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DETERMINANTS OF BOOK PIRACY IN NAIROBI COUNTY

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ABSTRACT

Purpose: This study aimed to find the determinants of book piracy in Nairobi County.

Methodology: The study adopted a descriptive research design. This study was conducted in Nairobi County. The target population of the study consisted of local book publishing companies, book law enforcing agencies/book trade organizations and book users. The research consisted of twelve publishing companies, fourteen law enforcing organizations in which Senior Investigating Officers, Investigating Officers and Prosecutors were involved in the research, and one hundred and twenty-four text book users as sets of units in my data analysis. A simple random sampling approach was used in the study to come up with the sample. This is because the researcher wanted to get information from large groups of people. The study used primary data which was collected using structured and unstructured questionnaires from the field. The questionnaires were administered through drop and pick method. The questionnaires format was standardized with a balanced mixture of both open ended and close ended questions and were guided where necessary.

Results: The research findings showed that demand side, supply side and legal/legislation

side have positive and significant effects on book piracy in Nairobi County. The study concluded that parental purchase books and course books are in large demand in primary, secondary and tertiary institutions of education but their high prices make them unaffordable for poor students. This situation provides room for book piracy. Book pirates are free to fulfill market needs.

Unique contribution to theory, practice and policy: The study recommended that the law enforcement authorities like police needs to be imparted with proper training in copyright fields and copyright industry associations/copyright societies should launch an extensive campaign through print and electronic media highlighting the adversities associated with the piracy.

Keywords: *Book Piracy, Demand Side, Supply Side*

1.0 INTRODUCTION

1.1 Background to the study

Book piracy is as old as the publishing industry itself. The extent of piracy continued to increase particularly in the second half of the 19th and 20th century. An unprecedented increase has taken place after the emergence of new states as a result of de colonisation and rapid growth of higher education in the newly independent states. Since all the modern sciences developed in western countries their intellectual leadership is universally accepted. Textbooks and research journals are used as instruction materials for higher education throughout the world. These factors have contributed to the increasing trend of book piracy particularly for academic purposes, and necessitated international conventions against book piracy (Chaudhry, 2001).

The book publishing industry is constantly affected by piracy which continues to plague authors, particularly in poorer countries where trade in pirated books often exceeds the legitimate market as well as established markets. Digital technologies have brought a sharp drop in the cost of reproduction of many books. This has consequently controlled how producers circulate new books because of easy technology.

But a longer historical lens suggest that the crisis of copyright, piracy and enforcement has much in common with earlier periods (Patterson, 1967) where markets of book trade were shaped by deals within the publishing trade and with political authorities over who could reproduce works and on what terms (Betting, 1996). Printers and publishers alike sought protection from competition with churches and state authorities who wanted to control the circulation of texts. Regulations designed to serve these goals led to a highly centralized printing trade in most European countries, in which state-favoured publishers monopolized local markets. Accordingly, Pirate publishers played two key roles in this context: they printed censored texts, and they introduced cheap reprints that reached new reading publics. Both actions fueled the development of a deliberative public sphere in Europe and the transfer of knowledge between more and less privileged social groups and regions.

Consequently, from a global perspective, there appears to be loose “laws” of book piracy at work in markets. These include persistent gaps between supply and demand due to artificial constraints on price or supply that is filled by pirate producers. Conversely, pirate producers tend to operate at the edges of the sphere of influence of incumbents, where differences in law and difficulties of enforcement create spaces of ambiguous or conflicted legality. In addition, when faced with piracy, industry incumbents almost always turn to the state to defend their market positions and usually adapt their business models only when other recourse has failed and lastly in many of these contexts, piracy also plays a clear political role as a counterweight to the centralized control of information whether by states or private interests. The latter explains why censorship of texts in pre-modern England and France was continually undermined by pirate networks.

In South Africa, it is estimated that 40-50% of the R400-million textbook market is lost to piracy and illegal photocopying (Wafawarowa, 2002). The foregoing takes the form of both illegal

commercial photocopying, as well as print piracy, and electronic piracy of books and other printed material in digital form. A growing problem to book publishers is the increasing numbers of illegal downloads of online journals, as well as the unauthorized digitisation of collections by libraries, together with a marked rise in the sharing of such digitised versions of works.

