

ASSESSMENT OF COPYRIGHT, FAIR DEALING AND THE USE OF MOBILE PHONES FOR ACCESS TO SUBSCRIBED LAW-DATABASES BY LAW STUDENTS IN ACADEMIC LAW LIBRARIES IN NIGERIA*

Abstract

Information is power and gives one the ability to take certain decisions that affects not only the decision maker but his loved ones and the society at large. Access to information is inherent in freedom of expression as guaranteed under the Nigerian Constitution. Information is often embedded or expressed in concrete forms either as literary, artistic, musical or dramatic works and is essential for the purpose of training of would-be legal practitioners in Nigeria. Through Law-databases, information resources are made available to law students in Nigeria for the purpose of research and learning. The content of law-databases is managed and made available to law students by the Law Librarian in Nigerian Universities and at the Nigerian Law School. Nonetheless, access to law-databases must be in consonance with the provisions of the Copyright Act, 2022 that provides for fairly dealing as far as access to information resources is concerned in Nigeria. This work uses the doctrinal approach to research in assessing the concepts of copyright, fair dealing and access to law-databases in Academic Law Libraries by law students in Nigerian universities. The work found that the legal framework for copyright and fairly dealing is fraught with lacuna which inhibits access to law-databases by law students. The work also found that there are other factors such as lack of expertise, under staffing and access to power supply which negatively impacts on how law students access information resources via law-database. The major recommendation made in the work is a call for legislative amendment especially the provision of Section 20 of the Copyright Act, 2022 and that other factors be put in place in order to safeguard the right of law students to access law-databases for effective legal training and future practice.

Keywords: Access, Copyright, Fair Dealing, Mobile Phones, Law-Databases and Information Resources

1. Introduction

Access to information can be regarded as a fundamental right. This gives members of the society the opportunity to develop and pursue goals and set targets. In the academia, libraries play vital role in providing access to databases for the purpose of teaching, learning and research. It is also trite that the desire of every student is to excel academically during the course of learning. For law students, the aim is to be found fit and proper to be called to the Nigerian Bar and to become Advocate and Solicitor of the Supreme Court of Nigeria. In order to achieve this, they are required to study for five or four years in order to acquire LLB (Bachelor of Law degree). During the course of studies, recourse is had to the Academic Law Libraries and other institutional or private Law Libraries that may be available to him either in print or electronic format. In the digital world, access to knowledge may be said to be at one's finger tips. This is because through the use of the World Wide Web (internet) and mobile phone as a tool, students access information resources in real time and at comfortable and suitable locations. The library while playing its role as the temple of knowledge, makes available for use to students' library resources both in electronic and physical copies. These resources are either purchased and put on the shelves or made available via subscription of electronic information resources (databases) or other open-source platforms.

Databases contain electronic information resources that are accessible to users of the library upon having online or offline access to the database. The Council for Legal Education (CLE) stipulates the kind of electronic information resources that must be available in an Academic Law Library for the training of would-be legal practitioners. Where these electronic resources are provided in forms of databases, Law Students are allowed to explore and exploit the use of the same for their academic endeavours and pursuits. But while using these resources, they must deal with the same fairly and within the ambit of the law in order not to be seen to violate the economic and moral rights (copyright) of the creators or owners of the database. The essence of this work therefore is to assess the concept of copyright and appraise how access to law-databases by law students through their mobile phones complies with the provisions of the Law as it relates to the concept of fair dealing.

2. Conceptual Clarification

In the academic world, it may be difficult to have a universally acceptable definition of concepts. It is therefore pertinent to attempt to conceptualise certain terms as used in this work. This is to situate the terms within the context of the work at hand.

