

THE NIGERIAN COPYRIGHT ACT 2022: EXPANDING THE SCOPE OF ACCESS TO LITERARY WORKS

*Nneka Chioma Ezedum**

Abstract

Intellectual property rights have evolved in recent times, embracing new areas and adapting to changes to accommodate the interest of both the right owner and the right of the public to access intellectual property rights. The right of the blind, the visually impaired and otherwise print disabled persons are public rights that were not taken into perspective in the old copyright act. Internationally, this right has been the subject of discussions which resulted in the adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled 2013(Marrakesh Treaty). The Nigerian government set up a committee in 2015 to draft a new copyright bill. Subsequently a new copyright Act 2022 was enacted which repealed the old Act. The aim of this article is to analyse the new Copyright Act 2022 with respect to the specific provisions relating to access of literary

* Legal Practitioner and Lecturer, Faculty of Law, Enugu State University of Science & Technology, ESUT e.mail, nneka.ezedum@esut.edu.ng , eka4j@yahoo.com 08035075066

works for the blind, visually impaired or otherwise print disabled and to note whether this aligns with the provisions of the Marrakesh Treaty. In making this consideration, the researcher employed the doctrinal research method and concludes *inter alia* that there are indeed notable amendments which were incorporated in The Copyright Act, 2022.

Keywords: Copyright Act 2022, Marrakesh Treaty, Literary Works, The Visually Impaired, Print Disabled Persons.

1. Introduction

In Nigeria and in most countries, the blind and the visually impaired or print disabled persons had very limited access to published or literary works. Copyright laws were a barrier to either access published works for the print disabled persons or international sharing of accessible works for the benefit of these print disabled persons. This resulted in discussions and campaigns to get a legally binding international treaty that would enable access of the visually impaired persons to literary works. This therefore cumulated in the adoption of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled 2013 (Marrakesh Treaty) in 2013, which is an international copyright law treaty and an attempt to facilitate access to published works for the visually impaired persons. In that regard, countries were encouraged to implement the treaty

in their national laws to reflect flexibilities adopted in ensuring access of the visually impaired persons to published works.

The Copyright Act 2022 officially repealed the Copyright Act 1988 which was encoded in Cap C28 LFN 2004. The new Act is imperative and expedient, to upgrade the Nigerian Copyright Act to meet up with the constant development of copyright in the world and to cover the loopholes in the current(now old Act) Copyright Act with respect to the right of the general public and in particular, the disabled persons access to copyright works¹ and therefore align itself to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled 2013(Marrakesh Treaty).

Domesticating the Marrakesh Treaty which is administered by the World Intellectual Property Organisation (WIPO) is intended to lead to the development of a balanced and effective global intellectual property ecosystem to promote innovation and creativity for a better and more sustainable future² and Nigeria needs to adopt this as captured in the objectives of the Act , which is to “facilitate Nigeria’s compliance with obligations arising from relevant international copyright treaties and conventions”³.

¹ N.C Ezedum, ‘The Expediency in Amending the Nigerian Copyright Act’ *Nnamdi Azikiwe University Awka, Journal of Commercial and Property Law* Vol. 9(2), (February, 2022) 58-69. <https://journals.unizik.edu.ng/index.php/jcpl>

² WIPO-Administered Treaties, <https://www.wipo.int/treaties/en/> accessed 10 May 2023, (WIPO Administers 26 treaties including the WIPO Convention).

³ Sec 1(c) The Copyright Act 2022

Though Nigeria ratified the Marrakesh treaty but the treaty would not be enforceable in the country unless it is domesticated in line with Sec 12 of the 1999 Constitution. The question which this research paper intends to answer is whether the Act took into perspective the Marrakesh Treaty and therefore took cognisance of the need of these visually impaired persons to access literary works in accessible formats. This will be in line with the objective of intellectual property rights which is to provide adequate protection to right owners and also enable the public access to works in the widest possible means.

This paper comprises of four sections. Section one introduces the discussion while section two is a brief overview of the old Copyright Act. The next section highlights the provisions of the Marrakesh Treaty as it relates to access and adaptation of literary works in accessible formats. Section three evaluates the Copyright Act, 2022, the expansion therein and whether it adequately responds to pending issues in the copyright regime while section four is the conclusion.