Book piracy in South Africa is a legacy of the academic and cultural boycotts of the apartheid era, when large-scale copying of academic texts was condoned in university campuses (PICC 2004:55–56). State censorship also played a role where numerous books and articles banned by the apartheid government circulated widely via photocopies and private desktop publishing (Berger 2002:532). For many opponents of the government, book copying was an act of political opposition rather than a crime.

In Nigeria, the cultural and information industries now form important and well recognized contributory components of the economic and cultural development of any country. They add considerably to national wealth, and therefore pirates' activities which undermine these industries, have a corresponding negative effect on national wealth. Publishing Industry is discussing piracy: as digitalization is becoming more important, publishers have to face issues that other industries already know quite well since years (Sechi, 2012). Various forms of piracy take place in Nigeria. Nothing that is reproducible is spared both electronic and paper base. The problem of piracy is enormous in Nigeria and has attracted a great deal of attention. Okwilagwe (1997) stated that virtually all Nigerian publishers have fallen victim of piracy, pointing out that of more than 30 publishing companies in the country, about 50% have had many of their titles pirated, while about 20% of annual turnover is lost to the pirates by affected publishing houses. The expansion of book piracy started in the 1960s, and increased through the 70s and 80s. Technological improvements in the offset of printing and binding equipment have been put to use by pirates to reduce their production cost as asserted by Smith (1990).

The situation in Kenya is not any different. For instance, Irura, (1992) contends that, Kenya has experienced a rapid and enormous expansion of higher education in the recent years. According to Irura, (1992) the publishing industry in Kenya has been on the rise with the growth of more local publishers. This has proved to be useful in reducing illiteracy levels probably making the content of educational material better in a bid to change the industry in Kenya and beyond. Currently, the industry is facing numerous challenges which if not addressed could drastically affect the industry. Piracy is a major challenge facing the publishing industry. Many Kenyans, especially students, prefer pirated books instead of genuine ones. Subsequently many photocopy shops are located close to educational institutions where both students and lecturers/teachers rely on photocopying. This practice hurts the industry as millions of shillings are lost in pirating and in the reproduction of cheap editions and in violations of copyright laws.

The price of new textbooks has tremendously gone higher in terms of pricing making it difficult for students to afford. On an average daily income for a Kenyan is about \$1 and the price for a new textbook is approximately Kshs 3500 or Kshs 2000. This affects many book users since they are unable to afford original textbooks hence resort to using pirated materials. Supporters of book piracy

claim that buying original copies is too expensive hence people opt for pirated ones (Daily Nation, April 25, 2008).

In Kenya, state-protected book cartels would be challenged by entrepreneurs who will disregard state censorship, crown printing privileges, and guild enforced piracy with an aim of providing vendors with cheap supply of books. Book Piracy has become almost the norm in Kenya where copies are sold at near give-away prices through a network of street vendors. This is threatening the publishing industry already struggling to stay afloat because of dwindling sales figures as few people can afford to buy books needed for their studies.

1.2 Statement of the Problem

Significant progress has been made in increasing book publishing companies in the country due to the increased demand for books in our learning institutions. However these gains are undermined by book piracy. In Kenya, only 2 of every 10 books sold are pirate products, but this still cause a loss to the Kenya publishing industry and its authors of Kshs. 1.25 billion per (Mbugua, 2008). In addition, international trade data (based on landed customs value) suggests that up to US\$200 billion of internationally traded products could have been counterfeited or pirated in 2005. The amount of book piracy worldwide is estimated as 5 to 10 percent of world trade and even 30 percent for some Industries (Panethiere, 2005).

In Kenya, piracy remains especially an issue for the software, music and book publishing industries, but the techniques used to measure it are still controversial. This is a serious problem with dire consequences for the future development of the society. The resulting effects of book piracy may contribute to financial and human resources wastage hence failure to attain the overall objective of transforming Kenya into developed society and a failure to eradicate illiteracy/poverty from the nation. This necessitated the study in order to establish the role of demand, supply and existing legislation on book piracy in Nairobi County and also to form basis for further studies.

Accordingly, this study endeavored to establish the main determinants of book piracy in the country and come up with recommendations on how to stop the vice. The study examined the existing institutional risks such as low detection of pirated books, weak legal and legislative frameworks as well as the penalties and sanctions that are applied to enforce copyright laws.

1.3 Study Objectives

The general objective of the study was to establish the determinants of book piracy in Nairobi County.