Copyright

Black's Law Dictionary¹ defines Copyright from two perspectives. First in terms of usage as a noun and second as a legal term. It states to the effect that the term entails 'the right to copy; specifically, a property right in an original work of

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¹ Bryan A. Garner, *Black's Law Dictionary*, (10th edn) (Thomson Reuters, 2014) 411-412

authorship (including literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, and architectural works; motion pictures and other audiovisual works, and sound recordings) fixed in any tangible medium of expression, giving tribute, performing, and displaying the work'². Also, it means 'the body of law relating to such works'. The last definition puts copyright within the realm of legal term, referring to the legal regime governing creative works. Nchi³, equally defines Copyright to mean 'the exclusive rights given to the original author or producer of an original literary, dramatic or musical work to do or allow others to do or prevent others from doing certain acts in respect of such work.'⁴ This situates copyright within the context of a property. However, to assert that copyright entails exclusive right does not take into account the exceptions to the exploitation of information resources as provided under different legal regimes⁵. The term copyright also applies to library operations. The information resources available in the library includes literary resources such as textbooks and journals both in print and electronic formats. It is the responsibility of library managers while providing access to library and information resources in the library; to ensure that, they strike a balance between the interests of users of the library and safeguarding the economic and moral rights of authors as protected by extant copyright laws. It is from this perspective that the concept of copyright is deployed in this work.

Fair Dealing

There is no express definition of the term fair dealing under the Nigerian Copyright Act. However, it is pertinent to bring to fore, the views of Lord Denning M.R. as expressed in the case of *Hubbard v. Vosper*⁶ as it clearly demonstrates and describes what fair dealing entails. He posits that:

It is impossible to define what is 'fair dealing'. It must be a question of degree. You must consider first the number and extent of the quotations and extracts. Are they altogether too many and too long to be fair? Then you must consider the use made of them. If they are used as a basis for comment, criticism or review, that may be fair dealing. If they are used to convey same information as the author, for a rival purpose, that may be unfair. Next, you must consider the proportions. To take long extracts and attach short comments may be unfair. But, short extracts and long comments may be fair. Other considerations may come to mind also. But, after all said and done, it must be a matter of impression.... The tribunal of fact must decide.

This implies that in order to define or ascertain what 'fair dealing' is, recourse must be made to certain facts and circumstances. Most importantly, it is the courts (tribunals) that have the final determination of whether certain sets of facts amount to 'fair dealing' in relation to the exploitation of a work protected by copyright.

Furthermore, there is a consensus on the rules to be adopted in determining fair dealing under Nigerian Law.⁷ Nonetheless, it is a term used to describe certain exceptions to exclusive rights as provided under the law. There are three categories of fair dealing which do not constitute infringement of copyright; where work are is exploited for the purpose of research or private study, criticism or review, reporting current events, then, such a work may be said to have been dealt with fairly.⁸ From the foregoing, Fair Dealing may be said to be an exception created by law in which a user of an information resource (database) is allowed to explore a work and may not be found to have infringed upon the copyright of the creator of such a work. Within the context of this work, Fair Dealing entails the right and extent to which a law student is allowed to use and re-use electronic information that are made available for his academic sojourn by the library. In other words, to what extent can a law student access, modify and use electronic information resources while conducting research or studying privately or reviewing or carrying out an assignment or writing long essay in fulfilment of the requirements for graduation and eligibility to be mobilised to the Nigerian Law School.

Access

The term access means to enable an inquirer to learn from or to become informed by a source pertinent to an inquiry and to accede to the evidence that results in acquiring the knowledge desired.⁹ It is frequently used in relation to quite different bits and pieces of information service. Indexes provide subject access to collections; new telecommunications technologies permit remote access; fee-based information services are differentially accessible because not everyone can afford the cost; most library collections are open access, meaning that users can go directly to the shelves; most museum shelves are closed access in that only staff can get to and handle the collections; some services are inaccessible to the

² *Ibid*

³ Sulaiman Ismaila Nchi, *The Nigerian Law Dictionary* (Green world Publishing Company Limited, 2012) 157

⁴ *Ibid*

⁵ Examples of these legal regimes include the National Library Act that requires authors to compulsorily deposit copies of their works with the National Library and the provisions CRA, 2022 that allow the use of information resources for certain purposes especially for the purpose of research, teaching and learning.

