

Examining the Challenges of Infringement/Piracy on Copyright Protection by Nigerian Copyright Commission in Nigeria

Abubakar, MOHAMMED

M.A. Law

08088205444

am4903331@gmail.com

Yusuf Bala Usman College of Education and Legal Studies, Daura, School of Islamic and Common Law, Department of Public and Private Law

Abstract

The creative industry in Nigeria continues to face significant challenges arising from the theft and violation of intellectual property (IP) rights. Despite the existence of relevant laws and the institutional framework established by the Nigerian Copyright Commission (NCC), the current level of enforcement and protection remains insufficient. This inadequacy undermines the confidence of creative workers, innovators, and entrepreneurs, many of whom are discouraged from investing in the sector due to the proliferation of counterfeit materials and the weak enforcement of their exclusive rights. A key problem addressed in this study is the disparity between the increasing global focus on IP protection and Nigeria's relatively slow pace of development in this area, particularly in awareness and institutional response. Although the NCC plays a central role in enforcing copyright laws, public knowledge of its responsibilities and effectiveness remains limited, especially among industry stakeholders who require robust protection against piracy and IP theft. This paper critically examines the role of the Nigerian Copyright Commission in the protection and enforcement of intellectual property rights under the Copyright Act. The scope of the study is focused on evaluating the legal and institutional frameworks for copyright enforcement, with particular attention to the challenges affecting the performance of the NCC. The research adopts the **doctrinal method**, relying on statutes, case law, official publications, and academic commentaries to analyze the existing legal provisions and institutional performance. **One key finding** is that while the Nigerian Copyright Commission has recorded progress in awareness creation, its enforcement mechanisms remain weak and reactive, rather than proactive and strategic. **Accordingly, this paper recommends** a comprehensive reform of the NCC's operational structure, including increased funding, legislative support, and capacity-building initiatives, to enhance its effectiveness in protecting intellectual property rights and promoting innovation and investment in Nigeria's creative economy.

1.1 Introduction

The incidence of infringement and violation of copyright especially in the nature of counterfeiting and piracy has been on the increase in Nigeria. Activities of infringers/counterfeiters have ripped off many manufacturers, artists, marketers and stakeholders of the benefits of their creativity and also prevented the industry from rapid financial growth and development. On the basis of these ugly situations, several laws have been put in place to checkmate them. The creative industry in Nigeria has for some time suffered theft and other violations of intellectual property (IP) rights. Besides, the current enforcement and protection of these rights give the impression that there is still a lot to be done.¹

*By SALE Ibrahim Isah P18LAPR8026, Department of Private Law ABU, Zaria

¹Nwogu, M. I. O. (2021) 'The Challenges of the Nigerian Copyright Commission in the fight against Copyright piracy in Nigeria' *Global journal of Politics and Law Research* (vol 2) published by European Centre for Research Training and Development UK, p. 29.

The awareness in the role of Copyright Commission in the protection of intellectual property rights is most needed in industries to protect, researchers, innovators, inventors.² This paper examines the role of the Nigerian Copyright Commission (NCC) in its duty to protect intellectual property and enforce copyright laws in Nigeria. The work also looks into the developments by the Commission toward improving the policy framework for the protection of intellectual property. This is particularly important as the Nigerian government is gradually coming to an awareness of the potentials of the creative and cultural industries.³ The scope of the paper is to examine the framework provided for effective copyright enforcement regime and to see make recommendation on how the Copyright Commission will effectively discharge its duties of protecting intellectual property under the Copyright Act.

