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Legal issues in print and publishing in Nigeria

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Abstract

It has become a worrisome trend in Nigeria to notice that most Nigerians do not know their rights to the extent that their rights are constantly being violated unchallenged. One fertile area for the Violation of these rights is in the area of print and publishing industry In Nigeria. Against this backdrop, this study was undertaken to chronicle. The need for publishers to carry out their duties within the ambit of the Nigerian laws relating to print and publishing. The study recommends amongst others that there is a need for all institutions of higher learning In Nigeria to run courses in print and book publishing; media practitioners have a crucial role of creating awareness on the laws that could entrap the publisher in the course of duty.

Keywords: Legal; Issues; Print; Publishing; Nigeria

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1. Introduction

It has become a worrisome trend in Nigeria to notice that most Nigerians do not know their rights to the extent that their rights are being constantly violated un-challenged. One fertile area for the violation of these rights is in the area of print and publishing industry in Nigeria.

There is no denying the fact that the freedom of expression and the press is contained in the Nigerian constitution. Publishers must carry out their duties within the confines of the law by respecting the rights of other Nigerians.

According to (Meyile, 2009);

Publishing covers a variety of subjects ranging from education, health, politics, sports, commerce and others. However, publishing has legal implications. The law places restriction on what can be made available to the public at what time. Although the constitution makes provision for the right to freedom of expression and press. P.

Melami (2009) explains that life, civilization, democracy, law and order are all about rights and duties, and the press is not an exception. The press is a very powerful tool for reaching and influencing not only a locality, but the world. Therefore, the press must discharge its responsibilities to the nation and society with a great sense of purpose and responsibility. The press freedom or freedom of expression and the press, just like every other right must be enjoyed within the confines of the Law. (Yalaju, 2006) asserts that chapter four of the constitution of the Federal Republic of Nigeria (promulgated) Decree 1999 gives Nigerian citizens specific legal rights including the right to Freedom of Expression under section 39 (1) "Right to Freedom of Expression and the press". The section states:

Everybody shall be entitled to freedom of expression including freedom to hold opinions and information without interference.

Despite these constitutional, provisions, a publication must be free of offensive and criminal matters when viewed from a legal perspective. These offensive matters include defamation, contempt, disclosure of official secrets, violation of copy, indecency, plagiarism, innuendos, privacy etc.

Any publication that contains such matters will be regarded as illegal and could give rise to civil and criminal action.

1.1. Definition of law

Law according to Wikipedia is:

"a system of rule and guidelines which are enforced through social institutions to govern behavior. Laws are made by governments specifically by their legislators". The formation of laws themselves may be influenced by a constitution (written or unwritten) and the rights encoded

therein. The law shapes politics, economics and society in countless ways and serves as social mediator of relations between people."

Law generally is about the right of the individual to exist in society and carry out their daily activities as well as legal limit on one's freedom. Apart from Media Law, there exists other forms of law in society as stated below: Human rights Law, labour law, civil procedure and criminal procedure, immigration law and nationality law, evidence law, social security law, family law, intellectual property law, company law, Tax law etc ([Htt://www.tparents.org/library/unification/books/euth/Euth06-02htm](http://www.tparents.org/library/unification/books/euth/Euth06-02htm)).

1.2. Sources of law

Sambe and Ikon (2004) avers that sources of law are manifold as there are definitions of law itself. It could mean the ultimate origin of the whole body of a legal system. In other words the origin from which the system derives its validity could be the electorate, a special body, the general will of the people or the will of a dictator. In this sense, a source of law is always formal. The term source of law may be used to mean the historical origin of the rule e.g. law of the common law is the historical origin of the English law, for the origin of many rules of English law may be traced back to the common law. Hence we also have historical source of law.

