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### **EXAMINATION OF LEGAL, REGULATORY AND OPERATIONAL CHALLENGES OF BOOK PUBLISHING IN NIGERIA**

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#### **Abstract**

In Nigeria, there are many challenges which are incapacitating book publishing and these can be grouped into three broad classifications, namely; legal, regulatory and operational challenges. There is no way a critical analysis can be done on the book industry in Nigeria without dissecting the challenges facing the sector. The aim of this paper is to find an ending solution to these issues in order to enhance maximal performance of the sector for national growth. In discussing the legal challenges of book publishing, the Copyright Act of 2022 which is the principal instrument that governs intellectual property rights in Nigeria is the primary source of this paper while references from other works of scholar shall be the secondary source of information. This paper concludes by suggesting that to book publishing contribute to national developments, the legal framework must be reviewed and regulatory institutions must be strengthened to sanitize the industry. Above all, operational challenges are curbed in order to open the floodgate of solutions to the numerous shortcomings in the industry which have hitherto prevented the sector from making significant impact on the nation's economy.

**Keywords:** Book, Copyright, Infrastructure, Intellectual, Legal, Operational, Publishing, Regulatory and Technology.

## 1.0 INTRODUCTION

This work examines the legal, regulatory and operational challenges of book publishing in Nigeria as well as the danger of book piracy in Nigeria. Research shows that book publishing industry in Nigeria losses about \$200m per annum to piracy<sup>1</sup>. In this regard, it is pertinent to note that eradicating the numerous legal, regulatory, and operational hurdles pertinent to the book publishing industry in Nigeria is critical for attaining the United Nations Sustainable Development Goals. In the confines of United Nations, there are 17 objectives that have been established to be accomplished by the year 2030, five specifically pertain to the field of book publishing. Hence the need for Nigeria as a nation to reposition the book industry to the world best standard to enable it contribute to the attainment of these five goals which have nexus with book publishing. These are the five objectives: The first goal aims to end poverty worldwide in all of its manifestations. The provision of high-quality education is given priority in Goal 4. The objectives of Goal 8 are to promote fair job opportunities and boost economic expansion. Infrastructure, industry, and innovation are the focus of Goal 9. Last but not least, Goal 15 seeks to prevent and reverse land degradation and biodiversity loss, as well as protect, restore, and promote the sustainable use of terrestrial ecosystems, manage forests responsibly, and fight desertification.

The Act recognises six categories of copyright, which include literary works, musical works, artistic works, audio-visual works, sound recordings, broadcasting<sup>2</sup>. Publishing, which is the fulcrum of this paper is an integral part of literary work. This study will only consider the publishing of books and not any other form of publishing like newspapers, journals, photographs, drawings, paintings and so on. Section 51 of the Act explains that a literary work is comprised of plays, stage directions, film scenarios, and broadcast scripts; choreography; computer programmes; textbooks, treatises, histories, biographies, essays, and

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<sup>1</sup> Uduak U. E & Mbuotidem O. U, 'Effect of Piracy on Publishing and Spread of Knowledge in Nigeria', World Journal of Library Administration Vol. 1, No. 1, August 2013, <<http://acascipub.com/Journals.php>> accessed 05 April, 2025

<sup>2</sup> CA 2022, A 178, 2023 N0 8

articles; encyclopaedias, dictionaries, directions, and anthologies; letters, reports, and memoranda; lectures, addresses, and sermons; law reports, exclusive of court decisions; and written tables. In *Hollinrake v. Truswell*, Davey L. J. gave a definition of a literary work as a form of copyright that gives information, instruction or pleasure through literary enjoyment."<sup>3</sup> Literature encompasses non-dramatic textual works, whether published or unpublished, that are either illustrated or not, as well as computer programmes and databases.

This paper is divided into three broad sections to examine how some of the inadequacies in the extant laws and the lapses in the regulatory bodies affect book publishing in Nigeria. The three sections are; One, Legal Challenges of Book Publishing which contains; inadequacies in the Copyright Act of 2022, non-compliance with the law, copyright work piracy and pre-press and post-press infringement. Two, Institutional Challenges, namely; problems facing the Nigerian Copyright Commission (NBC), leadership tussle in the Association of Nigerian Authors (ANA) an incapacitation of the Nigerian Publishers' Association (NPA). Three, Operational Challenges such as; technology/artificial intelligence, effect of paperless policy, lack of infrastructural facility, disagreement among stakeholders, economic downturn, unfriendly government policies, poor production, corruption, lack of personnel, dwindling reading culture, insecurity and problem of royalty payment.

## 2.0 LEGAL CHALLENGES

The Copyright Act 2022 is the main instrument governing intellectual property law in Nigeria and book publishing which is the fulcrum of this research is under literary work, one of the four classifications of copyright. Others are; artistic works, musical works, audiovisual works, sound recording and broadcast. The World Intellectual Property Organization (WIPO) has noted that despite the fact that book publishers know that intellectual property law is a crucial part of their business; they have a feeling of deep insecurity about it because they believe it is complex and has many pitfalls for the incautious.<sup>4</sup> Apart from this sense of

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<sup>3</sup> 'Copyright in Names' <<http://www.ernest.net/writing/CopyrightInAName.pdf>> accessed 05 April, 2025

<sup>4</sup> WIPO, 'Managing of Intellectual Property in the Book Publishing Industry' SS.54-62 <[https://www.wipo.int/edocs/pubdocs/en/copyright/868/wipo\\_pub\\_868.pdf](https://www.wipo.int/edocs/pubdocs/en/copyright/868/wipo_pub_868.pdf)> accessed 20 December, 2023

insecurity, there are also some areas in which legal challenges poses threats to book publishing in Nigeria as discussed below;

## 2.1 Inadequacies in the Copyright Act

The 2022 Copyright Act attempts to heal some of the inadequacies in the old Act such as the provision for online content<sup>5</sup> but there is no doubt that a lot still needs to be done especially in the areas of the works of authors. For instance, the Act recognises ‘fair use’ and other exceptions to copyright whereas it does not give a specific definition of the key concepts of ‘fair dealing’ as identified in this study, thus leading to judicial activism as the court is left to interpret the law in the light of some of the failures of the Act to properly define some boundaries such as what constitute ‘private use’ ‘fair dealing’, ‘parody’ ‘non-commercial’ ‘research’, “criticism or review”.<sup>6</sup>

Even when it comes to definition of some key words such as “copyright” the Act does not give an explicit definition as it only defines it as “copyright under the Act.” It is in the light of this inadequacy that made the In the case of *Sarg Aims Aluminium Products Ltd. v Akagha*, the Federal High Court of Nigeria defined Copyright as "the legal recognition and protection of the ownership rights over literary works." This strategy was somewhat limiting. A statutory grant of an intangible and incorporeal right to the author or inventor of a specific literary or artistic creation. This right grants the author the exclusive and uninterrupted right to reproduce and sell the work for a specified period.

