

Copyright Law and the Menace of Piracy in Nigeria

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Abstract

The greatest resource and bedrock of every civilization is its creativity, innovation and invention. All these boost the economy of a nation. Creativity of a nation, Nigeria inclusive, is protected by the copyright Law. The goal of copyright protection is to encourage dissemination of information, provide employment and economic benefit to the owner, and reserve the ownership of the right in it to the creator of the work. But this right has been constantly bastardised and infringed upon by unauthorized acts of reproduction and distribution on a commercial scale, called piracy. Piracy is a menace that has negatively impacted on Nigerian economic, social and political wellbeing. Hence this paper examines the Nigerian copyright law in relation to the protection of literary, artistic and musical works, cinematograph film, sound recording and broadcast; the exclusive rights granted to copyright owners and its infringement; types and causes of piracy; the effects of piracy; and then made some recommendations for the eradication of piracy.

Keywords: copyright law, menace, piracy, infringement, Nigeria.

1. Introduction

Copyright law protects expression of ideas and not the ideas themselves. It protects creative expression that has been reduced to a tangible form. Copyright is one among the intangible, incorporeal, invisible and abstract proprietary rights granted by law to the author or originator of a tangible corporeal, visible and real object. In the words of Olueze (1998), copyright, apart from being a proprietary right, is a means of empowerment and economic sustenance of the owner for he/she expends some labour and skill in his/her creation. This is worthy of protection from undue appropriation from those who will want to reap where they did not sow.

The creative industries protected by copyright law forms a very important part of Nigerian cultural and economic development. They contribute greatly to national wealth. But these creative arts have been ravaged by acts of piracy. Copyright piracy is the unauthorized reproduction of copyright works, like films, books, music, phonograms, drawings, photographs, broadcasts and computer softwares. The worst hit industries by the acts of piracy are the film and music industries.

The negative impact of piracy in Nigeria and the entire globe cannot be overemphasized. In Nigeria it has caused great harm to right owners, government, investors, to mention but a few. Right owners lose significant revenue that could have accrued to them by producing and selling at appropriate prices. While the government lose revenue that could have been realized by payment of taxes. To NCC (2008), the country and its citizens lose, inadequate respect for cultural works and heritage counters national efforts to produce indigenous culture and identity. The indigenous creators may suffer loss of reputation and social displacement (NCC 2008). Moreover, foreign investors who would have loved to invest will no longer do so, because piracy destroys revenue that should accrue to genuine goods.

However, because of the ill effects of piracy, the government has established certain agencies to aid curb piracy. Such agencies as the Nigerian Copyright Commission (NCC), the National Film and Video Censors Board; who in conjunction with the Police, Customs and Economic and Financial Crimes Commission (EFCC) carryout raids against pirates and their syndicates. Despite the provisions of the law and the raids by this agencies copyright piracy still abound in Nigeria.

2. Meaning of Copyright

Copyright as an emerging field of law is gradually assuming prominence in Nigeria. It is a term which has not lent itself to a precise definition. Copyright is indeed erroneously perceived as being self defining, meaning 'the right to copy.' The Copyright Act Cap C28 Laws of the Federation of Nigeria 2004 (the Act) defines copyright as 'copyright under this Act.' This definition is imprecise, ambiguous and consequently begs the question. It then means that one has to go through the entire gamut of the provisions of the Act to be able to arrive at a precise meaning of the term copyright. However, a painstaking x-ray of the relevant provisions of the Act (ss. 6, 7 and 8) offers the meaning of copyright as the exclusive right to do or authorise the doing of certain acts in relation, to the work in which the right subsists. The court in *Adenuga v Ilesanmi Press and Sons (Nig) Ltd* (1991) held that Copyright is the exclusive right to control, to do or authorise the doing of any of the acts restricted to the copyright owner. Copyright also means a property right in an original work of authorship (such as literary, musical, dramatic choreographic, pictorial, graphic, sculptural architectural works; motion pictures

and other audiovisual works and sound recordings) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform and display the work (Garner 1999).

From the foregoing, copyright is an intangible personal right, vested in the author or originator of protectable work. It confers exclusive right in relation to an eligible work and has fixed duration. It is a creation of statute. It subsists in original literary, Musical and artistic works, films, sound recordings and broadcast. It is an abstract property incorporated in a physical property, although the ownership of the latter need not necessarily be vested in the holder of the former. It confers to the owners of the said works the exclusive right to copy, reproduce, publish, distribute, adapt the work in any material form and so on. However, these rights are subject to exceptions as provided under the Act (Second Schedule). Copyright law protects expression of ideas and not the ideas themselves. It protects creative expression that has been reduced to a tangible form. It protects both published and unpublished works. In Nigeria, copyright is regulated by the Copyright Act Cap C28 Laws of the Federation of Nigeria (LFN) 2004. Any person who performs the acts restricted to copyright owners without permission or licence is liable to copyright infringement.