2. Copyright in Nigeria: The Old Perspective.

Generally, it amounts to an infringement under the Copyright legal regime to copy, use or reproduce, publish, make an adaptation of a work etc. without the authority of the copyright owner. The owner of the copyright in a protected work has the exclusive right to control the use or exploitation of that work

in the manner specified under the Act⁴, this is subject to the exceptions also provided in the Act. Hence copyright is the exclusive right of a copyright owner to use or authorise the use or doing of any of the acts provided in the Act⁵ Copyright is akin to a proprietary right, which confers exclusive rights to authorise or prohibit a wide range of activities relating to qualified subject matter.....the law is able to provide legal recourse for the creator of a work against those who copy or otherwise appropriate the work without lawful authority⁶. Infringement⁷ of copyright is said to occur where any person, without the licence or authorisation of the owner, does or causes any other person to do an act, the doing of which is controlled by copyright⁸.

For literary works⁹, it is desirable that we should have a supply of good books, we cannot have such a supply unless men of letters are liberally remunerated and the easy objectionable

⁴ J O Asien, *Nigerian Copyright law & Practice* (2nd edn, Books & Gravel Publishing 2012) 168

⁵ Sec 6,7 &8, Copyright Act, LFN 2004.

⁶ A. Oyewunmi, *Nigerian Law of Intellectual Property* (1st edn, Lagos, University of Lagos Press and Bookshop Ltd 2015). 22

⁷ Sec 15. This provides for the various acts that constitute infringement of copyright.

⁸ D. Oriakhogba & I. Olubiyi, *Intellectual Property law in Nigeria: Emerging Trends, Theories and Practice* (1st edn, Paclerd Press Ltd, 2021) 174

⁹ Sec 1(1)(a). The Copyright Act provides that literary works, musical works, artistic works, cinematograph works, sound recording and broadcasts shall be eligible for copyright subject to meeting the criteria as stipulated thereafter.

way of remunerating them is by means of copyright¹⁰. Copyright protects the right an author has to his work and gives him the right to authorise access to his work, therefore the conversion of a copyright work to any other format would need the express authorization of the copyright owner to avoid an infringement action.

The Act¹¹, however provided for exceptions to copyright control. This means that the rights conferred by section 6 of the Act would not include the right to control the doing of the acts provided in the second schedule of the Act. These exceptions include fair use of a copyrighted work for research, private use, criticism, review or the reporting of current events. Therefore, one could use a copyright work for private use but if the use is public then the author of the work will be acknowledged appropriately. Accordingly if a work eligible for copyright control is used within the exceptions provided therein, it will not amount to copyright infringement¹². These exceptions are of obvious importance in that they seek to establish a proper balance between the legitimate interests of copyright owners and the legitimate desires of users of copyright material¹³

¹⁰ J. Boyle & J. Jenkins, *Intellectual Property: Law & The Information Society- Cases and Materials* (5th edn, Centre for the Study of the Public Domain, 2021)263

¹¹ Second Schedule to the Act

¹² These exceptions include fair dealing of a work for: private use, research, criticism, acknowledging the authorship of a work used publicly, incidental inclusion of a work in an art work or a film etc

¹³ G Davies, *Copyright and The Public Interest* (2nd edn, London, Sweet & Maxwell, 2002) 57

The exceptions from copyright infringement also included any use made of a work for educational purposes to be used in an approved educational institution. The condition for this use is that the work must be destroyed before the end of the said stated period or if there is no defined period, then the work which must be destroyed before the end of the period of 12 months after it was made. Furthermore the Act also made provision for “reproduction of published work in Braille for exclusive use of the blind...or other establishments approved by the government for the promotion of the welfare of other disabled persons for the exclusive use of such blind or disabled persons.”¹⁴

Notwithstanding these provisions, the Act was however quite restrictive. It restricted the exception of reproduction of published works for disabled persons to only the blind, and this exception was limited to Braille¹⁵ as the only format for such reproduction.

First and foremost, the blind are not the only people that have limitations in accessing copyright works, there are also the visually impaired and otherwise print disabled. Also converting of books to Braille is not an easy task, the process is cost-intensive and most visually impaired people cannot afford it.¹⁶ Books by Nigerian authors like Wole Soyinka,

¹⁴ Paragraph (s) Second Schedule to the Act

¹⁵ Second schedule to the Act paragraph (s). The second schedule to the Act provided for exceptions from Copyright control.

¹⁶ O. Adetayo, “‘A Book Famine’: In Nigeria, Copyright Laws Mean Visually Impaired People Can’t Access Many Books”

Chinua Achebe and Chimamanda Adichie, which have been produced in accessible formats in other countries, are not available to Nigerians with print disability¹⁷ as a result of the restrictions placed by the copyright Act.