To address the inadequacy of the Act with respect to online infringement, the 2022 Act enacted the following provisions regarding online content: notice to remove, removal of infringing content, and notification to remove.<sup>7</sup> Misrepresentation, The procedure for suspending the accounts of repeat infringers, Systematic or networked data that is stored in information retrieval tools, Recognition of the infringer and the prohibition of access to

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<sup>5</sup> SS.54-62

<sup>6</sup>O. M. Atoyebi, ‘Fair Use and Fair Dealing; An Analysis of Copyright Law in Nigeria’ (*Omaplex*, 6 June, 2023) <<https://omaplex.com.ng/fair-use-and-fair-dealing-an-analysis-of-copyright-law-in-nigeria/>> accessed 20 December 2023

<sup>7</sup> *ibid*, s.54

online content.<sup>8</sup> Unfortunately, before this damage control can be done, the infringement will be intractable having gone far within a second of posting it online as other online users would have copied and pasted on different platforms where it cannot be retrieved.

One reoccurring inadequacy since the inception of the copyright Act in Nigeria is the provision for punishment of copyright offences which has always been very low, thereby encouraging people to deliberately break the law. Going by the astronomical increase in the inflationary trend in Nigeria, pegging the fine for infringement of copyright work in the copyright Act appears counterproductive. For example, the Act suggests a minimum fine of ₦1,000 for each infringed copy, a conviction of at least three years in prison, or both, for those who illegally distribute works protected by copyright to the general public for profit, including through lending, leasing, renting, leasing, or other similar arrangements, without the owner's permission<sup>8</sup>. With the current high cost of production of books, there are books which cost ₦10,000 or more a copy and if just 10,000 of such books are illegally sold, the infringer will prefer to pay ₦1,000 on each and even be ready to go to three years imprisonment just to come back and enjoy his infringed work.

## 2.2. Non-compliance with the Laws

Non-compliance with the laws is caused by a lot of reasons, chief among which is ignorance of the law by the critical stakeholders in the book industry. It is a trite in law that '*ignorantia juris non excusat*'<sup>9</sup> meaning the mere fact that someone is not aware of the existence of a law or his right does not exculpate him if he violates such law. The Act appears to indulge infringers where it states that one cannot be prosecuted under criminal law if they are willing to tell the court that they did not know, and had no reason to believe that the copy they were using was an infringing copy. The intendment of the drafters of this clause is that criminal infringement, just like the criminal act must have the two elements of a crime which are; *Actus reus* (action) and *Mens rea* (intention) which mean the physical act and the mental element or intention respectively. If intention is not there, a crime cannot be said to have been committed or taken place and that is why that provision is there. If the intention of the accused person can be established, then the person is culpable but it must be noted that

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<sup>8</sup> ibid, s.44(4)

<sup>9</sup> Latin meaning for 'ignorance of the law excuses not'

instituting a criminal action does not stop a civil case against the infringer and in the civil case, intention or knowledge does not matter. The point being stressed here is that many infringers hide under this proviso to deliberately commit this offence only to plead in court that they are ignorant of the existence of this copyright whereas ignorance is said not to be an excuse in law.

Most often than not, many authors, including established authors, are not aware of the functionality of the Copyright Act but only get themselves concerned with the business of writing without caring to know the laws that protect their rights. They therefore fall victim of some pre-press and post-press violation of their ownership rights especially through internet and online publishing when a lot of infringement takes place. As a result of the many disruptions of the digital environment and its borderless nature, a lot of copyright works can be disseminated and accessed across the borders, putting to test the concept of territoriality.<sup>10</sup> However, this is not to say that individual management could still be achieved no matter how difficult it may be as this can be achieved with the aid of block-chain technology which enables transparent sharing of information within a business network in a consistent chronological order<sup>11</sup>. The chain cannot be altered or deleted without consensus from the network. This technology incorporates inherent mechanisms that effectively prevent unauthorised transaction entries and ensure a consistent shared view of said transactions. Furthermore, it is highly resistant to manipulation due to its creation of an unalterable and immutable ledger for tracking orders, accounts, payments, and other transactions. Given this technical progress, authors lacking internet proficiency or legal expertise may require the assistance of copyright management organisations (CMO) to establish international connections and effectively manage their rights<sup>12</sup>. One approach to establish these relationships is through bilateral and regional agreements, such as the ‘an African Digital Licencing Hub,’ as well as international partnerships with Collective Management Organisations (CMOs) operating beyond their own country. Such arrangements help in

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<sup>10</sup>Halima Abiola, ‘Copyright Issues and Development’ (*Nigerian lawyer*, 28 November, 2022)<<https://loyalnigerianlawyer.com/copyright-issues-and-development/>> accessed 20 December, 2023.

<sup>11</sup>Amazon, <https://aws.amazon.com/what-is/blockchain/?aws-products-all.sort-by=item.additionalFields.productNameLowercase&aws-products-all.sort-order=asc>, accessed 10 April, 2025

<sup>12</sup> ibid

expediting the process of collection and distribution of royalties to the producers of artistic works.<sup>13</sup>

Another reason for non-compliance with the law is escape route given to infringers in section 2(a) of the Act which says; that ‘Notwithstanding the provision of subsection (1), literary, musical or artistic work shall not be eligible for copyright unless some effort has been expended on making the work’<sup>14</sup>. The unresolved question here is that the Act does not specifically state what constitute ‘some efforts.’ there are no “guiding principles”<sup>15</sup> or stringent measures against such actions under the Act. For instance, some infringing publishers hide under the phrase “sufficient effort” to use authors’ works without their consent having restructured the content and knowing full well that they can rely on this proviso in the court. This in itself is an infringement as the right to even adapt or make derivative work from a work lies with the copyright owner. In *Offrey v. Chief S. O. Ola & Ors*, the court determined, among other things, that there was insufficient evidence to prove that the author had invested a significant amount of effort in maintaining a record book. However the court pointed out that the arrangement of vertical and horizontal columns from page one to page fifty two did not form what can be referred to as an original literary work. During the discussion of this case, Babafemi poses a rhetorical question that remains unanswered by the Act: ‘At what point can we consider enough an effort to have been exerted on the work to grant it an original character?’

Although the Act explicitly grants copyright ownership to the author for their work, authors may occasionally relinquish this right to the publisher due to a desire for promotion or other factors in order to have their works published. Occasionally, the author relinquishes the licence to his book to the publisher without adhering to the necessary terms of the Act, resulting in the author forfeiting his rights to the publisher.<sup>16</sup> By so doing, the author may need to seek the publisher’s permission if he wishes to deposit his work into an institutional

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<sup>13</sup> ibid

<sup>14</sup> CA, 2022

<sup>15</sup>F. O Babafemi, *Intellectual Property: The Law and Practice of Copyright, Trade Marks, Patents and Industrial Designs in Nigeria* (1st edn, Justinian Book Ltd, Ibadan 2007)11

<sup>16</sup>The University of Melbourne, ‘Understanding publishing agreements’<https://copyright.unimelb.edu.au/copyright-and-research/understanding-publishing-agreements#:~:text=The%20author%20gives%20the%20publisher,work%20online%20and%20to%20sublicense.>> accessed 21 December, 2023



repository so as to make it available on their website or share it with colleagues.<sup>17</sup> Publishers do claim copyright of books published if they originate the idea of writing the book by hiring the author to write it for them in exchange for an upfront fee.<sup>18</sup> By so doing, the author transfers (assigns) copyright to the publishers and this can also happen when an author is writing as a ghost writer and get paid after which he assigns the copyright to the name on the jacket.