There is also a material or literary source which means a text containing the rules of the law e.g. statute, books, reports, textbooks etc. Sources of Law could also mean the foundation of authority of a rule of law. i.e. the origin from which a legal rule derives its authority. This is known as legal source. It is the means through which a rule forms part of the body of law, e.g. legislation and judiciary precedents. From the above background, the search for the source(s) of law may lead one to investigate from where law comes i.e. where and how the legal rules which today govern human conduct in the society originated. In this context, the main sources of Nigerian law are:

Primary or principal sources:

- i. English Law
- ii. Nigerian Legislation
- iii. Nigerian case law/ judiciary precedent.
- iv. Customary law

Secondary or subsidiary sources:

- i. Customs
- ii. Opinions of texts – writers.
- iii. Law Reports
- iv. Records of Statutes.

2. Legal issues relating to print and publishing in Nigeria

It is very important for a publisher to take necessary steps to avoid offending the law. At the moment, publishers in Nigeria have knowingly or unknowing entrapped themselves in legal pitfalls by violating the following laws: libel, contempt, innuendos, copyright, state security, official secrets, pornography, sedition, plagiarism, privacy etc. consequently, a conscious effort shall be made to discuss these laws in details.

2.1. Law of contempt

Every professions has its hazards and the law of contempt can be aptly described as the occupational professional hazard of journalists (Sambe and Ikoni, 2004).

Yalaju (2006) asserts that the law of contempt exists to deter or punish interference with the administration of justice or the finding into disrepute. Contempt in the face of the court consists of some unseemly conduct in the court room itself e.g. shouting and singing.

Journalistic contempt have been mostly the publication of materials calculated to prejudice, the conduct of legal proceeding which are pending, imminent or to interfere with administration of justice generally or to scandalize the court. See the case of Ekpu in R.E, R.V Ojukoko, Adekoya V Jakande, and R.V Jackson, were publications in newspaper which were held to be in contempt of court (The articles "having the tendency to scandalize the court or judge).

Contempt is any act or conduct which constitutes disregard, ridicule, hindrance or disrespect to rules, constituted authority or administration of law. In publishing a book or newspaper, a periodical, a journal or a pamphlet, a publisher must be very careful so that his publication does not amount to contempt, especially contempt of court. Some of the instances which a publisher may commit contempt of court are as follows (Meyile, 2009):

1. Publication of reports of evidence in court proceedings which are meant to be kept secret.
2. Publishing any matter that interferes with or obstructs court proceedings.
3. Publishing matter that is injurious to or based against litigants while a suit is in progress.
4. Publishing any piece that tends to misrepresent the true position of things in a lawsuit.

2.2. Defamation: Libel/slander

Libel can be juxtaposed in the context of defamation. It is any statement made by anybody to invoke an individual feeling of dejection, ridicule, hatred and making a person a cynosure in the eyes of the people. Defamation means maligning somebody's reputation and not character because character refers to what you are whereas reputation refers to what people see in you.

Defamation has to be actionable and punishable only when they are interpreted so by right thinking people of society. And this must be based on truth and not falsehood.

- a. When written it is libel.
- b. When spoken it is slander.

Pember (2007) explains that defamation or libel, is what lawyers call a tort, or a civil problem faced by persons who work in the mass media, and often the most troublesome. Allegations of libel are included in about three-fourths of all the lawsuits filed against the Mass Media, according to a recent study by the Media Law Resources Center (MLRC). In Simple terms, libel is the publication or broadcast of any statement that:

1. Injures someone's reputation or
2. Lowers that person's esteem in the community

Anyone who speaks or publishes (including material on the internet) or broadcast anything can become the target of defamation action. Libel can lurk in news story or editorial, press release, company news letter, advertising copy, letters to editor, comments made in an internet chatroom or in a web log, or even statements made orally or at a public gathering. Libel suits are troublesome for the press as they are common. While any lawsuit against any business or person creates problems, there are some special aspects to libel law that seem to make the problems even worse.

Pember (2007) states that:

"The protracted nature of many libel cases plus the high cost of defending against such suits, can result in heavy financial burden for the defendant. Plaintiffs often make outrageous claims and at times even win enormous damage awards. Libel law is especially complicated and often confusing, to the point that sometimes jurors and judges don't understand the law and make erroneous decisions. Some plaintiffs file frivolous libel law suits to try to silence their critics in the press and the public."