1.3.1 Specific Objectives

- i. To investigate the role of demand side factors on book piracy in Nairobi County.
- ii. To establish the role of supply side factors on book piracy in Nairobi County.
- iii. To assess the role of legislative/ legal side factors on book piracy in Nairobi County

2.0 LITERATURE REVIEW

2.1 Theoretical Framework

This study will be guided by the systems theory, which suggests that the publishing industry presents itself as a linear production process where inputs are converted to outputs. But this model of an organization is expanded to include throughputs which act as basic ingredient for control. The publishing industry outputs and outcomes generate products, services, information and other resources in order to transact with the environment. They also provide performance information necessary to sustain the organization through the development of knowledge. Just like other large complex organizations, the publishing industry system has multiple and overlapping levels where each level can be described as a system that involves input, processing, and output. At each system level, the publishing process obeys the general rule that output is equal to input (Rapoport, 1986).

Organization inputs draw on resources from the general environment, as well as feedback from the organization about production requirements and client needs. Lapses come to play when the publishers try to maintain a balance between demand and supply. The production processes to some extent imitate the technologies available in the general environment leading to mass production due to increased demand for books leading to book piracy.

Bernard and Engel (2001), theorized that throughout the system, the progressive narrowing of processing capacity encourages publishing companies at each stage to exert pressure in production at earlier stages, but forward pressure is generated by each company's attempt to minimize exposure to blame for defective products (pirated books) in the market.

The absence of common goal in the legal/legislative system is the main criticism of the view that criminal justice is a system, because the interaction of different parts i.e. supplies and demand side determinants toward a common goal is a principal aspect of all systems. For any particular criminal justice system, an attempt to resolve book piracy problems may be hindered by low risk of detection, weak legal and regulatory framework, weak enforcement systems and weak penalties (Kraska, 2004).

The application of systems theory in this study raises some interesting and unexpected insights. For example, it argues that demand and supply side pressure create a situation that requires a certain level of competence from the legal justice system. Certainly, public pressure on publishing industries might prevent any implementation of policies to deter book piracy. Nevertheless, this research aims at determining the optimum level towards defective book processing and what policies should be put in place to protect the publishing industry from book pirates.

3.0 RESEARCH METHODOLOGY

The study adopted a descriptive research design. This study was conducted in Nairobi County. The target population of the study consisted of local book publishing companies, book law enforcing agencies/book trade organizations and book users. The research consisted of twelve publishing companies, fourteen law enforcing organizations in which Senior Investigating Officers, Investigating Officers and Prosecutors were involved in the research, and one hundred and

twentyfour text book users as sets of units in my data analysis. A simple random sampling approach was used in the study to come up with the sample. This is because the researcher wanted to get information from large groups of people. The study used primary data which was collected using structured and unstructured questionnaires from the field. The questionnaires were administered through drop and pick method. The questionnaires format was standardized with a balanced mixture of both open ended and close ended questions and were guided where necessary.

4.0 RESULTS AND DISCUSSIONS

4.1 Descriptive Analysis

This section contains descriptive analysis of variables in the study. Descriptive analysis of items that were used to measure variables was conducted using means and frequencies. This section also contains descriptive on variations of demographics compared with dependent variable which is book piracy.

4.1.1 Amount Spend on Books and Book Piracy

A cross tabulation was conducted to establish the frequencies of respondents who spend different amount on books per year whether they were users of pirated books. First the study computed the mean of book piracy and later recorded into different variables. Those with the mean of above 3.5 were categorized as users of pirated books while those with the mean of below 3.5 were categorized as non-user of pirated books. A cross tabulation was conducted to establish the relationship between amount spend on books and book piracy and table 4.1 below shows the results. Majority of the respondents reported to be spending less than kshs. 5000 on books per year were in the “users of pirated books” category. Only 4 of the respondents who reported to spend kshs.10000 and above were in the user of pirated books category. Table 4.1 shows the findings.

Table 1 Amount Spent on Books and Book Piracy

		pend on boo				
		Less than 2000	2001- 5000	5001- 10000	10000 and above	Total
Book piracy computed	Don't use pirated materials	7	4	5	5	21
	use pirated material	40	60	25	4	129
	Total	47	64	30	9	150

4.1.2 Age Group and Book Piracy

A cross tabulation was also conducted for age group and book piracy. The results indicate that book piracy cut across all age groups but it is more common among young people as indicated by all respondents in the age group of below 18 were categorized under users of pirated books.