On the other hand, authors of research papers most times encounter copyright issues because in their quest for promotion or academic attainment, they need their work to be published in Scopus index journal while the publishers too make it mandatory for the researcher to surrender the copyright ownership of the manuscript to them as a pre-condition to get the work published. Unlike the case under proper assignment whereby the author assigns his work to the third party upon a payment of a fee, this time around, the author not only pays to get his work published in the journal but also surrenders his copyright to the publisher who goes further to reproduce the work without necessarily seeking the author's permission.<sup>19</sup> The only thing the author enjoys under this situation is the moral right to his work as the work carries his name while the economic right is enjoyed by the publisher.

It is a fact that the Act actually allows authors to assign their work to whosoever they want but it becomes an issue for discussion in this study because the Act does not make specific law against publisher's tendencies to convert the author's copyright ownership when they are boxed to a corner. Narrating his experience under the conversion of copyright ownership by the publisher, an author revealed that after submitting his work, the publishers, in the cause of editing, gave it a slightly different title and change a few words in the work only for a highly-paid university professor who wanted to satisfy his publish obligation to put his name and making the original author to lose all the hours of research, analysis, source-finding, source-

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<sup>17</sup> *ibid*

<sup>18</sup> James H. Kelly, 'Why do Some Books Published by a Publishing House Have the Authors as Copyright Owners and Others Have the Publisher as Copyright Owners?' *Quora*, <<https://www.quora.com/Why-do-some-books-published-by-a-publishing-house-have-the-authors-as-copyright-owners-and-others-have-the-publisher-as-copyright-owners>> accessed, 21 December, 2023

<sup>19</sup> James H. Kelly, 'Why do Some Books Published by a Publishing House Have the Authors as Copyright Owners and Others Have the Publisher as Copyright Owners?' *Quora*, <<https://www.quora.com/Why-do-some-books-published-by-a-publishing-house-have-the-authors-as-copyright-owners-and-others-have-the-publisher-as-copyright-owners>> accessed, 21 December, 2023



checking, writing and re-writing he had expended on the work.<sup>20</sup> It must however be stated that copyright owners have the right to assign their rights to whomever they please but it becomes a problem when the publishing industry especially academic publishers ask that the authors assign rights to them and authors cannot share the work thereafter. Rather than following the laid down rules as stipulated in the Act regarding the provisions for assignment of works, it now becomes a sort of trade by batter or succinctly put, a plot by the publisher to claim copyright ownership of the work for economic purpose in exchange for the author's quest for an avenue to get his work published in order to get promoted.

### **2.3. Pre-Press and Post-Press Infringement**

Infringement can come at every stage of book publishing whether before the production of the book, right from the submission of the manuscript or after the production of the book. When it is before the production of the book, it is called pre-press infringement and this is usually between the publisher and the author but when it is after the book production, it is post press infringement which can either be by the publisher or third parties. Another problem bothering on infringement which usually occurs between author and publisher is the failure to have a valid contract agreement as to who takes action when the copyright of the work is infringed upon; who bears the cost of litigation, who receives damages, etc. All these must be clearly stated in the agreement so that this will not become an argument thereafter. There are many ways by which the publisher can infringe on the author's work such as publishing the work when no concrete agreement is reached yet but for the mere fact that the manuscript is available to him, distributing or selling more than the agreed production quantity or performing the work in public without the consent of the copyright owner.

### **2.4. Causes of Copyright Work Piracy**

It is disheartening to observe the thriving of book piracy in Nigeria, despite the extensive and meticulous processes involved in book publishing. These processes begin with the author diligently transforming ideas into a manuscript, followed by the publishing company,

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<sup>20</sup>Thomas James, *'Protecting Copyrights in Professional and Academic Writing'* (June 6, 2020) <[https://www.linkedin.com/pulse/protecting-copyrights-professional-academic-writing-tom-james?trk=public\\_profile\\_article\\_view](https://www.linkedin.com/pulse/protecting-copyrights-professional-academic-writing-tom-james?trk=public_profile_article_view)> accessed 21 February, 2024

particularly educational publishers, who invest 15 to 24 months in studying the curriculum before dedicating significant human, material, and financial resources to complete the various stages of book production.<sup>21</sup>

Piracy is a copyright infringement which involves illegal duplication and distribution of another person's work without the permission of the copyright owner<sup>22</sup> and this attracts both civil and criminal liabilities under the Copyright Act. Book Piracy is the unauthorised and illegal replication of someone else's intellectual property for economic gain, without their agreement or authority. To demonstrate the legal consequences of piracy, the Act proposes a minimum fine of N1,000,000 or a minimum prison sentence of five years, or both, for individuals who engage in the offence of importing or possessing any device or equipment intended for the production of anti-piracy measures in Nigeria.

Piracy in the context of literary work refers to the unauthorised reproduction or distribution of copyrighted works, including computer programmes, books, music, and films, without the explicit authorization or approval of the copyright owner. Piracy in Nigeria was relatively unpopular until the advent of personal computers (PCs) and the digital age, which facilitated mass duplication and online copying for widespread distribution. Online piracy refers to the unauthorised uploading or downloading of copyrighted audio or video recordings, as well as certain forms of streaming.<sup>23</sup> In response to the proliferation of online piracy, many publishers now respond to the perceived threat with strict Digital Rights Management (DRM) software because the use of internet to illegally download copyrighted material has created a lot of setback for a number of industries, affecting the entire book publishing community such as the authors, readers, publishers, agents and booksellers<sup>24</sup>. The effects of piracy can range from the tangible (lost sales, lower author royalties) to the intangible (decline in the perception of the value of a book) as posted by Macmillan's anti-piracy initiatives (2013). Originally, copyright law and its enforcement were mainly concerned with how to prevent the printing press operators who engage in vanity publishing from unlicensed

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<sup>21</sup>A Adelekan, 'Book Piracy is Worse than Armed Robbery' *The Punch* (Lagos, July 11 2010)..