The publisher must censor what is available to the public, by ensuring that it does not injure somebody's reputation. In *African Press Ltd V. Ikejiani*, a statement that a medical practitioner has a fake degree and that he exploited the public was held to be defamatory. The whole essence of the law of defamation is to strike a balance between the right to freedom of expression and the press, as provided by the constitution and the right of the individuals, to freedom from defamation. Just as the individuals, publishers, writers and the press have the right to hold opinions and impart information without interference, other individuals also have the right to unblemished reputation as members of the society.

Section 39 (1) of the constitution provides thus:

"Without prejudice to the generality of subsection (1) of this section, Every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinion..."

Section 39 (2) provides further:

“Every person shall be entitled to freedom of expression, including freedom of expression, including freedom to hold opinions and receive and impart ideas and information without interference.”

Considering the foregoing provisions, freedom of expression and of the press is a fundamental right recognized and guaranteed by the 1999 constitution of the Federal Republic of Nigeria.

However, a publisher or a writer, in exercising this right should be cognizant of the legal limitations to the freedom of expressions provided by the same constitution. The law of defamation places strict restrictions to the constitutional right to freedom of expression and the press.

In *Ukpoma V Daily Times of Nigeria Ltd* the defendant newspaper wrote a report that the plaintiff, a Retired Assistant Director of Works in Lagos, had been arrested by officials of the Federal Corrupt Practices Investigation Bureau on account of alleged corruption. The court held that the report was defamatory of the plaintiff. In *Akintola V. Anyiam*, the defendant published a booklet titled among Nigerian Celebrities containing an incorrect statement that the plaintiff, the premier of the Western Region and a native of Ogbomosho, was a “Son of Chief Sawe of Ilesa and Alice”. This was held to be libelous to the plaintiff.

In an action of defamation, it is not an excuse or a defence that the defendant was not the author of the defamatory statement. For instance, an editor, a printer, a bookseller or a short vendor may be held liable for a libelous publication regardless of the fact that they are not the author of such libelous statement. In *Awolowo V. Kingsway stores Ltd* the defendants, who were booksellers sold copies of books titled the one eyed man is king, portions of which were considered libelous to the plaintiff. The defendants were held liable (Meyile, 2009).

2.3. Privilege

Black's Law Dictionary defines a privilege as (Black and Garner, 1990, p. 1197):

“a particular and peculiar benefit or advantage enjoyed by a person or class beyond the common advantages of other citizens. It is indeed a peculiar right, advantage, exemption, power, franchise or immunity held by a person or class, which is not generally possessed by others.”

In the law of defamation there are occasions on which freedom of communication is enjoyed by a person or class without fear of action. It is such occasions as this that is called privilege. It may be an absolute privilege or a qualified privilege.

In absolute privilege, there is a complete freedom of communication which is regarded to be very important that actions for defamation cannot be entertained by the court at all. This means that a person who is defamed when there is this defense of absolute privilege has no legal redress. It is important to further

state that the defamatory statement may be outrageous, untrue, and malicious and of ill motive but since it is an occasion of absolute privilege no action will lie.

Thus a judge of the High Court is absolutely privileged to publish a defamatory matter in the performance of his judicial functions. A Magistrate or other officers performing judicial functions are absolutely privileged to publish defamatory matter in the performance of such function while acting within their jurisdiction.

An advocate or legal practitioner is absolutely privileged to publish defamatory matters of an concerning another judicial proceedings or in the institution or, during the course and as a part of a judicial proceedings in which he participates as counsel or legal practitioner.

The Restatement (Second), 586 "Parties to Judicial Proceedings" provides (cited in Harder, 2011, p. 61):

"A party to a private litigation or a private prosecutor or an accused in a criminal prosecution is absolutely privileged to publish defamatory matter concerning another person in communications preliminary to a proposed judicial proceeding or in the institution of or during the course and part of a judicial proceeding in which he participates."

