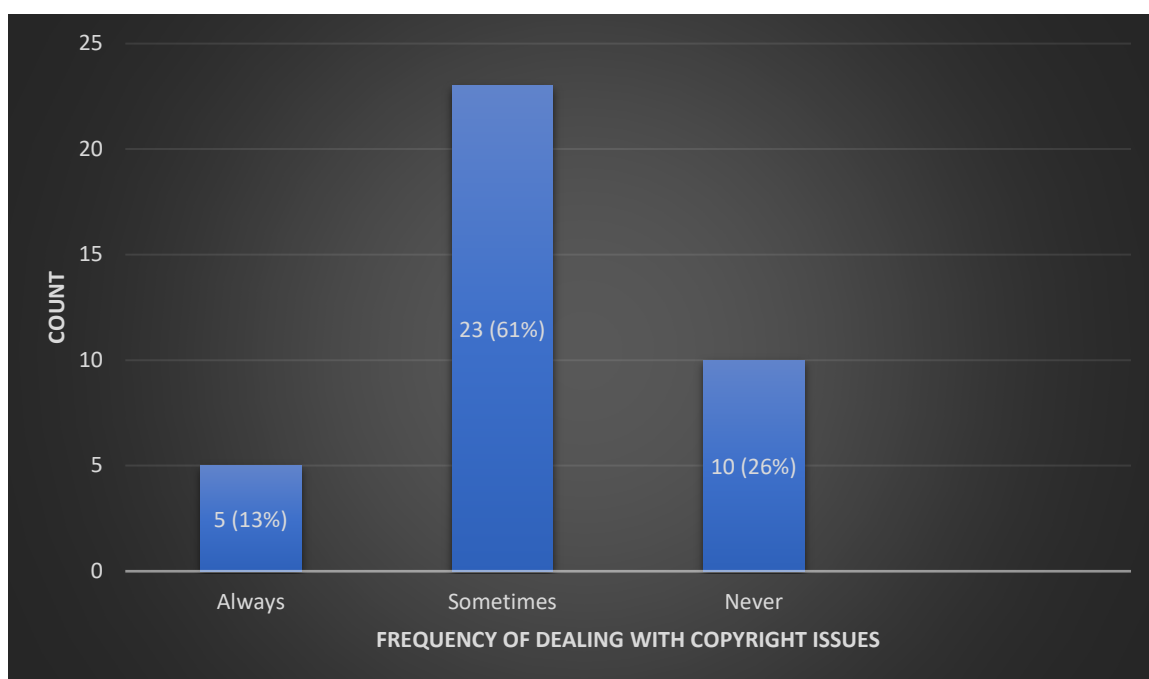


Figure 6: Frequency of dealing with copyright issues or queries at work
N=38

4.3.1.3.8 Availability of copyright officer at workplace

In question 15 the respondents were asked if they have a copyright officer or someone assigned to deal with copyright issues in their library. Again responses varied. Seventeen (44.8%) respondents stated no, eight (21%) stated yes, and 13 (34.2%) stated that they were unsure. Results are reflected in Table 12 below.

Table 12: Availability of copyright officer at workplace

N=38

Copyright officer	Yes		No		Unsure		Total	
	Count	%	Count	%	Count	%	Count	%
Availability of copyright officer at the workplace	8	21	17	44.8	13	34.2	38	100

4.3.1.3.9 Level of confidence in providing copyright advice and guidance to library users

Respondents were asked to describe their level of confidence when providing copyright advice and guidance to library users. As can be seen in Figure 7 below the majority of the respondents, 27 (71%) expressed some degree of confidence in doing so while seven (18%) were not confident and four (11%) not confident at all.

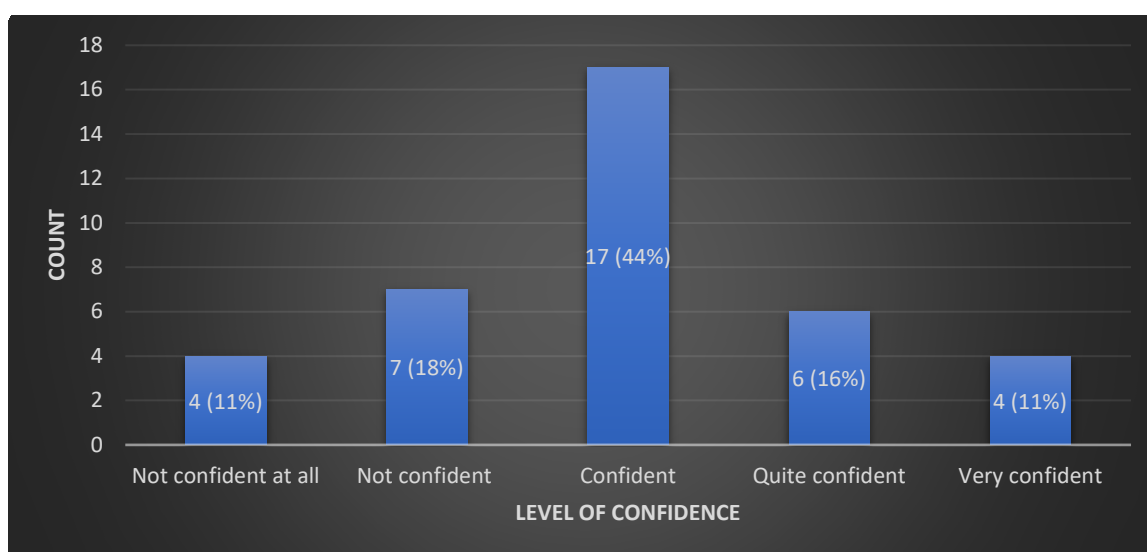


Figure 7: Library staffs' level of confidence in providing guidance and advice on copyright

N=38

4.3.1.3.10 Library orientation team and copyright included in orientation content

In question 17, respondents were asked if they were part of the team that offers library orientation to entering students and, if they were, whether copyright was part of the content that they covered. Twenty-nine (76.3%) respondents said they were part of the library orientation team, while nine (23.7%) answered no to the question.

Table 13: Library orientation team

N=38

Response	Count	%
Yes	29	76.3
No	9	23.7
Total	38	100

When the 29 respondents who were part of the orientation team were asked whether copyright was covered in the content, they confirmed that it is covered. They are advised, for example, to tell students about the dangers of copyright violation during library orientation programmes.

4.3.1.3.11 Familiarity with copyright licenses on online or electronic materials

When asked if they were familiar with copyright licenses on online or electronic materials in the library, 16 (42.1%) respondents stated that were familiar with the issue, 12 (31.6%) were not familiar and nine (23.7%) were unsure.

Table 14: Library staffs' familiarity with online copyright licenses

N=38

Response	Count	%
Yes	16	42.1
No	12	31.6
Unsure	9	23.7
Non-response	1	2.6
Total	38	100

4.3.1.3.12 Awareness of institution that grants copyright permission

Respondents were asked to indicate the institution or organisation responsible for granting permission for one to use a copyrighted work. As reflected in Figure 8, more than one option was ticked by respondents and the majority, 29 (76%) gave the correct answer that DALRO is the institution, six (16%) were unsure and three (8%) provided the wrong answer by indicating LIASA as the organisation providing permission.

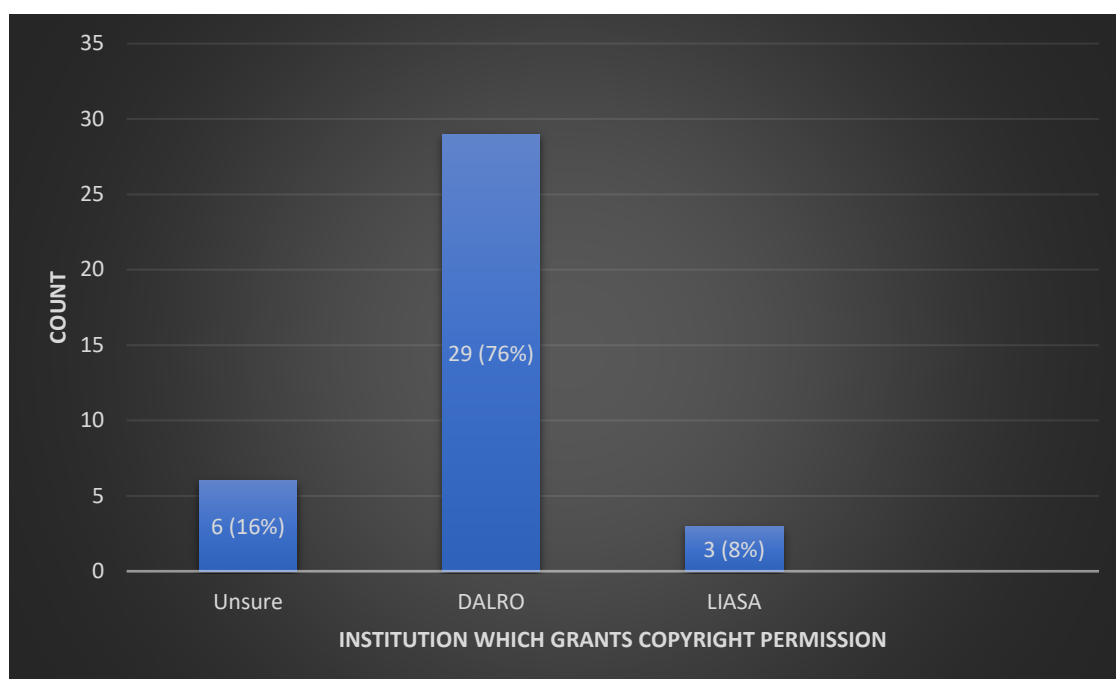


Figure 8: Library staffs' awareness of institution responsible for granting copyright permission

N=38

4.3.1.3.13 Likelihood of being caught for copyright violation

When asked how likely it is for individuals violating copyright law in their library to get into trouble, the majority of respondents, 24 (63%) indicated some degree of likelihood ranging from likely to extremely likely. A substantial minority, 14 (37%) indicated that it was not likely. Figure 9 below depicts the responses.

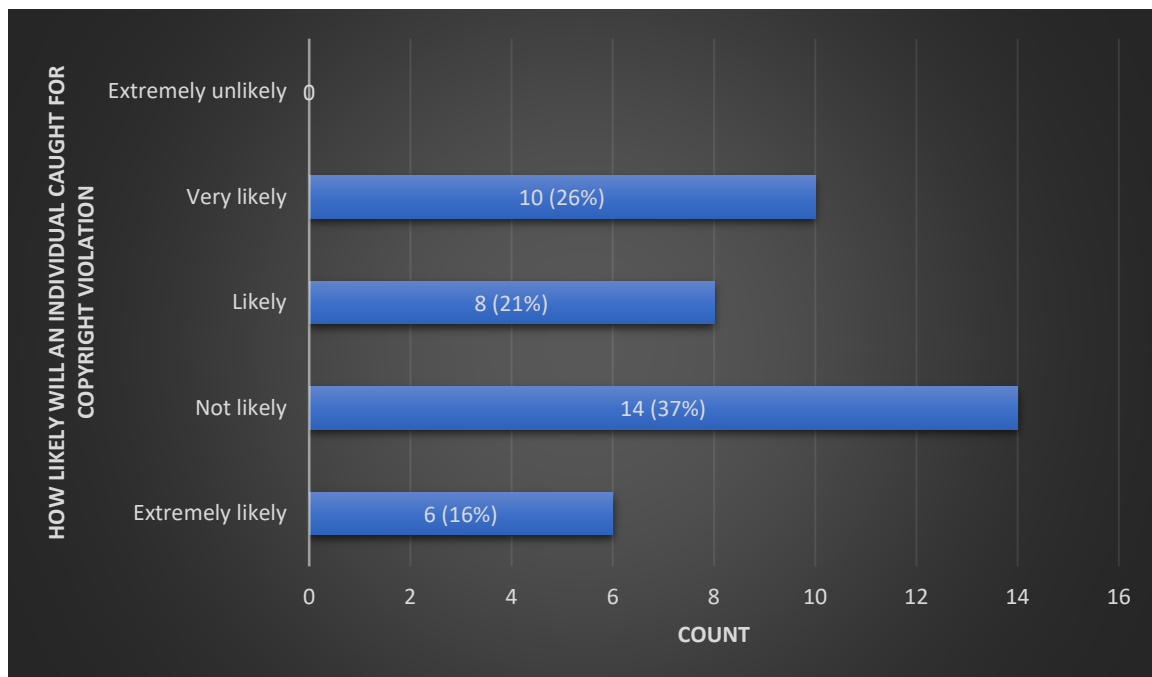


Figure 9: Likelihood of being caught for copyright violation

N=38

4.3.1.3.14 Action taken when seeing a copyright infringement

In an open-ended question, the library staff respondents were asked to explain what they usually do when they see a user infringing copyright law in their library. Responses were received from 34 (85%) respondents. Twenty-one (55%) said they would talk to the alleged infringer, make them aware of the dangers of copyright infringements and ask them to stop. Three (8%) said they would do nothing and ignore the person, three (8%) indicated that they have never seen copyright infringement, while a further three (8%) said the question did not apply to them. One (2.6%) respondent said they would impose a fine on the alleged infringer, while a second said they would give an alleged infringer a warning. One (2.6%) of the two remaining respondents said they would take the alleged infringer to their supervisor or library director, while the final respondent opined that “*You cannot cleverly see such information*”.

4.3.1.3.15 Copyright ownership

When asked in question 22 about who owns the copyright of all materials (both print and electronic) in the library, 17 (45.7%) respondents said it was the author, 12 (31.5%) said it was the publisher, 12 (31.5%) were unsure, eight (21%) said the university and six (15.7%) said the library owns the copyright. One (2.6%)

respondent (in the other category) said it is the author and publisher, while another said it depends – it could be the author, publisher or university because copyright can be transferred. Respondents were able to tick more than one answer hence the percentages in Table 15 below exceed 100%.

Table 15: Copyright ownership

N=38

Copyright ownership	Count	%
Author	17	44.7
Publisher	12	31.5
University	8	21
Library	6	15.7
Unsure	12	31.5
Authors and publisher	1	2.6
Depends - it could be the author, publisher or university because copyright can be transferred	1	2.6
Total	57	149.6

Respondents were asked to elaborate on their answers to question 22, and 23 did so. Their comments are summarised below:

Nine (23.6%) respondents said the correct answer is the author, while two (5.2%) said it is the publisher. Three (7.8%) indicated that it is the author or publisher, and a further three said they were unsure. One (2.6%) respondent said it is the author, publisher or university, while a second said it is the library. Two (5.2%) respondents said the copyright owner is the university and library. A further two respondents stated:

- *“It is difficult to know without training”.*
- *“There is always a brief statement explanation for eBook and reference to the act”.*

4.3.1.4 Monitoring and enforcement of copyright law in academic libraries

The final section of the questionnaire focused on the monitoring and enforcement of copyright laws in academic libraries in South Africa.

4.3.1.4.1 Responsibility for copyright infringement monitoring in academic libraries

In question 23, respondents were asked who was responsible for monitoring infringement in academic libraries. Four options were provided as well as an unsure and an “Other”. Fifteen (39.4%) respondents said it is the library, 12 (31.5%) gave the correct answer indicating all four options given, and seven (18.4%) were unsure about the answer. Five (13.1%) respondents said the responsibility lies with the library user, while two (5.2%) said it lies with the author. One (2.6%) respondent said it is the responsibility of both the library staff and users. Once again respondents were able to select all applicable options and the total percentage in Table 16 below, therefore, exceeds 100%.

Table 16: Responsibility for copyright infringement monitoring

N=38

Copyright monitoring	Count	%
Author	2	5.2
Publisher	0	0
Library staff	15	39.4
Library user	5	13.1
Unsure	7	18.4
All of the above	12	31.5
Both library staff and users	1	2.6
Total	42	110.2

When asked to elaborate, 26 respondents did so and the results are as follows: Thirteen (34.2%) respondents said the responsibility rests with library staff, five (13.1%) said it is everyone's responsibility, four (10.5%) said they were unsure about the correct answer, while two (5.2%) said the responsibility is with library staff and users. Verbatim comments from two respondents were:

- *“We need training to be aware of such”*
- *“I think the library should have the officer responsible for copyright”.*

4.3.1.4.2 Copyright challenges encountered

In an open-ended question, respondents were asked to mention the copyright challenges, if any, they encountered in their library. Of the 33 respondents who answered, nine (23.6%) said they do not have any challenges, while a further nine (23.6%) pointed to a lack of awareness on the part of library users. Two (5.2%) respondents said the challenge is not knowing what to do, while three (7.8%) said that the library users refuse to cooperate. Six (15.7%) respondents said that library users ignore the law. One (2.6%) said the challenge is the lack of training for library staff on the subject, while a second referred to the difficulty of enforcing copyright on digital materials. Two further verbatim comments both highlighting the issue of training were as follows:

- *"It is in putting effective monitoring systems. For example, clients can easily copy materials beyond the "fair deal" allowances and journal articles can be downloaded and sold or provided for a fee by library clients. All this is difficult to curb or monitor. Training on copyright outside orientation or information literacy programmes is also a challenge".*
- *"Not understanding copyright issues, especially during the pandemic where our users are using lots of electronic information. Library staff must be thoroughly trained on copyright issues".*

4.3.1.4.3 Additional comments from participants on copyright in libraries

The final question was also an open-ended one – library staff respondents were asked if they had any additional comments or concerns about copyright in libraries. Twenty-seven respondents provided a valid comment or concern. Six (15.7%) respondents pointed out the need to have more copyright awareness sessions on campus. In a related response, a further six (15.7%) respondents said that library staff need to be trained on copyright issues in order to assist users. Eight (21%) respondents believed that all libraries must have copyright officers while five (13.1%) respondents felt that library staff are not doing enough to curb copyright infringement. Verbatim comments from two (5.2%) respondents were as follows:

- *"After completing your research, you can help us to understand the copyright bill".*

- *“Thank you for making us aware of this law. You have given us homework to go and check the importance of copyright in our Library”.*

4.3.2 Results for law students

This section of the chapter presents the research results from the questionnaire administered to the sample of law students.

4.3.2.1 Demographic data

As done with the library assistants, the researcher collected demographic data of the law student respondents to understand their characteristics.

Gender

As seen in Table 17 below, of the 111 responses, 65 (58%) of the law student respondents were female while 45 (40.2%) were male. Two (1.8%) of the respondents did not answer the question.

Table 17: Gender of law students

N=112

Gender	Count	%
Male	45	40.2
Female	65	58
Non-response	2	1.8
Total	112	100

Age

The majority of the law student respondents, 81 (72.3%) were between the ages of 20-30, 23 (20.5%) were between the ages of 31-40, four (3.6%) were between the ages of 41-50, and four (3.6%) were under 20. It is thus evident that all the respondents were under the age of 50 years. Figure 10 depicts the results.

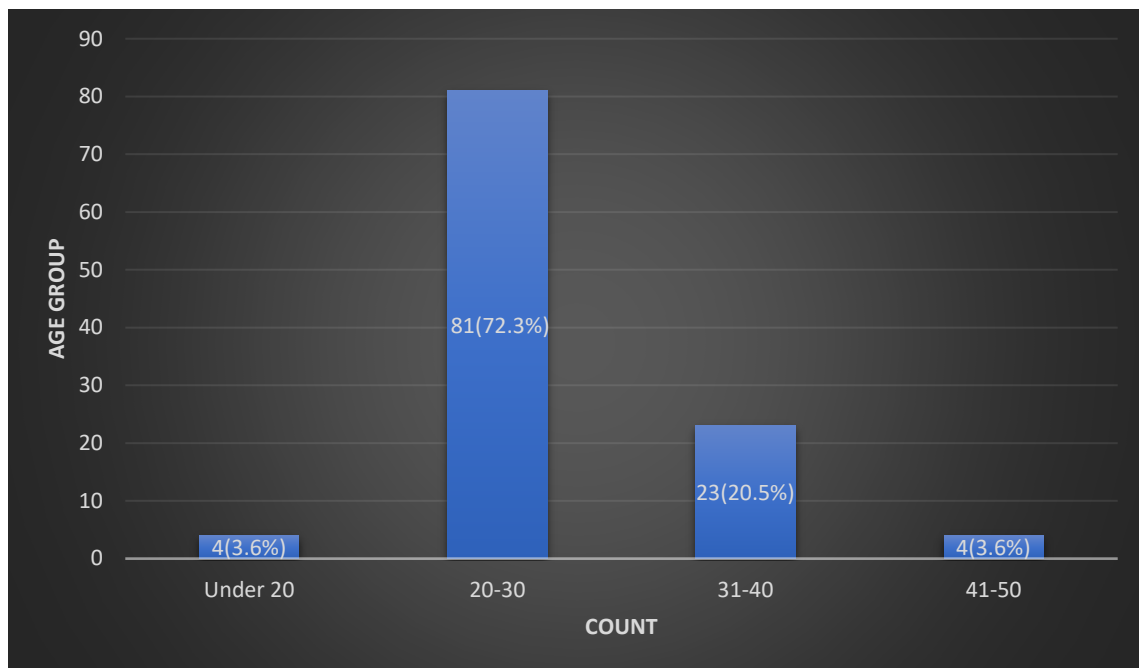


Figure 10: Law students' age

N= 112

Level of study

In terms of the respondents' level of study, 48 (43%) were in their fourth year, 33 (29%) were Honours students, 21 (19%) were Master's students and four (4%) were registered for their PhD. The results are illustrated in Figure 11 below and as can be seen, there were six (5%) respondents did not indicate their level of study.