Table 2 Age Group and Book Piracy

		Kindly indicate					41 and above	<u>Total</u>
age group		Below 18						
Book piracy computed	Don't use pirated materials	40	<u>19-30</u> 5	<u>31-</u> 8				0 8
	21 Use pirated material	12	36	45	36		129	
	Total	12	41	53	44	150		
4.1.3 Income Level and Book Piracy								

4.1.3 Income Level and Book Piracy

A cross tabulation of income level and book piracy also indicate that majority of the respondents with income below Kshs 10000 are most likely to buy pirated books. This is indicated by 41 out of 50 respondents with below Kshs 10000 were categorized as user of pirated books. The results generally show the book piracy also cuts across all levels of income as shown in table 4.3 below.

Table 3 Income Level on Books and Book Piracy

		Indicate your level of income (Kshs.)				<u>Total</u>
		<u>Below</u> <u>10000</u>	<u>10001-</u> <u>20000</u>	<u>20001-</u> <u>30000</u>	<u>30000 and</u> <u>above</u>	
Book piracy computed	Don't use pirated materials	9	7	2	3	21
	Use pirated material	41	36	25	27	129
	Total	<u>50</u>	<u>43</u>	<u>27</u>	<u>30</u>	<u>150</u>

4.1.4 Demand Side Determinants

This section aimed at finding out how respondents responded to different statements under demand side determinants of book piracy. The mean and standard deviation of these responses were also

computed. The results in table 4.4 show that majority of the respondents either agree or strongly agreed to all of the statements. All the statements had a mean response of above 4 which indicates agreement from the respondents. A small standard deviation also complements these findings. These results imply that demand side contributes to book piracy.

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4 Demand Side Determinants

	Strongly Neutral	Disagree Agree	Strongly Agree	Mean	Std Dev	statements	Disagree	e
			5.30%	6.00%	12.70%	32.00%	44.00%	4.03 1.14
Consumer don't buy their books from original publishers		4.70%	8.70%	5.30%	44.00%	37.30%	4.01	1.10
Cheap books are good they are cost effective								
Consumers consider buying of original books is as a waste of money and go for cheaper alternative		2.70%	12.00%	8.00%	36.70%	40.70%	4.01	1.10
Low income of consumers make them go for pirated and cheaper books		3.30%	9.30%	14.70%	28.00%	44.70%	4.01	1.13
It is not easy for consumers to access original books		5.30%	6.00%	10.70%	36.70%	41.30%	4.03	1.12
Consumers encourage the sale of pirated books Consumers don't care about origin of the book provided they have a <u>book</u> .		5.30%	5.30%	8.70%	40.00%	40.70%	4.05	1.09
		4.00%	4.70%	11.30%	39.30%	40.70%	4.08	1.03

4.1.4 Supply Side Determinants

This section aimed at finding out how respondents responded to different statements under supply side determinants of book piracy. The mean and standard deviation of these responses were also computed. The results in table 4.5 show that majority of the respondents either agree or strongly agreed to all of the statements. All the statements had a mean response of above 4 which indicates agreement from the respondents. A small standard deviation also complements these findings. These results imply that supply side contributes to book piracy.

Table 5 Supply Side Determinants

Statements	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Mean	Std Dev
Suppliers do not distribute books to reach all potential buyers	3.30%	8.00%	8.70%	38.00%	42.00%	4.07	1.06
Technology has made it easy for book piracy business to flourish	4.00%	1.30%	20.00%	36.00%	38.70%	4.04	1.00
Book piracy is not out of control of suppliers	4.70%	4.70%	10.00%	44.70%	36.00%	4.03	1.04
Suppliers expose their content making it easy for piracy	2.70%	6.70%	5.30%	54.00%	31.30%	4.05	0.94
Suppliers have no proper strategies to deal with book piracy	4.00%	10.70%	7.30%	35.30%	42.70%	4.02	1.14
Suppliers don't create awareness to consumer about their products and harmfulness of pirated contents	6.70%	6.70%	6.00%	34.70%	46.00%	4.07	1.18
Supplier don't feel it's their responsibility to fight book piracy	4.70%	2.00%	13.30%	44.00%	36.00%	4.05	1.00

4.1.5 Legal/legislation determinants

Majority of the respondents agree and strongly agreed to statements under legal/legislation determinants. This can be shown by the overall mean of the statement which is above 4 implying the respondent's agreement. The standard deviation shows the variation was small. These results imply that the respondents agreed that weak legal/legislations governing book piracy was also a cause of book piracy menace in Kenya