⁶ (1972) QB 84

⁷ John O. Asein *Nigerian Copyright Law & Practice* (Books and Gavel Ltd) 251

⁸ J.A.L. Sterling *World Copyright Law* (Sweet and Maxwell, 1998) 772-773

⁹ School of Information Management and Systems 'Access to Information' available at <<https://people.ischool.berkeley.edu/~bukland/access.html>> accessed 21 August 2024.

wheelchair-bound; and most books are effectively inaccessible to people with limited reading skills. Access also entails the equal availability of information and resources in Academic Law Libraries to users, whether in print or digital formats, through the services provided by the library managers¹⁰. Within the context of this work, access is limited to available databases subscribed by Academic Law Libraries in Nigeria where legal information resources can be sourced via mobile phones without physical visit to the library by the users.

Law-databases (Electronic Information Resources)

Law-database is any collection of data, or information, that are specially organised for rapid search, and, retrieval by a computer. Databases are structured to facilitate the storage, retrieval, modification, and deletion of data in conjunction with various data-processing operations¹¹. Within the context of this work, Law-databases may be referred to as any collection of information resources on legal concepts and principles that are electronically stored and can be retrieved through the mobile phone (computer). For law students and legal practitioners, legal information resources are the fulcrum to professionalism in legal education and practices. Providing information resources in all formats at all-time should be the concern of law librarians.¹² The information resources available in any Academic Law Library database are either primary or secondary sources of law. They include statutes, law reports, journals and other periodicals. In the legal profession, much value is placed on print copies of these information resources. Nonetheless, in contemporary times, the emphasis is now shifting towards electronic information resource as encompassed in law databases for ease of legal practice or training of law students. According to Bello¹³, examples of information resources include computer and computer systems, internet and intranet resources, electronic external storage devices such as CD, flash drives, etc. software packages, electronic books (E-books) and electronic serial publications e.g. E-Journals.

Mobile Phones

'Mobile Phone' is a term synonymous with a Mobile Telephone or a Cell Phone. It is simply a portable device for connecting to a telecommunications network in order to transmit and receive voice, video, or other data.¹⁴ Mobile phone may also be described as handheld computer, usually small enough to be carried in one hand. A mobile device has a battery to store electricity, a user interface, and the ability to send and receive information. The mobile phone applications have simplified the learning process and learning can take place at anytime and anywhere.¹⁵ Within the context of this work, mobile phone includes any android, I-phone, I-pad and other portable devices that can be used for communication or accessing databases.

Academic Law Libraries

An Academic Law Library in the considered views of this researcher, is a specialised library or a reference library where specific information resources are made available for the use of those who study law or have interest in the study of law. It is a key requirement to have and operate a law library before an institution can gain accreditation to run a law programme (degree) in Nigeria. This library is expected to be housed within the Faculty or School of law and its collections are largely law related. There are basically two or three types of law libraries, it could be either an Academic Law Library, usually owned by Universities or an Institutional Law Library like the ones housed in Court premises, Ministries of Justice and the likes. It could also be a privately owned Law Library. They all have and share a common feature which is expressed in the kind of collections available to users.

3. Jurisprudential Basis for Fair Dealing and Use of Mobile Phones to Access Law-Databases (Electronic Information Resources) in Nigeria

In Nigeria, Section 20¹⁶ of the Copyright Act, makes provision for fair dealing as it relates to the use of works protected under the Act. It is to the effect that the right conferred in respect of a work by Sections 9-13 of the Act does not include the right to control the doing of any of the acts mentioned in the said sections by way of fair dealing for purposes of research, private use, criticism or review or the reporting of current events, subject to the condition that, if the use is

¹⁰ Gabriel Okplogidi Raphael and Aishatu Eleojo Adaji [2024] 'An Examination of the Legal Framework for Access to Literary Works by Differently-Abled Persons in Academic Libraries in Benue State – Nigeria' (2024), *the Calabar Law Journal*, 20, 1 ISSN: 0794-8158. 55

¹¹ Britannica 'Database' available at <<https://www.britannica.com/technology/database>> accessed on 8 September 2024.

¹² Emmanuel Owushi and Salma Mundi 'Availability and Use of Legal Information Resources by Law Lecturers: A Case of Two Universities in Rivers State' [2021] *Benue Journal of Library, Management and Information Science (BJLMIS)* Vol. 11 No. 1, June, 2021, 60.