A witness is absolutely privileged to publish defamatory matter of concerning another person in communications preliminary to a proposed judicial proceeding in which he is testifying.

Where a tribunal is a court of justice or a body acting in a matter similar to that in which a court of justice acts, any statement made by a member therefore is absolutely privileged, no action can be brought thereon.

A member of the legislative house of the Federal Republic of Nigeria or of the legislative house of any state or territory therefore is absolutely privileged to publish in the House of which he is a member false and defamatory matter of and concerning another person in the performance of his legislative functions.

The Head of State of the Federal Republic of Nigeria and the Governor of any state or territory therefore, cabinet officers of the Federal Republic of Nigeria and the corresponding officers of any state or territory of Nigeria are privileged to publish defamatory matters of and concerning another person, if the matter relations to the executive proceeding in which the officer is acting.

Publications of defamatory matter by a husband to his wife or by a wife to her husband, is absolutely privileged.

2.4. Qualified privilege

An occasion is one of qualified privilege "where the person who makes a communication has an interest or a duty, legal, social, or moral, to make it to the person to whom it is made, and the person to whom it is so made has corresponding interest or duty to receive it" (Adam v. Ward [1917] AC 309, p. 334).

Although qualified privilege also protests the maker of an untrue defamatory statement, it does so only when the maker of the defamatory statement acted honestly and without malice and infact in good faith.

The defence of qualified privilege is defeated where the party defamed can prove express malice.

2.5. Qualified Privileges of Newspapers

In the defamation laws of many states in Nigeria similar to some other countries (Weisenhaus, 2007, p. 283) the publication in a newspaper of any report is privileged if it is

- a) a fair and accurate report of any proceedings in public of the legislature of any commonwealth country outside Nigeria.
- b) a fair and accurate report of any proceedings in public of an international organization of which the Federal Republic of Nigeria or any state Government or either is a member or of any international conference to which either sends a representative,
- c) a fair and accurate report of any proceedings in the public of an international court.
- d) a fair and accurate report of any proceedings in public of a body or person appointed to hold a public enquiry by the government or legislature of any part of the commonwealth outside Nigeria,
- e) a fair and accurate report of any proceedings before a court exercising jurisdiction throughout any part of the commonwealth outside Nigeria under the Nigeria Army Act, 1990 or the Nigeria Navy act, 1990,
- f) a fair and accurate copy or extract from any register kept in pursuance of any law or Act which is open to inspection by the public or any other document which is required by any law or Act to be open to inspection by the public
- g) notice of advertisement published by or on the authority of a court within Nigeria or officer of such court.

Notice further that a fair and accurate report in a newspaper of proceedings publicly heard before a court exercising judicial authority within Nigeria shall, if published contemporaneously with those proceedings, be privileged.

This does not however allow or authorize indecent matter – *Ishola Dina V. New Nigeria Newspapers Ltd.*

2.6. Intellectual Property Law

Tsebee (2012) posits that:

In general, the subject matter “Intellectual Property Law” covers industrial and copyright Law. Specifically, it can be broken down into copyright, trademarks, patents, designs and trade secrets/law of confidence.

Legal rights of creative effort or commercial reputation and goodwill are associated with intellectual property law (Bainbridge, 1994). The law deters others from copying or taking unfair advantage of the work or reputation of another and provides remedies where this arises (Agranat and Caner, 1999).

In an article filed by Joseph Jibueze entitled “Expert urge scholars to bridge knowledge gap in intellectual property application” and published in (Nation, 27 November, 2012), Director General of Nigerian Institute of Advanced Legal Studies, Prof. Epiphany Azinge (SAN) observed that:

Intellectual property impacts all spheres of human Endeavour, even as wealth of nations is measured in terms of innovation and creativity. Development he said is filed to innovation, which in turn is tied to intellectual property . . .

2.7. Copyright

Pember (2003) says:

there are almost as many definitions of law as there are people who study the law. Some people say the law is any social norm or any organized and ritualized method of settling disputes. Most writers on the subject insist that it is a bit more complex, that some system of sanctions is required for a genuine legal system.