Table 6 Legal/Legislation Side Determinants

Statements	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Mean	Std Dev
Weak legislation on book piracy encourages perpetrators in Kenya	10.00%	5.30%	1.30%	32.70%	50.70%	4.09	1.28
Weak penalties on perpetrators makes it hard to fight book piracy in Kenya	2.00%	2.00%	5.30%	42.70%	48.00%	4.33	0.83
There is poor enforcement of available legislation on book piracy	2.00%	5.30%	10.70%	46.00%	36.00%	4.09	0.93
Lack of official complaints from publishers slows down fight on book piracy in Kenya	4.00%	8.00%	13.30%	33.30%	41.30%	4.00	1.11
Corruption among law enforcers slow down efforts in fighting book piracy in Kenya	2.00%	3.30%	16.70%	44.70%	33.30%	4.04	0.90
Legislation on book piracy in Kenya require further amendments	5.30%	8.00%	5.30%	43.30%	38.00%	4.01	1.11

4.1.6 Book Piracy

This section sought to find out whether respondents engaged in piracy activities. The results in table 7 below shows that majority of the respondents agreed. Agreeing to statements under book piracy shows most of the respondents either knowingly or unknowingly participated in book piracy activities. A mean of 4 implies that book piracy is a common phenomenon in Kenya. Table 7 below shows the results.

Table 7 Book Piracy

STATEMENTS	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Mean	Std Dev
I prefer photocopied/scanned materials to original content/book	4.00%	8.00%	9.30%	42.00%	36.70%	3.99	1.07
Photocopied materials are readily and cheaply available	2.70%	12.00%	8.00%	36.70%	40.70%	4.01	1.10
There is no limit to the number of copies of the same article I photocopy	3.30%	9.30%	14.70%	28.00%	44.70%	4.01	1.13
Whenever I am buying books I go for cheap ones and photocopied	5.30%	6.00%	10.70%	36.70%	41.30%	4.03	1.12
Photocopying books is good since it help in saving money	5.30%	5.30%	8.70%	40.00%	40.70%	4.05	1.09

4.2 Inferential Analysis

This section contains correlation and regression analysis. Pearson correlation was used to check for multicollinearity between independent variables while regression model was used to predict the influence of independents variables on dependent.

4.2.1 Correlation Analysis

Correlation analysis was conducted to find out the relationship between the variables. A Pearson correlation value of above +0.70 or -0.70 indicates Multicollinearity among variables. This analysis finds out there was no Multicollinearity among the independent variables. This analysis

also revealed a significant positive relationship between independent variables dependent variable. Demand side determinants had Pearson correlation value of 0.316 ($p=0.000$) while supply side had Pearson correlation value of 0.671 (0.000) and finally legal/legislation had a Pearson correlation of 0.185 ($p=0.023$) this implies that relationship is significant.

Table 8 Correlation Analysis

		Demand side mean	Supply side mean	Legislation mean	Book piracy mean
Demand side mean	Pearson Correlation Sig. (p-value) N	150			
Supply side mean	Pearson Correlation Sig. (p-value) N	0.091 0.268 150	150		
Legislation mean	Pearson Correlation Sig. (p-value) N	-0.06 0.464 150	0.118 0.15 150	150	
Book piracy mean	Pearson Correlation Sig. (p-value) N	.316** 0 150	.671** 0 150	.185* 0.023 150	150

4.2.2 Regression Analysis

Finally, a regression analysis was conducted to find out the degree the independent variables predicted the dependent variable. From the analysis of variance the f-statistics value of 55.342 was obtained. This implies that 55.34% ($p=0.000$) of the book piracy is accounted for by demand side, supply side and legal/legislation. This shows the regression model used was fit. **Table 9 Analysis of Variance**

	Sum of Squares	df	Mean Square	F	Sig.
Regression	17.978	3	5.993	55.342	0 .000
Residual	15.81	146	0.108		
Total	33.788	149			

From the regression analysis, supply side has the most effect on book piracy shown by largest B value of 0.672 ($p=0.000$) implying that supply have higher positive and significant effects on book piracy in Kenya. Demand side also have a high positive significant effect on book piracy in Kenya this is shown by a positive B value of 0.304 ($p=0.000$) and lastly is legal/legislation side which also have a positive and significant effect on book piracy in Kenya shown by .0129 ($p=0.023$). These findings imply that all the independent variables have a positive and significant relationship with book piracy in Kenya.