¹³ Stephen Adeyemi Bello, *Beyond History: Pragmatism in Library and Information Profession* (Kennygabs and Associates, 2018) 25

¹⁴ Britannica 'Mobile Phone' available at <<https://www.britannica.com/technology/mobile-telephone>> accessed on 7th September 2024. 1

¹⁵ James Ogom Odu and Emmanuel Ubi Omini, [2017] 'Mobile Phone Applications and the Utilization of Library Services in The University of Calabar Library, Calabar, Nigeria' *Global Journal of Educational Research* Vol 16, 2017: 111-119; available at www.globaljournalseries.com; <Info@globaljournalseries.com> accessed on 25 August, 2024

¹⁶ CRA, 2022

public, it shall be accompanied by an acknowledgement of the title of the work and its authorship except where the work is incidentally included in a broadcast. The section provides thus: (1) The rights conferred in respect of a work under sections 9-13 of this Act, do not include the right to control any of the acts specified in those sections by way of fair dealing for purposes such as — (a) private use; (b) parody, satire, pastiche, or caricature; (c) non-commercial research and private study; (d) criticism, review or the reporting of current events, subject to the condition that, if the use is public, it shall, where practicable, be accompanied by an acknowledgment of the title of the work and its author except where the work is incidentally included in a broadcast: Provided that in determining whether the use of a work in any particular case is fair dealing, the factors to be considered shall include the — (i) purpose and character of its usage, (ii) nature of the work, (iii) amount and substantiality of the portion used in relation to the work as a whole, and (iv) effect of the use upon the potential market or value of the work.¹⁷ This provides for general exceptions to situations where certain acts amount to the violations of the rights of a copyright holder but for the provisions of Section 20 and it also gives room for information resources to be made available to users for the purposes of research in an academic environment. The provision of section 20 buttresses situations where certain use of copyrighted works is deemed fair and acceptable, for example, for such purposes as criticism, comment, news reporting, teaching, (including libraries allowing the making of multiple softcopies for classroom use), scholarship and research.

The idea that fair dealing as a policy initiative is traceable to the fact that it has come to be recognised statutorily. In Nigeria for instance, the fair dealing concept as shown above, is entrenched under the Nigerian Copyright Act. Similarly, section 107 of the United State of Act has incorporated the fair dealing doctrine although it is referred to as 'fair use'. Fair dealing, is a defence against a claim of copyright infringement. It must be noted that not all copying for the purposes listed above would be fair dealing. It could amount to infringement where a substantial part of a work is copied to the detriment of the copyright owner. An Academic Law Library as part of its function of providing access to law-databases (information resources), allows the copying of works through the use of storage devices such as mobile phones. However, the issue has to do with the proportion that may be copied that would amount to dealing with the resource fairly. There is no yardstick set by the law with which to use in measuring the extent of exploitation (copying) that amounts to fair dealing.

Additionally, it is difficult for the Law Librarian to effectively monitor the quantum of information being accessed via the use of mobile phones as all that is often required is a username and a password to be issued to the Law Student. This creates a challenge of determining fair dealing in relation to the information resources accessed by the users. The purpose and character of the use of information resources, the nature of the copyrighted work, amount and substantiality of the portion used in relation to the copyrighted work as a whole; and the effect of the use upon the potential market for or value of the copyrighted work are guiding criteria (principles) for determining whether users (law students) of law-databases deal fairly with the said copyrighted works. In order to effectively have access to information resources for the purpose of learning or research, one must legally be an owner or in lawful possession of such a said mobile phone or device. In most cases as part of library rules, these devices are not to serve as a distraction to the owner or possessor or be used as a means of disturbing other users of the library. A user's right ends where other users' rights begin. This accounts for why in most Academic Law Libraries, a band is placed on the use of mobile phones to make calls or watch videos in the library. Be that as it may, law Students are allowed to use their mobile phones for the purpose of exploring law-databases subscribed and made available by the library. The use of these resources must however be seen to be fair and within the bounds of the law. Copyright holders are conferred by law with the monopolistic right of determining the extent and how their works may be explored or exploited. But in the interest of societal balance and development, exceptions are also created where permission or consent of the copyright holders is not required before such a work can be used.