<sup>22</sup>D.O. Oriakhogba & I. A. Olubiyi, *Intellectual Property Law in Nigeria: Emerging Trends, Theories and Practice* (Paclerd Press Ltd, Benin City 2021) 231

<sup>23</sup> *ibid*

<sup>24</sup> *ibid* (Uduak U. E & Mbuotidem O. U, n3) p.8

reproduction and distribution of copyrighted material for profit but today, piracy has taken a new dimension with digital technology and online publishing. Piracy has had a persistent and detrimental impact on scholarship, high-quality education, publishing, and the overall economic progress of Nigeria for an extended period of time.<sup>25</sup> The causes of piracy are;

- (i.) Piracy is thriving in Nigeria because of the prevalence abject poverty which has made infringers (producers and buyers) engage in cutting corners by way of exploiting other's sweat coupled with the stakeholders' ignorance of the provisions of the copyright law and lack of adequate regulatory/legal framework in conformity with international best practice.<sup>26</sup>
- (ii.) Another cause of piracy is poverty which makes readers to go for cheap books, scarcity which makes readers go for any quality found in the market, the public's lack of knowledge on copyright laws exposes readers to the risk of being exploited by pirates.
- (iii.) Inability of the NCC to combat piracy as a result of lack of material and personnel resources. Various studies done in the past have shown that why book piracy exists in Nigeria because of the inability of the regulatory institution to wake up to the challenges.
- (iv.) Technological advancement has made reproduction of graphic materials easily available everywhere over the last two decades.<sup>27</sup>
- (v.) High cost of book publishing is another major problem giving rise for piracy. Not only that, the cost of producing the original book is costlier than the cost of reproduction by pirates while demand for fake books is higher than demand for the original because of the poverty level which has made everyone to go for cheap books as long as they will derive the same result.
- (vi.) Relevance of the book. Another reason, as given by Adegbola,<sup>28</sup> for some categories of book to be pirated is when such books are in hot demand in the market or listed in the school curriculum.

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<sup>25</sup> *ibid*

<sup>26</sup> Christopher Nkiko, 'Book Piracy in Nigeria: Issues and Strategies' (2014) 3(4) JAL 394-398 <<https://www.sciencedirect.com/science/article/abs/pii/S0099133313001171>> accessed 30 December 2022.

<sup>27</sup> Ovieghare E. E, *Essay on Copyright Law and Administration in Nigeria* (Ibadan: Y. \_Books, 1992)

### 3.0 REGULATORY CHALLENGES

There are many challenges confronting the regulatory bodies which vary from one institution to another. The notable regulatory bodies of book publishing are the Nigerian Copyright Commission, Association of Nigerian Authors and Nigerian Publishers Association

#### 3.1 Problems Facing Nigerian Copyright Commission (NBC)

The commission which is empowered by the Act to appoint any design, label, mark, impression or other anti-piracy means for use on, in or with respect to any work in which copyright subsists with the permission of the Minister <sup>29</sup> is faced with some challenges in carrying out these responsibilities. Among them are; paucity of fund to access information and handle complaints or other matters arising as stipulated by this Act.<sup>30</sup>

Most often than not, the NBC is faced with insufficient personnel such as Copyright Inspector to enable them prosecute infringers, conduct investigation or defend copyright owners before a court any charge. The Act empowers the The NCC the authority to issue written warnings to individuals or entities that do not comply with the Act as well as impose administrative fines or prosecute non-compliant individuals or entities and obtain a warrant or order of the court to seize or detain any book, record, document, or other information formation system or database which is not in compliance with the provisions of the Act or any regulations made under the Act.<sup>31</sup>

#### 3.2. Leadership Tussle in Association of Nigerian Authors (ANA)

Over the years, the association has been engulfed in serious crisis which has prevented it from playing its traditional duties of promoting literature and regulating the book industries as the leadership face several litigations, one of which was filed by seven claimants at the Federal High Court in Abuja on October 25. 2021 – see Abuja *ANA EXCO v. ANA & 18*

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<sup>28</sup>G. Adegbola, 'Publishers intercept N30m pirated books in Lagos. Nigerian News' (2008) <<http://www.nigeriandailynews.com>> accessed 20 February, 2024 2022 CA, s49

<sup>29</sup> 2022 CA, s49

<sup>30</sup> Obianuju Nwogu, M. I., 'The Challenges of the Nigerian Copyright Commission (NCC) In the Fight Against Copyright Piracy in Nigeria' Global Journal of Politics and Law Research, European Centre for Research Training and Development (UK, 2024) Vol.2, No.5

<sup>31</sup> ibid (s.78. n2)

Ors<sup>32</sup> The crisis which rocking the association actually escalated in 2019 during their 39<sup>th</sup> International Convention in Enugu during which there was a botched convention over alleged plans to manipulate the election leading to the botch of the election and resulting into prolonged crisis in the association.<sup>33</sup> All these challenges, one way or the other, have retrogressive impact on the effective regulation of the book industry by authors as they are more concerned with association politics rather than the promotion of literature as stated in their mission statement.<sup>34</sup>

### 3.3. Incapacitation of Nigerian Publishers' Association (NPA)

It is a great challenge for the Nigerian Publishers Association (NPA) as it battles unfavourable policies of government which affect their optima performance such as heavy taxation or educational policies that appear harsh to the publishing industry in Nigeria. An example of a policy that the association strongly disapproved of, as widely reported, was the Anambra State book review exercise in 2021 and 2022. This was followed by a new notice on The document titled "Guidelines to Publishers and Authors on the 2023-2024 Primary and Secondary Education Book Review Exercise," published on February 1, 2023, that stirred controversy within the NPA. The State government has revised its policy on book review, shortening the review period to two years for elementary schools and three years for secondary schools, instead of the previously established six years and three years, respectively, as mandated by the National Education Research and Development Council. The continuous change in policy within the book industry has a multiplier effect. Publishers will need to resubmit their books for evaluation by the Ministry of Education in order to have them included in the recommended texts for primary and secondary schools. This incurs additional costs for the publishers. Similarly, parents and guardians will have to purchase new sets of books for their children within a short period of time. The group expressed disapproval of the financial burden that these reviews will have on its members, as well as on parents and guardians in the State. They contend that the government's activities are in

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<sup>32</sup> FCT/HC/CV/2613/2021

<sup>33</sup> *ibid*

<sup>34</sup> Tosin Omoniyi, 'ANA Crisis: Leadership Tussle Worsens as Faction Flouts Court Order', *Premium Times* <<https://www.premiumtimesng.com/news/top-news/498203-ana-crisis-leadership-tussle-worsens-as-faction-flouts-court-order.html?tztc=1>> accessed 24 December, 2023

violation of the National Education Research and Development Council Policy, which stipulates that elementary school texts should undergo revision every six years and secondary school books every three years.<sup>35</sup>

The association recognised that the absence of a well-functioning book policy is a significant obstacle to the industry's effectiveness. Therefore, they advocated for adequate funding of the copyright commission to address the numerous challenges faced by the business.<sup>36</sup> Among other challenges facing the book industry are; piracy, high cost of production, digitalization, shortage of manpower, infrastructural facilities, lack of modern facility, inadequate technical-know-how and poor reading culture

#### **4.0 OPERATIONAL CHALLENGES**

The operational challenges facing book publishing in Nigeria are those technical itches which prevent the operators from having smooth operation in the production, circulation and marketing of book in the country. These operational challenges include the following;

##### **4.1. Technology/Artificial Intelligence**

Technological advancement has taken book publishing from the stone age of burning lithographic plate<sup>37</sup> in the sun to the new age of using direct-to-plate (DTP) machine. Most of these technological advancements are not covered in the Act, creating a sort of lacuna from time to time. For instance, the issue of ownership of works created by artificial intelligence is still in contention as the drafters of the Act believe that only human is eligible to copyright ownership whereas The European Union's Copyright Directive, which came into effect in 2021, recognizes the possibility of AI-generated works being protected by copyright just like the the Chinese Copyright Law amendments in 2021 explicitly state that AI-generated works can be copyrighted, with the organization or individual that owns the AI being recognized as

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<sup>35</sup>Ademola Adegbite, 'Reconsider yearly review of school books, publishers urge Soludo' *The Punch*, (Lagos, 17th April 2023) <<https://punchng.com/reconsider-yearly-review-of-school-books-publishers-urge-soludo/>> accessed 17 February, 2024

<sup>36</sup>Iyabo Lawal, 'Publishers Deplore Absence of Book Policy for Industry Growth,' *The Guardian* (Lagos, 25 April 2019) <<https://guardian.ng/features/education/publishers-deplore-absence-of-book-policy-for-industry-growth/>> accessed 24 December 2023.