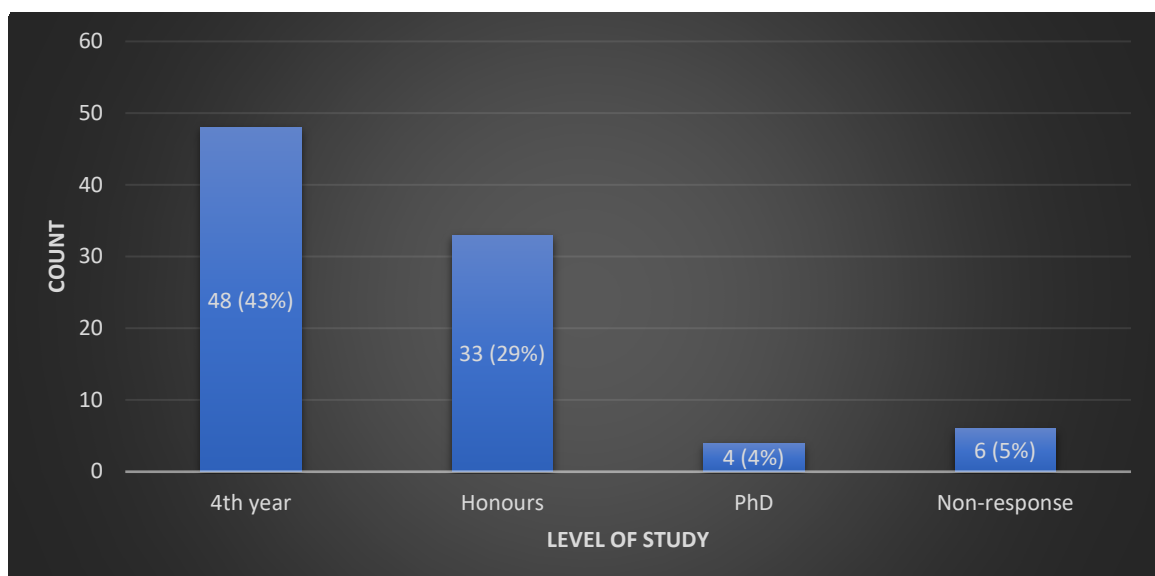


Figure 11: Law students' level of study

N=112

4.3.2.2 Copyright legislation and policies

This section presents the results relating to the law student respondents' familiarity with South African copyright legislation.

4.3.2.2.1 Familiarity with the South African Copyright Act

When asked if they were familiar with the South African Copyright Act of 1978, 85 (76%) answered yes to the question, while 18 (16%) answered no and eight (7%) indicated that they don't know. Figure 12 reflects the responses.

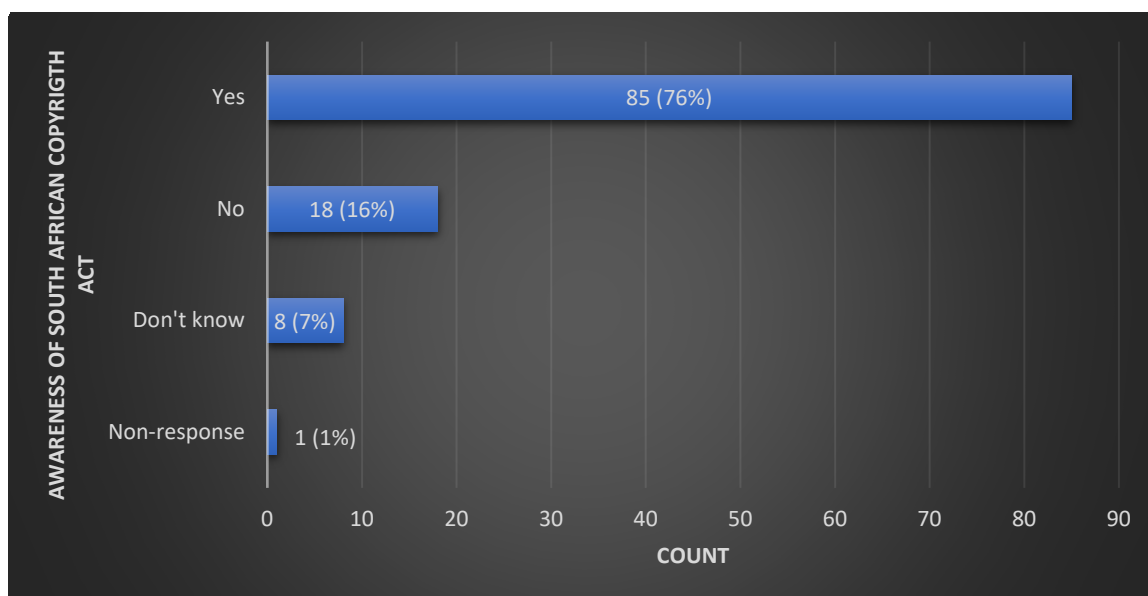


Figure 12: Law students' familiarity with South African Copyright Act

N=112

4.3.2.2.2 Familiarity with the South African Copyright Amendment Bill

When asked if they were familiar with CAB, of the 112 respondents 64 (57%) indicated that they were familiar with it while 36 (32%) were not. Eleven (10%) respondents indicated that they don't know and one (1%) did not respond.

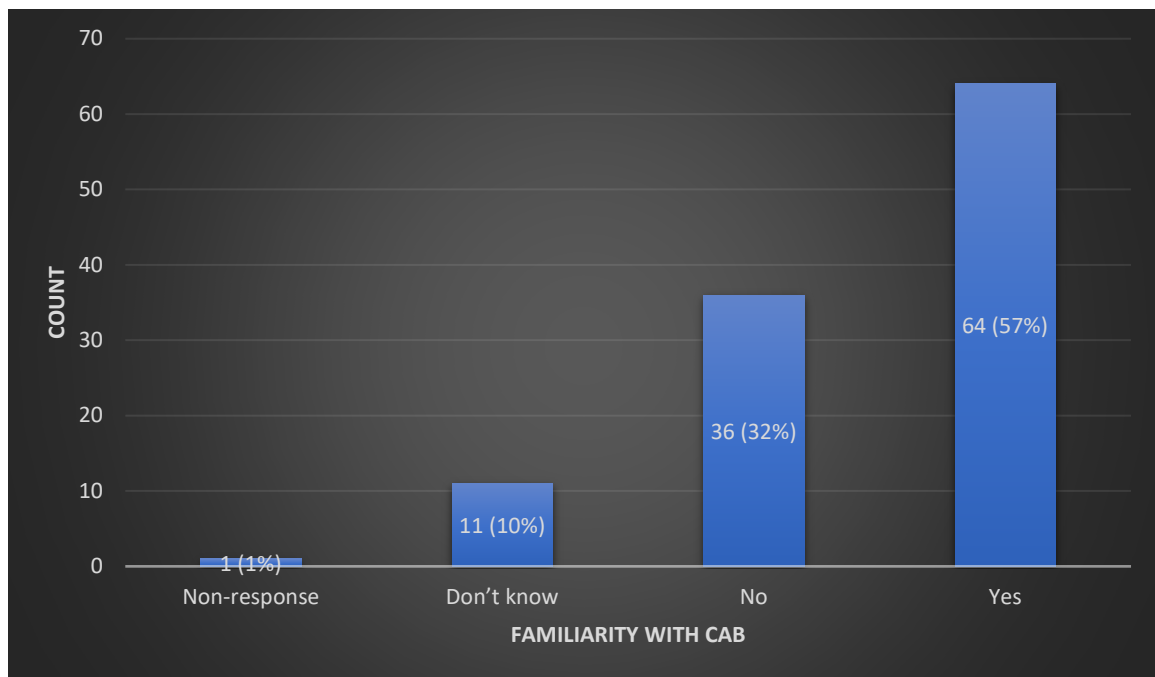


Figure 13: Law students' familiarity with the CAB

N=112

4.3.2.2.3 Implementation of legislation covering copyright issues in the digital environment

In question 6, respondents were asked whether South Africa has implemented legislation covering copyright issues in the digital environment. The majority, 72 (64.3%) of respondents were not sure, 21 (18.7%) answered no to the question, 19 (17%) answered yes and one (1%), did not respond. Table 18 below reflects the results.

Table 18: Implementation of legislation covering digital environment

N=112

Responses	Count	%
Yes	19	17
No	21	18.7
Unsure	72	64.3
Total	112	100

The 19 respondents who answered yes to question 6, were asked to name the legislation and 15 of the 19 respondents did so. Of the 15 respondents, 10 (67%)

said it was the South African Copyright Act, while four (27%) said it was the CAB. The fifteenth (6%) stated the following:

"Yes, the South African legal system enables users to be innovative and create new ideas".

4.3.2.2.4 Copyright policy in the library or university

When asked if their library or university has a copyright policy, 72 (64.3%) law students respondents answered yes, 36 (32%) were unsure, three (2.7%) answered no and one (1%) did not respond. Table 19 below depicts the results.

Table 19: Availability of copyright policy on campus

N=112

Responses	Count	%
Yes	72	64.3
No	3	2.7
Unsure	36	32
Non-response	1	1%
Total	112	100

4.3.2.3 General issues involved in copyright

This, the third section, provides the results pertaining to the law students' understanding of general issues regarding copyright.

4.3.2.3.1 What copyright law in South Africa protects

The student respondents were asked to indicate what copyright law protects. As shown in Table 20 below, 93 (83%) said ideas that have been expressed and recorded, six (5.3%) said ideas still in our minds and not yet expressed, three (2.7%) said ideas not expressed, and 10 (9%) indicated that they were unsure.

Table 20: What copyright law in South Africa protects

N=112

Copyright law protects	Count	%
Ideas still in our minds and yet expressed	6	5.3
Ideas that have been expressed and recorded	93	83
Ideas not expressed	3	2.7
Unsure	10	9
Total	112	100

4.3.2.3.2 Duration of copyright for print materials

When asked about the duration of copyright in terms of the Copyright Act, 50 (45%) correctly said it is the lifetime of the author and 50 years, 43 (38%) were not sure, while 19 (17%) incorrectly said it is the lifetime of the author and 70 years. Figure 14 below graphically depicts the results.

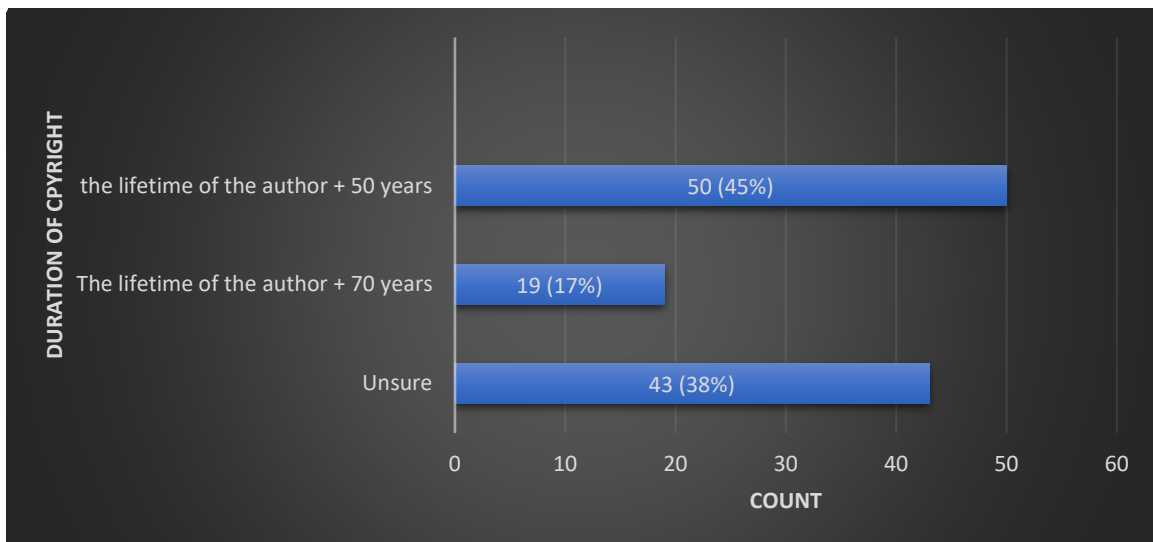


Figure 14: Law students' knowledge about the duration of copyright for print materials

N=112

4.3.2.3.3 Public domain

The researcher wanted to determine if respondents knew what it meant when a work enters the public domain. As reflected in Figure 15 below, 60 (54%) respondents correctly understood that the work can be used freely without

permission, while 34 (30%) said copyright permission must be obtained first. Eighteen (16%) respondents were unsure about the correct answer.

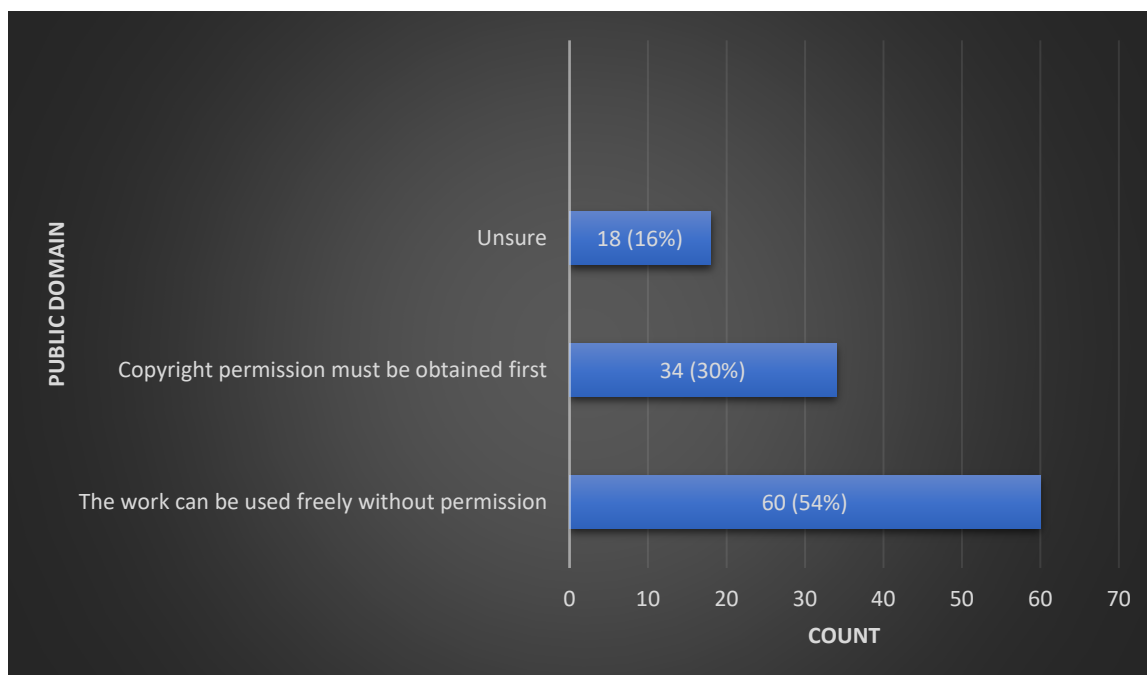


Figure 15: Law students' understanding of public domain

N=112

4.3.2.3.4 Limitations of the South African Copyright Act

In question 11, respondents were asked to indicate those copyright limitations (or exceptions) included in the South African Copyright Act. Of the 112 respondents, 67 (60%) indicated the limitation of teaching, research and libraries, 55 (49%) the limitation of private copying, 45 (40.2%) criticising someone's work, 28 (25%) commercial purposes and one (1%) respondent, under other, mentioned fairness as a limitation. Respondents could tick more than one option, thus the percentage total in Table 21 below exceeds 100%.

Table 21: Copyright limitations

N=112

Copyright limitations	Count	%
Private copying	55	49
Criticising someone's work	45	40.2
Teaching, research and libraries	67	60
Commercial purposes	28	25
Fairness	1	1
Total	196	175.2

4.3.2.3.5 Fair use/fair dealing principle

To determine whether the respondents understood what fair use or fair dealing is they were presented with a statement which they had to say was true or false. The statement read: "The principle of fair dealing or fair use is a privilege for a user to use a copyrighted work without seeking permission from the copyright owner or paying a fee". Sixty-eight (60.7%) respondents considered the statement true, 23 (20.5%) considered it false, and 21 (18.8%) were unsure as to whether it was true or false. Table 22 below depicts the results.

Table 22: Fair use/dealing

N=112

Fair use principle	True		False		Unsure		Total	
	Count	%	Count	%	Count	%	Count	%
Principle of fair use is a privilege for one to use a copyrighted work without permission	68	60.7	23	20.5	21	18.8	112	100

4.3.2.3.6 Fair use in terms of photocopying

When asked about their understanding of what a reasonable portion of a copyrighted work is, 56 (51%) respondents said one can photocopy a chapter of a book at a time, and the next highest number of respondents, 26 (24%) were unsure about the correct answer. Twenty (18%) respondents said photocopy

credits are their limit, and nine (8%) understood that one could photocopy the whole book. Table 23 reflects the remainder of the responses. Once again, respondents could select more than one option and as a result, the total percentage exceeds 100%.

Table 23: Photocopying and fair use

N=112

Activity	Count	%
Can photocopy the whole book	9	8
Can photocopy half a book	0	0
Can photocopy a chapter of a book at a time	56	50
Photocopy credits are my limit	20	18
Unsure	26	23.2
10% of the material you have	1	1
Can photocopy at least a quarter of the book	1	1
Can photocopy 10% of a book	1	1
May photocopy a relevant portion of a work	1	1
Photocopy only what you need, do not exceed 10% of the total content	1	1
Total	116	104.2

4.3.2.3.7 Copyright training/workshops for law students

When asked if their library or university offers copyright training/workshops to students, 51 (45.5%) respondents were unsure, 25 (22.3%) said no and 36 (32.2%) answered yes to the question. Table 24 below presents the results.

Table 24: Copyright training/workshops for law students

N=112

Copyright training/ workshops	Yes		No		Unsure		Total	
	Count	%	Count	%	Count	%	Count	%
Does your library offer copyright training/workshops?	36	32.1	25	22.3	51	45.5	112	100

Of the 36 law student respondents who answered yes to the previous question (no. 14), 30 elaborated and their responses are summarised below:

Nine (25%) respondents said they were trained during library training, while eight (22.2%) indicated that they were taught during library orientation. Seven (19.4%) said they were told about copyright during library plagiarism sessions, four (11.1%) said they were taught during Turnitin sessions and the final two (5.5%) respondents mentioned that they were taught during referencing sessions and some university workshops.

4.3.2.3.8 Copyright protection for journal articles

Question 15 asked the law student respondents whether or not articles downloaded from library databases are protected by copyright law. A significant majority, 90 (80%) of respondents answered yes, they are, 19 (17%) were unsure and three (3%) said no, the articles were not protected by copyright law. Figure 16 below graphically depicts the results.

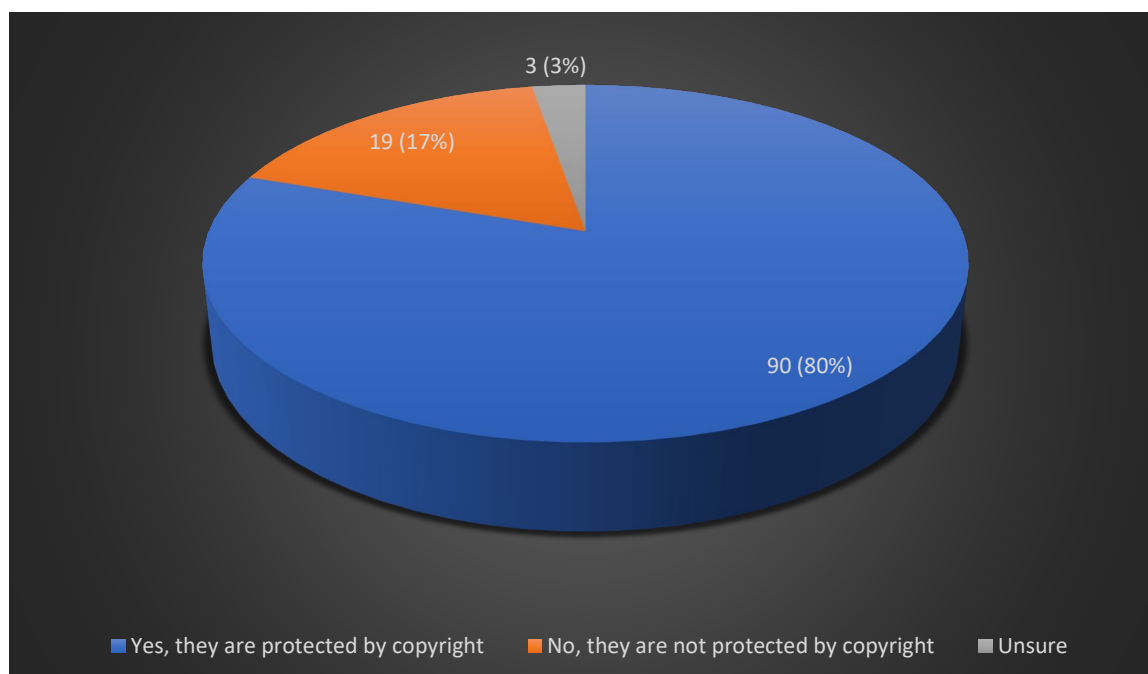


Figure 16: Law students' understanding of copyright protection for journal articles
N=112

4.3.2.3.9 Copyright protection for eBooks

In a similar vein to the previous question, respondents were asked if eBooks are protected by copyright law. As reflected in Figure 17, 79 (70%) respondents said yes, eBooks are protected, 30 (27%) were unsure, while three (3%) said no, they were not protected.