The old Copyright law did not benefit the blind, the visually impaired or otherwise print disabled persons in Nigeria, it limited their access to copyright works. For example a visually impaired user may need to convert the text of a book into a format compatible with screen reading software, a process that would require making a copy of the original work in its entirety¹⁸. According to the provisions of the Act, such conversion without the consent or authorization of the copyright owner would amount to copyright infringement. The law was not fair on this set of disabled persons who had a right to also access copyright works but could not do so without infringing on the right of the copyright owner. They were deprived of the benefits of enjoying the ever increasing influx of copyright works in the society.

<https://minorityafrica.org/nigeria-copyright-laws-visually-impaired-peopleaccess-books/> Accessed 13 May 2023 “To convert a book to Braille, you can spend ten times the original price of the same book. For example, if a book costs one thousand naira originally for sighted people, making it into Braille can cost up to ten thousand naira”

¹⁷ S. Omolaoye, ‘Sign Revised Copyright Bill, Blind Association Tells President’ <https://guardian.ng/news/sign-revised-copyright-bill-association-tells-president/> accessed 13 May 2023

¹⁸ L. Diver, A. Iramina & B. Schafer , ‘Exceptions for Disability’ <https://www.copyrightuser.org/understan/exceptions/disability/> accessed 13 May 2023

If the aim and objective of intellectual property rights is in the public interest, that copyright law should balance the interest of the copyright owner, on the one hand, and the interest of the public, in the sense of the user or consumer, on the other hand, in obtaining access as cheaply and easily as possible to information of all kinds¹⁹. The interest of the visually challenged were not reflected in the public interest perspective of our domestic copyright law. These people rightly make up part of the public and a good percentage at that, and had equal right and desire to access copyright works.

Therefore, Nigeria owed these people a duty to make provision for them in relevant laws having signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This means that Nigeria owes its disabled citizens the duty of providing works and materials in accessible formats as provided in Article 9, 19, 21, 24, 31 and 33.3 of the UNCRPD²⁰ because physical disability should not affect a person's right to participate or enjoy the scientific progress in the society. There was equally the need to comply with the constitutional provisions on non-discrimination, freedom of expression, right to education etc.²¹

¹⁹ G Davies, *Copyright and the Public Interest*, supra 354

²⁰ S. Omolaoye, 'Sign Revised Copyright Bill, Blind Association Tells President' <https://guardian.ng/news/sign-revised-copyright-bill-association-tells-president/> accessed 13 May 2023

²¹ The 1999 Constitution of Nigeria.

This compliance as aforementioned, implies making provision in the Copyright Act for literary works to be made available in accessible formats that would aid the visually challenged persons. Accessible format copy means a copy of a work in an alternative manner or form which gives a person with a disability access to the work and which permits such a person to have access as feasibly and comfortably as a person without disability²². Currently, Braille format as provided by the Act is not the only format that copyright works can be converted to for accessibility of the blind and visually impaired. Apart from Braille, the other accessible formats are audio, large print, tactical graphics and digital text conforming with accessibility standards²³.

Copyright systems strive to create a balance between the right of the copyright owner and the right of the general public to access copyright works, and this need has been recognized through the history of copyright. Copyright systems are recognized as having a two-fold purpose: to accord exploitation rights to those engaged in literary, artistic and other protected works and to answer to the general public interest in the widest possible availability of copyright material²⁴. The public interest is the aggregate of the fundamental goals that the society seeks to achieve for all of its

²² <https://www.lawinsider.com/dictionary/accessible-format-copy/> accessed 13 May 2023

²³ About Accessible Formats, <https://aem.cast.org/acquire/accessible-formats#> accessed 16 May 2023

²⁴ Gillian Davies, *Copyright and the Public Interest*, (2nd edn, London Sweet & Maxwell, 2002) 7

members-not a majority of its members or for any large and powerful group, but for all the people within the society.....in that case there must be balancing²⁵.

This balance is achieved by introducing various exceptions or limitations to the rights granted under the copyright Law²⁶. The blind and persons with visual disabilities are physically challenged, the physically challenged are part of the public and these exceptions does not recognize their inability to access these works in their generally accepted format²⁷. The obstacles or lacuna in the Copyright Act did not enable copyright works be put in appropriate or accessible formats for the benefit of the people living with reading disabilities or impaired from reading. It thus became imperative to create exceptions in the copyright laws to accommodate the need of the visually disadvantaged people and print disabled persons.