<sup>37</sup>Lithographic plate is a printing material which transfer typewritten words to the printing machine for onward transmission to the paper in large quantity

the rights holder<sup>38</sup>. A lot of modern equipment such as Direct Image (DI) and Large Format printing among others has transformed printing business just as it has rendered lot of people jobless because most of the things being done manually hitherto are now being done mechanically. With the paperless policy of the United Nation's sustainable development goals which introduces e-books, digital and internet services, demand for hardcopy books has greatly reduced and this is affecting the traditional book publishers who have got to lay off some of their staff to meet up with the challenges of the new digital era. Though this new development has brought a great improvement into book publishing, it brings along its negative effect as many books can now be passed into the public domain through online publishing.

In the case of *Hachette Book Group, Inc. &ors v. Internet Archive&ors* which took place in the Southern District of New York, United States District Court, the plaintiffs, Four Book Publishers, accused the defendant, Internet Archive ("IA"), of violating their copyrights in 127 books (referred to as the "Works in Suit"). This violation occurred when IA scanned and printed copies of the works, and then lent digital copies of the same to users of their website without obtaining permission from the plaintiffs. The defendant, a non-profit organisation that claimed to be committed to ensuring "universal access to all knowledge," argued that it should not be held responsible for copyright infringement since it utilises the works under fair use. Nevertheless, both parties involved in this lawsuit filed motions for summary judgement. However, the court ultimately ruled in favour of the plaintiffs, granting their motion for summary judgement, while denying the defendant's motion for summary judgement.<sup>39</sup> The bottom line is that this infringement was made easy for the defendant because of technology as it did not need the hardcopy before it could get the work uploaded on its website for the users. Most times, it is very easy to infringe on other person's work through online or digital publishing because an infringer in Canada can easily copy the work of an author in Nigeria without his knowledge. Even where this is detected, seeking redress is usually difficult as a result of jurisdiction. An illustrative instance is the highly popular literary creation by J.K. Rowling entitled "Harry Potter and the Order of the Phoenix" (2003), which was swiftly digitised and shared online shortly after its release. Additionally, a drawback of this

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<sup>38</sup>Augusto Perero, 'Generative AI and Copyright Protection Around the World'

<<https://tmmiami.com/generative-ai-and-copyright-protection-around-the-world/>> accessed 10 April, 2025

<sup>39</sup>17 U.S.C. § 107



technology is that it reduces the demand for paper, leading to the decline of publishing enterprises. Subsequently, the introduction of a novel paper-like display technology, referred to as e-ink or e-paper, by the E-Ink Corporation of Cambridge, Massachusetts, built upon previous research conducted at the Massachusetts Institute of Technology's Media Laboratory. This technological advancement led to a transformation in the e-book market, as portable readers were developed. A portable reader or scanner is a convenient device that efficiently converts printed documents, handwritten notes, objects, and images into digital information. This equipment, known as a scanner, is designed to efficiently capture and digitise many types of content such as books, handwritten texts, lecture notes, receipts, images, artworks, cards, and other printed texts. It is available in different forms and shapes, including portable, sheet-fed, flatbed, and drum scanners. Furthermore, Portable scanners improve the user's efficiency, cooperation, and access to information in the domains of generating digital duplicates of any document; convenient electronic access to documents; effortless sharing of documents across multiple platforms instead of printing or manually copying; faster and more effective scanning of large or small documents; heightened productivity; ensures effortless storage of information; and beneficial for scanning and converting images into digital files for preservation, editing, and future sharing. However, efforts are now being made by publishers and authors to curb online challenges by creating their own designs including evolving their own digital platforms and security measures that can only be accessed through personalized key.<sup>40</sup>

The newest trend in technology now is the influence of Artificial Intelligence generated works on book publishing which cannot be underestimated considering the level at which it is taking over hitherto manual works in every sector of intellectual property. Artificial intelligence (AI) is a branch of computer science that encompasses machine learning, expert systems, robotics, and machine vision. These technologies utilise programming principles and, in certain instances, training data sets to make rapid and automatic decisions.<sup>41</sup> The phrase, “Artificial Intelligence” is not entirely new as it was coined by an American computer

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<sup>40</sup>Samuel Okere, ‘Publishing in Nigeria: Imperative of Change, Growth and Sustainability’(May 21, 2022) <<https://anotearthub.com>> accessed 31 December, 2023

<sup>41</sup>Blessing Nwankwo, ‘Nigeria: The Intersection between AI and IP’ (*Mondaq*, 31 July 2023)<<https://www.mondaq.com/nigeria/new-technology/1348568/the-intersection-between-ai-and-ip>> accessed 18 November 2023

scientist, McCarthy,<sup>42</sup> where he defined 'Artificial Intelligence' as the simulation of ordinary human intelligence by artificial machines or computers. However, AI is gaining more momentum now in Nigeria as many institutions have introduced it as a course because of its emerging trend in the world of technology. Instead of relying on traditional books, several organisations have adopted the usage of chat-bot. It is a computer programme which simulates human conversation with an end user by using conversational AI techniques such as natural language processing (NLP) to understand user questions and automate responses to them<sup>43</sup>. This autonomous computer is capable of answering queries in normal language, simulating human-like responses. It achieves this by utilising a combination of pre-programmed scripts and machine learning techniques. The aim of reading books is to educate the reader and when there is another alternative means of being educated without having to hold hardcopy of any book, it becomes a challenge to book publishing. This is where AI comes in as teachers have now recognized the value of play-based learning and schools in Nigeria now use educational computer games - such as the *Oregon Trail* which was first released in the United States in 1974—since the early days of computer gaming and many schools have now discovered that the best method to deliver targeted learning is through the user-responsive AI-powered games programming.<sup>44</sup>

#### 4.2. Effect of Paperless Policy

Nigeria is affected by the United Nation's paperless policy as a member-state that subscribes to the 17 Sustainable Development Goals (SDGs) of the UN. By reducing the usage of paper usage, SDG No 12 which is Responsible Consumption and Production is already being met through minimizing resource consumption and waste generation.<sup>45</sup> Moreover, embracing a paperless approach by reducing deforestation, greenhouse gas emissions, and energy consumption associated with paper production aligns with Goal 13 which is Climate Action)

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<sup>42</sup>McCarthy, J. (1979) 'Ascribing Mental Qualities to Machines', In: *Philosophical Perspectives In Artificial Intelligence*, ed. M. Ringle. Atlantic Highlands, N.J.: Humanities Press  
<<http://jmc.stanford.edu/articles/ascribing.html>> accessed 20 December, 2023

<sup>43</sup> IBM, 'What is a Chat bot?'