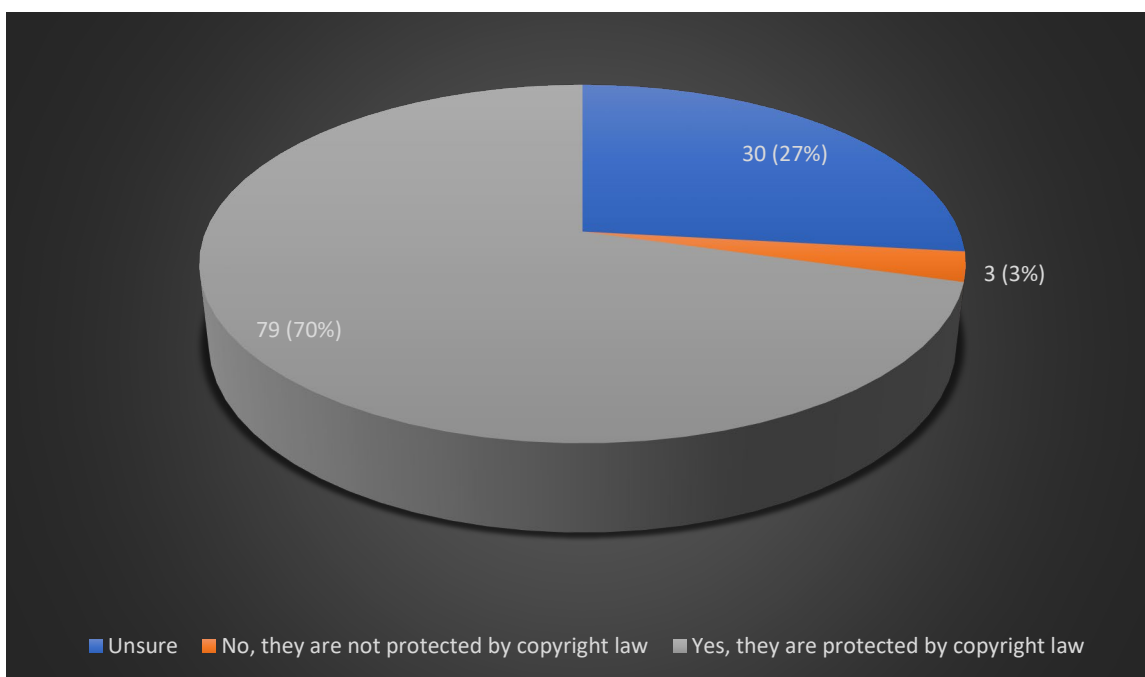


Figure 17: Law students' understanding of copyright protection for eBooks
N=112

4.3.2.3.10 Likelihood of getting into trouble for copyright violation

When asked how likely they are to get into trouble for violating copyright at the UNIVEN Library, 39 (35%) respondents indicated that it was extremely likely, 20 (18%) indicated that it was very likely and 26 (23%) indicated that it was likely. Twenty (18%) respondents indicated that it was not and nine (8%) indicated that it was extremely unlikely. Figure 18 below depicts the results.

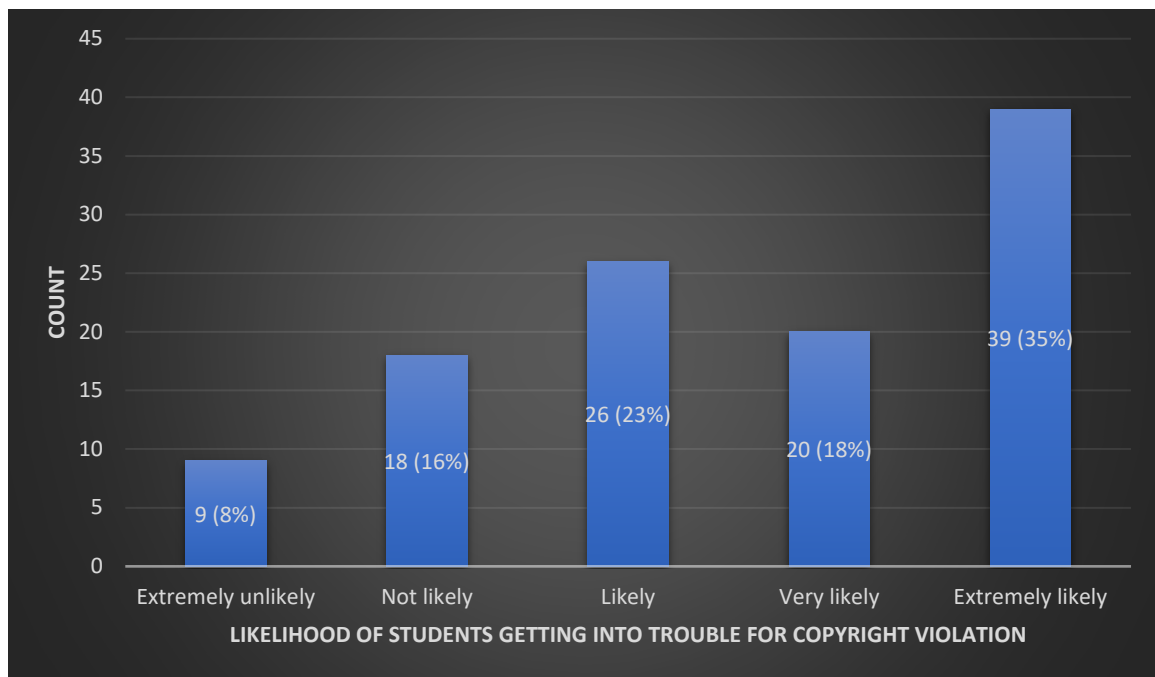


Figure 18: Likelihood of getting into trouble for copyright violation

N=112

4.3.2.3.11 Copyright ownership

In question 18 respondents were asked about copyright ownership for both print and online library materials. Sixty-five (58%) respondents said the author owns the copyright, 35 (31%) said the publisher, 26 (23%) said the university, 16 (14%) said the library and 13 (12%) were unsure about the correct answer. The remaining responses (one respondent each) given under the category other are presented in Table 25 below. Respondents could tick more than one response and as a result, the total percentage exceeds 100%.

Table 25: Copyright ownership

N=112

Copyright ownership	Count	%
Author	65	58
Publisher	35	31
University	26	23
Library	16	14
Unsure	13	12
All of the above	1	1
<i>It depends, it could be the author, publisher or university because copyright can be transferred</i>	1	1
<i>Other materials are made available on a commons free access</i>	1	1
<i>It depends because copyright can be transferred</i>	1	1
Total	159	142

4.3.2.3.12 Responsibility for copyright infringement monitoring in academic libraries

The researcher wanted to determine from respondents if they knew who is responsible for copyright infringement monitoring in academic libraries. A variety of options were given and respondents could indicate more than one. Fifty-six (50.9%) respondents indicated that responsibility lies with the library staff, 27 (24.5%) with the publisher, 25 (22.7%) with the library users, 13 (11.8%) with the author and 19 (17.3%) were unsure. Under the “Other” option, five (4%) respondents indicated that the responsibility lies with everyone, 2 (2%) indicated all the above, one (1%) indicated that supervisors are responsible and one indicated that it is the responsibility of both library staff and users. Once again, given that respondents could select more than one option, the total percentage exceeds 100%. Table 26 summarises the responses.

Table 26: Responsibility for copyright infringement monitoring

N=112

Responsibility	Count	%
Author	13	12
Publisher	27	24
Library staff	56	50
Library users	25	22
Unsure	19	17
Supervisors	1	1
Both library staff and users	1	1
Everyone's responsibility	5	4
All of the above	2	1.8
Total	149	132.8

4.3.2.3.13 Buying of prescribed textbooks by law students

The researcher wanted to know from respondents if they bought prescribed textbooks and if not, to understand the reasons why not. Of the 111 respondents, 70 (62%) answered that they do not buy prescribed textbooks while 41 (37%) respondents answered that they did do so. One respondent did not answer the question.

Table 27: Buying of prescribed textbooks

N=112

Responses	Count	%
Yes	41	37
No	70	62
Non-response	1	1
Total	112	100

Respondents who said they do not buy prescribed textbooks were asked to elaborate and below is a summary of the 60 responses received:

Fourteen (23.3%) respondents said the books are too expensive while 17 (28.3%) indicated that books are available online. Fifteen (25%) respondents said the reason they do not buy prescribed books is that the books are available in the

library while nine (15%) mentioned the lack of funds as the reason for not buying textbooks. Three (5%) students mentioned that they are using lecturer's notes. One (1.6%) respondent said that they had an inspection copy of a textbook and a second said they have access to eBooks. The final respondent (1.6%) stated: *"In most cases, some modules relate to each other. For example, Constitutional Law and Human Rights Law, have similarities. So, it is best to buy one book and use it for both modules"*.

4.3.2.3.14 Additional comments from law students about copyright in libraries

The final question (no. 21) was an open-ended one which asked the law student respondents if they had any additional comments or concerns about copyright in libraries. Of the 112 respondents, 47 provided a comment or concern and these are summarised below:

Twenty-nine (44.6%) respondents said that library staff must provide training for library users on the subject. Five (10.6%) respondents encouraged fellow students to adhere to copyright regulations while two (4.2%) castigated their fellow students for intentionally violating copyright laws. Two (4.2%) respondents stated that copyright is not understood by university students while another respondent (2.1%) wanted to know what happens to copyright ownership when students buy second-hand books from other students. One (2.1%) respondent asked the university to make a copyright course compulsory for all students on campus while another (2.1%) blamed the library for not thoroughly monitoring copyright infringements in the library. One (2.1%) respondent asked for a copyright mentor in the library. Finally, five (8.5%) respondents thanked the researcher for refreshing their minds on copyright by them having to answer the survey questions. Reflected below is a selection of the verbatim comments given:

- *"Copyright concepts are not widely understood, not just by law students but the majority of diverse students. Library staff tend to turn a blind eye to copyright or act uninformed enough on concepts of copyright and their implications on the institution and authors"*.
- *"All library users must adhere to the rules and regulations of copyright in our library"*.

- *“I feel that we hardly get extreme mentorship on copyright in libraries which leads to students failing modules”.*
- *“How often does the library monitor and police the making of copies of books in the library? Someone may likely visit the library every time to make copies of the same book and ultimately exceed the 10% limit. How does the library measure that the limitation is being complied with”?*
- *“I undoubtedly think that more students at the university should be offered thorough inductions regarding the Act and the Demands of the Act. This I suggest because on an everyday basis, students infringe copyright laws without being aware that they are doing the same, so the better the knowledge imparted on them, the better”.*
- *“I truly am confident that your research, Mr Ramabina will contribute highly in getting people to understand the what-nots of copyright law and the Act. I wish you well”.*

4.4 Summary

This chapter presented the research results collected from library staff and the final year and postgraduate law students at the UNIVEN. Two questionnaires containing predominantly closed-ended questions were used in the collection of the data to ascertain the staff and students' awareness of copyright laws. The results were presented in the form of text, tables and figures.

The next chapter will discuss the research results.

Chapter five: Discussion of results

5.1 Introduction

This chapter discusses the significant results in light of the research problem and the literature review. According to Polit and Beck, (2004) the discussion of results aims to make sense of the findings and examine their implications. Blaxter, Hughes and Tight (2006) assert that when discussing data, researchers should add their ideas to the collected data and compare those ideas with the views of others. The study's main objective was to investigate the awareness of copyright by library staff and senior law students at the UNIVEN. Two questionnaires (one for library staff and the other for law students) were used to answer the four research questions outlined in Chapter one.

One of the intentions of the study was to document the opinions of library staff regarding how prepared they were to deal with copyright questions from library users and to establish their awareness of copyright law and related issues, an area the researcher believes has not been explored before in South Africa. Awareness is the first step toward a more profound understanding. Most people tend to gauge expertise by the level of knowledge and skill that a particular individual possesses in a given field (Olaka and Adkins, 2010). A general assumption is that knowledgeable people and experts in a field will offer reliable, effective, efficient, and better service that maximises the users' satisfaction (Olaka and Adkins, 2010). The results from the current study offer insight into how well-equipped or prepared the UNIVEN Library staff are in terms of providing copyright-related services. A second intention of the study was to focus on library users in the form of senior law and postgraduate students to determine their awareness of copyright.

5.2 Discussion of results

The discussion of results relating to the library staff is presented first, followed by the results relating to the law students. A summary and comparison of the results are then provided.

5.2.1 Discussion of results relating to library staff

This discussion follows the sequence of questions in the questionnaire directed at the library staff. Wherever appropriate, relevant points from the literature will be incorporated. For clarity, the discussion is divided into two sections: firstly, copyright awareness including various issues linked to copyright and secondly, copyright monitoring and problems encountered with copyright infringement – including the challenges concerning copyright.

As was discussed under the conceptual framework in Chapter two, the study concerns copyright issues, which are legal in nature and South African copyright laws are governed by the South African Copyright Act 98 of 1978. South Africa is part of an international community; therefore, any study on copyright law requires looking at copyright laws from other countries and other relevant international treaties such as the Berne Convention and the WIPO. These international copyright provisions offer proper guidance toward the best international practice in copyright law. The Berne Convention (to which South Africa is a signatory) is an international agreement which offers copyright protection for literary and artistic works. It states that a member country affords the same treatment to an author from another country as it does to authors in its own country (Polak, 2009). Although a majority of respondents (library staff and law students) were familiar with the Copyright Act and the CAB, they still requested further training on copyright issues. The respondents were not familiar with legislation addressing digital issues and the availability of copyright workshops on campus, and they gave various answers on copyright ownership and copyright infringement monitoring in academic libraries. Because copyright laws keep on changing or being amended, it is crucial that library staff and library users are aware of the changes.

To begin with, the demographic characteristics of the library staff who participated in the study are highlighted. The majority of library staff respondents were females 23 (60.5%) and 15 (39.5%) males. The highest number of respondents who participated were between the ages of 41-50 with 18 (48%) indicating that they fall under this age group. The age group with the least number of respondents was the 20-to-30-year group with two (5%) respondents. The majority of

respondents were well-educated formally with 89% having some form of tertiary qualification. The highest number of library staff respondents 15 (39.5%) were Library Assistants, followed by Information Librarians 11 (29%). The remaining respondents had a variety of job titles such as Chief Library Assistants, Senior Library Assistant, Head of Department, Cataloguing and a Periodical librarian participated.

5.2.1.1 Copyright awareness

This, the major section, will focus on the library staffs' familiarity with the South African Copyright Act and the CAB, and then go on to discuss the main results concerning a variety of issues relating to copyright.

5.2.1.1.1 South African Copyright Act

Library staff were asked about their knowledge of South African Copyright law. Library staff must be familiar with copyright law and principles because these laws are often changed and/or amended, and library staff need to keep pace with changes, especially as technology rapidly evolves (Polak, 2009). The problem identified in the literature (Polak 2009) is that technology can be a critical factor in enabling copyright infringements in the electronic age where it is easy to reproduce a work by photocopying and scanning. Technology, as a consequence, has resulted in many acts and statutes being passed to protect copyright holders.

Results in Table 6 revealed that most library staff (29; 76.3%) at the UNIVEN were aware of the South African Copyright Act while a further seven (18.4%) had heard of it. One reason for this is that the same number of library staff (29; 76.3%) participated in the library orientation programme for first-year students and the issue of copyright is covered in the programme. Another reason could be that some information librarians are offering database training and participating in several courses (such as Introduction to the Theory of Law, Foundation Information Technology, Nutrition Orientation, and Entrepreneurship) which have an information literacy component. These courses are offered for foundation and first-year programmes, and copyright issues are covered in the content. These programmes help confirm that academic libraries (and librarians) are playing a role in copyright matters on their campuses (Charbonneau and Priehs, 2014).

In a similar vein, the University of Fort Hare (UFH) Library provides users with an information literacy training programme covering copyright issues (Mzayiya, 2016). Ercegovic and Richardson (2004) argued that one way of promoting copyright is through a systematic information literacy programme, which includes IP issues in its syllabus. The library must make these programmes compulsory and credit-bearing to encourage students' attendance. At the Turkish universities of Bilgi, Maltepe and Yeditepe, there is a compulsory and credit-bearing information literacy course for first-year law students. Mashiyane, Bangani and Deventer (2020) confirmed that North-West University libraries offer a compulsory and credit-bearing information literacy course. The Cape Peninsula University of Technology (CPUT) also offers a similar course to its first-year students (Mangadi, 2019).

Thus, the UNIVEN Library staffs' participation in the orientation and information literacy courses would have increased their copyright knowledge since they would have had to familiarise themselves with the subject. In addition, the staff in the Inter-library loan (ILL) office attend regular workshops for ILL organised by LIASA and SABINET; importantly, copyright is always covered in these sessions. The study findings are similar to those of Charbonneau and Priehs' (2014) study, which found that most academic librarians, library administrators and staff were familiar with the US Copyright Act of 1976 (as well as the issue of fair use and the Creative Commons Licensing initiative). Other studies which established that academic library staff were familiar with copyright provisions are those of Gould, Lipinski and Buchanan (2005); Adler, Butler, Aufderheide and Jaszi (2010); Olaka and Adkins (2010); Dryden (2010); Sims (2011); Di Valentino (2015); and Morrison and Secker (2015). The studies all came to the same conclusion that the participants' level of copyright knowledge was high.

5.2.1.1.2 CAB

The UNIVEN Library staff were also asked about their awareness of the CAB of 2018 and, in contrast to the results relating to the Copyright Act above, only half of the participants (19; 50%) were aware of the Bill, seven (18.4%) had heard of it and 10 (26.3%) were not aware of it. Indeed, two respondents did not answer

and one can assume they also were not aware of it. It is worrying that just under one-third of the library staff are working in an environment dealing with copyright information yet they have never heard of the Bill – a Bill which was established in 2018 with much fanfare. These results suggest that the library staff do not cover the CAB in their library orientation, databases training and information literacy components of the foundation courses noted above. They could be focusing only on what they were told or taught about Copyright Act at a time during which the Bill had not been promulgated. Whatever the reason it does appear that training to help increase awareness of the CAB is warranted.

The studies of Oppenheim and Woodward (2004) and Nilsson (2016), contrary to the studies mentioned above, found that academic and higher education library staff had limited knowledge of copyright and concluded that they needed more training on copyright matters. It is a truism that no organisation can survive without further training and capacity building of its staff members (Monyela, 2019). Library staff must have the resources and support to offer copyright guidance to users effectively and efficiently (Albitz, 2013). As pointed out by Fernández-Molina, Moraes, and Guimarães (2017: 254) in the context of academic libraries and copyright:

The ultimate aim of training, whether in the academic setting or beyond, is to provide librarians with overall knowledge (not just familiarity) that will guide them through present and future initiatives at their work institutions, allowing them to take advantage of the law to achieve professional objectives.

5.2.1.1.3 Legislation covering copyright issues in the digital environment

The researcher wanted to know from library staff if they knew of legislation which addresses copyright issues in the digital environment. The anticipation was that the respondents would say that while the current Copyright Act does not address copyright issues in the digital environment, the CAB would address this area when it becomes law. The findings indicated that most library staff (24; 63%) were unsure about this legislation. When the eight staff who worryingly answered yes to the question were asked to name the legislation, they either could not remember or gave a wrong answer – clearly, they did not know. Most of the library staff respondents (69%) were between the ages of 41-60, and the vast majority (89%) had some form of tertiary education. There is a general view that the more

someone attains academic qualifications, the more that person becomes knowledgeable in a given domain. However, Olaka and Adkins (2010) study found the opposite of the notion; they found that educational level had no significant difference on the initial level of expertise, and additional education did not make a difference either.

The researcher is also of the view that the age group of 41-60 years reflects the most experienced library staff. In addition, 71% of the staff expressed some degree of confidence in providing guidance and advice to users on copyright. It is thus of concern that the responses to the question concerning copyright legislation were problematic. It could be argued that library staff while being aware of the existence of the Act and the Bill, are not familiar with their contents. It does, however, need to be borne in mind that many of the respondents (23; 61%) stated that they only sometimes deal with copyright issues at their workplace while 10 (26.3%) never did and it could thus be argued that the more they deal with copyright issues regularly at the workplace, the more their level of copyright knowledge would increase. The findings suggest that library staff may well be concentrating on the Copyright Act when offering library orientation, database training and information literacy courses and ignoring the CAB and related discussions. As mentioned, while the Bill has yet to be finally approved, library staff should familiarise themselves with it since it addresses the gaps in the current law and suggests amendments to remedy the shortcomings (particularly concerning the digital environment) of the current Copyright Act as further discussed below.