1.2 The Establishment of Nigeria Copyright Commission

The Nigerian Copyright Commission (NCC), originally known as the Nigerian Copyright Council, was established in 1988 under the Nigerian Copyright Decree and formally inaugurated on August 19, 1989. Before its establishment, copyright administration in Nigeria was unstructured and ineffective, with the Federal Ministry of Trade, the former custodian of copyright regulation, lacking the institutional competence to implement and enforce copyright protection. The 1970 Decree failed to address the growing challenges of intellectual property (IP) in a developing economy.⁴ The emergence of the NCC filled a critical gap by providing an organized structure to oversee copyright registration, collective administration, enforcement, education, and sectoral development. Recognizing the increasing importance of IP in global economic discourse especially in supporting small and medium-sized enterprises (SMEs) the NCC plays a pivotal role in helping Nigeria harness the economic potential of knowledge creation and innovation in the 21st century.⁵

The Copyright Act, particularly as amended in 2022, is the primary legislation regulating copyright in Nigeria.⁶ Section 34(1) of the Act establishes the Nigerian Copyright Commission as a body vested with dual functions of administration and enforcement of copyright law. Section 34(2) further provides that the Commission shall be a body corporate with perpetual succession and a common seal, with power to sue and be sued in its corporate name. The Act also outlines the establishment of a Governing Board, consisting of 25 members, representing both public institutions and private sector stakeholders across the creative industries. This institutional structure is designed to strike a balance between public policy objectives and the proprietary interests of copyright holders. Furthermore, the Copyright Act involves other agencies such as the Nigeria Police Force,⁷ Nigeria Customs Service, the Judiciary, and Collective Management

²Owoseni, C.T (2001) *New Development and Challenges in the Protection of Intellectual Property Rights (IPRs): A Nigerian Perspective*. Betterword publishers, Ibadan, pp.2-3

³ Ibid

⁴Copyright Act, 2022 (Nigeria). An Act to repeal the Copyright Act, Cap C28, Laws of the Federation of Nigeria 04 and enact the Copyright Act, 2022 to provide for the regulation, protection, and administration of copyright and related matters.

⁵Ojukwu, E. & Bamidele, T. (2020). *Enforcement of Copyright in Nigeria: Role of the Nigerian Copyright Commission*. African Journal of Legal Studies, 12(2), 89–104.

⁶Nigerian Copyright Decree No. 47 of 1988. Federal Republic of Nigeria. (Now repealed and replaced by the Copyright Act 2022).

⁷Police Act, Cap P19, Laws of the Federation of Nigeria, 2004, § 23

Organizations (CMOs), to support compliance and enforcement. The 2022 amendments to the Act marked significant progress by recognizing digital works, strengthening enforcement authority, and reviewing fines to reflect economic realities, thereby modernizing Nigeria's IP regime in line with global trends.⁸

The enforcement mandate of the Nigerian Copyright Commission extends to legal proceedings through Copyright Inspectors, who are empowered under Section 38(3) of the Copyright Act to initiate and conduct criminal proceedings related to copyright infringement. This authority was tested in *Nigerian Copyright Council v. Musical Copyright Society of Nigeria & Ors*,⁹ where the defendants argued that such power conflicted with the Attorney-General's constitutional role under Section 174 of the 1999 Constitution.¹⁰ The court dismissed the objection, affirming that Section 174 allows the Attorney-General to take over criminal cases instituted by "any other authority or person," thereby recognizing the legitimacy of proceedings initiated by duly authorized officials like Copyright Inspectors. The decision aligns with the precedent in *Olusemo v. Commissioner of Police*,¹¹ which upheld the police's power to prosecute despite the Attorney-General's oversight, and was finally settled by the Supreme Court in *FRN v. Osahon*,¹² which confirmed that police officers and by extension, legally qualified Copyright Inspectors may prosecute in superior courts. This interpretation affirms the prosecutorial autonomy of the Commission's officers and strengthens institutional enforcement capacity.¹³

1.3 Enforcement Function of Nigeria Copyright Commission

The enforcement of copyright in Nigeria, while primarily the legal responsibility of the copyright holder, is significantly bolstered by the Nigerian Copyright Commission (NCC), which is statutorily empowered under Sections 34 to 39 of the Copyright Act 2022 to undertake enforcement activities. These include surveillance, anti-piracy raids, prosecution of offenders, and seizure of infringing materials.¹⁴ For instance, in 2021, the NCC conducted over 50 enforcement operations nationwide, resulting in the confiscation of pirated goods valued at over ₦300 million across Lagos, Kano, Onitsha, and Abuja. In 2023, a joint operation with the Nigerian Police led to the arrest of multiple offenders and the destruction of thousands of pirated books and digital media from markets such as Alaba International Market and Wuse Market. These efforts illustrate that, beyond the rights of private holders to pursue civil remedies, the NCC plays a critical public role in deterring piracy and ensuring that creators and rights holders are able to reap economic benefits from their intellectual efforts. The Commission shall have power:

⁸Adewopo, A. (2012). *Nigerian Copyright Law and Administration: Challenges and Opportunities*. Nigerian Law and Practice Journal, 3(1), 45–67.