The right is protected to the extent that laws and norms support it, and it is threatened to the extent that technology makes it easy to copy. Strengthening the law while holding technology constant, makes the right stronger. Proliferating copying technology while holding the law constant, makes the right weaker. In this sense, copyright has always been at war with technology. Therefore, it is important that the law should be Strengthened.

3. Goal and Effect of Copyright Protection

The modern concept of copyright law postulates that the primary purpose of copyright is to promote the public welfare by the advancement of knowledge, with the specific intent to encourage the production and distribution of new works for the public; it provides incentive for creators by granting them exclusive rights to reproduce and distribute their works.

Copyright protection is not intended to inhibit the free flow of information and ideas. As observed by the United States District Court in *Gero v Seven-up Company*, the goal of copyright protection is to encourage dissemination of ideas by protecting the embodiment or expression of an idea in a creative work and reserving the right in it to the creator of the work. What is being advanced here is the optimization of economic benefit of copyright without prejudicing the owners' proprietary interest in his work. In the words of Olueze (1998), copyright, apart from being a proprietary right, is a means of employment and economic sustenance of the owner. He states further, that a creator of copyright work expends some labour and skill in his creation. This is worthy or worth of protecting from undue appropriation by those who would like to reap from where they did not sow. As rightly noted in *Oladipo Yemitan v Daily Times & Gbenga Odunsanya* (1980), the function of copyright law is to protect from annexation by other people the fruits of another's work, labour, skill or taste.

4. Subject Matter of Copyright

The subject matter of copyright are those works which are eligible for copyright. Eligible works are works suitable for protection under the copyright law. It then follows that there are works which are not suitable and are not protected under the copyright law. The eligible works for copyright protection are; literary works; musical works; artistic works; cinematograph films; sound recording, and broadcast (s. 1(1) of the Copyright Act). These works/subjects shall now be taken seriatim.

4.1 Literary Works

Literary works include, irrespective of literary quality, any of the following works or works similar thereto: novels, stories and poetical works; plays, stage directions, film scenarios and broadcasting scripts; choreographic works; computer programs; text-books, treaties, histories, biographies, essays and articles; encyclopaedias, dictionaries, directories and anthologies; letters, reports and memoranda; lectures, addresses and sermons; law reports, excluding decisions of courts; written tables or compilations (Copyright Act, s.51(1)). The Act does not require any literary quality for a work to qualify as literary work.

Other works afforded literary copyright are books of telegraphic codes (*Ager v Peninsula and Oriental Steam Navigation Company* 1884), examination papers (*University of London Press v University Tutorial Press* 1916), football coupons (*Ladbroke (Football) Ltd. v William Hill (Football) Ltd.* 1964), consignment notes (*Van Oppen & Co. Ltd. v Van Oppen* 1903), headings in a trade directory (*Lamb v Evans* 1893), business letters (*British Oxygen Co. Ltd. v Liquid Air Ltd* 1925).

4.2 *Musical Works*

A musical work is ‘any musical composition, irrespective of musical quality and includes works composed for musical accompaniment’ (Copyright Act, s. 51(1)). Of all the eligible works, musical work remains the most generic for the singular reason of its direct impact on the people – the ultimate consumer of copyright work. Thus, it follows from the definition that any musical composition such as chorus, juju, song, rock and roll, jazz, reggae, solo, gospel etc. qualify as musical work provided it satisfies the requirement of originality and fixation. Also encompassed within the meaning of musical work is any work composed to accompany music. Olueze (1998) opines, and correctly too, that musical work may be two-pronged, that is, the song and the accompanying instrumentals. A song alone without the accompanying instrumentals constitutes a musical work, so also instrumental composition without vocal support. Technically, an instrumental piece composed to support a vocal or song or chorus or solo verse forms part of the musical work.

A song, will therefore have two copyrights, one in the music and one in the words of the music, the latter being a literary work. These two copyrights may not co-exist in one person, for it is common for different persons to write the music and the lyrics. Umaru (2002) states that if the musical work is in writing, it must contain musical notations, so as to distinguish it from an ordinary literary work.