For our present discourse, it is probably more helpful to consider the law to be a set of formal government sanctions that are applied when the rules are violated.

The law of copyright exists to protect against misuse of other people's original works – be it literary, dramatic, artistic or musical work. There are many pitfalls for the media in the reporting of news, producing current affairs articles or in the general dissemination of information. The area in which we must be familiar when publishing information includes: reports in daily newspapers, documentaries, advertisement in dailies and magazines. In these aspect being abreast, with the law has become mandatory (yalaju, 2006). Copyright is an area of the law that deals with intangible property; property that a person cannot touch or hold or lock away for safekeeping (Pember, 2007).

In publishing literary works, textbooks, articles and other literary publications, a publisher should be wary of existence of copyright to avoid any information of copyright law. In dealing with works under copyright, a publisher must take reasonable caution to avoid piracy or plagiarism. The publisher must seek necessary permission or authority when dealing with works under copyright. Also, a publisher, in dealing with works under copyright, must always acknowledge the authorship of the creator of the works to avoid piracy or plagiarism. Failure to take necessary caution or to secure appropriate permission or authority in dealing with works of copyright constitute an infringement of copyright and can give rise to both civil and criminal actions (Meyile, 2009).

Copyright law is equally specific about what cannot be copyrighted (Pember, 2007):

1. Trivial materials cannot be copyrighted – such things as titles, slogans and minor variations on works in the public domain are not protected by law of literary property.
2. Ideas are not copyrightable – the law protects the literary or dramatic expression of an idea, such as a script, but does not protect the idea itself.
3. Facts cannot be copyrighted – “the world is round” is a fact. An author cannot claim the statement as his or her own and protect it through copyright.
4. Utilitarian goods – things that exist to produce other things are not protected by copyright law. A lamp is a utilitarian object that exists to produce light. One cannot copyright the basic design of a lamp. But the

design of any element that can be identified separately from the useful article can be copyrighted. The unique aspects of a Tiffany lamp have nothing to do with the utilitarian purpose of producing light; these aspects are purely decorative.

5. Methods, systems and mathematical principles, formulas and equations cannot be copyrighted. But a description, an explanation or an illustration of an idea or system can be copyrighted. In such an instance, the law is protecting the particular literary or pictorial form in which an author chooses to express herself or himself, not the idea or plan or method itself. For example, an individual writes or publishes a book in which she outlines a new mathematical formula. Although the book itself may be protected by copyright, the formula cannot be, and others may use it freely. In other words, the copyright on an article or a book does not preclude the public from making use of what the book teaches.

Other instances in which works under copyright can be dealt with without the permission of the copyright owner include (Meyile, 2009):

- Using works of copyright for educational purposes.
- Using works under copyright for research purpose.
- Private use of materials that are copyrighted.

2.7.1. Establishment of the Nigerian copyright council

Nigerian Copyright Commission (NCC) came into existence on 19th August, 1989 as the Nigerian Copyright Council. On 19th April, 1996, it metamorphosed into the Nigerian Copyright Commission (NCC) which shall (Copyright Decree No. 47 of 1998):

- a) Be responsible for all matters affecting copyright in Nigeria as provided for in this Decree.
- b) Monitor and supervise Nigeria's position in relation to international conventions and advise government thereon.
- c) Advise and regulate conditions for the conclusion of bilateral and multilateral agreements between Nigeria and any other country.
- d) Enlighten and inform the public on matters relating to copyright;
- e) Maintain an effective data bank on authors and their works;
- f) Be responsible for such other matters as relate to copyright in Nigeria as the minister may, from time to time, direct.

2.8. Plagiarism

(Pember, 2007) asserts that editors at the New York Times expressed embarrassment and shock in May 2003 when they revealed that one of their reporters, Joyson Blair, was guilty of fabrication and plagiarism in his reporting for the venerable newspaper. "The most obvious and provable plagiarism occurs when someone copies phrases or passages out of a published work without using quotation marks, without acknowledging the source, or both" (Martin, 1994). The notion of taking credit for the work of another is a key element in plagiarism...