The researcher thus expected more from the library staff respondents in terms of the Copyright Act. He assumed that since library staff were aware of the Act (and were confident in giving users advice and guidance concerning copyright) they would be aware of the current gaps/shortcoming. As noted, the imbalances in the prevailing copyright law in South Africa led to the development of the CAB which, importantly, addresses the digital environment (Moagi, 2002). The current Act, for example, fails to address the implications of creating digital copies of copyrighted works in hardcopy (to be used for distance learning for example); nor does it explicitly address the use of technological protection measures (TPM) and digital

rights management (DRM) for the enforcement of digital media access restrictions (Fubbs, 2019). The current Act restricts digitisation, conversion from old to new technologies and format-shifting for preservation and access purposes (Crowster, 2021). Library staff are often at the “coalface” when colleagues or library users want to copy and use printed and digital collections. In many instances, users can reproduce material using their own devices, such as tablets and smartphones, so monitoring copying within libraries can be increasingly challenging (Morrison and Secker, 2015).

In a similar vein, Polak (2009) found that 17 (94%) of the 18 respondents in her South African study did not know whether legislation covering copyright in the digital environment had been passed and only one (6%) correctly said that South Africa had not implemented digital copyright legislation. Adler, Butler, Aufderheide and Jaszi (2010) in their study found that librarians were constantly encountering fair use questions from users and believed they needed to understand copyright to be effective librarians or archivists. An EDUCAUSE (2013) study declared a heightened need for copyright education on campuses regarding copyright challenges. All participants in Sims’ study (2010) were also found to have considerable weaknesses and gaps in knowledge around many key copyright issues. Charbonneau and Priehs (2014) in their study argued that having an incomplete understanding of copyright policies can lead to copyright compliance problems for both library staff and users. Copyright laws are often changed or amended, and library staff must keep pace with changes, especially as technology evolves rapidly (Polak, 2009).

5.2.1.1.4 Availability of a library copyright policy

The UNIVEN Library staff were asked about the availability of a copyright policy at their library. More than half (58%) of the staff answered in the affirmative while four (10%) said no and the remainder were unsure (see Figure 3). These are alarming findings considering that the library does not have a copyright policy. However, the UNIVEN does have an anti-plagiarism policy which Council approved in 2019. As mentioned in Chapter one, plagiarism is one of the branches of IP. It is evident that the university must develop its copyright policy as a guideline for copyright-related queries.

Interestingly, the study by Olaka and Adkins (2010) found that a high percentage of academic librarians in Kenya were either unaware or had little knowledge of the existence of a copyright policy at the library in which they work. Mzaiya's (2016) study found that the UFH Library has a copyright policy in place. Charbonneau and Priehs (2014) in their study of copyright awareness and training issues in academic libraries, found that training on relevant library and university policies regarding copyright was warranted.

5.2.1.1.5 What copyright law in South Africa protects

This researcher wanted to determine whether the UNIVEN Library staff know what is protected by copyright law because he believes that library staff should know something as fundamental as this. A clear majority of the respondents (27; 71%) understood that it protects ideas that have been expressed and recorded (see Table 8). As emphasised, copyright works must be fixed in a tangible form to be protected (UNESCO, 2010). For a work to qualify for copyright protection, it must be original in the sense of not being a copy of another work and must exist in material form. There is no copyright on ideas but copyright automatically applies if the idea is recorded in material form (in writing, on a canvas or as a photograph) (DALRO, 2021).

While the majority of library staff in the current study were aware of what copyright protects it is of concern that there was some library staff who were unsure or gave incorrect answers. A reason could be, as mentioned, that the majority of library staff either only sometimes dealt with copyright issues at the workplace or never did so. However, the researcher expected more from library staff who not only have work experience but also have qualifications ranging from the diploma to the PhD level.

5.2.1.1.6 The duration of copyright in South Africa

To further determine their knowledge of copyright law, the library staff participants were asked about the duration of copyright law on library materials. The results, as depicted in Figure 4, show that less than half of the staff (16; 42.1%) knew that the duration of copyright on library materials in South Africa is the author's lifetime

and 50 years after the author's death. However, more than half either provided an incorrect answer (10.5%) or were unsure (47.4%). The duration of copyright law is one of the most critical and practical ways of creating and maintaining a balance between copyright owners' interests in receiving fair compensation for their efforts and the public interest who can use the item freely (Nicholson, 2012). Polak (2009) argued that the dates for copyright duration should not be excessively long so that living generations can benefit and have access to the resources without the often tedious process of seeking copyright permission from family members as copyright holders are often deceased.

Fernández-Molina et al. (2017) considered the question on the duration of copyright a simple one; however, as in the current study, their study found (worryingly) that less than half of the library staff knew about the duration of copyright on material. Similarly, in Polak's (2009) study, the participants were also unfamiliar with basic South African copyright principles such as the duration of copyright. As noted above, in South Africa copyright protection in literary, musical and artistic works lasts for the duration of an author's life and 50 years after the author's death (Polak, 2009; Groenewald, 2011; DALRO, 2021). Having a library copyright policy, copyright posters and flyers, and workshops and webinars on copyright would be beneficial to library staff in terms of their being able to answer some of these fundamental copyright issues.

5.2.1.1.7 Public domain

As reflected in Figure 5, a majority (23; 61%) of library staff knew the meaning of the public domain; that is, a work in the public domain can be used freely without obtaining permission from rights holders. However, it is again of concern that there was still a high percentage of library staff (7; 18%) who gave incorrect answers and those who were not sure (8; 21%). As pointed out by Polak (2009), library staff should be familiar with works being out of copyright and in the public domain to give library users relevant advice. Participants in one UK study were found to be moderately familiar with public domain issues (Morrison and Secker, 2015). Fernández-Molina, Moraes and Guimarães' (2017) findings in this regard were more positive with a clear majority accurately describing what the public domain is.

5.2.1.1.8 Limitations of the South African Copyright Act

Since copyright law provides authors and creators with a statutory monopoly over their creations, limitations or exceptions are critical for any equal distribution of rights to occur (Nicholson, 2012). The researcher wanted to determine library staff respondents' knowledge about copyright exceptions or limitations that are included under South African copyright law. Judging from the respondents' choices (as shown in Table 9) it can be concluded that more than half of the library staff were aware of and understood copyright limitations as per the country's copyright law. Most respondents either chose the exception of teaching, research, and libraries (21; 55.2%) or private copying and criticising someone's work (18; 47.3%). A worrying finding was that more than a third (15; 39.4%) of respondents mistakenly believed that a limitation for commercial purposes is also included in the law. It was a disconcerting result, as the researcher had anticipated that library staff would know that one could not copy material to sell to another person to make a profit.

Morrison and Secker (2015) in their study of UK librarians and researchers found that a clear majority of participants had an excellent understanding of exceptions for private use, educational, scientific and research purposes. The University of Minnesota Libraries' Copyright Program surveyed researchers to document their understanding of critical areas of copyright law, particularly exemptions for classroom use and an overwhelming majority were found to be aware of the specifics of these exemptions (Sims, 2011). However, 20% of the librarians in Fernández-Molina, Moraes, and Guimarães' (2017) study mistakenly believed that a library's limitation is included in the Brazilian Copyright law. This was another worrying statistic from librarians who are expected to provide copyright advice to library users.

Throughout the history of copyright, not all literary works have enjoyed copyright protection. Works of an objectionable nature, such as obscene or seditious material, have not been afforded protection in copyright law (Nicholson, 2012). Section 12 of the South African Copyright Act lists some exceptions for copyright

protection, such as private copying, criticising someone's work, teaching, research, and libraries.

5.2.1.1.9 Fair dealing/use of a copyrighted work

The question on fair dealing/use was asked to gauge respondents' understanding of the principle in South African copyright law. Libraries, archives, and patrons have fair use rights under South African copyright law and international copyright agreements, including the Berne Convention. Fair use exemptions allow the public to make limited use of copyright material without the copyright owner's consent (Groenewald, 2011). It enables increased access to copyrighted materials for educational purposes. However, Nicholson (2012) and Riby-Smith (2017) argue that the South African Copyright Act, particularly the fair dealing principle, is unconstitutional because it currently excludes or discriminates against special-needs learners because they are unable to create Braille, text-to-speech or local language versions without obtaining the rights holder's consent. The result is that visually and hearing-impaired South Africans and those not fluent in English have reduced access to a great deal of copyright work.

The study results, as shown in Table 10, indicate that just over half of the library staff (21; 55.3%) knew what fair use is. However, it is worrying that several respondents (10; 26.3%), got the answer wrong and others (7; 18.4%) were unsure of the correct answer for this significant copyright limitation. The researcher expected that all library staff would be aware of the fair use principle because it primarily affects libraries whose everyday activities involve these rights. The Association of Research Libraries (ARL) found that those working in academic libraries regularly encountered fair use questions in making materials available for coursework (Adler, Butler, Aufderheide and Jaszi, 2010).

Charbonneau and Priehs (2014) in their study in the USA, found that the majority of participants were more familiar with fair use, a finding which concerned the researchers because fair use is just one component of copyright law. Morrison and Secker (2015) investigated the copyright literacy of UK library staff and information professionals and found that many respondents reported being extremely or moderately aware of the concept. Dryden's (2010) study found that

Canadian archivists correctly understood aspects of copyright law, and provided accurate knowledge of fair dealing. Library staff need to be aware of the exceptions such as fair dealing (especially for educational use), whereby permission is not required from the copyright owner to use particular works (Polak, 2009).

5.2.1.1.10 Copyright training/workshops for staff

The library staff respondents were asked if their library or university offers copyright training/workshops to all staff. As reflected in Table 11, a small majority of library staff (21; 55.3%) were unsure as to whether such training is offered. Just under a third of respondents (12; 31.6%) indicated that no copyright training is offered on campus. Of the five respondents who stated that copyright training was provided, one said this was done during orientation, a second said during library training while the remaining three did not provide relevant responses. A Canadian study undertaken to determine university faculty (no library staff were involved) awareness and perceptions of copyright as it affects teaching and learning, found that most participants were aware of copyright policies or guidelines at their institutions but as with the current study, few knew whether their institution offered copyright training (Fernández-Molina, Moraes, and Guimarães, 2017).

The above findings regarding library staffs' awareness of copyright training are of concern as the Directorate of Research and Innovation at the UNIVEN arranged IP workshops (that included copyright) for both staff and students. Examples of copyright-related training provided in academic library settings included webinars from various organisations and guest presentations from copyright lawyers (Charbonneau and Priehs, 2014). As mentioned earlier, some of the information librarians at the UNIVEN offer information literacy training to library users, which also covers copyright issues. Also as mentioned earlier, the ILL library staff attend regular workshops arranged by LIASA and SABINET and copyright issues are always covered. There are also copyright notices in the library photocopying areas and notice boards. This lack of awareness of library staff of what is happening on campus could be a result of them not being adequately informed.

In Charbonneau and Priehs' (2014) USA study, 39.8% of library staff indicated that they attended some copyright training on campus. However, they wanted more training in this regard. Sims' (2011) study surveyed and interviewed faculty, instructors, researchers, librarians, and library employees to document their knowledge of key areas of copyright law that intersect with common academic practices. It found that all campus populations needed further education about the complicated issue of fair use. A copyright awareness study done on academic librarians in Brazil showed essential gaps in knowledge about copyright law and recommended that more training was needed to solve the challenge (Fernández-Molina, Moraes and Guimarães, 2017). In the UK, librarians also felt they needed more training on copyright matters (Oppenheim and Woodward, 2004).

Participants in the Morrison and Secker (2015) study, which examined the levels of copyright literacy in UK library and information professionals, expressed a desire to learn more about copyright in their professional qualifications and to be kept up-to-date on issues relating to their job. The partnerships between various stakeholders such as the library, the Research Directorate, and the Centre for Teaching, Learning and Research are also crucial. Such partnerships should integrate awareness and sensitisation of its stakeholders regarding copyright and increase advocacy and agitation for copyright protection by strengthening strategic alliances (Magara, 2016).

5.2.1.1.11 Frequency of dealing with copyright-related issues or queries at workplace

The researcher wanted to determine how often the library staff deal with copyright-related issues at their workplace. As shown in Figure 6, a majority of staff (23; 61%) do not deal with copyright issues on a daily basis. Reasons could be some staff are not directly dealing with library users, and copyright issues could be taking a back seat. Information librarians, ILL library staff, library staff working in the photocopying areas and circulation library staff are the ones who are mostly dealing with copyright issues on a more regular basis. However, the library, as has been emphasised above, must arrange copyright training/workshops for all library staff to learn about copyright issues.

The finding that UNIVEN Library staff do not frequently deal with copyright issues at their workplace is in contrast with the USA study of Charbonneau and Priehs (2014). It found that the majority of academic librarians and library staff were regularly dealing with copyright issues at their workplaces. The authors also pointed out that most survey respondents reported that they had answered copyright-related questions in the workplace. However, only 49% of the respondents considered themselves sufficiently prepared to provide copyright information to library users. Once again, some form of continuing copyright training/ workshops for library staff would be extremely beneficial.

5.2.1.1.12 Availability of copyright officer at the workplace

The library staff respondents were asked if their library had a designated copyright officer (or someone similar). The findings from Morrison and Secker's (2015) study suggest that there is a recognised need for copyright expertise within organisations in the UK. However, as the authors point out, it is not always the case that a dedicated post exists (Morrison and Secker, 2015). When asked if their library had a copyright officer, 10.5% of participants in the USA study by Charbonneau and Priehs (2014) indicated they were unsure. The study by Adler, Butler, Aufderheide and Jaszi (2010) found that when librarians had copyright queries, they approached legal counsel located in the library or staff members with specialised training who serve the library's copyright needs full-time. Chou, Chan and Wu's (2007) study recommended establishing a copyright office on campuses that can answer questions and assist in obtaining copyright permission where fair use is contraindicated or questionable. Similarly, the University of Ghana Library Board proposed establishing the office of legal advisor on copyright matters (Darkey and Akussah, 2008).

As shown in Table 12 almost half of the UNIVEN Library staff (17; 44.8%) indicated that they do not have a dedicated copyright person on campus and 13 (34.2%) were not sure. Only eight (21%) staff members knew that their UNIVEN Library had a copyright officer dedicated to dealing with copyright issues. Again, a worrying finding and perhaps the library management did not communicate this information clearly to all library staff. Nonetheless, as pointed out by Charbonneau and Priehs (2014), such a situation could lead to confusion and has

implications for copyright management and the coordination of services and support across campus.

A further reason for this lack of awareness of the existence of a copyright officer is that the person concerned works as a Head of the Department (HoD) of the Technical Services Division and has responsibilities other than overseeing copyright issues on campus. Ideally, the management of copyright issues needs to be shared with other library staff in terms of responsibilities and knowledge. However, having an office dedicated to copyright issues does demonstrate the institution's determination to promote the IP laws on campus, enhance teachers' and students' understanding of the laws, and reduce the likelihood of unauthorised use (Albitz, 2013; Chou, Chan and Wu, 2007). The researcher suggests that the UNIVEN Copyright Officer must focus on copyright issues only as this is a massive responsibility for the institution.

5.2.1.1.13 Level of confidence in providing copyright advice and guidance to library users

Briefly noted earlier was the level of confidence of the library staff in offering copyright advice and guidance to library users. Respondents were asked how prepared or confident they felt in providing copyright information to library users. As shown in Figure 7, just under half 17 (44%) indicated that they were confident, six (16%) quite confident and four (11%) very confident. It is thus clear that the majority of UNIVEN Library staff are comfortable providing copyright advice to library users. There are still some respondents (29%) who indicated that they were not confident in giving copyright advice to users. More needs to be done to adequately support those working in academic libraries to help increase their comfort level and knowledge of copyright policies (Fernández-Molina, Moraes and Guimarães, 2017).

In the USA study by Charbonneau and Priehs (2014) almost half of the participants felt that they were prepared to attend to copyright queries from users. In contrast, only 17% said they were not prepared. A UK survey which examined librarians' confidence levels when answering copyright queries found that

respondents were generally fairly confident in handling questions and often had backup from colleagues, lawyers or external staff (Morrison and Secker, 2015).

5.2.1.1.14 Familiarity with copyright licenses on online materials

Owing to the significant rise in electronic resources available in any university library, it was essential to determine if library staff were familiar with copyright licenses as they applied to electronic or online material in the library. As reflected in Table 14,16 (42.1%) respondents indicated that they were familiar with copyright licenses pertaining to online or electronic materials. A considerable percentage of respondents did not know (31.6%) or were unsure (23.7%) about the issue. This is very problematic given that the UNIVEN Library has spent 70% of its budget on electronic materials (databases, digitisation and eBooks) since the onset of the COVID-19 pandemic in South Africa in early 2020. The pandemic forced academic institutions to close their doors and teaching and learning took place online using platforms such as Zoom and Moodle, home-recorded lectures, posted PDFs, eBooks and journal articles, all of which necessitated that copyright issues had to be considered (Craig, 2020).

Morrison and Secker's (2015) research findings on UK library and information professionals revealed that many participants reported being extremely or moderately aware of copyright licenses of electronic materials. Results from Fernández-Molina, Moraes, and Guimarães, (2017) study showed that the majority of participants in Brazilian libraries knew about copyright licenses of electronic materials. Still, a considerable percentage did not know or were unsure about copyright licenses. As more resources are purchased in electronic format, librarians need to understand licensing arrangements for these products (Morrison and Secker, 2015). Polak (2009) argued that it is advantageous for library staff to understand copyright principles such as how long copyright lasts and formalities such as licenses.

Some licenses in tertiary institutions require library staff to process and log digitisation requests for teaching. Library staff are taking on a policing role to ensure copyright material uploaded to a virtual learning environment (VLE) is compliant with the licence provided (Morrison and Secker, 2015). Arguably, library

staff need a greater level of understanding of the terms of this type of licence and any relevant copyright exceptions to oversee how copyright material is used in the VLE (Morrison and Secker, 2015). Copyright licensing plays a crucial role in reducing library copyright infringement (Magara, 2016). There are specific licenses that make the works available if proper protocols are followed, including some that do not require fees, called free, public, or open licenses. These allow the copyright holder to grant users access without breaking any stringent copyright laws (Broussard, 2007).

The person responsible for copyright in the library should educate staff about copyright licensing by arranging in-house workshops/discussions. Like the UFH as observed by Mzayiya (2016), the UNIVEN Library also uses a blanket license regulated by DALRO to promote and protect copyright. The library can partner with this institution when holding copyright workshops.

5.2.1.1.15 Copyright ownership on library materials

Another vital area that this study sought to investigate was whether the UNIVEN Library staff understood copyright ownership issues. Table 15 reflects the various answers that were received. Less than half (17; 44.7%) listed the author as the owner of a work while just under a third (12; 31.6%) indicated that it was the publisher. Of concern were the respondents who stated that it was the university that owned the copyright (8; 21%) and the six (15.7%) who said it was the library. Two respondents said it was difficult to know without training. The researcher concludes that most library staff are still unsure about copyright ownership. Copyright ownership is the heart of copyright law; it is the foundation of the law, and library staff should be familiar with it to give relevant advice to the users. Most academic libraries have embarked on digitisation projects (accelerated by the pandemic) and copyright ownership is at the heart of these initiatives. One cannot digitise a work without knowing or identifying the copyright owner.

The library must arrange further training and workshops on copyright law for library staff (Charbonneau and Priehs, 2014) and library staff need to be able to interpret legal and professional guidelines about South African copyright law (Polak, 2009). When asked about copyright ownership, the participants in Polak's

(2009) study were uncertain of the correct answer and hazarded guesses. Almost half of the participants did not know the copyright owner of a work. As pointed out by Magara (2016), library staff should know about copyright ownership issues because a lack of staff awareness of these issues will lead to copyright infringement by library users.

5.2.1.1.16 Organisation responsible for granting permission to use a copyrighted work

The researcher wanted to determine if library staff knew which institution in South Africa is responsible for granting permission to use a copyrighted work. It is clear from the findings in Figure 8 that most UNIVEN Library staff (29; 76%) were aware that DALRO is the organisation responsible for granting permission for one to use a copyrighted work. DALRO oversees copyright issues for all the arts in the country and currently administers public performance rights, broadcast rights and reproduction rights in published works (DALRO, 2021).

Olaka and Adkins (2010) in their study made a similar finding in that a clear majority of Kenyan librarians were able to correctly identify the Kenyan Copyright Board as the entity charged with registering and overseeing materials' copyright protection. In Uganda, Magara (2016) found that the Reproduction Rights Organisation (RRO), was an entity mandated with registering and overseeing materials' copyright protection on behalf of the rights holders to use copyright works. Mzayiya (2016), also found that the librarians at the UFH were aware that the DALRO is the entity responsible for granting permission for one to use a copyrighted work in South Africa. However, unlike the UNIVEN, the UFH subscribes to a blanket license regulated by the DALRO that protects the rights of authors and allows library users to do their work without having to wait for authors to permit them to use the material, either by printing or by photocopying (Mzayiya, 2016). The UFH pays a fee of R1 million yearly for a blanket license, as indicated by UFH librarians (Mzayiya, 2016).

5.2.1.2 Copyright infringement, monitoring and challenges

The second section of this discussion of the results of the questionnaire directed at the UNIVEN Library staff concerns the issues of copyright infringement and

monitoring. Also included in this section are the challenges experienced by library staff concerning copyright law.

5.2.1.2.1 Likelihood of getting into trouble for copyright violation in the library

The researcher sought to determine how likely it was for an individual violating copyright in the library to get into trouble. Copyright infringement is considered a serious offence and can lead to suspension or expulsion of the offender from campus (Mzayiia, 2016). Considering that a majority (63%) of respondents (Figure 9) reported that it was either likely, very likely or extremely likely that the person committing the copyright violation would get into trouble (be caught) implies that the UNIVEN Library staff are confident in their ability to detect copyright violations on the part of the library users.