⁹(Unreported decision). Federal High Court, Nigeria.

¹⁰Constitution of the Federal Republic of Nigeria, 1999 (as amended), § 174.

¹¹(1998) 11 NWLR (Pt. 575) 547

¹²(2006) 5 NWLR (Pt. 973) 361 (SC)

¹³Okorie, N. (2018). *Digital Content and the Future of Copyright in Nigeria*. International Journal of Intellectual Property Law, 4(1), 55–72.

¹⁴Adewopo, A. (2012). *Nigerian Copyright Law and Administration: Challenges and Opportunities*. Nigerian Law and Practice Journal, 3(1), 45–67.

*(i) to receive and grant compulsory licences, (ii) to constitute Copyright Licensing Panel, (iii) to appoint Copyright inspectors as it may deem fit, (iv) to approve and regulate the operations of collecting society, (v) to prescribe, design, label, mark impression or any other anti-piracy device for use in connection with any work for which copyright subsists.*¹⁵

The enforcement powers of the Copyright Commission are carried out through its enforcement organs as given by law. The Commission enforcement programmes are aimed at curbing piracy all the country so that the right owners receive the due reward from the commercial exploitation of their works.

1.3.1 Maintenance of International Relations on Copyrights

One of the core functions of the Nigerian Copyright Commission (NCC), as stated under Section 34(1)(b) of the Copyright Act, is to monitor Nigeria's compliance with international copyright conventions and treaties. Nigeria is a party to several major global instruments, including the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, the Rome Convention on Neighboring Rights, the WIPO Copyright Treaty (WCT), and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). These international frameworks impose clear obligations on Nigeria to protect foreign works, enforce minimum standards of protection, provide national treatment to foreign authors, and establish effective legal remedies against copyright infringement. The NCC plays a strategic role as the liaison between Nigeria and international organizations such as WIPO and WTO, ensuring that Nigerian laws and practices conform to the international norms. For instance, the Berne Convention, which Nigeria acceded to in 1993, obligates the country to recognize automatic copyright protection without formal registration and uphold moral rights of authors.¹⁶

A vital aspect of the NCC's mandate is public enlightenment, particularly in collaboration with international partners like WIPO, the United States Copyright Office, and the British Council.¹⁷ The Commission operates in a challenging environment where copying of copyrighted material including books, music, and films is commonplace, even in higher institutions of learning. Cultural attitudes of permissiveness toward intellectual property violations reflect a broader societal undervaluation of creative rights. As mandated under TRIPS Article 41, member states must ensure enforcement procedures that are fair and deterrent; yet, in Nigeria, enforcement is inconsistent and often reactive. The situation is exacerbated by the limited budgetary support and human capacity available to the NCC. Nevertheless, with continuous international collaboration

¹⁵ Ibid

¹⁶World Intellectual Property Organization (WIPO). (2023). *Berne Convention for the Protection of Literary and Artistic Works (Paris Act 1971)*. Retrieved from <https://www.wipo.int/treaties/en/ip/berne/> Accessed on 3/27/2026 at 5:41 PM

¹⁷WIPO. (2018). *WIPO Nigeria Office Strategic Engagement Reports*. Retrieved from <https://www.wipo.int/nigeria> accessed on 3/27/2026 at 5:41 PM

and increased investment, there is a growing hope for a more effective copyright enforcement regime. The recent Copyright Act 2022.¹⁸