4.3 *Artistic Works*

The Copyright Act, s. 51(1) provides thus:

‘Artistic work’ includes irrespective of artistic quality, any of the following works or works similar thereto – paintings, drawings, etchings, lithographs, woodcuts, engravings and prints; maps, plans and diagrams; works of sculpture; photographs not comprised in a cinematograph film; works of architecture in the form of building models; and works of artistic craftsmanship and also (subject to subsection 3 of Section 1 of this Act) pictorial woven tissues and articles of applied handicraft and industrial art.

The artistic work category is a diverse one and includes several different types of works. It is a category that causes special problems because it overlaps with design law. Though, the Act in its s. 1(3) attempts to solve these problems. Suffice it to say that copyright in the literary content of a book may be separated from copyright in the diagrams and designs in the book. Such diagrams and designs may be protected as artistic work. Copyright in a work of architecture is additional to, and independent of that in the plans for the buildings (*Meikle & Ors v Maufe & Ors* 1941).

If the author intends an artistic work to be used as a model or pattern to be multiplied industrially, such a work should better be grouped under industrial designs. The case of *Complanck Ltd v Kolynos Inc* (1925) is illustrative wherein the court held that the sketch designs are not protected under Copyright Act because they were used or intended to be used as models or patterns to be multiplied by industrial process.

4.4 *Cinematograph Films*

Cinematograph film includes the first fixation of a sequence of visual images capable of being shown as moving picture and of being the subject of reproduction and includes the recording of a sound track associated with the cinematograph film (Copyright Act s. 51(1)). By this definition the Act clearly provided for magnetic video tapes, video discs and any subsequent technological developments on which visual images are capable of being shown as motion pictures and also capable of visual reproduction. The Act goes further to make the sound track of a film, part of the film, which ordinarily enjoys a separate copyright.

4.5 *Sound Recordings*

Sound recording means the fixation of a sequence of sound capable of being perceived aurally and of being reproduced, but does not include a sound track associated with a cinematograph film (s. 51(1) of the Act). This definition covers sound fixed on cassettes, digital audio tapes, cartridges, compact disc and other forms of sound carriers. It is clear from the definition that sound *per se* does not qualify for copyright protection, but the recording of the sound.

4.6 *Broadcasts*

Copyright subsists in broadcast and cable programs. The Copyright Act, defines broadcast to mean ‘sound or television broadcast by wireless telegraph or wire or both or by satellite or cable programs and includes re-broadcast’. The Act, in s.51(1) defines cable program to mean visual images, sounds or other information sent by means of a telecommunication system otherwise than by wireless telegraph for reception –

- (a) at two or more places (whether for simultaneous reception or at different times) in response to request by different users; or
- (b) for presentation to members of the public. Re-broadcast means a simultaneous or subsequent broadcast by one broadcasting authority of the broadcast of another broadcasting authority.

Importantly, for copyright to subsist in an eligible work the creator of the work must have expended some amount of skill, labour or judgement.

5. Ownership and Authorship of Copyright

Copyright is a property right which is intangible in nature. This raises important questions about ownership and mechanism for exploiting copyright. Ownership of copyright is not synonymous with authorship, though both may co-exist in the same person – whether natural or artificial. Each attracts its own peculiar rights; the author having moral rights, and the owner of the copyright possessing economic rights. Importantly, the author of a work is the creator or maker of the work. While the copyright owner, is the person conferred with the right to control the doing of any of the restricted acts in relation to the copyright work. In *Musical Copyright Society (Nig.) Ltd./GTE v Adeokun Record* (2007) the Court held that for a person to be a legal owner of copyright for the purpose of vesting *requisite locus*, he must fall into any of the following categories, namely;

- (a) author of the work himself;
- (b) the assignee;
- (c) the licensee.

Ownership flows from authorship. As a general rule under the Act, ownership of copyright vests initially in the author, subject to exceptions.

6. Rights Granted to Copyright Owners

The Copyright Act marks out the rights granted to copyright owners by reference to certain acts which only the owner can do or authorise; he is given exclusive right in respect of these acts. However, these rights are subject to exceptions. Generally speaking, these rights conferred by copyright are a function of the thing sought to be protected. The nature and scope of rights granted to a copyright owner can be gathered from the provisions of sections 6, 7 and 8 of the Act, and they include: reproducing the work in any material form; publishing the work; performing the work in public; producing, reproducing, performing or publishing any translation of the work; making any cinematograph film or a record in respect of the work; distributing to the public, for commercial purposes, copies of the work, by way of rental, lease, hire, loan or similar arrangements; broadcasting, recording and the re-broadcasting of the whole or a substantial part of the broadcast; or communicating the work to the public by a loudspeaker or any other similar device; making any adaptation of the work;

Subsection (2) of Section 6 of the Act provides that –
the doing of the act provided for in subsection (1) of this section shall be in respect of the whole or a substantial part of the work, either in its original form or in any form recognisably derived from the original.