Similar findings in terms of the likelihood of getting into trouble for copyright violation in the library were found at the UFH where most participants stated that copyright infringement could lead to suspension or expulsion from the university (Mzayiia, 2016). Importantly, the UFH has a copyright policy which guides users on copyright, copyright infringement and possible penalties (Mzayiia, 2016). Olaka and Adkins' (2010) study found that most Kenyan librarians indicated that they educate users when they see them infringing on copyright in the library. This took the form of informing them about copyright law and principles and the consequences of violating copyright as well as providing warning signs to users (Olaka and Adkins, 2010).

The author or owner or his/her licensee (in some cases) can take legal action to stop infringements of his/her rights. This can include seizure of the infringing material, damages and an interdict preventing further infringement of his/her rights. The Courts have the power to award additional damages where there has been a flagrant breach of copyright. The Copyright Act also makes provision for criminal penalties - a fine (a maximum of R5 000 per infringement) and/or imprisonment of up to 3 years for a first conviction. The maximum fine and/or imprisonment penalty for a second conviction is R10 000 and/or 5 years (Nicholson, 2012). If library users are aware of these copyright infringements and

remedies, it might lead to compliance because library users would not engage in copyright violation.

5.2.1.2.2 Action taken by library staff when copyright is infringed

Since there is no copyright policy in the library or on campus, the researcher sought to understand what library staff do when they see copyright being infringed by library users. Judging from the variety of responses from respondents, it can be assumed that there is no systematic way for staff to handle the situation. Twenty-one (55%) respondents said they would talk to the alleged infringer, make them aware of the dangers of copyright infringements and ask them to stop. Three (8%) respondents said they would do nothing and ignore the person. Three (8%) indicated that they had never seen copyright infringement, while a further three (8%) said the question did not apply to them. One (2.6%) respondent said they would impose a fine on the alleged infringer, while a second said they would give an alleged infringer a warning. One (2.6%) of the two remaining respondents said they would take the alleged infringer to their supervisor or library director. The researcher believes there is uncertainty on how to act because of the lack of a copyright policy. The policy and guidelines will clarify for library staff what they must do when they see copyright being infringed. Copyright policies must be clear and well communicated, and the procedures should be appropriate so that library users understand them (Young, 2001). Librarians at the UFH stated that copyright infringers appeared before the University's Disciplinary Committee, and noted that three of their postgraduate students from the Department of Political Science were found guilty of copyright infringement. Their case was reported by one of the leading newspapers in the country (Mzayiya, 2016).

5.2.1.2.3 Copyright monitoring in academic libraries

Another vital area that this study sought to investigate was the library staffs' understanding of who was responsible for monitoring copyright infringement in academic libraries. Judging from the respondents' answers (see Table 16), the researcher believes that the library staff are not sure about who the right person or body is to monitor for copyright infringement in academic libraries. The highest number of respondents (15; 39.4%) believed that it is the library staff who must monitor infringement because, as one participant put it, "they are closest to the

scene". Other respondents said they were unsure (7; 18.4%) while just under a third (12; 31.5%) indicated that is the responsibility of all the options listed, that is, authors, publishers, library staff, and library users.

In Uganda, the Uganda Textbook, Academic and Non-Fiction Authors Association (UTANA) is responsible for copyright monitoring infringements (Magara, 2016). Mzaiyiya's (2016) study at the UFH Library found that librarians do not monitor copyright infringements – this was done by lecturers when marking students' work and who would then report any copyright infringements to the university.

The researcher believes that it is the responsibility of everyone (academic departments, authors, libraries and library staff, copyright officers, publishers, and library users) to monitor for copyright infringements in academic libraries. There is a copyright law in the country and one of its purposes is to deter people from copyright infringements, and this law binds everyone. The study implements the social responsibility theory that suggests that an entity, be it an organisation or individual, must act to benefit society at large. Social responsibility is a duty every individual has to perform so as to maintain a balance between the economy and the ecosystem. The theory suggests that it must be a responsibility of entities such as libraries or individuals to monitor copyright infringements in libraries.

5.2.1.2.4 Copyright challenges encountered in the library

The UNIVEN Library staff were asked what challenges concerning copyright they encountered in the library. While the results revealed a variety of copyright challenges encountered by the library staff, no challenge was mentioned by more than a quarter of respondents. The most mentioned challenge by nine (23.6%) respondents was the lack of copyright awareness on the part of library users. The next most mentioned by six (15.7%) respondents was library users ignoring copyright law followed by three (7.8%) respondents who mentioned users refusing to cooperate. The final challenge mentioned by more than one respondent (2; 5.2%) was not knowing what to do. Judging from the challenges mentioned, the researcher believes that the library staff need to be better informed on copyright law generally to enable them to respond to the challenges.

This can only really be achieved through regular training or workshops on copyright.

Library staff in Uganda stated that one of the challenges concerning copyright was that library users borrow and take library books outside the library for photocopying, where copyright infringement is rife (Magara, 2016). Students prefer to photocopy outside the library premises where they know that photocopying is a business and there is no one to check the number of copies made. The businessperson would worry more about their business than about copyright infringement. Magara (2016) also noted that the scanning of books by library users was another area of concern. Students were found to be scanning and downloading materials to allow for their storage and use in digital form and there was no control over this practice.

It was established that Internet downloading was heavily done on an enormous scale, mostly done individually and with no procedure followed. Attitudes among respondents imply that downloading was considered free for whoever needed it. In universities, especially those allowed by different databases and e-Journals, lecturers, researchers, and students do a lot of downloading. There was observed a lack of restrictions and no control over downloading. The use of passwords and access procedures have helped control downloads, especially in using electronic resources in educational institutions. However, in some cases, the passwords were open, thus making the materials available to the public (Magara, 2016: 541).

When asked about their copyright challenges regarding digital copyright laws, participants in Polak's (2009) study stated that they did not have definite guidelines or directions and (correctly) believed there were no laws in South Africa currently addressing copyright in the digital environment. The researcher believes that having such a law in place as well as a copyright checklist would make it easier for library staff to attend to the challenges associated with copyright and digital materials.

5.2.1.2.5 Additional comments or concerns about copyright in libraries

The final question was also an open-ended one and the library staff respondents were asked if they had any additional comments or concerns about copyright in libraries. Six (15.7%) pointed to the need to have more copyright awareness

training. In a related response, a further six (15.7%) respondents said that library staff need to be trained on copyright issues in order to assist users. Eight (21%) respondents thought that all libraries must have copyright officers while five (13.1%) respondents felt that library staff are not doing enough to curb copyright infringement.

5.2.2 Discussion of results relating to law students

The results from the questionnaire given to the second set of respondents, namely, a sample of the final year and postgraduate students from the School of Law at the UNIVEN are discussed. As in the discussion of the results relating to the library staff, where appropriate, relevant points from the literature and the theoretical framework have been incorporated. However, as was evident in the literature review, there was limited research on students' awareness of copyright law. The discussion is divided into two sections: in the first section the law students' awareness of South African copyright laws and policies is discussed and this is followed, in the second section, by their awareness of other issues concerning copyright. To begin with, as done with the library staff, a brief overview of the law students' demographic characteristics is provided.

The majority of student respondents (65; 58%) who participated in the study were female and 45 (40.2%) were male. Two respondents decided not to indicate their gender, as shown in Table 17. All student respondents were under the age of 50 years, as reflected in Figure 10, with the majority between the ages of 20-30 years (81; 72.3%), followed by the age group of 31-40 with 23 (20,5%) respondents. Most of the student respondents (48; 43%) were in their fourth year, followed by Honours students (33; 29%). There were 21 (19%) Master's students and four (4%) who were registered for PhD study, as reflected in Figure 11.

5.2.2.1 Awareness of copyright laws and policies

Here, the law students' familiarity with the South African Copyright Act and the CAB is discussed. This is followed by their knowledge of copyright legislation and the digital environment, and whether the library or university has a copyright policy.

5.2.2.1.1 Familiarity with the South African Copyright Act 98 of 1978

One of the recommendations made by Olaka and Adkins (2010) in their study, was the need to determine how knowledgeable library users were regarding copyright issues. Students and staff are both the users and creators of intellectual works (Fernandez-Molina and Muriel-Torrado, 2017). In the current study, the final year and postgraduate law students at the UNIVEN were asked to indicate their familiarity with the South African Copyright Act. As can be seen in Figure 12, a clear majority (85; 76%) of the law students indicated that they were familiar with the Act. One of the possible reasons for the high percentage is that the law students are being sensitised about copyright issues by their lecturers (Chou, Chan, and Wu, 2007). Also, library staff cover the Copyright Act during library orientation, database training, and information literacy courses students attend in their first year of study where they are given guidelines of some *do's and don'ts* regarding copyright. Students may also have attended the aforementioned IP workshops and seminars arranged by the Directorate of Research on campus. In addition, an elective module on IP is offered in the final year of LLB studies. It could be argued that the module needs to be made compulsory and extended to students in other degree programmes to benefit all students. Chou, Chan and Wu's (2007) study assessing college and high school students' general understanding of cyber copyright laws found that most answered their questions correctly.

The UNIVEN law students and library staff performed equally well on this question. The findings do contrast with Mzayi's (2016) study in which it was found that most users were generally not conversant with laws governing copyright at the UFH. However, eight (7%) law students were not familiar with the Copyright Act which is worrying. Copyright is a crucial area of the law and the researcher believes that all senior law should be familiar with this and other laws of the country so that they can advise community members. Even though most law students are familiar with the Act, the university still needs to organise student copyright awareness programmes on campus. More copyright literacy programmes must be designed for university students (Fernandez-Molina and Muriel-Torrado, 2017).

5.2.2.1.2 Familiarity with the South African Copyright Amendment Bill

When asked if they were familiar with the CAB, a small majority (64; 57%) of the UNIVEN law students said they were familiar with the Bill while a fairly substantial minority (47; 42%) either said that they were not familiar or that they did not know, as depicted in Figure 13. It is particularly encouraging that a majority (albeit small) of law students are aware of the Bill which is still being approved before being enacted into law. Students have probably been watching and listening to news reports concerning the passage of the Bill. There are legal databases, such as Juta and LexisNexis, which make available Bills to their customers. Importantly, the South African government website is a powerful platform that makes information on a wide variety of topics (including Acts and Bills) freely available to the country's citizens. While the law students outperformed the library staff on this question it is disappointing that a substantial minority of the students were not familiar with the Bill

In 2013, the National Union of Students (NUS) in the UK explored students' attitudes toward copyright. Over 2 000 students in institutions of higher learning in the UK were surveyed and it was found that their understanding of copyright issues was limited (Morrison and Secker, 2015). The UNIVEN law students who were not familiar with the Bill need to be encouraged to familiarise themselves with it, primarily because as law students and future lawyers, they are expected to know about it (and to follow it). As pointed out by Chou, Chan and Wu (2007), all students are expected to use computers and computer networks well and be good citizens in real and cyber societies (Chou, Chan and Wu, 2007). Indeed, all campus populations need education/training (or further education/training) on the complicated issues of copyright (Fernández-Molina, Moraes, and Guimarães., 2017). Most students in the study by Morrison and Secker (2015) felt they did not know enough about IP for their future careers, and many said IP education was not embedded in their courses.

Chou, Chan and Wu (2007) argued that students in their studies need instruction to help them construct new, correct conceptions of cyber copyright laws. The IP lecturers and library staff at the UNIVEN need to engage with the students on both the Copyright Act and the CAB during library orientation, database training

and information literacy courses. The information literacy courses, in particular, need to have a strong copyright focus. Mzayiya (2016) argued that these information literacy classes must be strengthened to offer adequate copyright knowledge to library users. This can be achieved by making the programmes compulsory, credit-bearing, recording students' attendance, and giving students assessments after the library sessions.

5.2.2.1.3 Implementation of legislation covering copyright issues in the digital environment

The law students were asked if they knew of any legislation in the country that addresses copyright issues in the digital environment. As shown in Table 18, most students (72; 64.3%) were unsure whether South Africa had implemented such legislation. This finding is similar to that of the library staff, 63% of whom were also unsure about the legislation. When the 19 (17%) students who incorrectly said that legislation had been implemented, were asked to name the legislation, 10 (8.9%) said it was the Copyright Act while four (3.6%) said it was the CAB – both incorrect answers (as the Bill has yet to be passed into law). The researcher did expect more students to be familiar with the Bill and to know that when passed it would become the law that addresses copyright and digital materials. These findings are of concern and the researcher concludes that students' level of copyright knowledge in this area is limited. Laws do change, and law students in particular are expected to keep pace with the changes and amendments of laws, again, in particular, the copyright law, which they deal with in their daily activities as students on campus (Polak, 2009). A further reason for the researcher's concern is that technology and the law are evolving rapidly and library users need to be up-to-date.

Students in Taiwan were found to have many misconceptions about copyright issues, such as internet content and downloading, that internet information is free, and that all educational materials are fair use. These students were found to both understand and misunderstand cyber copyright laws (Chou, Chan, and Wu, 2007).

5.2.2.1.4 Copyright policy in the library or university

When asked if their library or university has a copyright policy a majority (72; 64.3%) of the law students replied in the affirmative, as shown in Table 19. The researcher believes that the students were uncertain of the answer and, rather than saying they were unsure, incorrectly guessed (as earlier mentioned, the library does not have a copyright policy). Interestingly, only three respondents correctly said that the library or university does not have such a policy. Thus, a majority of the library staff and law students did not know whether the library or university had a copyright policy.

The university needs to arrange copyright workshops for all students (and staff) in which knowledge gaps such as this can be addressed (Charbonneau and Priehs, 2014). Importantly, the UNIVEN Library must develop a copyright policy which would provide, amongst other functions, guidelines for copyright monitoring on campus. When participants in Morrison and Secker's (2015) study were asked if it is vital for an institution to have a copyright policy, the majority answered in the affirmative and confirmed that their institutions have copyright policies. However, some participants were not sure. Sims (2011) points to how the University of Minnesota in the USA began to take an increasingly active role in campus policy development around copyright and scholarly publishing issues.

5.2.2.2 Law students' awareness of other copyright issues

As outlined above, the second section of this discussion concerns the law students' awareness of several other issues concerning copyright.

5.2.2.2.1 What copyright law in South Africa protects

Another vital area concerned what copyright protects. The researcher wanted to determine if the law students knew what is protected under copyright law. It was clear from the findings in Table 20 that the vast majority (93; 83%) of law students knew that copyright law protects ideas that have been expressed and recorded. As noted, copyright works must be fixed in a tangible form to be protected (UNESCO, 2010). Section 2(2) of the South African Copyright Act states that work, except a broadcast or programme-carrying signal, shall not be eligible for copyright unless the work has been written down, recorded, represented in digital

data or signals or otherwise reduced to a material form. There is no copyright in ideas, but copyright automatically applies if the idea is recorded in material form (in writing, on a canvas, or as a photograph) (DALRO, 2021). Historically, copyright was embodied in a physical form; however, in the digital age, this has been changed from a physical format into an electronic format (Besek et al., 2008; Polak, 2009).

5.2.2.2.2 Copyright duration

Results in Figure 14 indicate that under half (50: 45%) of the UNIVEN law students correctly answered that the duration of copyright in South Africa is the author's lifetime plus 50 years after the author's death. The law students performed slightly better than the library staff on this question but the results are still disappointing. According to section 3(2)(a) of the South African Copyright Act, copyright protection on a work lasts for the author's lifetime and 50 years after the author's death. Quite a high percentage of the law students (43; 38%) were unsure of the answer.

A Spanish university study asked students about the duration of copyright law and compared their answers with those of librarians and academics. Students were the group which had the least knowledge of the duration of (Spanish) copyright law (Fernandez-Molina and Muriel-Torrado, 2017). Participants in Polak's (2009) study were not familiar with basic copyright principles such as the duration of copyright. The researcher believes that the library must do more to address this issue during its library orientation, training programmes and IP workshops.

5.2.2.2.3 Public domain

The results regarding the question about the public domain were moderately better than those concerning copyright duration. Over half of the law students (60; 54%) correctly indicated that public domain means the work can be used freely without copyright restrictions, as reflected in Figure 15. Library staff, however, outperformed the law students on this question. Seeing that there were still students who got this answer wrong and those who were not sure, the researcher again concludes that regular copyright workshops need to be arranged for students.

The study of Fernández-Molina and Muriel-Torrado (2017) above which compared the level of knowledge of a Spanish university's library staff, academics and students on various copyright issues found (once again) that the students had the least amount of knowledge on the issue of public domain. Thus, once again, students (as well as library staff) need continuous copyright instruction to help them understand copyright better (Chou, Chan and Wu., 2007).

5.2.2.2.4 Limitations of the South African Copyright Act

Limitations and exceptions play a prominent role in balancing the rights of authors and users, and students must be knowledgeable about them. Polak (2009) argued that copyright law should not create barriers between copyright holders and users. The researcher wished to determine whether the law students were aware of the limitations included in the South African Copyright Act. Judging from the results in Table 21, it can be concluded that UNIVEN law students understood the different copyright limitations available in section 12 of the South African Copyright Act such as private copying, criticising someone's work, teaching, research, and libraries. The study showed that law students know the copyright limitations and exceptions applicable to libraries. The respondents' level of knowledge about limitations and exceptions, which Fernández-Molina, Moraes, and Guimarães (2017) call a crucial element of copyright law, can be described as satisfactory.

The Spanish study conducted at the University of Extremadura in Spain and referred to above found that students' knowledge of copyright exceptions was "moderate" when compared to that of library staff and professors (Fernandez-Molina and Muriel-Torrado, 2017). In the current study fair use was not part of the options provided; however, it is interesting that one of the law students listed it under the "Other" option. Results relating to the students' understanding of the fair use principle are discussed below.

5.2.2.2.5 Fair use/fair dealing principle

To help gauge the level of awareness of fair use, the law students were asked to state whether a statement describing fair use/fair dealing was true or false. As

noted, fair dealing exemptions allow the public to make limited use of copyright material without the copyright owner's consent (Groenewald, 2011). Section 12 (1) of the South African Copyright Act states that copyright shall not be infringed by any fair dealing with a literary or musical work for research, private study or personal use. As reflected in Table 22, 68 (60.7%) of the law students surveyed understood what fair use is (by answering true). A substantial minority (44; 39.3%) were either unsure or gave the wrong answer (by answering false).

Students at Taiwanese colleges were found to have a disappointingly low level of understanding of the fair use clause (it was misunderstood – the students believed that every document used for classroom purposes qualifies under fair use) (Chou, Chan and Wu, 2007). The researcher believes that library staff and students should be knowledgeable about fair use, which is a crucial area of copyright law.

5.2.2.2.6 Photocopying and fair use

The law students were asked what they understood to be fair use in terms of photocopying content from a copyrighted work. Just over half of the law students (56; 51%) indicated that fair use would enable one to photocopy a book a chapter at a time, as shown in Table 23. Some students (26; 24%) were unsure about the correct answer while just under one-fifth (20; 18%) of students felt that the amount of photocopy credits they have is their limit. The researcher concludes that students' knowledge of fair use and photocopying is limited, and the university must arrange copyright workshops for all students (and staff) to address these gaps (Charbonneau and Priehs, 2014). As already mentioned, the UNIVEN Library needs to develop a copyright policy which would contain guidelines on fair use and photocopying on campus. If any reproduction of a copyrighted work does not fall within the ambit of section 12(1) of the South African Copyright Act, it would not qualify as fair dealing and therefore qualifies as copyright infringement (Groenewald, 2011).

5.2.2.2.7 Copyright workshops on campus

The law students were asked if the library or university offered copyright training/workshops to students. As shown in Table 24, the highest number (51; 45.5%) of

students were unsure while 25 (22.3%) indicated that they did not know. When the 36 (32.2%) law students who answered in the affirmative were asked to elaborate, most said that training occurred during library orientation, library training and university workshops.

As with the results from library staff, these results are of concern in that a majority of students were not sure or did not know whether there was copyright training/workshops on campus. This finding is surprising because library orientation runs for almost the entire semester and is compulsory for all first-entering students. Students, actually, are not allowed to enter the library if they have not attended library orientation which, as noted, covers copyright issues as does the database training and information literacy courses done continuously by librarians throughout the year.

5.2.2.2.8 Copyright protection for journal articles and eBooks

As per the results in Figures 16 and 17, a significant majority of UNIVEN law students (90; 80%) were aware that copyright-protected journal articles and 79 (70%) that it protected eBooks.

The above findings contrast with Chou et al's (2007) finding that students in Taiwanese colleges were unaware that information from the Internet is copyrighted. Similar findings were discovered by Magara (2016) in Uganda, which found that students were engaged in Internet downloading on a large scale with no procedure followed, and their attitude was that downloading is free for everyone. There seems to have been a significant improvement in students since the two studies were conducted, with the majority of law students in the current study knowing that information from the Internet is also copyrighted. Students should understand that although there is a massive amount of data on the Internet, the principle of ownership of the information is still applicable (Hallam, 1994).

5.2.2.2.9 Likelihood of getting into trouble through copyright violation

Section 23 of the South African Copyright Act states that infringement can be done by any person who commits an act not authorised by the copyright owner.