Another regulatory source as far as issues relating to fair dealing are concerned is the application of principles of common law under the Nigerian legal system. By the dint of decided cases, it has been established even before the coming into being of the Copyright Act that a fair use of one's work involves no infringement. In the case of *Warne & Co. v. Seebohn*¹⁸ Sterling J. quoted the words of Lord Haterley in *Chatterton v. Cave*¹⁹ that:

Books are published with an exception, if not a desire, that they will be criticized in reviews, and if deemed valuable that parts of them will be used as affording illustrations by way of quotation, or the like and if the quantity taken be neither substantial or material, if, as it has been expressed by some judges, a 'fair use' only be made of the publication, no wrong is done and no action can be brought.²⁰

¹⁷ *Ibid*

¹⁸ (1888) 39 Ch. D. 73

¹⁹ (1878) 3 App. Cas 483

²⁰ (1888) 39 Ch. D. 73, 79.

Whether a copying was an infringement depended on a number of factors including the quantity and value of the portion taken. It was a question of the degree of the part copied in comparison to the whole work. According to Uvieghara,²¹ in modern times it can be assumed that the rationale for exceptions to copyright infringement lies in the goals or objectives which copyright strives to achieve. These goals may be said to be two principal interests. There is the interest of the individual author; the interest of the creator of a literary or other work in reaping the economic and other benefits which derive from his skill, talent or efforts. Then there is the interest of the society in which the creator lives and thrives; the need of the society to preserve and promote its arts and its interest in the growth and development of its culture. These two interests that of the individual and of his public are intricately related. If authors are not enabled to reap adequate rewards from their creation the urge to create will, no doubt be impaired and creativity will suffer and the public be the poorer for it. On the other hand, if the public as a whole is to derive the advantage it ought to derive from the skill or effort of its members there is no doubt that some limitation must therefore be put on the rights of authors. He concluded by asserting that a good copyright law should therefore strive to strike a healthy and equitable balance between these two purposes. It should make provisions to enable an author obtain his just reward but at the same time it must put a limitation on the author's right to do so. In the considered views of this researcher, these principles relating to fair dealing apply to works of authors protected under the copyright regime. It is irrelevant whether the work is in print or electronic format. It does not also matter whether the work was accessed via mobile phone or physical visit to the library.

4. Use of Mobile Phones and Access to Electronic Databases in Academic Law Libraries

Mobile devices, such as smart phones, tablets, e-book readers, handheld gaming tools and portable music players are practically omnipresent in today's society. Mobile phones, particularly smartphones, are increasingly used to provide library and information services because they have the potential to enhance access to library resources beyond the normal opening hours and hence can assist to overcome the obstacles of time and space.²² Chaputula and Mutula further affirm this finding when they assert that, 'usage of mobile phones to access e-books, e-journals and the library website was high.'²³ This clearly shows that the use of mobile phones by law students for the purpose of research and studies is not a fact in dispute. The issue however is to what extent are the rights of copyright holders protected in the use of these resources? For the lawyer, access to information resources whether in print or electronic format is a *sine quo non* for a successful training and practice. An essential aspect of the work of a lawyer is to be able to locate legal source materials. Finding relevant law reports and statutes is a necessary prerequisite for preparing any legal advice or effective training of a law student. To achieve this, they (legal practitioners and law students) must be able to find their way around a law library and now, in the electronic information age, be able to navigate legal databases on the Internet. There is an overlap between materials available in a law library and on the internet.²⁴ There are different forms of Law-databases required by CLE to be subscribed by An Academic Law Library. Universities subscribe to them and they are supplied by commercial providers. Three main foreign providers of Law-databases as required by CLE are Westlaw International, Heionline and LexisNexis. The leading local providers in Nigeria are Lawpavilion, Legalpedia and Law Companion. The scale of online information resources as housed by Law-databases is enormous and with an internet connection and a password, such resources may be accessed at home without recourse to the library.