Having stated the provisions of the copyright law with regards to the exclusive rights granted to copyright owners, it is now pertinent to discuss some of the different acts within the exclusive preserve of the copyright owner. These acts include:

6.1 *Reproducing the Work in any Material Form*

Reproduction is the making of one or more copies of a literary, musical, artistic, cinematograph film or sound recording. It then follows that, the above mentioned works are deemed to be reproduced if one or more copies of any one of them is made without the consent of the copyright owner. In *Ladbroke (football) Ltd v Williamhill (football) Ltd* (1964) held that the copying of the appellant of the respondent's coupon were a reproduction of a substantial part of the compilation.

Reproduction includes making a photocopy of pages in a book, duplicating music or film cassette, copying artistic work. It also includes storing a work by any electronic means; recording a copy of any of the original works of copyright in modern computer storage media, for this can be copies without the need for paper. The Copyright, Designs and Patents Act of 1988 of UK from where we derived our own copyright law provides that reproduction includes storing the work by any electronic mean. It is worthy of note that, the phrase 'reproducing the work in any material form' is wide enough in its own right to include any form of making of copies and storage, given the spirit of the Act.

6.2 Publishing the Work

A work is deemed to be published, if copies of it have been made available in a manner sufficient to render the work accessible to the public (Copyright Act, s. 51(2a)). Instances of publication abound, but suffice it to say, that sale of the work to the public (*Merchant Adventurers Ltd. v M.Grew & Co Ltd* 1922), display and free gift of copies of the work constitute the commonest acts of publication.

6.3 Performing the Work in Public

The Act does not define public performance. However, 'public' in this context means outside the normal circle of family and social acquaintances; while the term 'perform' includes both live performance and indirect performance by means of electronic broadcasting and similar processes. In *Eastern Microwave Inc. v. Doubleday Sports Inc.* the court held that to perform a work publicly means to render it at a place or at any place where a substantial number of persons outside the normal circle of family and its social acquaintance is gathered. A performance need not necessarily be in a public place before it will amount to a public performance.

A performance in public for the purpose of entertainment, which is done free of charge appears not to be public performance. The case of *Duke v. Bates* is illustrative. A performance in public for the purpose of raising fund for charity is not public performance (Copyright Act, Second Schedule, paragraph (o)).

6.4 Distributing the work

The copyright owner in a work has the exclusive right to distribute to the public gratuitously or for commercial purposes copies of his work by way of trade, rental, hire, loan or similar arrangement (Copyright Act, ss.6(1) and 15(1)).

7. Exceptions to Exclusive Ownership of Copyright

Copyright is not one of the rights that admit no exception. Certain acts are exempted from copyright control. The legal effect of this exception is that copyright in a work is not infringed by any person whose act comes within the context of any of the specified exceptions. These exceptions are found in the Copyright Act and do not have general application to all the eligible works. The application therefore, depends on the nature and type of a particular work. The Copyright Act exempts from copyright infringement, the reproduction of archival materials stored in the National Archives or any state public record kept pursuant to any law in force (the Act (s.15(2)). Importantly, the Act does not authorise the making or supplying to another person of any reproduction of the work for commercial purposes or in any manner other than in pursuance of the public archives Act or any other law applicable.

There are other exceptions, such as, fair dealing with the work, use for educational purposes, use for judicial proceedings, reproduction for use of the blind or disabled, use for public interest (Copyright Act, Schedule 2, Paras. (a) – (s)) . The acts stipulated here are not infringement of the right of the copyright owner in the interest of the public.

8. Infringement of Copyright

Infringement of copyright occurs when a person without the licence or authorization of the copyright owner does or causes any other person to do any of the acts reserved to the copyright owner under the Act. These reserved acts are those acts set out in sections 6, 7 and 8 of the Copyright Act discussed earlier in this work. It is only the copyright owner that has the exclusive right to control these reserved acts subject to exceptions. These acts vary from one type of work to another, but generally include reproduction, publication, performance, adaptation, commercial distribution, public performance and broadcasting. Infringing in relation to the foregoing acts is referred to as primary or direct infringement (the Act, s.15(a)).