The law students were asked what the likelihood of getting into trouble was for the violation of copyright in the UNIVEN Library. As shown in Figure 18, the majority (85; 76%) of UNIVEN law students said it was either likely, very likely or extremely likely that they would get into trouble for copyright violation. This finding is an interesting one as there is no copyright policy at the UNIVEN which would list copyright infringements and penalties. The researcher believes that the reasons for the finding could be that students have been attending copyright sessions and that there are copyright notices in the library and on campus.

Most participants in Mzayi's (2016) study at the UFH, were aware of the consequences of copyright infringement. Mzayi (2016) suggested that the UFH Library must strengthen disciplinary measures for copyright infringement by having clear guidelines and well-communicated policies. However, students continued to violate copyright law regardless of the consequences. A total disregard for the law and pressure of work from library users also led to copyright infringements (Mzayi, 2016).

5.2.2.1.10 Copyright ownership

The law student respondents were asked about copyright ownership for both print and online materials. As shown in Table 25, a small majority (65; 58%) of law students indicated that copyright belongs to the author. Other options listed as possible answers were the publisher, the university, and the library and all were indicated by 31% or less of the students as copyright owners. The researcher is under the impression that the students were guessing. The library or university should play a role in clarifying these issues to library users during their sessions.

Sims' (2011) study at the University of Minnesota tested faculty, student researchers and librarians on their knowledge of copyright ownership; the latter outperformed the first two. Student researchers mainly gave incorrect answers. Section 21 of the South African Copyright Act lists the different authors of different copyright works. The ownership of a work belongs to different people or bodies or institutions depending on the kind of work. Students need to know the copyright owner of print works, web content (text, graphics, music), and websites (Chou et al., 2007). Fernández-Molina and Muriel-Torrado (2017), in their research

analysis, stated that it would be interesting to find out what students and faculty think about the ownership of papers produced as classwork/homework.

5.2.2.1.11 Copyright monitoring at academic libraries

The law students were asked whose responsibility it is to monitor copyright infringement in academic libraries. As shown in Table 26, just over half (56: 50.9%) of the law students indicated that it is library staff who should perform this task. All the other options (author, publisher, library users, and unsure) were chosen by 12% or more of the law students.

As noted in the discussion of the library staff results, the researcher believes that it is the responsibility of everyone (academic departments, authors, libraries and library staff, copyright officers, publishers, and library users) to monitor for copyright infringement in academic libraries. Also as noted, there is a copyright law in the country and one of its purposes, amongst others, is to deter people from copyright infringements, and the law binds everyone. The social responsibility theory as discussed under section 5.2.1.2.4 also suggests that this responsibility rests on everyone.

5.2.2.1.12 Additional comments or concerns about copyright in libraries

When asked if they had any additional comments or concerns about copyright in libraries, 65 law student respondents provided comments covering a variety of issues. Twenty-nine of the 65 (45%) said that library staff must provide training for library users on the subject. Seventeen respondents commented that they did not have any additional comments. Five respondents encouraged fellow students to adhere to copyright regulations while two respondents castigated fellow students for intentionally violating copyright laws. Two respondents stated that copyright is not understood by university students while another respondent wanted to know what happens to copyright ownership when students buy second-hand books from other students. One respondent asked the university to make a copyright course compulsory for all students on campus while another blamed the library for not thoroughly monitoring copyright infringements in the library. One respondent asked for a copyright mentor in the library. Five respondents thanked

the researcher for refreshing their minds on copyright issues by answering the questions in the questionnaire.

5.2.3 General observations concerning the results from library staff and law students

The study was designed to examine the awareness of copyright laws of library staff and senior law students at the UNIVEN. The researcher believes that results from this study will assist in preparing a "copyright confident" and "copyright responsive" academic library workforce as recommended by Charbonneau and Priehs (2014). Library staff are in an intermediate position that obliges them to find a balance between the rights of copyright owners and their users (Fernandez-Molina and Muriel-Torrado, 2017). Being knowledgeable about copyright issues would assist library staff in not exposing themselves and their institutions to potentially serious legal risks due to copyright infringements (Sims, 2011; Albitz, 2013). Both library staff and students (generally) should be aware of what can and cannot be done with copyrighted works without breaking the law (Fernandez-Molina and Muriel-Torrado, 2017).

Results of the study show that the UNIVEN Library staff and law students are reasonably familiar with basic copyright matters such as policies, copyright protection, public domain, copyright limitations (which is a crucial element of copyright law as argued by Fernandez-Molina et al., 2017) and fair use. However, both sets of respondents were less familiar with copyright ownership, the availability of copyright workshops and the enforcement of copyright on campus. The level of knowledge of copyright licenses by library staff was poor with most not knowing about this aspect of copyright law.

The current study, like that of Eye (2013) and Mzayiya (2016), found that the respondents (library staff and senior law students) were reasonably familiar with copyright laws while the findings of studies by Olaka and Adkins (2010), Charbonneau and Priehs (2014) and Fernández-Molina, Moraes, and Guimarães (2017), pointed to the participants being less knowledgeable about copyright. However, library staff can benefit from additional copyright knowledge through

further training and by so doing take on an advisory role in IP matters and orientate library users (Fernández-Molina, Moraes, and Guimarães, 2017).

The findings of the study provide a basis for preparing library staff to provide better copyright-related services to users. Knowledge of copyright law would also allow library users to take better advantage of the limitations or exceptions offered in the law. It would also increase awareness and enable users to participate in copyright law amendment discussions (Fernández-Molina, Moraes, and Guimarães, 2017).

It was disappointing that both sets of respondents were unsure whether there was any legislation or initiative concerning copyright in the digital environment. Also disappointing was that the respondents differed on the duration of copyright – most library staff were not sure about the duration of copyright materials, while under half of the students (45%) knew that it was the author's lifetime and 50 years after the author's death. The researcher anticipated that more library staff would have known about duration (to advise users correctly). There were respondents in both groups who incorrectly believed that the library and university had a copyright policy.

Both library staff (55.3%) and law students (45.5%) were not sure whether there was copyright training or workshops on campus. The researcher believes that library staff did not know that IP workshops organised by the Directorate of Research and Innovation, library training and orientation programmes (offered by library staff) also qualify as copyright sessions, and the majority of respondents attended these sessions. Interestingly, some students (32%) agreed that there are copyright workshops on campus and mentioned library staff as the people who offered the sessions. The researcher was also surprised that there were respondents, both library staff and law students, who were unaware of the CAB. They were also unsure about answering a question regarding legislation addressing copyright issues in the digital environment.

5.2.4 Summary

This chapter has highlighted and discussed the results of the study. The results pertaining to library staff were discussed first followed by those of the senior law students. Wherever possible and appropriate, relevant findings from the literature were incorporated into the discussion. The chapter ended with some general observations concerning both sets of results.

Chapter six: Summary of results, conclusions, and recommendations

6.1 Introduction

Denscombe (2007) argues that the summary and concluding chapter of a thesis or dissertation are aimed at drawing together the threads of the research to arrive at some general conclusion and to suggest some way forward to address the research problem. This final chapter provides a brief overview of the study, a summary of the main results, draws conclusions, makes recommendations based on the results, and presents suggestions for future research. As with the preceding chapters, it ends with a summary.

The study was important to create an understanding of the awareness of copyright laws among the UNIVEN Library staff and law students. Most information professionals have felt that legal or copyright issues are for lawyers only (Fernández-Molina, Moraes, and Guimarães, 2017). However, copyright issues affect everyone, including (and arguably especially) library staff and library users at tertiary institutions.

The study's main objective was to investigate the awareness of copyright laws of library staff and senior law students at the UNIVEN. The four research questions underpinning the study were as follows:

1. What is the level of copyright awareness of the library staff?
2. What is the level of copyright awareness of the law students?
3. Who is responsible for monitoring copyright violations in academic libraries?
4. What problems are encountered with regard to the enforcement of copyright laws in academic libraries?

The study employed an in-depth literature search and a self-administered questionnaire for both sets of participants to establish their awareness of copyright laws and once established, to make recommendations based on the

study's results. The researcher holds that the study's objectives were met and that, based on the results obtained, the research questions have been answered. Although the participants (both library staff and senior law students) level of knowledge was poor in certain areas (as discussed in the previous chapter) such as copyright ownership, availability of copyright workshops and enforcement on campus, their overall understanding of copyright laws was satisfactory.

6.2 Overview of the study

Chapter one introduced and outlined the background of the study. It described the research problem, research objectives, research questions and the rationale for the study. Other aspects covered included the definitions of important terms, a brief description of the methodology followed and the conceptual and theoretical framework, and the limitations and delimitations of the study.

Chapter two reviewed the relevant literature for the study and looked at the conceptual and theoretical framework which underpinned the study. This chapter focused on the origin of copyright law, the development of copyright statutes, and discussed the South African Copyright Act, the CAB, and copyright issues in academic libraries. The chapter described some of the copyright awareness studies done in academic libraries.

Chapter three outlined the methodology followed in the study and offered a detailed discussion of the chosen research method. This chapter discussed the data collection instruments, sampling method and data analysis employed in the study.

Chapter four presented the results of the study in the form of text, tables and figures.

Chapter five discussed the research results from the two sets of questionnaires in light of the relevant literature.

Chapter six, the final chapter, presented a summary of the main results. This was followed by the conclusions, recommendations and suggestions for further research.

6.3 Summary of the main results

This section summarises the significant research results. The summary is done in terms of the research questions underpinning the study.

6.3.1 What is the level of copyright awareness of the library staff?

The first research question sought to gauge the level of copyright awareness of library staff. Findings revealed that the majority of UNIVEN Library staff were familiar with the South African Copyright Act. Fully understanding copyright issues will play an important role in staff and students' copyright compliance. Most of the Information Librarians are offering database training and participating in several courses (such as Introduction to the Theory of Law, Foundation Information Technology, Nutrition Orientation, and Entrepreneurship) which have an information literacy component. These courses are offered for foundation and first-year programmes, and copyright issues are covered in the content. These programmes help confirm that academic libraries (and librarians) are playing a role in copyright matters on their campuses (Charbonneau and Priehs, 2014). Thus, the UNIVEN Library staffs' participation in the orientation and information literacy courses would have increased their copyright knowledge since they would have had to familiarise themselves with the subject. In addition, the UNIVEN Library has an office for Inter-library loan (ILL), which assist in getting materials unavailable at UNIVEN from other academic libraries. The library staff in this office attends regular workshops for ILL organised by LIASA and SABINET and, importantly, copyright is always covered in these sessions.

With regards to CAB, only half of the library staff confirmed that they were aware of the existence of the Bill. These findings suggest that the library staff do not cover the CAB in their library orientation, databases training and information literacy components of the foundation courses noted above. They could be focusing only on what they were told or taught about the Copyright Act at a time during which the Bill had not been promulgated. Whatever the reason it does appear that training to help increase awareness of the CAB is warranted. Results of the study show that the UNIVEN Library staff are reasonably familiar with basic copyright matters such as policies, copyright protection, public domain, copyright limitations (which is a crucial element of copyright law as argued by Fernández-Molina, Moraes, and Guimarães, 2007) and fair use. However, they were less familiar with copyright ownership, the availability of copyright workshops, and the enforcement of copyright on campus. The level of knowledge of copyright licenses by library staff was poor, with most not knowing about this aspect of copyright law.

Further training is warranted to improve their knowledge of copyright ownership, the availability of copyright workshops, enforcement of copyright on campus and copyright licensing.

The library staff were also unsure whether there was any legislation or initiative concerning copyright in the digital environment. It is critical that library staff are familiar with copyright law and principles because these laws keep on changing or being amended and library staff must keep pace with the changes. This will help library staff to continue to offer relevant and updated information to the users.

6.3.2 What is the level of copyright awareness of the law students?

This research question determined the level of copyright awareness of the law students (final year and postgraduate). When asked to indicate their familiarity with the South African Copyright Act, a clear majority indicated that they are familiar with the law. One of the possible reasons is that students are been sensitised about copyright issues by their library staff and law lecturers. Library staff cover the Copyright Act during library orientation, database training, and information literacy courses students attended in their first year of study where they are given guidelines of the “do’s and don’ts” regarding copyright issues. In addition, students may be attending the IP workshops and seminars arranged by the Directorate of Research on campus and also that some law students attend an elective module on IP which is offered for final-year students.

Regarding the CAB, the majority of law students were familiar with it. It is encouraging that the majority (albeit small) of law students were familiar with the Bill which is still to be approved. Students have possibly been watching and listening to news reports concerning the passage of the Bill. There are also some legal databases, such as Juta and LexisNexis, which make available Bills to their customers. Importantly, the South African government website is another powerful platform that makes information on a wide variety of topics (including Acts and Bills) freely available to the people. The students were found to be familiar with copyright protection, public domain, copyright limitations, and fair use. Results showed that students were less familiar with copyright ownership, the availability of copyright workshops and the enforcement of copyright on

campus. Students were also found to be unsure about whether there was any legislation or initiative concerning copyright in the digital environment and just under half knew about the duration of copyright on a material.

The purpose of this study was not to do a comparative analysis between the two sets of respondents. However, it is considered important to examine where the results were similar or different. Both sets of respondents were familiar with the South African Copyright Act, copyright protection, public domain, copyright limitations and exceptions, and fair use. Students outperformed the library staff with their knowledge of the CAB. Both sets of respondents demonstrated a limited knowledge about copyright ownership, the availability of copyright workshops, copyright licensing, the enforcement of copyright on campus, and were unsure whether there was any legislation or initiative concerning copyright implementation in the digital environment. Most library staff were unsure about the duration of copyright on a work, with just under half of law students knowing about it. This finding was worrisome because library staff are supposed to know the copyright owners of all materials in their library to provide sound advice to users. Most libraries are embarking (or have embarked) on the digitisation of their collections and obtaining permission from copyright owners is one of the first important steps to be performed.

6.3.3 Who is responsible for monitoring copyright violations in academic libraries?

Another vital area that this study sought to investigate was the library staffs' understanding of who is responsible for monitoring copyright infringement violations in academic libraries. Judging from the participants' answers (see Table 14), the researcher believes that the library staff are not sure about who the right person or body is to monitor for copyright infringement violations in academic libraries. The highest number of participants believed that it is the library staff who must monitor copyright violations in academic libraries because they are closest to the scene. A significant number of participants were unsure about this question. Other participants indicated that the responsibility lies with the authors, publishers, library staff, and library users. The researcher wanted to determine if library staff knew which institution in South Africa is responsible for granting

permission to use a copyrighted work. It is clear from the findings in Figure 8 that most UNIVEN Library staff were aware that DALRO is the organisation responsible for granting permission for one to use a copyrighted work.

When law students were asked to identify who was responsible for monitoring copyright infringements in academic libraries, just over half of the law students indicated that library staff are the ones to perform this crucial task. Some were unsure, and a significant number of students indicated that the author, publisher, and library users are responsible to perform this task. The researcher concludes that law students were unsure who is responsible for monitoring copyright infringements in academic libraries. The researcher believes that it is the responsibility of everyone (academic departments, authors, libraries and library staff, copyright officers, publishers, and library users) to monitor for copyright infringements in academic libraries, as alluded to by the social responsibility theory which gives entities and individuals the responsibility to be active citizens and participate in empowering communities. There is a copyright law in the country and one of its purposes, amongst others, is to deter people from copyright infringements, and this law binds everyone.

6.3.4 What problems are encountered with regard to the enforcement of copyright laws in academic libraries?

The UNIVEN Library staff were asked what challenges concerning copyright they encountered in the library and the results showed a variety of copyright challenges encountered by the library staff but no challenge was mentioned by more than a quarter of respondents. The most mentioned challenge was the lack of copyright awareness on the part of library users. The next most mentioned challenge by the library staff was library users ignoring copyright law followed by those staff who mentioned users refusing to cooperate. The final challenge mentioned by more than one participant was not knowing what to do. Judging from the variety of answers from the participants, the researcher believes that library staff need to be better informed on copyright law generally to enable them to respond to the challenges. This can only really be achieved through regular training and workshops on copyright.

The researcher sought to determine how likely it was for an individual violating copyright in the library to get into trouble. The findings revealed that library staff believed that an infringer will get into trouble for copyright infringement in the library. Since there is no copyright policy in the library or on campus, the researcher sought to understand what library staff do when they see copyright being infringed by library users. Judging from the variety of responses from participants, it can be assumed that there is no systematic way for staff to handle the situation. Most respondents said that they would talk to the alleged infringer, make them aware of the dangers of copyright infringements and ask them to stop. Others said they will give the infringer a written warning while others blatantly said they will ignore the infringer and walk away. It is actions like these which made the researcher embark on this study of copyright awareness in academic libraries. The researcher believes there is uncertainty on how to act because of the lack of a copyright policy on campus. When asked for additional comments or concerns about copyright in libraries, library staff mentioned a need for continuous training on IP issues on campus.

The law students were asked what the likelihood of getting into trouble was for the violation of copyright in the UNIVEN Library. The findings were interesting because the majority of law students believed that they would get into trouble for copyright violations in the library. The researcher believes that the reasons for the finding could be that students have been attending copyright sessions and that there are copyright notices in the library and on campus. When asked if they had any additional comments or concerns about copyright in libraries, the law students indicated that library staff must provide training for library users. Some respondents encouraged fellow students to adhere to copyright laws on campus. One respondent asked the university to make copyright courses compulsory for all students on campus while a second blamed the library for not thoroughly monitoring copyright infringements in the library.

6.4 Conclusions drawn

The main objective of the study was to investigate the awareness of copyright by the library staff and law students (final year and postgraduate) at the UNIVEN. It can be concluded that the UNIVEN Library staff and law students are reasonably

familiar with basic copyright matters such as policies, copyright protection, public domain, copyright limitations and fair use. The library staff were moderately aware of the CAB. However, both sets of participants were less familiar with copyright ownership, the availability of copyright workshops, the enforcement and monitoring of copyright on campus, and copyright licenses. It can also be concluded that the various challenges identified such as the lack of copyright awareness on the part of library users, library users refusing to cooperate and some library staff not being knowledgeable, were hindering the enforcement of copyright rules on the UNIVEN campus. Finally, it can be concluded that further training is warranted to improve the knowledge of both library staff and senior law students of copyright in libraries.

The following section comprises the study's recommendations. Their implementation will go some way toward ensuring copyright-confident library staff and students.

6.5 Recommendations of the study

Based on the results of the study, the interpretation thereof and the conclusions presented above, the researcher makes the following recommendations:

1. It is recommended that the UNIVEN Library, in conjunction with the university, develop its own copyright policy which will include the types of copyright infringements and sanctions available. The copyright policy will clarify most of the confusion and challenges encountered regarding copyright enforcement. The library can also create a copyright tool or guidelines for support staff that include, for example, checklists for copyright infringements and possible sanctions, and a list of commonly asked questions and answers concerning copyright.
2. The researcher recommends that the UNIVEN Library partner with IP law experts based at the School of Law and outside (such as DALRO) and arrange for training (webinars and workshops) on all copyright issues relevant to library staff and users.
3. As recommended by Mzayiya (2016), the researcher also suggests that the UNIVEN Library must have effective and convenient information and digital literacy programmes that are intended to assist users in issues

related to copyright by educating as well as adequately assessing and examining them on their understanding of copyright. These programmes could be offered in conjunction with relevant academic departments and must be compulsory for all students and, ideally, credit-bearing to encourage good attendance.

4. It is recommended that the library must display copyright notices in all photocopying areas of the library. Consideration should also be given to the library producing posters, flyers and bookmarks covering the important issues concerning copyright (as raised in the study). Finally, in terms of creating awareness and for ease of referral, both the Copyright Act and the CAB should be made clearly available on the University website.

5. The UNIVEN Library has a member of staff whose duty, amongst others, is to deal with copyright issues. It is recommended that the library must have this person focus wholly on copyright issues, in effect, be a designated “copyright officer”. This office needs to be well marketed to staff and students, so they know where the right office is to take their copyright queries. This office can be marketed on social media, the university and library websites, the above-mentioned posters and flyers, and in the library guides (“libguides”). Graveline (2011) provides a rationale for having someone in the library designated as the point person on campus for copyright information, stating that it makes sense for libraries to be involved in the campus conversation on copyright because so much of what they do daily consists of some aspect of copyright: interlibrary loan, document delivery, database content licensing, and print and electronic reserves.

6.6 Future research

The study’s findings, based on the primary data collected, can be used as a starting point for further research projects on the awareness of copyright laws at tertiary institutions in South Africa.

Since the current study only focused on library staff and senior law students at the UNIVEN, it would be ideal for similar studies to involve academics,

administrative staff and students (other than those from the School of Law) from other faculties on campus. This will provide a more informed perspective concerning copyright awareness at the institution (and possibly provide further support for the recommendations listed above).

The current study was conducted at the UNIVEN, one of the historically disadvantaged institutions in South Africa. It would also be ideal for similar research to be conducted not only at other previously underprivileged institutions but also at institutions that are considered to have been advantaged in the past. This will assist in moving toward establishing a national perspective concerning copyright awareness on university campuses.

Finally, both library staff and law students gave various answers when asked about the entity or persons responsible for copyright monitoring in academic libraries and it was evident that participants were unfamiliar with this aspect of copyright (among several others). As recommended by Olaka and Adkins (2010), it would thus be worthwhile to determine how other role-players in copyright such as authors, publishers, and reprographic service organisations view and contribute to copyright compliance and knowledge in libraries.