3. The Marrakesh Treaty.

In simple terms, copyright is a right to make copies, copyright infringement can be seen as making unauthorised copies of a work²⁸. This infringement can be the lot of a visually challenged persons, in their bid to make copies of literary works they can access. According to the World Health

²⁵ Barbara Ranger cited in Gillian Davies, *Copyright and te Public Interest*, (2nd edn, London Sweet & Maxwell, 2002)353

²⁶ J.O Asien, *Nigerian Copyright law & Practice*, (Books and Gavel 2012) 246

²⁷ N C Ezedum, *Public Interest in the Administration of Copyright law in Nigeria*, LLM Thesis, Enugu State University of Science and Technology, ESUT. 49

²⁸ P. Torremans & J. Holyoak, *Intellectual Property Law* (2nd edn, London, Butterworths, 1998)225

Organisation, WHO, there are around 314 million blind and visually impaired persons in the world, and more than 90 percent live in developing countries²⁹. The international community took cognisance of the need of the visually challenged people globally, hence the adoption of The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled. The Marrakesh Treaty was adopted on June 27, 2013 and became effective on 30 September 2016. The Treaty requires contract states to provide limitations or exceptions in their domestic copyright law, the purpose of these is to accommodate the interest of the blind, visually impaired and otherwise print disabled persons to copyright works. These interests include the right to reproduce, distribute, import and export accessible format copies.

The contracting parties are allowed the freedom to implement these provisions of the treaty taking into cognisance the country's peculiar legal system which includes fair use. However, the treaty mandates that in considering fair use, the member country must comply with the three-step test, which is basic principle used to determine whether or not an exception or limitation is permissible under the international norms on copyright and related rights³⁰.

²⁹ WIPO, IP Challenges in Meeting the Needs of Visually Impaired Persons, www.wipo.int/wipo_magazines Accessed 25 May 2023.

³⁰ Summary of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are Blind, Visually Impaired, or Otherwise Print Disabled (MVT)(2013) https://www.wipo.int/treaties/en/ip/marrakesh/summary_marrakesh.html accessed 10 May 2023

The three-step test which was first enacted in 1967 revision of the Berne Convention provides for the permission of reproduction of works (a) in certain special cases, provided that (b) such reproduction does not conflict with the normal exploitation of the work and (c) does not unreasonably prejudice the legitimate interest of the author. With respect to the first limb of the test, “certain special cases” can be used to refer to visually disabled persons, and they would serve a certain portion of the public. In considering the second limb of the test which states that “such reproduction does not conflict with the normal exploitation of the work”, in the absence of accessible works reproduced under limitations and exceptions, the visually impaired would not buy normal copies that normally have considerable economic or practical importance to the authors³¹. Accessible format copies of published works will not affect the economic benefit of copyright owners because the visually disabled persons would not buy the works in their normal format.

The treaty also made provision for importing and exporting accessible format copies, this would create a channel for flow of resources between countries and is a good opportunity for less developed countries to have the advantage of foreign accessible format copies.

³¹ L Ayoubi, “The Marrakesh Treaty: Fixing International Copyright Law for the Benefit of the Visually Impaired Persons” (2015) 13 NZJPIL

Intellectual property protection in copyright works serve a dual purpose which is to protect the interest of the right holder and give the public access to copyright works without infringing on the right of the copyright owner. The category of persons referred to by the Marrakesh Treaty also form part of the public. They are persons affected by a range of disabilities that interfere with the effective reading of printed material.....or persons with a physical disability that prevents them from holding and manipulating a book³². The aim of the treaty is to ensure that these people who also desire knowledge are not put at a disadvantage as a result of their disability. The domestication of the Marrakesh Treaty would give equal reading opportunity to both sighted people and print disabled person in Nigeria.

These people if given the chance to access literary works in accessible formats, can also contribute to the economic development and growth of the country. As of 2008, which is the most recent statistics, 42 out of every 1,000 Nigerians had a visual impairment, a number that experts say must have risen³³. Generally, Copyright laws protect the interest of copyright owners from infringement but the Marrakesh Treaty creates exceptions to these laws to accommodate this visually disadvantage persons in our society and requires member states to make exceptions in their copyright laws that enables the

³² *ibid*

³³ O. Adetayo, "A Book Famine: In Nigeria, Copyright Laws Mean Visually Impaired People Can't Access Many Books" <https://minorityafrica.org/nigeria-copyright-laws-visually-impaired-peopleaccess-books/> Accessed 13 May 2023

people with visual disability obtain published works in accessible formats.