Other activities, which are mainly of commercial nature, such as dealing with the infringing copies of a work, if they are done without the licence of the copyright owner, are described as secondary or indirect infringement (s. 15(1b-g)). Hence anyone who does one of the acts restricted by copyright, including secondary infringement without the licence or permission of the copyright owner, infringes copyright (Bainbridge 1999). Illuminating on the infringement of copyright, the Copyright Act, s. 15(1)(a-g) provides that copyright is infringed by any person who without the licence or authorization of the owner of copyright –

- (a) does or causes any person to do an act, the doing of which is controlled by copyright;
- (b) imports or causes to be imported into Nigeria any copy of a work which, if it had been made in Nigeria, would be an infringing copy under this section of the Act;
- (c) exhibits in public any article in respect of which copyright is infringed under paragraph (a) of this subsection;

- (d) distributes by way of trade, offers for sale, hire or otherwise or for any purpose prejudicial to the owner of the copyright, any article in respect of which copyright is infringed under paragraph (a) of this subsection;
- (e) makes or has in his possession plates, master tapes, machines, equipment or contrivances used for the purpose of making infringing copies of the work;
- (f) permits a place of public entertainment or of business to be used for a performance in the public of the work, where the performance constitutes an infringement of the copyright in the work, unless the person permitting the place to be so used was not aware and had no reasonable ground for suspecting that the performance would be an infringement of the copyright;
- (g) performs or causes to be performed, for purposes of trade or business or as supporting facility to a trade or business, any work in which the copyright subsists.

8.1 Remedies for Infringement of Copyright

The infringement of copyright could be civil or criminal. So also the remedies.

8.1.1 Remedies for Civil Infringement

These are the reliefs available to the plaintiff in a civil action for the infringement of copyright. "All such reliefs by way of damages, injunction, accounts or otherwise shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other proprietary rights"(s.16(1)) Specifically, the available remedies are Damages, Injunction, Anton Pillar Order (s.25), Account of Profit, Conversion (s.18) and Fair Compensation.

8.1.2 Criminal Infringement and Liability

The acts of copyright infringement could be criminal. S.20(1) of the Copyright Act provides that any person who –

- (a) makes or causes to be made for sale, hire or for purposes of trade or business any infringing copy of a work in which copyright subsists; or
 - (b) imports or causes to be imported into Nigeria a copy of any work which if it had been made in Nigeria would be an infringing copy; or
 - (c) makes, cause to be made or has in his possession, any plate, master tape, machine, equipment or contrivance for the purposes of making any infringing copy of any such work;
- is, unless he proves to the satisfaction of the court that he did not know and had no reason to believe that any such copy was an infringing copy of any such work or that such plate, master tape, machine, equipment or contrivance was not, for the purpose of making infringing copies of any such work, guilty of an offence under this Act and liable on conviction to a fine of an amount not exceeding ₦1,000 for every copy dealt with in contravention of this section or to a term of imprisonment not exceeding five years or to both fine and imprisonment.

Furthermore, s.20(2) also provides that any person who –

- (a) sells or lets for hire or for the purpose of trade or business, exposes or offers for sale or hires any infringing copy of any work in which copyright subsists; or
 - (b) distributes for the purposes of trade or business any infringing copy of any such work; or
 - (c) has in his possession, other than for private or domestic use any infringing copy of any such work; or
 - (d) has in his possession, sells, lets for hire, or distribution for the purposes of trade or business, or exposes or offers for sale or hire any copy of a work, which if it had been made in Nigeria, would be an infringing copy;
- is, unless he proves to the satisfaction of the court that he did not know and had no reason to believe that any such copy was an infringing copy of any such work, guilty of an offence under this Act and liable on conviction to a fine of ₦100 for every copy dealt with in contravention of this section, or to a term of imprisonment not exceeding two years or in the case of an individual, to both such fine and imprisonment.

Similarly any person who, without the consent of the owner of copyright distributes in public for commercial purposes, copies, of a work in which copyright subsists, by way of rental, lease, hire loan or similar arrangement shall be guilty of a criminal offence and liable on conviction to a fine of ₦100 for every copy dealt with or imprisonment for six months or to both such fine and imprisonment (Copyright Act s.20(3)).