6.7 Final remarks

Academic libraries operate in a copyright-intensive environment with a massive circulation and provision of materials such as books, eBooks, journal articles, database subscriptions, case law and legislation. Digitisation, in particular, has brought copyright infringement to the fore. In order to abide by copyright law and avoid copyright infringement (at the expense of the copyright holders), there is a crucial need for library staff and users to be familiar with important issues concerning the law and be able to converse well on these copyright issues. The main objective of this study was to investigate the awareness of copyright laws of library staff and law students at the UNIVEN and this study can be seen as contributing to this need. It is evident from the results of the study that more needs to be done in terms of increasing awareness and understanding of copyright among both library staff and senior law students and in this regard, training has a central role to play.

6.8 Summary

In this chapter, the main results of the study were highlighted in terms of the research questions underpinning the study. This was followed by the conclusions drawn. Recommendations emerging from the study were presented and suggestions for future research were given. The chapter ended with a few final remarks.

List of works cited

- Adler, P., Butler, B., Aufderheide, P., and Jaszi, P. (2010). *Fair use challenges in academic and research libraries*. Retrieved from <http://www.arl.org/component/content/article/6/2039> [Accessed 13 June 2022].
- Albitz, R. S. (2013). Copyright information management and the university library: Staffing, organisational placement and authority. *Journal of Academic Librarianship*, 39, 429-435.
- American Library Association [ALA] (2012). Extending Our Reach: Reducing Homelessness through Library Engagement. Available at: <http://www.ala.org/aboutala/offices/extending-our-reach-reducing-homelessness-through-library-engagement> [Accessed 18 December 2022].
- Amollo, B. A. (2011). Digitization for libraries in Kenya. *2nd International Conference on African Digital Libraries and Archives*. www.oarklibrary.com [Accessed 11 February 2022].
- Apuke, O. D. (2017). Quantitative research methods a synopsis approach. *Arabian Journal of Business and Management Review* (Kuwait Chapter), 6(10), 39-47.
- Arko-Cobbah, A. (2007). *The right of access to information: Civil society and good governance in South Africa*. Paper presented at the World Library and Information Congress: 73rd IFLA General Conference and Council Durban, South Africa. <https://origin-archive.ifla.org/IV/ifla73/papers/135-Arko-Cobbah-en.pdf> [Accessed 11 February 2022].
- Babbie, E. (2004). *The practise of social research*. Belmont, CA: Wadsworth Publishing.
- Babbie, E., and Mouton, J. (2001). *The practice of social research*. South African ed. Cape Town: Oxford.
- Barhoumi, C. (2015). The effectiveness of WhatsApp mobile learning activities guided by Activity Theory on students' knowledge management. *Contemporary Educational Technology*, 6(3), 221-238.
- Bertram, C., and Christiansen, I. (2014). *Understanding research: An introduction to reading research*. Pretoria: Van Schaik.
- Besek, J. M., Coates, J., Fitzgerald, B., Mossink, W., Lefurgy, W. G., Muir, A., Rasenberger, M. and Weston, C. D. (2008). Digital preservation and copyright: An international study. *International Journal of Digital Curation*, 2(3), 103-111.
- Blanche, M. T., Blanche, M. J. T., Durrheim, K., and Painter, D. (Eds.). (2006). *Research in practice: Applied methods for the social sciences*. Juta and Company Ltd.
- Blaxter, L., Hughes, C., and Tight, M. (2006). *How to research*. (3rd ed.). Berkshire: Open University Press.
- Boisvert, R. F., and Irwin, M. J. (2006). ACM plagiarism policy: Plagiarism on the rise. *Communications of the ACM* 49(6), 23-24.
- Bowling, A. (2009). *Research methodology in health and health service*. New York: McGraw-Hill.
- Brink, C. (2003). *Becoming a qualitative researcher: An introduction*. New York: Longman.

- Broussard, S. L. (2007). The copyleft movement: Creative Commons licensing. *Communication Research Trends*, 26(3), 3.
- Bui, Y. N. (2014). *How to write a master's thesis* (2nd ed.). Los Angeles: SAGE.
- Chalmers, A. (1982). *What is this thing called science?* Queensland, Australia: University of Queensland.
- Charbonneau, D. H., and Priehs, M. (2014). Copyright awareness, partnerships, and training issues in academic libraries. *Journal of Academic Librarianship*, 40(3-4), 228-233.
- Chou, C., Chan, P. S., and Wu, H. C. (2007). Using a two-tier test to assess students' understanding and alternative conceptions of cyber copyright laws. *British Journal of Educational Technology*, 38(6), 1072-1084.
- Chuma-Okoro, H. (2018). Nigerian copyright reform and implications for access to teaching and learning materials (TLMs) in the digital age. *African Journal of Information and Communication (AJIC)*, 22, 1-28. doi:<https://doi.org/10.23962/10539/26172> [3 April 2001].
- Cohen, L., Manion, L., and Morrison, K. (2007). *Research methods in education*. 6th ed. New York, NY: Routledge.
- Coleman, E., and O'Connor, E. (2019). The role of WhatsApp in medical education: A scoping review and instructional design model. *BMC Medical Education*, 19(279).
- Conroy, M. (2006). Access to works protected by copyright: right or privilege?. *SA Mercantile Law Journal*, 18(4), 345-354.
- Craig, C. (2020). *Copyright limits and learning: Lessons from the Covid-19 quarantine*. Retrieved from <https://www.ei-ie.org/en/item/23590:copyright-limits-and-learning-lessons-from-the-covid-19-quarantine-by-carys-craig> [Accessed 12 January 2022].
- Cresswell, J. W. (2018). *Research design: Qualitative, quantitative, and mixed methods approaches* (5th ed.). Thousand Oaks, California: SAGE.
- Crowster, N. (2021). Why the Copyright Amendment Bill is crucial for libraries and archives. *Online Parliamentary Hearings*, 15 September 2022 [Accessed on 10 November 2022].
- Crowster, N. (2021). Why the Copyright Amendment Bill is crucial for Libraries and Archives. *Online Parliamentary Hearings*. Retrieved from <https://www.parliament.gov.za> [Accessed 26 November 2022].
- Cukadar, S. and Kahvecioglu, K. 2012. Information literacy in legal education: the case of Istanbul Bilgi University. In *International Symposium on Information Management in a changing world*, 102-118.
- Cummings, J. (2009). "How Can We Fail?" The Texas State Library's Traveling Libraries and Bookmobiles, 1916- 1966. *Libraries & the Cultural Record*, 44(3), 299. <https://doi.org/10.1353/lac.0.0080>.
- DALRO. (2021). DALRO-Dramatic, Artistic and Literary Rights Organisation. Retrieved from <http://dalro.co.za/index.php/get-info> [Accessed 10 June 2022].
- Danes, K. M. (2006). Library schools and the copyright knowledge gap. *Information Today*, 23(2), 1-15.
- Darkey, E. M., and Akussah, H. (2008). Academic libraries and copyright issues in Ghana: The University of Ghana in focus. *International Journal of Legal Information*, 36(3), 432-446.
- Davies, M and Hughes, N. 2014. *Doing a successful research project: using qualitative or quantitative methods*. 2nd ed. London: Macmillan.

- Davis-Kahl, S., and Hensley, M. (2013). Common ground at the nexus of information literacy and scholarly communication. Retrieved from http://www.ala.org/acrl/sites/ala.org.acrl/files/content/publications/books/anddigitalresources/digital/commonground_oa.pdf [Accessed 09 May 2022].
- Dean, O. H. (1987). *Handbook of South African copyright law*. Pretoria: Juta.
- Deazley, R. (2003). The myth of copyright at common law. *Cambridge Law Journal*, 62(1), 106-108.
- Denicola, R. C., and Denicola, R. C. (2011). Copyright and open access: Reconsidering university ownership of faculty research. *Nebraska Law Review*, 85(2), 350-382.
- Denscombe, M. (2007). *The good research guide for small-scale social research projects*. 3rd ed. Maidenhead: Open University Press.
- Di Valentino, L. (2015). Awareness and perception of copyright among teaching faculty at Canadian universities. *Partnership - The Canadian Journal of Library and Information Practice and Research*, 10(2), 1-16.
- Dryden, J. (2010). What Canadian archivists know about copyright and where they get their knowledge. *Archivaria*, 69, 77-116.
- Du Plooy, F., Davis, C., and Bezuidenhout, R. (2014). *Research matters*. Cape Town: Juta.
- Educause. (2013). Copyright challenges in a MOOC environment. Retrieved from <https://net.educause.edu/ir/library/pdf/PUB9014.pdf> [Accessed 11 December 2021].
- Edwards, S. D. (2015). The role of rural universities in developing psychology in South Africa. *South African Journal of Psychology*, 45(1), 50-59. doi:DOI:10.1177/0081246314555305.
- Ercegovac, Z., and Richardson Jr., J. V. (2004). Academic dishonesty, plagiarism included, in the digital age: A literature review, *College and Research Libraries*, 65(4), 301-318.
- Eye, J. (2013). Knowledge level of library deans and directors in copyright law. *Journal of Librarianship and Scholarly Communication*, 2(1). doi:<http://dx.doi.org/10.7710/2162-3309.1103>
- Farrington-Darby, T., and Wilson, J. R. (2006). The nature of expertise: a review. *Applied Ergonomics*, 37(1), 17-32.
- Fernández-Molina, J. C., Moraes, J. B., and Guimarães, J. A. (2017). Academic libraries and copyright: Do librarians really have the required knowledge? *College and Research Libraries*, 78(2) 241-259.
- Fernández-Molina, J. C., and Muriel-Torrado, E. (2017). Copyright literacy in the academic field: Analysis of the differences between faculty, students and librarians. 5th *European Conference on Information Literacy*, 18-21 September 2017. 276-285.
- Fubbs, J. (2019). Breaking the impasse: Copyright AB Indaba. Paper presented at the *Copyright Amendment Bill Indaba*, Wits University, RSA.
- Gould, T. H., Lipinski, T. A., and Buchanan, E. A. (2005). Copyright policies and the deciphering of fair use in the creation of reserves at university libraries. *Journal of Academic Librarianship*, 31(3), 182-197.
- Grassmuck, R. V. (2011). Copyright law reform in Brazil: Anteprojeto or anti-project. 23 December 2009.
- Graveline, J. D. (2011). Launching a successful copyright education program. *College and Undergraduate Libraries*, 18(1), 92-96.

- Groak, M., Obliger, D., and Choa, M. (2001). Term paper mills, anti-plagiarism tools, and academic integrity. *Journal of Education Review*, 36, 40-49.
- Groenewald, L. (2011). *Legal analysis of fair dealing relating to music works in the digital environment*. (LLM). University of South Africa, Pretoria.
- Hallam, S. (1994). Misconduct on the information highway: Abuse and misuse of the Internet. In *International online information meeting 94*, (6-8 December 1994)(593-602.
- Harington, R. (2020). *Copyright, Creative Commons, and confusion*. Retrieved from <https://scholarlykitchen.sspnet.org/2020/04/20/copyright-creative-commons-and-confusion/?informz=1> [Accessed 9 October 2021].
- Harms, R. (2012). *The enforcement of intellectual property rights: A case book* (3rd ed.): Geneva: WIPO.
- Hines, S. S. (2015). Connecting individuals with social services: The library's role. www.ifla.org. Retrieved May 1, 2017.
- Hirtle, P. B., Hudson, E., and Kenyon, A. T. (2009). Copyright and cultural institutions: Guidelines for digitization for US libraries, archives, and museums. *Ithaca, NY: Cornell University Library Press, Forthcoming, U of Melbourne Legal Studies Research Paper*, (434).
- Hofman, J. (2008). *Introducing copyright: A plain language guide to copyright*.
- Horava, T. (2010). Copyright communication in Canadian academic libraries: A national survey. *Canadian Journal of Information and Library Science*, 34(1), 1-38.
- IFLA. (2004). *Limitations and exceptions to copyright and neighbouring rights in the digital environment: An international library perspective*. Retrieved from <https://www.ifla.org/publications/limitations-and-exceptions-to-copyright-and-neighbouring-rights-in-the-digital-envirom> [Accessed 21 May 2022].
- Internet Advisory Board. (2022). *Definition of terms*. Retrieved from <https://www.thefreedictionary.com>.
- Jansen, M. (2005). The protection of copyright works on the internet - An overview. *Comparative and International Law Journal of Southern Africa*, 38, 344-354.
- Jennings, C. (2002). Fair Use on the Internet, Report for Congress, 21 mayo de 2002. In Library of Congress.
- Kawooya, D. (2007). *Copyright and access to e-eesources in Africa's education and research contexts: The case of selected Ugandan institutions*. Budapest, Open Society Insitute.
- Kawooya, D., Veverka, A., and Lipinski, T. (2015). The copyright librarian: A study of advertising trends for the period 2006–2013. *The Journal of Academic Librarianship*, 41(3), 341-349.
- Kadilar, C., and Cingi, H. (2005). A new ratio estimator in stratified random sampling. *Communications in Statistics – Theory and Methods*, 34(3), 597-602.
- Khalidi, K. (2017). Quantitative, qualitative or mixed research: Which research paradigm to use? *Journal of Educational and Social Research*, 7(2), 15-24.
- Khomo, M. P. (2007). *Membership of the Library and Information Association of South Africa (LIASA) among library and information service workers in KwaZulu-Natal*. (MIT). Durban University of Technology (DUT), Durban.
- Kothari, C. R. (2004). *Research methodology: Methods and techniques*. New Delhi: New Age International.

- Krejcie, R. V., and Morgan, D. W. (1970). Determining sample size for research activities. *Educational and Psychological Measurement*, 30(3), 607-610.
- Kumar, R. (2005). *Research methodology: A step-by-step guide for beginners*. London: SAGE.
- Kumar, R. (2019). *Research methodology: A step-by-step guide for beginners*. Los Angeles: SAGE.
- Magara, E. (2016). Copyright infringement for academic authorship in Uganda: Implications on exemptions of fair use for educational purposes in universities. *Universal Journal of Management*, 4(10), 535-549.
- Malan, K. (2000). *Reproduction of copyrighted material for educational purposes*. (LLM). University of South Africa, Pretoria.
- Mangadi, J. 2019. Implementation of an institution-wide 1st year information literacy integration policy at the Cape Peninsula University of Technology (CPUT). *International Conference on Information Literacy (ICIL): a sister conference to the European Conference on Information Literacy (ECIL)*. North-West University, South Africa.
- Marques, J. M. (2007). Fair use in the 21st Century: Bill Graham and Blanch v. Koons. *Berkeley Technology Law Journal*, 22, 331.
- Masango, C. A. (2005). Digital licence agreements and their effects on acquisitions and academic library users. *South African Journal of Library and Information Science*, 71(2), 127-135.
- Masango, C. A. (2006). The Future of the First Sale Doctrine with the advent of licences to govern access. *Southern African Journal of Information and Communication*, (7), 64-73.
- Masango, C. A. (2007). Perceptions about copyright of digital content and its effects on scholarship: A South African perspective. *Libri*, 57(1), 84-91.
- McCahe, I. (2005). *Intellectual property right protection in South Africa compared to other developing countries with particular reference to the replacement parts market*. (MBA). University of Pretoria, Pretoria.
- McKinley, D. T. (2003). *The state of access to information in South Africa*. Retrieved from <https://help.csvr.org.za/wp-content/uploads/2004/01/stateofaccess.pdf> [Accessed 1 March 2022].
- Merriam Webster Dictionary and Thesaurus (2016). Retrieved from www.merriam-webster.com [Accessed 10 November 2022].
- Mizukami, P. N., Lemos, R., Magrani, B., De Souza, P. and Affonso, C. (2010). Exceptions and limitations to copyright in Brazil: A call for reform. Access to knowledge in brazil: New research on intellectual property. *Innovation and Development*, 41-78.
- Moagi, D. (2002). *South Africa's National Research and Development Strategy*. Pretoria: Government of the Republic of South Africa. Retrieved from https://www.cepal.org/iyd/noticias/pais/0/31490/Sudafrica_Doc_1.pdf [Accessed 1 March 2022].
- Monyela, M. J. (2019). *Cataloguing practices from creation to use: A study of Cape Town Metropolitan Public Libraries in Western Cape Province, South Africa*. (PhD). University of KwaZulu-Natal (UKZN), Pietermaritzburg.
- Morolong, S. (2006). Copyright in the digital environment: An assessment of the Botswana Copyright and Neighbouring Rights Act of 2000. *University of Botswana Law Journal*, 3(06), 17-44.

- Morrison, C. M., and Secker, J. (2015). Copyright literacy in the UK: A survey of librarians and other cultural heritage sector professionals. *Library and Information Research*, 39(121), 75-97.
- Mueller-Langer, F., and Watt, R. (2010). Copyright and open access for academic works. *Review of Economic Research on Copyright issues*, 7(1), 45-65.
- Mzayi, Z. (2016). *The role of academic libraries in South Africa in the promotion of copyright amongst users: A case study of the University of Fort Hare library (Alice campus)*. (MLIS). University of Fort Hare, Alice.
- Naik, G. L., Deshpande, M., Shivananda, D. C., Ajey, C. P. and Patel, M. (2021). Online teaching and learning of higher education in India during Covid-19 emergency lockdown. *Pedagogical Research* 6(1), 1-14.
- Ndou, A. S. (2021). Relationship between access to ICT and the use of electronic library resources by scholars and postgraduate students in a rural-based South African university. *South African Journal of Libraries and Information Science*, 87(1), 42-50.
- Nguyen, T. D., Shih, M. H., Srivastava, D., Tirthapura, S., and Xu, B. (2021). Stratified random sampling from streaming and stored data. *Distributed and Parallel Databases*, 39(3), 665-710.
- Nicholson, D. R. (2012). *Accommodating persons with sensory disabilities in South African copyright law*. (LLM). University of Witwatersrand, Johannesburg.
- Nicholson, D.R. (2021). Copyright Amendment Bill (CAB). Online Parliamentary Hearings. Retrieved from <https://www.parliament.gov.za> [Accessed 26 November 2022].
- Nicholson, D. R., and Kawooya, D. (2008). The impact of copyright on access to public information in African countries: A perspective from Uganda and South Africa. In *IFLA Conference Proceedings 2009*.
- Nilsson, I.L. (2016). Developing new copyright services in academic libraries. *Insights* 29(1), 78-83.
- Nkomo, M., and Sehoole, C. (2007). Rural-based universities in South Africa: Albatrosses or potential nodes for sustainable development? *International Journal of Sustainability in Higher Education*, 8(2), 234-246. doi:10.1108/14676370710726689
- Nsibirwa, Z. B. (2012). *Preservation of, and access to, legal deposit materials in South Africa*. (PhD). University of Kwazulu Natal, Pietermaritzburg.
- NUS. (2013). *Student attitudes towards intellectual property*. Retrieved from <http://www.nus.org.uk/PageFiles/12238/IP%20report.pdf> [Accessed 2 September 2021].
- Nzimande, B. (2009). Nzimande visits Univen. *Newsletter of the University of Venda, Nendila*. Thohoyandou: University of Venda.
- Okiy, R. B. (2005). Photocopying and the awareness of copyright in tertiary institutions in Nigeria. *Interlending & Document Supply*, 33(1), 49-52.
- Olaka, and Adkins, D. (2010). *Knowledge of copyright issues and strategies used in solving copyright queries among academic librarians in Kenya*. (Phd). University of Missouri, Columbia.
- Olasupo, J. A. (2020). The position of the Nigerian Copyright Act in this digital age. *SSRN Electronic Journal*. doi:DOI: 10.2139/ssrn.3759520
- Oloko, T. O. (2014). *Impact of the World Trade Organisation TRIPS Agreement on the intellectual property laws of Nigeria*. Pretoria, University of Pretoria..

- Onoyeyan, G. (2018). Copyright law and photocopying practice in Nigeria. *Library Philosophy and Practice* (e-journal). doi:https://digitalcommons.unl.edu/libphilprac/2179?utm_source=digitalcommons.unl.edu%2Flibphilprac%2F2179&utm_medium=PDF&utm_campaign=PDFCoverPages [Accessed 10 October 2021].
- Oppenheim, C., and Woodward, I. (2004). A survey of copyright advice and guidance in UK higher education libraries. *Library and Information Research*, 28(89), 50-56.
- Polak, F. M. (2009). *Copyright and digital music collections in South Africa*. (MLIS). University of Kwazulu-Natal, Pietermaritzburg.
- Polit, D. F., and Beck, C. T. (2004). *Nursing research: Appraising evidence for nursing practise*, 7th ed. Philadelphia: WoltersKlowe.
- Racelis, A. (2018). Library services for the poor: Theoretical framework for library social responsibility. *Pedagogical Research*, 3(2), 6.
- Redalyk, L., Clase, R., and In-Com UAB, S. (2003). *Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities*. Berlin.
- Reeves, A. J., Alkhalaf, S. and Amasha, M. A. (2019). WhatsApp as an educational support tool in a Saudi university. *International Journal of Advanced Computer Science and Applications (IJACSA)*, 10(8), 394-401.
- Riby-Smith, M. (2017). South African copyright law – the good, the bad and the Copyright Amendment Bill. *Journal of Intellectual Property Law and Practice*, 12(3), 216-225.
- Sarantakos, S. (1997). *Social research*. 2nd ed. New York: Palgrave Publishers Ltd.
- Shaikh, T. A. A. M. (2015). Digitization of Library: Services, Challenges and Preservation of Digitized Information. *E-Library Science Research Journal*, 3(11), 1-9.
- Sharma, G. (2017). Pros and cons of different sampling techniques. *International Journal of Applied Research*, 3(7), 749-752.
- Schonwetter, T. (n.d). *Creative Commons South Africa: Licensor guidelines*. Retrieved from https://open.uct.ac.za/bitstream/handle/11427/9045/CC_Guidelines_092014TS.pdf?sequence=1 [Accessed 9 July 2021].
- Schutt, R. K. (2012). *Investigating the social world: The process and practice of research*. Thousand Oaks, Calif.: SAGE.
- Sequeira, A. H. (2014). Conceptualization in research. *Psychology of Innovation eJournal CMBO*. www.uwi.edu. [Accessed 12 May 2021].
- Sheat, K. (2004). Libraries, copyright and the global digital environment. *The Electronic Library*, 22(6), 487-491.
- Sims, N. (2011). Lies, damned lies, and copyright (mis)information: Empowering faculty by addressing key points of confusion. *Association of College and Research Libraries*, 282-296.
- Small, R. V., Justus, K. A., Regitano, J. L. (2014). ENABLE-ing School Librarians to Empower Students with Disabilities. *Teacher Librarian*, 42(1), 18-22.
- Smith, K. H., Tobia, R. C., Scott Plutchak, T., Howell, L. M., Pfeiffer, S. J., and Fitts, M. S. (2006). Copyright knowledge of faculty at two academic health science campuses: Results of a survey. *Serials Review*, 32(2), 59-67.
- Smyth, R. (2004). Exploring the usefulness of a conceptual framework as a research tool: A researcher's reflections. *Issues in Educational Research*, 14(2), 167-180.