Furthermore, Mobile phones represent new and fast-growing development in ICTs innovations. Their adoption for teaching and learning models that have been adjudged information society compliant has also been growing. It has been reported so far that mobile phones are reliably used by students involved in ... knowledge sharing, although at a rate which can be described as basic and uncoordinated. The prospect of using mobile phone is that it possesses the potential to become very reliable instructional technology that can be used by lecturers and librarians to achieve feats that have been hampered by technology divide. The fact that mobile phones can be taken to any location where teaching and learning are taking place and still receive Internet signals makes them unique.²⁵ The use of mobile phones by law students in Nigeria is not in doubt, however, the use of these devices for the purpose of exploring information resources as subscribed to by the library is a key factor that requires some answers to these posers: to what extent can the law student quote verbatim works cited in a law-database? To what extent can the content of a work be modified to be eligible for assessment or assignment as given to the Law Student? Does it amount to fair dealing where a copy of a textbook or article is downloaded by the law student and multiple copies made available to fellow classmates for a token? In the considered views of this researcher, it is very difficult to find a positive answer to these posers considering the level of plagiarism inherent in the university system in Nigeria.

²¹ E.E. Uvieghara 'Exceptions to Copyright Infringement: Rationale' in *Essay on Copyright Law and Administration in Nigeria*, E.E. Uvieghara ed (Y-Books- Division of Associated Book-Makers Nig. Ltd, 1992) 89

²² Malik, A. and Mahmood, K. 2013. Infrastructure needed for digital reference service (DRS) in university libraries: an exploratory survey in the Punjab, Pakistan. *Library Review*, 62(6/7): 420–428.

²³ Aurbrey Harvey Chaputula and Stephen Mutula [2018] 'Factors impacting library-related uses of mobile phones by students in public universities in Malawi' available at <http://sajlis.journals.ac.za> doi:10.7553/84-1-1757 accessed on 25 August, 2024.

²⁴ Steve Wilson and Philip Kenny, *The Law Student's Handbook* (Oxford University Press, 2007) 81

²⁵ Samuel C. Utulu, [2012] 'Use of mobile phones for project-based learning by undergraduate students of Nigerian private universities' *International Journal of Education and Development using Information and Communication Technology (IJEDICT)*, 2012, Vol. 8, Issue 1, 4-15.

The skill to successfully search and retrieve relevant information from law-databases is now as important to a law student as the skill of finding material on the library shelves. There is a wide range of databases available over the internet and on Compact Disc (CD-ROM) It is worth remembering that although the internet is now an important source of legal information, some of the most useful databases are accessible only to subscribers. Many universities and colleges have institutional subscriptions which will give the student access via the passwords assigned to the university or college. The cost of personal subscription to one of these databases will be such as to put it outside the pocket of a student.²⁶ This and other factors inhibit the right of the law student to access information resources for his training.

5. Challenges Associated with the Use of Mobile Phones in Accessing Subscribed Law-Databases (Electronic Information Resources) In Academic Law Libraries in Nigeria

The challenges associated with the use of mobile phones for access to law-databases may be classified into two broad categories namely: legislative and operational challenges. These may be discussed briefly as follows:

Lacuna in the Law: the Copyright Act which is the principal legislation for copyright and applicable to the entire country (Nigeria) in section 20 makes provision for fair dealing in relation to copyright. This provision is defective as it does not lay down any yardstick for measuring to what extent a work can be explored *fairly* in eyes of the law. Section 20 of the Act when contrast with Section 23 of the same Act clearly reveals the gap in legislative intent. Section 23 provides for reprographic services by the library, hence only 5% of an entire work is allowed to be photocopied within a period of 3 months. It means where more than 5% is photocopied there is a clear violation of the provisions of the law in relation to reprographic services. But in relation to use of mobile phones to access law-databases, multiple copies of what is downloaded can be easily distributed to other users via the use of mobile phones. This makes it difficult for the Law Librarian to determine the extent of fair dealing as far as that distributed information resource is concerned.

Power consumption/ Limited battery power: The most prominent limitation of mobile device is power. These devices rely entirely on battery power. Combined with the compact size of many mobile devices, this often means unusually expensive batteries must be used to obtain the necessary battery life.²⁷ Because of the mobility and portability, clients and servers have severe resource constraints in terms of capacity of battery and sizes of memory and hard drive. In addition, the battery technology is not developed as rapidly as the mobile devices and wireless technologies. For instance, a fully-charged Dell Latitude C600 laptop can run about 3.5 hours, which is estimated by well-known industry battery life benchmarks. When processing power is limited, it compromises the ability of each mobile node to support services and applications. Once a node runs out of power or has insufficient power to function, communication fails, disconnections happen, execution of transactions is prolonged, and some transactions may have to be aborted.