Most cases of plagiarism that are uncovered are usually resolved outside the legal system. The plagiarist is humiliated and often fired from contracts or assignments. When cases of plagiarism reach the court they are generally litigated as copyright cases.

Book authors and journalists have been guilty of taking the work of others without giving proper credit. In the United States of America for instance, in 2001 historian Stephen E. Ambrose acknowledged he had improperly borrowed some material for his book "The wild Blue". Plagiarism occurs in journalism as well. A 1995 report published in the Columbia Journalism Review summarized 20 cases of such theft that occurred in some of the nation's leading newspapers and magazines

2.9. Law of sedition

Sedition is an offence of uttering any statement or publishing anything that brings government into hatred or contempt, raises discontent or disaffection amongst the citizens; or that excites or incites the citizens to rise against the government.

2.9.1. Test to determine sedition

To determine what constitutes sedition the following tests are suggested (Yalaju, 2006):

1. Do they bring the government or her officials into hatred or contempt?
2. Do they bring the government and constitution into hatred or contempt?
3. Do they bring either House of Representatives or the administration of justice into hatred or contempt?
4. Do they excite citizens to attempt, otherwise by lawful means, the alteration of any matter in the state established by law?
5. Do they raise discontent or disaffection in the citizen?
6. Do they promote feelings of ill - will and hostility between different classes?

In D.P.P Vs Obi a publication which contained the words: "Down with the enemies of the people, the exploits of the weak and oppressors of the poor", was held to be seditious. The offence of sedition tends to limit the rights of individual to freedom of expressions and the press as provided by the constitution.

Therefore, a publisher must exercise his freedom of expression within the limits of the law to avoid the grave danger of sedition. In African Press Ltd V.R, the court held that an article warning the public to beware of administrative officers and alleging that they were clearly disguised enemies of the struggle for freedom, mostly incompetent dictators working against nationalists, was considered seditious. In D.P.P V Obi, Ademola C.J.F, stated the extent to which freedom of expressions can be exercised:

... a person has a right to discuss any grievance or criticize, canvass and censure the acts of government and their public policy. He may even do this with a view to effecting a change in the party in power or to call attention to the weakness of a government, so long as he keeps within the limits of fair criticism. It is clearly legitimate and constitutional by means of fair argument to

criticize the government in a malignant manner as described above, for such attacks, by their nature tend to affect public peace. (Meyile, 2009)

2.10. Indecency and obscenity

Section 233D of criminal code of Nigeria prohibits publication of obscene matter S. 233D (1) reads:

Subject to the provisions of this chapter, any person who, whether for gain or not, distributes or projects any article deemed to be obscene for the purpose of this chapter, commits an offence punishable on conviction by a fine not exceeding four hundred naira or by imprisonment for a term not exceeding three years or by both.

Indecent or obscene matters are those articles capable of corrupting public morality. They are articles which are likely to corrupt persons who come in contact with them for instance children. Such obscene materials include publications containing pornographic pictures, and so on. In certain circumstances, obscenities can be displayed in visual or audio form, for instance films. S. 233C (1) of the code states what constitutes obscenity:

An article shall be deemed to be obscene if its effect taken as a whole is such as to tend to deprave or corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

Considering the statutory provisions above, a publisher, must be mindful of the statutory prohibition of obscene publications to avoid punishment of the law. The rationale behind prohibition of obscene publication is the upholding of the moral standard of the society. Exhibition of obscenities is capable of corrupting public morality by exposing persons especially the more vulnerable members of the society like the young and the inexperienced, to immoral conducts and other anti-social behaviours. However, a publisher shall not be convicted of publication of obscene matters or articles if it is proved that such publication is justified as being "for the public good on the ground that it "is in the interest of science, literature, art or learning or of other objects of general concern" (Davidow and O'Boyle, 1977, p. 255).