The treaty also establishes rules that enable exchange of such accessible format versions between countries. The cross-border exchange of copyrighted books will now be legal without the permission of right holders for non-profit uses to serve the visually-impaired persons³⁴.

Other countries have long implemented the Marrakesh Treaty. In the UK³⁵ the law allows acts such as, making braille, audio or large-print copies of books, newspapers or magazines for visually –impaired people, adding audio-description to films or -broadcasts for visually- impaired people³⁶In 2018, the US Congress adopted the Marrakesh Treaty Implementation Act (MTIA), which amended Section 121 of the Copyright Act to conform with the obligations of the treaty³⁷. In the United States also, the treaty has been of tremendous benefit to the blind and visually impaired persons. The National Library

³⁴ Questions and Answers on the Marrakesh Treaty, <https://www.euroblind.org/newsletter/2022/july-september/en/questions-and-answers-marrakesh-treaty> Accessed 19 June 2023

³⁵ In 2018, the UK Copyright law implemented the Marrakesh Treaty

³⁶ United Kingdom Government Intellectual Property Office, ‘Exceptions to Copyright: Accessible Formats for Disabled People’ <https://assents.publishing.service.gov.uk> . Accessed 16th May 2021

³⁷ K. Klosek, US Copyright Office Allows Access to E-books for People with Disabilities, but Licences May Still Restrict Access. 2022, <https://www.arl.org/blog/us-copyright-office-allows-access-to-e-books-for-people-with-disabilities-but-licences-may-still-restrict-access/> Accessed 16th May 2023

Service for the Blind and Print Disabled (NLS) as an authorised entity makes thousands of accessible format works available throughout the world, as well as to import over 1,700 foreign titles in at least 10 languages for its patrons³⁸.

4. Expanding the Scope of Access to Published Works.

Nigeria ratified the Marrakesh Treaty in 2017 and then commenced the uphill task of signing it into law as provided under Sec 12(1) of the 1999 Constitution³⁹. March 17, 2023 marked a new era for the Nigerian Copyright regime and a light at the end of the tunnel for the persons in Nigeria who are Blind, Visually Impaired, or Otherwise Print Disabled. The Copyright Act LFN 2004 was repealed and the Copyright Act 2022 was enacted. The new Act takes into perspective the Marrakesh Treaty which is fundamental to the right of the visually challenged persons to access published works.

The Copyright Act, 2022 specifically makes special exceptions for the blind, visually impaired, or otherwise print disabled persons to access literary works in accessible formats. This means that published works can now be put in accessible formats by either the blind, visually impaired or print disabled persons, people or institutions that cater for them without

³⁸ Anandashankar Mazumdar, *The Marrakesh Treaty in Action: Exciting Progress in Access to Published Works for the Blind and Print-Disabled Communities*. <https://blogs.loc.gov/copyright/2021/02/the-marrakesh-treaty-in-action-exciting-progress-in-access-to-published-works-for-the-blind-and-print-disabled-communities/> Accessed 19 June 2023

³⁹ It provides thus: 'No treaty between the federation and other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly

necessarily seeking the permission of the copyright owner. It provides thus:

Notwithstanding the provisions of any other section of this Act, an authorized entity may, without permission of the owner of copyright in a work, make or procure an accessible format copy of a work or subject matter and supply the copy to the beneficiary persons by any means, including non-profit lending, or electronic communication by wire or wireless means⁴⁰

Justification for an authorized entity to utilize this provision is that the entity must have legal or lawful access to the work, the work can be converted to an accessible format which should be used exclusively by a beneficiary person. An important aspect of this exception to the use of copyright is that the entity must undertake such activities not to make profit but solely for the benefit of the beneficiary persons. This is so because the authorized entity is either an entity authorized by the government or receives financial support from government for the benefit of the beneficiary, or a government institution or non-profit organization that provides for the beneficiary person as part of its primary or institutional obligations⁴¹

Apart from an authorized entity, a beneficiary person or one acting on his behalf is permitted to make an accessible format copy of a work for the beneficiary person without the

⁴⁰ Sec 26 of The Copyright Act 2022

⁴¹ Sec 26(7)(c)

permission of the copyright owner, provided the beneficiary person has legal access to the work. The Act defines works in relation to Sec. 26 of the Act to mean literary or artistic works that are not available in accessible formats⁴², while accessible format copy means a copy of a work in an alternative manner or form which:

- (i) Gives a beneficiary person access to the work, as feasibly and comfortably as a person without visual impairment or other print disability, and
- (ii) Respects the integrity of the original work, taking due consideration of the changes needed to make the work accessible in the alternative format and of the accessibility needs of the beneficiary persons.