<<https://www.ibm.com/think/topics/chatbots#:~:text=A%20chatbot%20is%20a%20computer,and%20automate%20responses%20to%20them.>>> accessed 10 April, 2025

<sup>44</sup>Ilana Hamilton, 'Artificial Intelligence In Education: Teachers' Opinions On AI In The Classroom (December 5, 2023,) <<https://www.forbes.com/advisor/education/artificial-intelligence-in-school/>> accessed 3 January, 2024

<sup>45</sup>Overview, 'Sustainable Development Goals' <https://sdgs.un.org/goals/goal12> accessed 10 April, 2025

Furthermore, going paperless through the preservation of ecosystems and habitats threatened by deforestation is in line with Goal 15 which is “Life on Land”. Due to the implementation of a paperless policy, individuals no longer cultivate *Gmelina*<sup>37</sup> trees for a duration of 12 years with the intention of using them for paper manufacturing. This is because there is currently a lack of willingness to invest for such a long period of time without receiving any returns on investment. Additionally, the practice of cutting down trees is discouraged.<sup>38</sup> Actually, all plants have some fibre in them but some plants have more fibre that provides strength and elasticity to paper<sup>46</sup> but the paperless policy is now discouraging people from growing all these plants for the purpose of making paper.

#### **4.3. Lack of Infrastructural Facility**

The multiplier effects of modern technology bring about another challenge of infrastructure facilities needed to enable the equipment work. For instance, in the past, lithographers did not need electricity to burn their plates but now they use electricity for the “Direct to Plate” (DTP) and with the epileptic power supply in Nigeria, it makes publishing business difficult. Some of the identifiable poor infrastructures are; lack of paper mills as a result of the close down of the three paper mills in the country resulting in every publishing inputs being imported, lack of electricity, poor distribution network orchestrated by lack of good postal system and absence of reliable bookshops.<sup>47</sup> Many publishing companies use alternative power supply even with the current skyrocketing cost of diesel and petrol in Nigeria. Road network has made it very difficult to get books circulated to some areas where they are need by students in the rural areas. Internet now provides veritable source of information to publishers whereas, up till now, internet services are still inaccessible in some areas of the country, posing a serious challenge to book publishing.

#### **4.4. Disagreement among Stakeholders**

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<sup>46</sup>Nina Rotz, Plants Used for Making Paper, <[https://www.ehow.com/facts\\_4968478\\_plants-used-paper.html](https://www.ehow.com/facts_4968478_plants-used-paper.html)> accessed 3 January, 2024

<sup>47</sup>AnoteAjeluorou, ‘At NLNG/CORA Book Party, poor publishing infrastructure others dominate discourse’ *TheGuardian* (Lagos, 3 August, 2016) <<https://guardian.ng/art/at-nlngcora-book-party-poor-publishing-infrastructure-others-dominate-discourse/>> accessed 31 December, 2023

This is the misunderstanding or breach of agreement between the publisher and the seller or general misconception among the stakeholders (government, publishers, authors, regulators, booksellers, readers) which is usually caused by lack of trust subsequently resulting to litigation. This disagreement may come in the form of number of copies printed, refusal to pay royalty as at when due, quality of the book published, marketing strategy and other sundry issues. The aim of the publisher is to make profit while the author wants his book out as early as possible as well as to get good royalty. So there is bound to be disagreement because the publisher will not go to press until necessary market survey is carried out to know if it will be hot cake in the market. For self-publishing, there is little or no problem because the author sponsors his work but only engages the publisher to print the book for him and later hands off unlike a publisher who takes the responsibility of circulating, marketing and promoting the book.

#### **4.5. Economic Downturn**

A great setback is caused by economic downturn in Nigeria as no investor wants to tie down his money with book publishing because of the many factors which makes the business unattractive.

In the 1960s and 1970s, the three paper mills that were servicing book publishers, namely; The National Paper Manufacturing Company Limited was located in Iwopin, Ogun State, and was involved in the production of bond paper. The Nigeria Paper Mills is situated in Jebba, Kogi State and has the specialty of producing Kraft paper. The Nigeria Newsprint Manufacturing Company Limited (NNMC), located in Oku-Iboku, Akwa Ibom State is solely involved in the production of newsprint. These companies were engaged in the production of newsprint and were operating at maximum efficiency due to high capacity utilisation. However, between 1985 and 1986, mismanagement caused a significant decline in capacity utilisation at the Nigerian Paper Mill, resulting in the closure of these paper companies. This ultimately led to the need for large expenditures on paper imports. The mills were built with the aim of minimising the expenses associated with educational book production while also manufacturing newsprint and Kraft paper. This was done to decrease the reliance on imported materials for local consumption, which was benefiting surrounding countries.

The exponential growth in the foreign exchange has impacted the importation of printing

materials and services, resulting in a surge in production costs and exorbitant prices of books. In 2023, the Nigerian economy faced a decline in growth, with a real GDP growth rate of 2.4 percent. This was the lowest economic growth rate since Nigeria fully recovered from the COVID-19 pandemic. The decline can be attributed to a combination of policy mismatch and other challenges, which resulted in a surge in inflation and a significant devaluation of the local currency. According to statistics, the poverty level and other socio-economic indicators worsened, with four (4) million Nigerians being driven into poverty due to a large decline in their purchasing power compared to the beginning of the year.

According to the National Bureau of Statistics, the value of papers and related items imported increased by 25% with a total value of 412 billion Naira in 2022. Paper and paper base materials import in Nigeria has value of N328. 9 billion in the year, 2021. This figure is slightly higher than the N188. 6 billion posted in 2020 but lower than what was recorded in 2019 at N491 billion and in 2018 at N214. 3 billion. it was N200 billion, in 2016 it was N162 billion and in 2015 it was N151 billion. Due to the lack of investment in repairing the paper mills in the country, the book industry cannot grow sufficiently to meet the nation's demand for a national book policy. This is exacerbated by the significant expenditure on importing raw materials.

