

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

THE ENFORCEMENT OF COPYRIGHT LAW TO CURB TEXTBOOK PIRACY IN
BULAWAYO

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DATE	ACCESSION	CLASS No
14/03/13	12/452	

A RESEARCH PROJECT SUBMITTED TO THE NATIONAL UNIVERSITY OF
SCIENCE AND TECHNOLOGY IN PARTIAL FULFILMENT OF THE MASTER OF
SCIENCE DEGREE

IN
LIBRARY AND INFORMATION SCIENCE



NUST Library

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

BULAWAYO, ZIMBABWE

YEAR: 2012

Abstract

Piracy is an infringement of copyright law and one of the major challenges facing the textbook publishing industry. Could it be that textbook piracy is caused by ineffective enforcement of copyright law? To answer this question, a qualitative paradigm, interpretivism, was used together with the exploratory survey design and the interview and document analysis techniques to examine the enforcement of copyright law by stakeholders in textbook publishing. Two purposive sampling techniques, typical case and stratified purposeful sampling, were used to select respondents from the textbook publishers, Zimcopy, Bulawayo Central Police District, Bulawayo Magistrates' Court, pirates and schools. The theoretical framework guiding the study was one of WIPO's three pillars of a well functioning copyright system, Enforcement. The findings revealed that the legal system did not enable textbook publishers to enforce their rights. The publishers and Zimcopy explained that the police were not arresting textbook pirates while the court system comprised magistrates that were not knowledgeable of copyright law and treated piracy as a minor offence warranting very low fines. There were no textbook piracy cases among the documents at the Bulawayo Magistrates' Court. The measures put in place to raise public awareness of copyright law only comprised workshops carried out by Zimcopy that targeted the police, students, librarians, authors and publishers. The schools and publishers did not consider raising awareness of copyright law as part of their core business. The police were not arresting textbook pirates and other law enforcement agents were not conversant with copyright law. There were no strategies used to educate society about the importance of copyright law as Zimcopy's activities left out the rest of society and copyright education was not part of schools' curricula. The study concluded that enforcement of copyright law in Bulawayo was weak. The study recommended the revision of the copyright law to cater for technological developments, regularising of photocopying, the development of a comprehensive IP policy, improvement of the supply of textbooks to schools through the Ministry of Education, Sports, Arts and Culture, incorporation of copyright education in the school curriculum, mounting of mass awareness activities targeted at the general public and prosecution of the offenders.