1.3.2 Promotion of Awareness in Piracy cases

The enactment of the Nigerian Copyright Act came before the inspection and enforcement role of the Nigerian Copyright Commission (NCC), which was later established to implement and promote copyright awareness. The Nigerian Copyright Commission was quick to observe that lack of awareness about the law and administration of copyright law constituted a major inhibition to the development of a sound copyright system in Nigeria. In order to stem this unacceptable situation, the Commission at various times has embarked on public enlightenment activities to educate users and owners of copyright works as well as the general public on copyright issues through symposia, workshops, seminars, annual copyright for a copyright summits and free legal counseling. To further enhance these activities, Nigerian Copyright Institute was established by Commission to enlighten higher institutions to include intellectual property in their curriculum.¹⁹

1.3.3 Publication of Nigerian Copyright Commission on Piracy Cases

The Federal Secretariat of Nigerian Copyrights Commission, Abuja publishes a quarterly magazine titled "Copyright News". This magazine features current national and international issues on intellectual property, generally and copyright in particular. The magazine is indeed a source of information on copyright matters in Nigeria. The Commission also collaborates with other bodies such as WIPO, the United States Information Service (USIS), the American Copyright Office, the British High Commission and the Nigerian media houses, for example, Broadcasting Organization of Nigeria (BON). Also establishment of Nigerian Copyright Institute also serve as a means of training arising awareness across the country.²⁰

1.3.4 Maintaining Data Bank

The law requires the Nigerian Copyright Commission to maintain an effective data bank on authors and their works in Nigeria. This means information about all copyright works made by Nigerians or non-Nigerians, found in Nigeria are to be kept on records by the Commission. However the law does not require registration as pre-requisite for this, but once a work is qualified as a copyright, the Commission is expected to take note.²¹ Despite the statutory duty to keep a register of "Works" unlike Trade Marks, Patents and Industrial Designs, there is centralized system of record keepers for copyright. However, the Act provides that publishers, printers, producers or manufacturers of works in which copyright subsists must keep a register of all works produced by them.²²

¹⁸Adewopo, A. (2012). *Nigerian Copyright Law and Administration: Challenges and Opportunities*. Nigerian Law and Practice Journal, 3(1), 45–67.

¹⁹ Ibid

²⁰ Ibid

²¹Section 34(3)(c) of the Copyright Act, 2022

²²Ocheme, P. A. (2000). *The Law and the Practice of Copyright in Nigeria*. Zaria: Ahmadu Bello University press, Zaria. P. 72

Another statutory function of the Nigerian Copyright Commission is to maintain an effective databank on authors and their works in Nigeria. Essentially, this means that relevant information about all copyright works made by Nigerians or non-Nigerians found in Nigeria are to be sourced and kept by the Commission task, when viewed from the perspective that formal registration is not required, to confer copyright on a work, appears to be anomalous. The commission operating especially within its present limited scope is seriously handicapped by the law which confers copyright by mere existences without registration.²³

1.4 Challenges affecting the Administration of copyright²⁴

The Nigerian Copyright Commission (NCC) like any other body entrusted with some responsibilities, has some challenges. This is seen in its fight against piracy. These challenges include:

a. Poor Financing

The NCC by its function and enforcement procedure needs adequate fund to operate and carry out its responsibilities efficiently. Unfortunately, the NCC is not adequately funded. This automatically hinders necessary and comprehensive investigations and reduces the amount of information gathered and as a result affects the commission's optimum performance.

b. Corruption

Some of the NCC officials who are charged with the responsibility of carrying out raids on infringed works are corrupt, so are compromised by the pirates. The officers in some cases have private dealings or transactions with the infringers (pirates), and consequently, they deliberately refuse or find it difficult to find them out during their regular raids. By this, these officials close their eyes to the evil being perpetrated by the pirates. This is quite unfortunate and unbecoming of such trusted officials, who were sent on this raid in confidence.