The Central Bank of Nigeria (CBN) made efforts to tackle the increasing domestic inflationary pressures and promote economic growth by maintaining its unconventional monetary policy approach in the first half of 2023. The policy rate was adjusted three times during this period, ultimately reaching 18.8 per cent by January 2023, up from 16.5 per cent. According to the National Bureau of Statistics (NBS), the Nigerian Economic Summit Group revealed that the country's actual Gross Domestic Product (GDP) increased by 2.4% in the first half of 2023. Specifically, the growth rates for the first quarter and second quarter of 2023 were 2.3% and 2.5% respectively. The Naira liquidity shortage in the first quarter of 2023 resulted in a decrease of around 80-100 basis points from growth, causing a slowdown in GDP to 2.4 percent in H1-2023 (compared to 3.3 percent in H1-2022.) This had a severe impact on both the major and minor publishing sectors. Academy Press, University Press, and Learn Africa were among the corporate publishing companies that experienced a decline in profits during the first quarter of 2023. Notably, Learn Africa's profit dropped by 32.88%,

falling the amount also reduced from N783. 8 million recorded in the same period as 2022 to N559.8 million.<sup>48</sup>

#### 4.6. Unfriendly Government Policies

The introduction of the unified exchange rate policy by the CBN in 2022 had a significant impact on Nigerian businesses, including the leading corporate and small-scale publishing firm in the first half of 2023. This serves as evidence of how government policies shape a nation's economic landscape.

Due to the Federal Government's Indigenisation Policy of 1978, several foreign publishing firms, including Some of the companies in the list include: Longman Plc (now known as Learn Africa Plc), Macmillan Publishers Limited, Evans Brothers Publishers Limited, Spectrum Books Publishers Limited, Heinemann Educational Books Plc, and University Press Plc which are now owned by indigenous people or companies.<sup>49</sup>

Some of the policies of government on foreign exchanges are not favourable to the industry as necessary strategies are not put in place to cushion the effect of the economic hardship. In the view of experts, Cost management is not strictly implemented to help companies navigate the turbulent economic hardship while liquidity is not properly managed to withstand short-term *forex* induced shocks.

Reacting to government policy in devaluing Nigerian currency, a co-founder of digital investment platform, *GetEquity*, an online printing *startup Printivo* disclosed that the high exchange rates made start-ups to spend more on operations due to high costs of imported items, costs of diesel, power printing machines, new machine parts, logistics, and raw materials such as paper and ink which also went up by 300%.<sup>50</sup>

#### 4.7. Poor Production

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<sup>48</sup> *ibid*

<sup>49</sup> *ibid* (AnoteAjeluorou, n49)

<sup>50</sup> Damilare Dosunmu, 'Nigeria's currency devaluation is a disaster for start-ups', *Rest of World*, 23 August, 2023 <<https://restofworld.org/2023/naira-exchange-rate-threatens-nigeria-startups/>> accessed 1 January, 2024

Another terrible onslaught on the book industry is the palpitating level of poor production orchestrated by the influx of quack publishers and inexperienced author who venture into book publishing to satisfy their stomach. One other thing which seems to encourage every dick and harry to lay claim to authorship is that from the copyright perspective, literary quality does not matter to be qualified as an author as long as you are the rightful owner of the work. The end result of the two is poor quality in content from inexperienced author and production from half-baked publishers. Another factor responsible for poor quality of book production is the dastardly act of the pirates who, in order to minimize cost and maximize profit dub somebody's work and go into printing or photocopy and start selling. The name, content and design of the book will be the same but the printing will fade, making it easy to detect that it is pirated.

#### 4.8. Corruption

Corruption is a cankerworm which has eaten deep into the fabric of every sector of Nigerian economy, publishing inclusive. This comes in different ways; before a manuscript is accepted for publication, after a book is published and even in the acceptance into the school curriculum. It has been observed that some political or tribal forces can exclude manuscripts from being published even when such manuscripts have huge potential to contribute to national development due to factors bordering on power, status, influence, incentives and interests of different stakeholders.<sup>51</sup> For a less privileged author who has no money to bribe an evaluation officer in the ministry of education or any of the superior officer in the board of a national officer, no matter how good his book may be, it may be difficult to get through. There is no way the nation can develop in a situation like this especially when the policy makers themselves institutionalize corruption in the name of federal character which made an unqualified author's work accepted in bodies such as Joint Admission Matriculation Board or National Examination Council far above the work of a qualified author just because the former has to fill the quota of his State. A good example was when Dr Abayomi Hanif Mohammed, the author of *Last Days at Forcados High School* selected by the Joint

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<sup>51</sup>Lambert A. Ihebuzor, Noel A. Ihebuzor, The Political Economy of the Publishing Industry in Nigeria, Open Access Library Journal, Vol.3 No.6, June 2016<<https://www.scirp.org/journal/paperinformation?paperid=69441>> accessed 31 December, 2023



Admission Matriculation Board (JAMB) as a core text for 2014 – 2016 (two years) accused the Registrar of conniving with his publisher to delist his book from JAMB curriculum over crisis arising from alleged non-payment of his royalty.<sup>52</sup>

#### **4.9. Lack of Personnel**

Every publishing company, both large and small scale, require the services of skilled and unskilled personnel to work in the printing section. However, there is dearth of personnel today as many operators handling these machines no longer seek employment but go after quick money through online or gambling activities. The lack of experts in the book industry is caused by the incapacitation of the companies to take care of remuneration, allowances, housing, welfare and other needs of the professionals has led to the poor-editing, badly written, poorly produced and sub-standard books in the market places.<sup>53</sup>

As at the year 2019, there was 1,747 male and 337 female arrested for advance fee fraud in Nigeria. Also, 73 females and 878 males were arrested for various cybercrimes. These numbers contradict the United Nations' Sustainable Development Goal 8 that advocates for decent work and economic growth for sustainable development per capita and it targets to achieve at least 7 percent GDP increase in the least developed countries in the context of each country's conditions. According to SDG 8, the aim is to promote policies that support productive operations, job creation, entrepreneurship, innovation, and entrepreneurship, as well as the legalization and growth of micro, small, and medium businesses, including access to financial services. Unfortunately, the above-cited data shows that most people arrested in Nigeria for financial and commercial crimes were males, who could have contributed to the publishing industry..<sup>54</sup>

#### **4.10. Dwindling Reading Culture**

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<sup>52</sup>UjunwaAtueyi, 'Author Accuses JAMB, Publisher of Conspiracy' *TheGuardian*(Lagos, 23 March 2017) <<https://guardian.ng/features/>> accessed 30 December 2022

<sup>53</sup>Ojo TitiloyeOyeyinka et al, Problems of Book Publishing Industry in Nigeria, *Journal of Research and Development (JRnD*, Volumn 2 No 10, 2016) <[https://www.arabianjbmr.com/pdfs/RD\\_VOL\\_2\\_10/1.pdf](https://www.arabianjbmr.com/pdfs/RD_VOL_2_10/1.pdf)> accessed 1 January 2024

<sup>54</sup> ibid, (n130)

In 2021, the former President of Nigeria caused public outrage by publicly stating that many Nigerian youths are extremely lazy. However, evidence from the World Culture Score Index has revealed that Nigeria is ranked among the countries with the lowest reading culture in the world. This can be attributed to the laziness of Nigerian youth, who have increasingly turned to cybercrime and engaged in indecent activities. Nigerian adults and teenagers were not exempt from laziness, as indicated by data from the National Commission for Mass Literacy, Adult and Non-Formal Education. The statistics reveal that 38 percent of Nigerians lack basic literacy skills, and four out of ten primary school children struggle to read and understand texts, leading them to resort to inappropriate employment. A new phenomenon known as "aliteracy" has been discovered in Nigeria, indicating a lack of interest in reading among the population, despite their ability to read. Indeed, the act of reading, which was once enjoyed as a source of pleasure, is now frequently rejected as a burdensome task. In order to foster a culture of reading worldwide, the United Nations announced on February 22, 2020, the eighth compilation of books for the UN SDG Book Club. This collection includes titles in all six official UN languages and is specifically targeted towards children between the ages of 6 and 12, aligning with the eighth sustainable development goal of promoting decent work and economic growth.