It must be emphasized that publishers of Nigerian Newspapers have turned deaf ears to the provisions of this law. For instance in a study by this present researcher entitled "Photographic and Written Pornography in Nigerian Weekend Newspapers: A Content Analysis", it was established that the Nigerian Weekend Newspapers have become channels of spreading enervating malaise of pornography a development which undermines families and societal fabrics (Tsebee, 2012).

2.11. Disclosure of official secrets

Disclosure of official secrets is an offense under S. 97 of the Criminal Code.S. 97 provides:

Any person who, being employed in the public service, publishes or communicates any fact which comes to his knowledge by virtue of his office, or any document which comes to his possession by virtue of his office and which it is his duty to keep secrets except to some person, to whom he is bound to publish or communicate it is guilty of a misdemeanor and is liable to imprisonment for two years.

In view of the above provision therefore a publisher must be wary of committing the offense of disclosure of official secrets in the course of his duties (Meyile, 2009).

2.12. Law of privacy

In recent times the doctrine of right of privacy has taken a centre - stage of people's lives the world over. Privacy is a problem for each citizen and it has become a desired right to be fought for and zealously guarded. It is an expanding legal concept that poses new dangers to mass communications in addition to or apart from the doctrine of defamation (Sambe and Ikoni, 2004).

Invasion of privacy is a multi - faceted tort that is designed to redress a variety of grievances. These include the commercial exploitation of an individual's name or likeness, the intrusion on what might be called our private domains, the revelation of intimate information about someone, and the libel - like publication of embarrassing false information about a person.

Specifically, there are four areas of privacy law (Calvert and Pember, 2007):

- Appropriation of name or likeness for trade purposes.
- Intrusion upon individual's solitude.
- Publication of private information about an individual.
- Publishing material that puts an individual in false light.

The first kind of invasion of privacy is called *appropriation* as is defined as taking a person's name, picture, photograph or likeness and using it for commercial gain without permission. *Intrusion* is the second type of invasion of privacy, an area of the law growing rapidly today, and is what most people think of when invasion of privacy is mentioned. Intrusion upon the solitude and into the private life of a person is prohibited (Calvert and Pember, 2007). The third arm of the law *prohibits publication of private information* - truthful private information - about a person. What is truthful private information? Gossip, substance of private conversations and details of a private tragedy or illness have all been used as the basis of a suit.

Finally, *the publication of material that places a person in false light* is the fourth category of the law of privacy. This category is an outgrowth of the first areas of the law, appropriation and doesn't at first glance seem like an invasion of privacy at all, but is regarded as such by the law (Pember, 2007).

It is important for publishers to take cognizance of the provisions of the law so as not to be entrapped by its provisions.

2.13. Advertising law

Advertising Law is a branch of law that regulates or aim at regulating any oral, written or graphic statement made by the seller in any manner in connection with the solicitation enumeration, statements and representations made in a newspaper or other publication or on radio, television or contained in any notice, handbill etc (Sambe and Ikoni, 2004). Publishers must make concerted efforts to be abreast with advertising law in order to avoid its violation.

3. Conclusion

There is no gainsaying the fact that the freedom of expression and the press is provided for in the Nigerian constitution. As earlier stated, section 39 (1) states that:

Everybody shall be entitled to freedom of expression including freedom to hold opinions and receive and impart ideas and information without interference.

However, its important to stress that the right must be exercised with caution. Meyile (2009) counsel that a publisher must discharge his duties within the ambit of the law and that a balance should be struck between the publisher's right to freedom and the right of others. The only way to respect the right of others is by guarding against the violation of Nigerian laws pertaining to print and publishing.

4. Recommendations

It is arising from the above premise that the researcher makes the following recommendations.

There is the need for institutions of higher learning in Nigeria to run courses in Book Publishing in Nigeria. Media practitioners have a crucial role in creating awareness on the laws that could entrap the publisher in the course of duty.

Nigerian Weekend Newspapers should clean – up their act of promoting pornography. The Nigerian copyright council should continue to mount public enlightenment campaigns on problems of copyright in Nigeria. The judiciary should not hesitate to punish offenders so as to serve as a deterrent to others.

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