c. Enforcement

It is a long and weary walk to justice regarding copyright, a situation that invariably encourages deliberate offenders and discourages victims to seek justice.²⁵ The conferment of exclusive jurisdiction on the Federal High Court by Section 251 of the Constitution of the Federal Republic of Nigeria 1999, as amended, with respect to intellectual property right claim is a set back to the enforcement of intellectual property rights. It is on record that not every state in the country, until recently, had a Federal High Court. What happens to intellectual property disputes arising in that jurisdiction? Furthermore, there is no special expertise acquired by a judge of a Federal High Court as to make him an expert in handling such cases.²⁶

²³ Ibid

²⁴ Nwogu, M. I. O. (2014) 'The Challenges of the Nigerian Copyright Commission in the fight against Copyright piracy in Nigeria. *Global journal of Politics and Law Research* (vol 2) published by European Centre for Research Training and Development Uk assessed at www.eajournals.org on 1/5/2023 p. 29.

²⁵ Chinweze, C. E, (2021) 'Copyright law and Administration in Nigeria: Issues and Challenges', *Orient Law Journal* vol. 4, p. 117.

²⁶ Ibid

However, a disturbing attitude also exists in the minds of the public and sometimes in the judiciary and in law enforcement agencies, that piracy is a low level of mischief with little real consequence. Delays in the judicial system and lack of transparency in the enforcement system discourage copyright litigation and enforcement. This lack of transparency is as it affects right holders, for they are generally in the dark about the cases and ongoing investigations.²⁷

d. Culture

Culture is the way of life of the people within a given community. Culture of the people is a strong factor/challenge militating against the enforcement of anti-piracy measures, because the way and manner people behave affect their lives and will definitely determine the extent of the behavior of NCC officials who are on anti-piracy raids. For example, in the hinter-lands where the people patronize and are used to buying pirated copies of works at reduced prices, it will definitely be difficult to convince them about the negative impact of piracy and carry out raids.²⁸

e. Mobility of Officials

This is one of the major and fundamental constraints in the fight against piracy. The NCC departments and units, especially the enforcement departments should have strong, good and mobile vehicles that the officers will use to go on raids. Without these vehicles, effective surveillance and raids will be a mirage and nearly impossible, especially where the officials should cover more than one location during the raid.²⁹

f. Insecurity

Importantly, the NCC officials find it difficult to successfully carry out raids without the police, this is because of the fear of the unknown in the field of operation. At times the copyright pirates may be aggressive and armed with different harmful instruments, that the officers need security and protection. Also the issue of insecurity in the country has made it difficult at times for the police hierarchies to release their men to NCC, and so they give the excuse that they do not have enough manpower on the ground. This definitely hampers the raid operations, because the officers find it difficult to go alone. This makes the fight against piracy difficult and consequently the pirates flourish and thrive in their businesses.³⁰

g. Language Barrier

This is another challenge facing NCC in its enforcement programs. Nigeria is a multi-lingual state and there are instances where officers are deployed to operate in an area where they do not understand the language of the natives, consequently, they will not understand each other and the raid operations will be practically impossible because of lack of communication.³¹

h. Information and Communication Technology (ICT)

²⁷ Nwogu, M. I. O. (2021) *The Challenges of the Nigerian Copyright Commission in the fight against Copyright piracy in Nigeria*, supra at p. 29

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

ICT is the world leading technology today; it includes the Internet. The Internet is a global network; it is a network of computer networks and has made the world to become a global village. The Internet by its very nature has vast information in it and various activities take place on the Internet including crimes and torts. Copyrighted works uploaded on the Internet are bastardised and copied with impunity. It is always common to see surfers at the cyber cafes or in their houses or offices, with few clicks on their computer distributing a copyrighted work to the entire world; some even downloading the works and selling them. Most of the NCC officials are not computer literate. Each of them should have a functional computer connected to the global network, the Internet, so as to go through the Internet from time to time detecting infringers. The NCC has also taken a step in the right direction, as stated earlier, in this work, by going into alliance with Google, which is one of the largest search engines on the Internet to fight Internet piracy.