In order to address the global issue of low reading habits, the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) annually hosts the "World Book and Copyright Day", also known as "World Book Day", on April 23rd. This event is dedicated to promoting the importance of reading, publishing, and copyright protection. UNESCO, in partnership with publishers, booksellers, and libraries, chooses the World Book Capital for a year on World Book Day. The selected city is responsible for continuing the momentum of the Day's festivities through its own projects. Poor reading culture in Nigeria can have significant negative consequences on both the nation and individuals. These include hindered national development, stunted personal growth, and restricted access to knowledge, declining education standards, and reduced employability.

#### **4.11. Insecurity Problem**

The state of Nigerian insecurity has affected almost every sector of Nigerian economy,

publishing inclusive. Many foreign publishing companies have closed their branches in some parts of Nigeria because of the menace of the dreaded Boko Haram in the North and Biafran agitators in the South East who kidnap for ransom and outright killing in some instances. National security is crucial to every facet of economy because there cannot be a functional nation-state without security but those who are benefiting from the dark veil that they cast on the people have hijacked security matters of the nation.<sup>55</sup>

Absolutely, there is nothing that can work in a State where the security architecture is not business friendly. Sometimes, expatriates are kidnapped in some parts of the country and this discourages management of such companies from carrying on business in such areas if not in the entire country. An author, Folarin Philip Banigbe, recounted how gunmen abducted him from his home in Port Harcourt on May 1, 2016. The perpetrators entered his residence in the Rumuomasi area of Port Harcourt in the middle of the night, shot their way inside, and abducted him after robbing his household of their possessions. The narrative of the 276 female students of the Government Girls Secondary School in the small town of Chibok in Maiduguri, Nigeria, who were abducted by the lethal Boko Haram terrorists, remains unresolved. This incident serves as a globally recognised reminder of the atrocities committed by the Boko Haram insurgents in Nigeria since 2014.<sup>56</sup> Students of various educational institutions at all levels are parts of the critical stakeholders in the book industry. So whatever risk they face poses serious challenge to the growth of the industry.

#### 4.12. Royalty Payment

More often than not, the disagreement between the publisher or marketer and the author is usually the most serious infringement because where the author is frustrated over the non-payment of his royalty; it becomes worrisome as the two parties claim to be right even at the court of law. This can lead to a prolonged denial of the author's enjoyment of his sweat just

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<sup>55</sup>Tony Nyiam, 'National Security in Nigeria: The Appropriate Architecture' Roving Heights, <<https://rhbooks.com.ng/product/national-security-in-nigeria-the-appropriate-architecture/>> accessed 2 January, 2024

<sup>56</sup>Scientific Research, 'Boko Haram Insurgency and the Kidnap of Chibok Girls: Through the Literary Lenses of Helon Habila', *Advances in Literary Study*>Vol.11 No.1, January 2023

like it can also lead to the publisher's loss as status quo ante remains over the sales of the books until the final resolution of the matter in court where the parties decide to approach the court. An illustrative instance of a deteriorated agreement between a publisher and an author is the well-known case of Dr. Abayomi Hanif Mohammed, the writer of 'Last Days at Forcados High School', which was chosen by the Joint Admission Matriculation Board (JAMB) as a fundamental text for the period of 2014-2016. Dr. Mohammed accused his publisher of colluding with JAMB to hinder him from receiving his rightful royalty payments. This accusation prompted him to hold a press conference on Friday, March 17th, 2017, where he alleged that the publisher had failed to pay him the royalties on time, coerced him into signing a contract, and conspired with JAMB to infringe upon his copyright by using his book for a third year without his knowledge. The company stated that their initial contracts with the author did not include any provisions regarding royalty terms for bulk purchases. They requested the author to sign an addendum that would address the discounted sales for bulk and export purposes. This addendum was negotiated with the author's mother and law firm. Once the addendum was signed, the company proceeded to finalise their agreement with JAMB to deliver the book. Both parties confirmed that they had made the payment to the author for his royalty instalment as of March 21, 2016. However, the author argued that the amount received was lower than the actual number of copies sold, according to his records.

The author who claimed that the publisher realized over a billion naira from the sales of his book further noted that since the Joint Admission and Matriculation Board (JAMB) came out to say that it paid for over 1.3 million copies it still has with it, he was entitled to the payment for the copies but the publisher insisted that the copies in public domain was not the same with actual copies sold by them.

## **5.0 CONCLUSION**

From the discussions on the legal, regulatory and operational challenges on book publishing, it is obvious that the industry is not well equipped to combat its setbacks such as lack of trained personnel, adequate knowledge, necessary tools and government support to confront the cancerous menace of infringement of copyrightable work in Nigeria. The government is not helping matters in its economic development agenda due to lack of grant, inadequate

provision of infrastructural facilities, coupled with corruption occasioned by alleged misappropriation of fund by the leadership of the various regulatory institutions. Worse still, there is no adequate development of the regional, sub-regional and international collaboration with relevant agencies/organizations to checkmate incidents of piracy across the national boundaries.

## **6.0 RECOMMENDATIONS**

The following tested solutions are hereby recommended involving the various multi-dimensional problems facing the book publishing industry ranging from legal to regulatory and operational challenges;

1. In the area of legal challenges, adequate laws should be made especially by providing sufficient interpretation to some ambiguities in the copyright act. The operators of the Act should also adhere strictly to the Copyright Act. It is recommended that like other professions, the Nigerian Publishers' Act (NPA) should be enacted to specially take care of the interest of authors and publishers in Nigeria.
2. The necessary infrastructural facilities such as uninterrupted power supply, good road network, modern facilities among others should be provided to enable the book industry thrive.
3. Government should endeavour to implement friendly policies that will make life bearable for the stakeholders in the book industry especially as relating to school curricular texts while insecurity should also be checkmated.
4. The regulatory institutions such as the Nigerian Copyright Commission, Association of Nigerian Authors, Nigerian Publishers Association and others need to brace up to their responsibilities in order to perform their regulatory function in the industry. To achieve this, internal politics and corruption within the institutions should be reduced to the barest minimum if it cannot be totally eradicated.
5. Above all, authors and publishers should always ensure that before starting any business, they have a valid contract agreement stating in clear terms the agreement between them which will clear whatever issues that may arise in future regarding royalty, reproduction, licensing and commissioning of the work.

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Examination of Legal, Regulatory and Operational Challenges of Book Publishing in Nigeria

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