Table 10 Regression Analysis

	B -	Std. Error	Beta	t	Sig.
(Constant)	0.448	0.41		-1.094	0.276
Demand side mean	0.304	0.065	0.266	4.672	0
Supply side mean	0.672	0.061	0.632	11.035	0
Legislation mean	0.129	0.058	0.127	2.216	0.028

5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

It is a fact that no nation can develop when creativity and intellectual property are susceptible to damage and destruction instead of being protected and rewarded. Kenya has strict and clear Copyright and Anti-Counterfeit laws but its implementation is not easy due to certain hurdles .On the reader's side, there is lack of awareness regarding the benefits of protection of copyright. Parental purchase books and course books are in large demand in Primary, secondary and tertiary institutions of education but their high prices make them unaffordable for poor students. This situation provides room for book piracy. Book pirates are free to fulfill market needs .The Kenyan government's failure to protect copyright hence provides the basis for massive pressure from reading community. By taking positive steps towards curtailing book piracy, Kenya can earn a good reputation and trade benefits internationally. However, the problem of piracy cannot be eliminated until local demand side determinants are put into consideration for example the local readers are provided with cheaper books, tax for parental purchase books /course books is reduced

and the government should opt to supply schools with books effectively. Supply side determinants should be put on check to cater for the growing market and the technology should be improved to increase production as well as seal loop holes for counterfeit or copyright. In order to improve on the legal/legislative determinants, Kenya Copyright Board should collaborate with all stakeholders in enhancing proper training and awareness creation to ensure compliance and respect for copyright and related rights, increase personnel, be professional thus avoid corruption and be prompt in prosecution piracy cases. To achieve this, the local publishers, government (law enforcers) and book trade organisation must first resolve this problem of book piracy to achieve positive result from any measures taken to protect intellectual property rights in Kenya.

5.2 Recommendations

Since the direct loser due to copyright piracy are the right holders, the prime responsibility of protecting their copyrights/patent lie with the right holders themselves. Firstly, the right holders should take enough precaution to protect copyright works. In case violations come to their notice/knowledge, they should file complaints with the police. They should also help the police in conducting raids and producing evidence (e.g. proof of ownership in works) during the trial by the court.

The copyright industry associations/copyright societies should launch an extensive campaign through print and electronic media highlighting the adversities associated with the piracy.

Lectures, seminars, workshops etc. could be organised in schools, colleges, universities and other places to create a consciousness among people against the evils of piracy. The message should be conveyed in clear terms that in the long run piracy is against the interest of all in the society accepting the pirates. Another public awareness campaign regarding the importance of copyright should be conducted using all possible means of mass media. This campaign might emphasize moral obligations as well as legal provisions of copyright law. The Readers may be informed about disadvantages of pirated books, especially about the bad effect of their printing quality on eyesight and understanding of contents. The national government should sponsor such campaign to its general reading public.

The law enforcement authorities like police needs to be imparted with proper training in copyright fields. Apart from telling them how to differentiate original copyright products from the pirated ones, the various provisions of the Copyright Act are also to be taught. A dedicated institute may be established as a nodal agency to deal with matters of copyright and other constituents of IPR, particularly relating to education and training.

The institution say the Kenya Institute of Intellectual Property Rights (KIIPR) should offer regular courses on IPR and organise relevant training programmes for all concerned with copyright/ IPR like the producers and sellers of copyright products, industry associations, the police and the public at large. Besides, the institution should work in close liaison with the government and copyright industry associations and provide guidance in policy matters.

The registration of copyright works may be encouraged since it is found that as of now very few cases are registered. While copyright exists on creation and protection of copyright is not subject to any formality like the registration, registering a work helps to establish ownership in a work which, in turn, may be useful for the right holders to prove ownership in cases of litigation. Towards this, Copyright Office may publicize their activities including that of registration to the members of various associations and general public through different media.

The software copyright holders should adopt a corporate license system for using. The government should come up with a mechanism for enforcement of copyright laws as there are complaints of corruption on the part of the law enforcing officials and of delayed judicial proceedings. More efficient and vigilant officials and prompt judicial proceedings resulting in strict punishment to the culprits may have a deterrent effect in general. The establishment of the Copyright Board of Kenya an office in the Attorney General Chambers under the Copyright Act 2001 of Kenya and the Anti-Counterfeit Agency established under the Anti-Counterfeit Act 2008 by the government of Kenya has been a great step in the fight of copyright. These organizations are still waiting for government funding and proper legislation.

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