Accessible format copies do not affect the moral right of the copyright owner or the integrity of the work. The work is protected from mutilation or alteration, the reproduction is such that makes it accessible to a beneficiary person while respecting the integrity of the work.

The Act describes a beneficiary person as one who is blind, or has a visual impairment or a perceptual or reading disability or is unable to through physical disability to hold or manipulate a book or to focus or move the eyes to the extent that would be normally acceptable for reading⁴³

⁴² Sec 26(7)(a)

⁴³ Sec 26(7)(d)

The Act has thus expanded the scope of exceptions to copyright works to include the provisions of the Marrakesh Treaty by specifically making available copyright works to persons who are Blind, Visually Impaired or Otherwise Print Disabled. The old Act provided for copyright exceptions in the 2nd schedule to the Act and made reference in passing to the blind and other disabled persons. In the old Act, the exception was for reproduction in Braille for the use of the blind and sound recordings for other disabled person only. The current Act leaves no question as to who the provision of the Act is for in this regard by defining who a blind person is.

The barrier between the blind and copyright works has been lifted, the interest of people with disabilities in accessing copyright works has been put in the right perspective. The provisions of the new Act therefore allow blind persons to convert literary works into accessible formats for their use or people assisting them to make these conversions without the permission of the copyright owner. The miscarriage of intellectual property policy has thus been handled and the benefit thereof will not just be experienced by these print disabled persons but this exception will chart a new course in advancing technology. It is believed that this exception will encourage the development of accessible formats for the aid of this set of disabled persons.

5. Recommendations and Conclusion.

Indeed, the Copyright Act 2022 is a welcome development especially in the area of access to literary works by the Blind, Visually Impaired, or Otherwise Print Disabled persons in

Nigeria. It is believed that this will open the horizon for the academic development of these people and equally increase the percentage of persons who can contribute to the economic growth of the society. It is acknowledged however that every development or initiative has its peculiar challenges. Despite the implementation of the Marrakesh Treaty in the United States, publishers could still include terms and conditions that conflict with the treaty, precisely the use of technological protection measures (TPMs) or digital locks to prevent users from accessing electronic literary works⁴⁴. These terms and conditions are enforceable under contract law but could still restrict users access to works. In Nigeria, while we celebrate this feat and indulge in the euphoria of crossing the hurdle of domesticating the Marrakesh Treaty, however, there is work to be done to ensure the exception to copyright infringement is well utilized. One of the realities of the improvement in the new Act is creating an enabling environment for the provision to thrive. The government would need to make adequate provision structurally and institutionally to accommodate the change. This includes equipping the government institutions that would cater for them with the requisite infrastructure to handle the conversion of literary works to accessible formats and indeed making accessible these formats to the beneficiaries. This needs to be implemented strategically without allowing the Nigerian system interfere with due process.

⁴⁴ K. Klosek, 'US Copyright Office Allows Access to E-books for People with Disabilities, but Licenses May Still Restrict Access' *Op. Cit* 35

While the government is putting in place strategies to enable institutions make accessible format copies, avenue for importation of accessible format copies from other countries could be explored. The interest of the beneficiary persons being considered and an avalanche of published works in accessible formats is readily made available to them. That way, duplication could be avoided and the beneficiary persons would have the privilege of a variety of published works.

Grass root awareness would be created, educating these people of the possibilities that have been made available to them and preparing them on how to utilize these possibilities without any form of limitation. This will entail various forms of training to empower these people and ensure their access to copyrighted works is not inhibited.

The interest of disabled persons is important in the society, this instructed the laws⁴⁵ that made provision for the modification of physical structures and automobiles to make them accessible and easy to use by physically challenged persons. In view of this, it is believed the government would readily put in place every structure imperative for the easy adaptation of the new Copy Right Act for the benefit of the visually challenged persons in the society.

⁴⁵ The Discrimination Against Persons with Disabilities (Prohibition) Act 2018