- Social Responsibilities Round Table [SRRT] (2012). Hunger, homelessness, and poverty task force (HHPTF). Available at: <http://hhptf.org/article/1766/with-homeless-increasingly-shut-out-elsewhere-richmond-library-leans-into-role-as-de-facto-day-shelter>. [Accessed 18 December 2023].
- Steiner, H. and Alston P. (2000) *International human rights in context: Law politics morals*. 2nd ed. London: Oxford University Press.
- Thyer, B. A. (2001). What is the role of theory in research on social work practice? *Journal of Social Work Education*, 37(1), 9-25.
- Tlakula, T. P., and Fombad, M. (2017). The use of electronic resources by undergraduate students at the University of Venda. *The Electronic Library*, 35(5), 861-881.
- Trimble, M. (2020). COVID-19 and Transnational issues in copyright and related rights. *IIC*(51), 407-410. doi:<https://doi.org/10.1007/s40319-020-00938-7> [Accessed 12 May 2020].
- Trosow, S. E. (2013). Fair dealing practices in the post-secondary education sector after the pentalogy. In M. Geist (Ed.), *The copyright pentalogy: How the Supreme Court of Canada shook the foundations of Canadian copyright law*. Ottawa: University of Ottawa Press, 213–233.
- Udem, O. K., and Onwurah, B. (2019). Digitization of library resources in university libraries: A practical approach, *Challenges and Prospects*. no. August. www.researchgate.net [Accessed 17 September 2021].
- UNESCO. (2010). *The ABC of copyright*. Retrieved from <https://unesdoc.unesco.org/ark:/48223/pf0000187677> [Accessed 19 June 2021].
- UNIVEN. (2022). About the University of Venda. Retrieved from: <https://www.univen.ac.za/about/> [Accessed on 12 December 2022].
- Uzuegbunam, C. E. (2013). Social responsibility theory: a contemporary review. A postgraduate Seminar paper presented to the Department of Mass Communication, Faculty of Social Sciences, Nnamdi Azikiwe University Nigeria. Available at https://www.academia.edu/11187397/The_social_responsibility_theory_A_contemporary_review [Accessed 17 September 2021].
- Vijesh, P. V., and Mohanan, N. (2018). *Social responsibilities of academic libraries: Rajagiri College of Social Sciences Library*. Retrieved from: <https://www.researchgate.net/publication/326929711> [Accessed 30 June 2022].
- Visser, C. (2009). Copyright in works created in the course of employment: The Supreme Court of Appeal gives guidance, *King v. SA Weather Service*. *South African Mercantile law Journal*, (4), 591.
- Willis, J. W. (2007). *Foundations of qualitative research*. London: SAGEc.
- Winnick, P., and Lyman, H. H. (1967). Library Services to the Disadvantaged and Handicapped. *ALA Bulletin*, 61(9), 1065-1074.
- WIPO. (2016). *Understanding copyright and related rights, para 'moral rights*. Retrieved from http://www.wipo.int/freepublications/en/intproperty/909/wipo_pub_909.html#moral_rights [Accessed 19 May 2022].
- Young, J. (2001). The cat and mouse game of plagiarism detection. *Chronicle of Higher Education*, 3, 43.

Appendices

Appendix A

Questionnaire for library staff



COLLECTING INFORMATION ON THE AWARENESS OF COPYRIGHT LAWS AT THE UNIVERSITY OF VENDA LIBRARY.

QUESTIONNAIRE FOR LIBRARY STAFF

Instructions for filling in the questionnaire

- Please tick or mark with an X 'the applicable answer(s).
- Use spaces provided to type your answers to the questions.
- Please, do not leave blank spaces. If the question does not apply please indicate —N/A.
- The questionnaire contains four pages and it should take just under 20 minutes to complete

SECTION A: DEMOGRAPHIC DATA

1. Are you:

Male		Female		Other	
------	--	--------	--	-------	--

2. Which age group do you fall under?

Under 20		20-30		31-40		41-50		51-60		Over 60	
----------	--	-------	--	-------	--	-------	--	-------	--	---------	--

3. What is the highest level of education reached?

	Primary School	Grade:
	High School	Grade:
	TVET College / Technikon	Qualification:
	University	Qualification:
	Other, please specify	

4. What is your job title?

	Director
	HoD
	Librarian
	Chief Library Assistant
	Senior Library Assistant
	Library Assistant
	Other, please specify

SECTION B: COPYRIGHT LEGISLATION AND POLICIES

5. Awareness of South African copyright policies

Copyright policy	Aware of it	Heard of it	Not aware of it
South African Copyright Act 98 of 1978			
Copyright Amendment Bill 2018			

6. To your knowledge, has South Africa implemented legislation covering copyright issues in the digital environment?

Yes		No		Unsure	
-----	--	----	--	--------	--

If Yes, which legislation?

7. Does your library have a copyright policy?

Yes		No		Unsure	
-----	--	----	--	--------	--

SECTION C: GENERAL ISSUES INVOLVED IN COPYRIGHT

8. What does copyright law protect in South Africa? You can select all applicable options

(a) Ideas still in our minds and not yet expressed	
(b) Ideas that have been expressed and recorded	
(c) ideas not expressed	
(d) Unsure	
(e) Other, please specify	

9. Copyright protection is usually for a limited duration on the material. According to the South African Copyright Act, how long does copyright last on a print material (duration of copyright)? Tick where appropriate.

The lifetime of the author + fifty (50) years		The lifetime of the author + seventy (70) years		Unsure	
---	--	---	--	--------	--

10. According to the Act, what does it mean when it says the copyrighted work has entered 'public domain'? Tick where appropriate

The work can be used freely without permission		Copyright permission must be obtained first		Unsure	
--	--	---	--	--------	--

11. According to the Act, copyright is subject to certain exceptions or limitations. Indicate those limitations which are included in South African law. More than one item may be selected.

Limitation / exception	Included in South African law
Private copying	
Criticising someone's work	
Teaching, research and libraries	
Commercial purposes	
Other, please specify	

12. The principle of fair dealing or fair use is a privilege for a user to use a copyrighted work without seeking permission from the copyright owner or paying a fee.

True		False		Unsure	
------	--	-------	--	--------	--

13. Does the library or university offer training / workshops on copyright to all library or university staff?

Yes		No		Unsure	
-----	--	----	--	--------	--

If "Yes", please elaborate

14. How often do you deal with copyright-related issues or queries at your workplace?

Always		sometimes		Never	
--------	--	-----------	--	-------	--

15. Do you have a copyright officer or someone assigned to deal with copyright issues in your library specifically?

Yes		No		Unsure	
-----	--	----	--	--------	--

16. How would you describe your level of confidence in providing copyright advice and guidance to library users?

Very confident		Quite confident		Confident		Not confident		Not confident at all	
----------------	--	-----------------	--	-----------	--	---------------	--	----------------------	--

17. Are you part of the team which offers library orientation to first entering students?

Yes		No	
-----	--	----	--

If yes, does copyright form part of your content that you cover?

Yes		No		Sometimes		Never	
-----	--	----	--	-----------	--	-------	--

18. Are you familiar with copyright licenses on online or electronic materials in the library?

Yes		No		Unsure	
-----	--	----	--	--------	--

19. Which institution or organisation in South Africa is responsible for granting permission for one to use a copyrighted work?

Library and Information Association of South Africa (LIASA)		Dramatic, Artistic and Literary Rights Organisation (DALRO)		Unsure		Other	
---	--	---	--	--------	--	-------	--

20. How likely is it for an individual violating copyright in your library to get into trouble?

a). Extremely likely	
b). Very likely	
c). Likely	
d). Not likely	
e). Extremely unlikely	

21. Explain what you usually do when you see someone infringing copyright law in your library?

22. Who owns the copyright on all library materials, both print and online? You can select more than one

Author		Publisher		University		Library		Unsure		Other	
--------	--	-----------	--	------------	--	---------	--	--------	--	-------	--

Please elaborate on your answer

SECTION D: MONITORING AND ENFORCEMENT OF COPYRIGHT LAWS IN ACADEMIC LIBRARIES

23. Whose responsibility is it to monitor copyright infringement in academic libraries? You can select all applicable answers.

Author		Publisher		Library staff		Library users		Unsure		Other	
--------	--	-----------	--	---------------	--	---------------	--	--------	--	-------	--

Please elaborate on your answer

24. What are the challenges, if any, that you encounter concerning copyright at your library?

25. Do you have any additional comments or concerns about copyright in libraries that is relevant, important and helpful for this research?

Many thanks for completing this questionnaire.

Appendix B

Questionnaire for law students



COLLECTING INFORMATION ON THE AWARENESS OF COPYRIGHT LAWS AT THE UNIVERSITY OF VENDA LIBRARY.

QUESTIONNAIRE FOR LAW STUDENTS

Instructions for filling in the questionnaire

- Please tick or mark with an X 'the applicable answer(s).
- Use spaces provided to type your answers to the questions.
- Please, do not leave blank spaces. If the question does not apply please indicate —N/A.
- The questionnaire contains three pages and it should take just under thirty (30) minutes to complete

SECTION A: DEMOGRAPHIC DATA

1. Are you:

Male		Female		Other	
------	--	--------	--	-------	--

2. Which age group do you fall under?

Under 20		20-30		31-40		41-50		51-60		Over 60	
----------	--	-------	--	-------	--	-------	--	-------	--	---------	--

3. What is your level of study?

4 th year students	
Honours	
Masters	
PhD	
If other, please specify	

SECTION B: COPYRIGHT LEGISLATION AND POLICIES

4. Are you familiar with the South African Copyright Act 98 of 1978?

Yes		No		Don't know it	
-----	--	----	--	---------------	--

5. Are you familiar with the South African Copyright Amendment Bill?

Yes		No		Don't know it	
-----	--	----	--	---------------	--

6. To your knowledge, has South Africa implemented legislation covering copyright issues in the digital environment?

Yes		No		Unsure	
-----	--	----	--	--------	--

If Yes, which legislation?

--

7. Does your library or university have a copyright policy?

Yes		No		Unsure	
-----	--	----	--	--------	--

SECTION C: GENERAL ISSUES INVOLVED IN COPYRIGHT

8. What does copyright law protect in South Africa? Select only one answer.

(a) Ideas still in our minds and not yet expressed	
(b) Ideas that have been expressed and recorded	
(c) ideas not expressed	
(d) Unsure	

9. Copyright protection is usually for a limited duration on the material. According to the South African Copyright Act, how long does copyright last on a print material (duration of copyright)?

The Lifetime of the author + 50 years		The Lifetime of the author + 70 years		Unsure	
---------------------------------------	--	---------------------------------------	--	--------	--

10. According to the Act, what does it mean when it says the copyrighted work has entered 'public domain'?

The work can be used freely without permission		Copyright permission must be obtained first		Unsure	
--	--	---	--	--------	--

11. According to the Act, copyright is subject to certain exceptions or limitations. Indicate those limitations which are included in South African law. More than one item may be selected.

Limitation / exception	Included in South African law
Private copying	
Criticising someone's work	
Teaching, research and libraries	
Commercial purposes	
Other, please specify	

12. The principle of fair dealing or fair use is a privilege for a user to use a copyrighted work without seeking permission from the copyright owner or paying a fee.

True		False		Unsure	
------	--	-------	--	--------	--

13. This principle of fair use or dealing allows students to photocopy a reasonable portion of a copyrighted work without permission. Some libraries advise students that a reasonable portion is 10% of a work. What is your understanding about this 10% part? You can select more than one

You can photocopy the whole book	
You can photocopy half a book	
You can photocopy a chapter of a book at a time	
Photocopy credits are my limit	
Unsure	
Other, please specify	

14. Does the library or university offer training / workshops on copyright to students?

Yes		No		Unsure	
-----	--	----	--	--------	--

If “Yes”, please elaborate

--

15. Do you know whether the articles you download from library databases are protected by copyright law?

Yes, they are protected by copyright		No, they are not protected by Copyright law		I am unsure	
--------------------------------------	--	---	--	-------------	--

16. Do you know whether the eBooks you access from library databases are protected by copyright law?

Yes, they are protected by copyright		No, they are not protected by Copyright law		I am unsure	
--------------------------------------	--	---	--	-------------	--

17. How likely are you able to get into trouble for violating copyright in your Univen library?

a). Extremely likely	
b). Very likely	
c). Likely	
d). Not likely	
e). Extremely unlikely	

18. Who owns copyright on all library materials, both print and online? You can select all applicable answers

Author		Publisher		University		Library		Unsure		Other	
--------	--	-----------	--	------------	--	---------	--	--------	--	-------	--

Please elaborate on your answer

--

19. Whose responsibility is it to monitor copyright infringement in academic libraries? You can select all applicable answers

Author		Publisher		Library staff		Library users		Unsure		Other	
--------	--	-----------	--	---------------	--	---------------	--	--------	--	-------	--

Please elaborate on your answer

--

20. Do you buy all the prescribed textbooks for your modules?

Yes		No	
-----	--	----	--

If “No”, please give a reason

--

21. Do you have any additional comments or concerns about copyright in libraries that is relevant, important and helpful for this research?

--

Many thanks for completing this questionnaire.

Appendix C

Research covering letter



Covering letter for the questionnaires for collection information on the awareness of copyright laws at the University of Venda library.

Dear Participant,

I am a student at the University of KwaZulu-Natal doing a Masters in Information Science. I am seeking your assistance in my research project. The purpose of the study is to investigate *the awareness of copyright laws at the University of Venda library*.

The survey is designed to collect data on the awareness of copyright laws at Univen library from library staff and law students. All replies will be treated in the strictest confidence and will not be attributed to particular respondents. I realise that there are many other demands on your time, but, the results will be beneficial to all those who are working with copyrighted materials in libraries on daily basis. I will share the results of the study with the library community and the students.

Attached is a link of the questionnaire send through Google Forms which you can examine. I will be grateful if you would complete the questionnaire online by **Friday, 31 December 2021**. Should you have any queries about the study, please do not hesitate to contact me.

Thank you for your assistance.

Yours faithfully

Maropene Ramabina

Maropene.ramabina@univen.ac.za

083 432 0372

Dr Zawedde Nsibirwa, Supervisor

Nsibirwaz@ukzn.ac.za

(033) 260 5685

Appendix D

Informed consent form



Informed Consent

Dear Participant,

My name is Mr Maropene Thomas Ramabina (Student number: 216075698). I am a Masters candidate studying at the University of KwaZulu-Natal, Pietermaritzburg Campus. The title of my research is: ***The awareness of copyright laws at the University of Venda library***. The aim of the study is to find out the level of copyright awareness, knowledge and issues from the University of Venda library staff and students. I am interested in hearing about your experiences and observations on the subject matter.

Please note that:

- The information that you provide will be used for scholarly research only.
- Your participation is entirely voluntary. You have a choice to participate, not to participate or stop participating in the research. You will not be penalised for taking such an action.
- Your views in this survey will be presented anonymously. Neither your name nor identity will be disclosed in any form in the study.
- The questionnaire will take about twenty (20) minutes.
- The record as well as other items associated with the questionnaire will be held in a password-protected file accessible only to myself and my supervisor. After a period of 5 years, in line with the rules of the university, it will be disposed by shredding and burning.
- If you agree to participate please sign the declaration attached to this statement (a separate sheet will be provided for signatures)

The questionnaire is available online on Google forms and a link will be provided to you.

I can be contacted at: School of Social Sciences, University of KwaZulu-Natal, Pietermaritzburg Campus, Scottsville, Pietermaritzburg.. Email: maropene.ramabina@univen.ac.za / maropene.ramabina@gmail.com
Cell: 083 432 0372; Office (015) 962 8521.

My supervisor is Dr Zawedde Nsibirwa, who is located at the School of Social Sciences, Pietermaritzburg Campus. Contact details: email nsibirwaz@ukzn.ac.za. Phone number: (033) 260 5685.

The Humanities and Social Sciences Research Ethics Committee contact details are as follows: HSSREC Research Office. Tel: (031) 260 8350 4557, Email hssrec@ukzn.ac.za.

Thank you for your contribution to this research.

Appendix E

UKZN ethical clearance letter



29 March 2021

Mr Maropene Thomas Ramabina (216075698)
School Of Social Sciences
Pietermaritzburg Campus

Dear Mr Ramabina,

Protocol reference number: HSSREC/00002224/2020

Project title: The awareness of copyright laws at the University of Venda library

Degree: Masters

Approval Notification – Expedited Application

This letter serves to notify you that your application received on 15 October 2020 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

This approval is valid until 29 March 2022.

To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

All research conducted during the COVID-19 period must adhere to the national and UKZN guidelines.

HSSREC is registered with the South African National Research Ethics Council (REC-4041440).

Yours sincerely,



Professor Dipane Hlalele (Chair) /dd

Appendix F

UKZN ethical clearance renewal



Mr Maropene Thomas Ramabina (216075698)
School Of Social Sciences
Pietermaritzburg

Dear Mr Maropene Thomas Ramabina,

Original application number: 00009853

Project title: The awareness of copyright laws at the University of Venda library

Exemption from Ethics Review

In response to your **renewal** application received on 23 March 2022, your school has indicated that the renewal has been granted **EXEMPTION FROM ETHICS REVIEW**.

Any alteration/s to the exempted research protocol, e.g., Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through an amendment/modification prior to its implementation. The original exemption number must be cited.

For any changes that could result in potential risk, an ethics application including the proposed amendments must be submitted to the relevant UKZN Research Ethics Committee. The original exemption number must be cited.

In case you have further queries, please quote the above reference number.

PLEASE NOTE:

Research data should be securely stored in the discipline/department for a period of 5 years.

I take this opportunity of wishing you everything of the best with your study.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Uma'.

Prof Uma Mahesvari Naidu
Academic Leader Research
School Of Social Sciences

Appendix G

Permission to conduct research at the University of Venda

Research and Innovation
Office of the Director

Date: 25th February 2021

Mr M Ramabina

University of KwaZulu-Natal

Information Studies

Private Bag X54001

Durban

4000

Dear Mr M Ramabina

Permission to conduct Research at the University of Venda

You are hereby granted permission to conduct research at the University of Venda.

The research will be based on your master's research titled: ***The awareness of copyright laws at the University of Venda Library*** registered at the **University of Kwazulu-Natal (UKZN)**.

The conditions are that all the data pertaining to University of Venda will be treated in accordance with the Ethical Principles and that will be shared with the University. In addition, consent should be sought by you as a researcher from participants.

Attached is our policy on ethics.

Thank you



Prof VO Netshandama

Chairperson: UREC

Cc: Prof JE Crafford (DVC Academic)

Cc: Senior Prof GE Ekosse (Director Research and Innovation)

Cc: Prof TS Mashau (Chairperson RESSC)



UNIVERSITY OF VENDA
PRIVATE BAG X5050, THOHOYANDOU, 0950. LIMPOPO PROVINCE. SOUTH AFRICA
TELEPHONE 015 962 8313 / 8504. FAX 015 962 9060
Email: research@univen.ac.za

"A quality driven, financially sustainable, rural-based comprehensive University"

Appendix H

Proof of editing letter

Athol Leach (Proofreading and Editing)



31 Park Rd
Fisherhaven
Hermanus 7200
Email: atholleach@gmail.com Cell: 0846667799

20 December 2022

To Whom It May Concern

This letter serves to confirm that I have edited the following MIS dissertation by Maropene Thomas Ramabina:

“The awareness of copyright laws at the University of Venda Library”

The dissertation was edited in terms of grammar, spelling, punctuation and overall style. In doing so use was made of MS Word’s “Track changes” facility thus providing the student with the opportunity to reject or accept the changes made on a chapter-by-chapter basis.

Please note that while I have, as far as possible, checked both the in-text references and those appearing in the list of references for consistency in terms of format, I have not checked the veracity of the sources themselves.

Both the tracked and final documents are on file.

Sincerely



Athol Leach
(MIS, Natal)