1.5 Conclusion

In conclusion, the challenge of infringement and piracy remains a significant obstacle to effective copyright protection in Nigeria, despite the regulatory efforts of the Nigerian Copyright Commission (NCC). While the Commission has made notable strides through enforcement actions, public enlightenment, and international collaboration, persistent issues such as weak institutional capacity, limited rural outreach, judicial delays, and a general lack of public awareness continue to undermine its effectiveness. The rampant piracy of books, films, music, and digital content not only robs creators of their rightful earnings but also discourages innovation and investment in the creative industry. Strengthening the NCC through increased funding, enhanced legal frameworks, and grassroots education campaigns is therefore essential to secure intellectual property rights and foster a thriving creative economy in Nigeria.

1.6 Findings

1. The paper has found that there are deficiencies in enforcement mechanism by Copyright Commission and other institutional framework, too, for the protection of intellectual property rights for example, lack of unity of command of different agencies, such as the police, copyright inspectors, customs and excise. The ineffectiveness of enforcement systems by the Copyright Commission are commonly attributed to a lack of human resources, funding and practical experience in intellectual property enforcement by relevant officials.
2. Again, it is observed that people do not attach economic interest to inventions. They see it as cultural antiquity rather than economic well-being. Users and vendors of counterfeit goods, pirated audio and video tapes, illegal duplicated software and compact disks do not feel bad for their actions, because to them IPR is alien to our cultural belief.³² Although awareness on the intellectual property right protection is increasing in Nigeria, the pace is still very low compared with the rapid global changes taking place in respect of the subject matter. The awareness is most needed in industries to protect, researchers, innovators, inventors, universities and polytechnics.

1.7 Recommendations

From the above findings, the following recommendations are made:

³²Ibid

1. The fight against counterfeiting and piracy by Copyright Commission should be a coordinated one, involving all the relevant stakeholders and dealing with all various intellectual property rights. Such ministries like Trade and Investment, Science and Technology, Justice and other agencies such as Trademark and Patent and Design Offices, National Office for Technology Acquisition and Promotion Customs and Police should all work together. International agencies are enjoined to collaborate with developing countries like Nigeria in the enforcement of the legal regime on IPR, as this will assist in combating infringements, piracy, counterfeiting, passing-off and products faking that have bedevilled the economies in developing nations and has forced some intellectual property owners out of business.
2. The government through the trademark and patent office should institute outreach programs for SMEs proprietors in order to raise awareness about the importance of acquiring IP rights. Government should create awareness programmes to enable intellectual property owners make informed decisions on how to exploit their innovative and creative potential using the IP system.

REFERENCES

- Adewopo, A. (2012). *Nigerian Copyright Law and Administration: Challenges and Opportunities*. Nigerian Law and Practice Journal, 3(1), 45–67.
- Chinweze, C. E. (2021) 'Copyright law and Administration in Nigeria: Issues and Challenges', *Orient Law Journal* vol. 4, p. 117.
- Folarin S. (2003) *Intellectual Property Law in Nigeria*, Sweet and Maxwell Publishers, London. p. 72
- Nwogu, M. I. O. (2014) 'The Challenges of the Nigerian Copyright Commission in the fight against Copyright piracy in Nigeria. *Global journal of Politics and Law Research* (vol 2) published by European Centre for Research Training and Development Uk assessed at www.eajournals.org on 1/5/2023 p. 29.
- Nwogu, M. I. O. (2021) '*The Challenges of the Nigerian Copyright Commission in the fight against Copyright piracy in Nigeria*, supra at p. 29
- Ocheme, P. A. (2000). *The Law and the Practice of Copyright in Nigeria*. Zaria: Ahmadu Bello University press, Zaria. P. 72
- Ojukwu, E. & Bamidele, T. (2020). *Enforcement of Copyright in Nigeria: Role of the Nigerian Copyright Commission*. African Journal of Legal Studies, 12(2), 89–104.
- Okorie, N. (2018). *Digital Content and the Future of Copyright in Nigeria*. International Journal of Intellectual Property Law, 4(1), 55–72.
- Owoseni, C.T (2001) *New Development and Challenges in the Protection of Intellectual Property Rights (IPRs): A Nigerian Perspective*. Betterword publishers, Ibadan, pp.2-3