Disconnection: Weather, terrain, and the range from the nearest signal point can all interfere with signal reception. Reception in tunnels, some buildings, and rural areas is still poor. Interaction between a mobile device and a database is directly affected by the device's network connectivity.²⁸ Limited storage: Due to mobility and portability, the sizes of memory and hard drive are smaller than the ones in the wired network. The consequences of this are less stored/cached/replicated data, fewer installed applications, and more communication.²⁹ Closely related to the above issue is access to technical support when needed. Law students while trying to access information resources via their mobile phones, are often confronted with technical issues such as difficulties with off campus access to resources via a proxy server and compatibility issues among different browsers and especially different devices.

Time, Money, Expertise, and Staffing: these have been identified as factors inhibiting access to subscribed electronic information resources. The study of law in Nigeria requires a lot of time, money and manpower (qualified staff). The law student is required to make out time to access information resources while conducting research or carrying out assignment, but for lack of time, some may tend to plagiarise works by simply copying and replicating, modifying other works to suit their needs. This is not complying with the principles of fair dealing. Some are discouraged from attempting access because they lack the expertise to do so and the staffing system in an academic law library is insufficient hence the students may not get the required assistance from the staff of the library to the detriment of their right to access information resources via their respective mobile phones. More importantly, where they have the time and expertise, they may lack the funds to purchase data to enable them browse and access the subscribed information resources.

²⁶ Peter Clinch, *Using a Law Library: A Student's Guide to Legal Research Skills* (Blackstone Press Limited, 2001)15

²⁷ F.A. Ibikunle and A.A. Adegbenjo, 'Management Issues and Challenges in Mobile Database System' International Journal of Engineering Sciences & Emerging Technologies, Apr. 2013. ISSN: 2231 – 6604 Volume 5, Issue 1, 1-6 ©IJESET available at<<https://eprints.lmu.edu.ng/1408/1/Management%20issues%20and%20challenges%20in%20Mobile%20database.pdf>> accessed on 8 September, 2024. 5

²⁸ *Ibid*

²⁹ *Ibid*

6. Conclusion and Recommendations

In view of the above, the following recommendations are hereby proposed:

Legislative Amendment: there is need to take another look at the provisions of section 20 of the Copyright Act 2022 with the view to providing a yardstick or criterion for determining what amounts to fairly dealing in order to safeguard the economic and moral rights of creators as protected by copyright.

Revamping the Internet Services and Providing Alternative Source of Power: Academic Law Libraries should be provided with servers and use alternative source of power such as solar energy instead of reliance on public power supply. Ibikunle and Adegbenjo³⁰ also propose that: the two solutions approach to this disconnection challenges are: (1) Prevent disconnections (2) Cope with disconnections. For mobile computers, allowing disconnections to happen and recovering from them is the better solution for asynchronous operation caching and reconciliation.

Staffing and Training: there is need to employ experts in the use of ICT to assist law students in accessing law-databases. Where these experts exist, they should carryout training and orientation for law students particularly the newly admitted on the significance and how to use mobile phones in accessing law-databases. It is therefore further recommended that the challenges inhibiting access to electronic information resources be addressed by way of providing the enabling environment for the students to operate through organising training and orientation programmes for both staff and students.

On the whole, it is no longer in doubt that mobile phones play key role in providing access to information at the in Academic Law Libraries in Nigeria. The libraries in line with the requirements of CLE subscribed to law-databases such as Lawpavillion, LexisNexis et cetera. However, due to lacuna in the Copyright Act, lack of time, expertise, money, staffing and technical issues, access to these resources are limited. Where a law student succeeds in having access to these resources, the issue of compliance with the principles of fair dealing and respect for the protection granted the copyright holder is fundamental in ensuring continuity and creativity by authors.

³⁰ *Ibid*