9. Copyright Piracy

The practice of labelling the infringement of exclusive rights in creative works as 'piracy' predates statutory copyright law. Prior to the Statute of Anne 1709, the Stationers' Company of London in 1557 received a Royal

Charter giving the company a monopoly on publication and tasking it with enforcing the charter. Those who violated the charter were labeled pirates as early as 1603 (Panethiere 2005). The term 'piracy' has been used to refer to the unauthorized manufacturing and selling of works in copyright. To Nwogu (2014) Copyright piracy is the illegal reproduction or duplication of copyright works like phonograms, books, paintings, architectural drawings, photographs, films, broadcasts, computer software etc, for commercial purpose. It also includes distribution, whether gratuitous or for sale, and exhibition in public of infringing copies of copyright works. Berne Convention for the Protection of Literary and Artistic Works 1886 uses the term 'piracy' in relation to copyright infringement, stating that 'Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection.'

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) (1994) requires criminal procedures and penalties in cases of "willful trade mark counterfeiting or copyright piracy on a commercial scale. Piracy, traditionally refers to acts intentionally committed for financial gain, though more recently, copyright holders have described online copyright infringement, particularly in relation to peer-to-peer file sharing networks, as 'piracy' (Panethiere 2005). Internet piracy, includes Internet hacking and viruses. Piracy is used to describe infringement of copyright on commercial bases, which include, Reproducing and selling of copyrighted works.

Piracy is a cankerworm that has eaten deep into the fabrics of the society. It is a clog in the wheel of the production and growth of copyrighted works, for it has led to counterfeiting and fake products, which has contributed in no small measure to intellectual property theft and this has affected negatively the goodwill of the original creator of a work. In Nigeria today, piracy hits all sectors of copyright industry, but the worst hit is the entertainment industry, hence one of the greatest challenges facing the Nigerian entertainment industry is piracy, which has robbed the industry of billions of naira (Nwogu 2014). Kanayo (2013) as cited in Alakam (2014) is agitated by the fact that pirates are feeding fat literarily and figuratively on creative works at the expense of the proposed beneficiaries of the work. He noted that the wealth of Nollywood is judged not only on its past works but on the substance that is coming from the industry in contemporary times. Today, several incidences of piracy abound in various subject matter of copyright throughout the whole world, and Nigeria in particular. They include; software piracy, cinematography film piracy, music piracy and book piracy (Nwogu 2014). Also of great importance in the incidences of piracy is the Internet piracy, because of the new technology of the world.

10. Various Areas where Copyright Piracy Exist / Types of Copyright Piracy.

10.1 Book Piracy

This is one of the commonest forms of piracy that is posing great threat to the creative industry. Simply put, book piracy is the reproduction and distribution of copyrightable book on a commercial scale without the consent of the copy owner. Book piracy has caused so much loss to honest publishers, for books which publishers should produce are now produced by photocopying and binding by pirates. In highlighting this menace to publishers Shosanya (2012), the Chairman of the Nigerian Publishing Companies posits that book piracy activities in the country causes N20 billion losses to domestic publishing houses each year and about \$600 million to United States of America. But then, some dishonest book publishers perpetrate this act of piracy too, because some may publish 50,000 copies and sell and tell the owner it is only 10,000 copies.

Pirates injure the reputation and goodwill of copyright owners, robbing right owners of pecuniary benefits, thus leaving them insolvent. The pirates now take all the pecuniary benefits, thereby reaping where they did not sow. This act of piracy is worrisome to the polity, particularly to the copyright owners. Just one incident will suffice an insight into the devastating effect of piracy on copyright. According to Amodu (2014) upon receipt of complaints from copyright owners, copyright inspectors backed up by police officers on November 25, 2014 carried out unscheduled inspection exercises in some Secondary Schools and bookshops within Kubwa and Dutse areas of the Federal Capital Territory Abuja. They found and confiscated one hundred and ninety-four (194) pirated copies of literary works titled, "The Survival of an African Orphan" and "The Pen and the People", worth about N150,000 (One Hundred and Fifty Thousand Naira). Two persons were also arrested for unauthorized reproduction and distribution of the said books.

Interestingly, an estimated One Hundred and Eighty-Five Thousand Naira (N185,000) worth of suspected pirated works were impounded and five suspects arrested by operatives of the Nigerian Copyright Commission (NCC) during three separate enforcement operations carried out on some schools, bookshops and other locations within the Federal Capital Territory Abuja between 31st October and 25th November 2014 (Egbunike 2014). This giant stride by the Commission is in fulfillment of their role as provided under the Copyright Act. (S. 34 Copyright Act).

10.2 Music Piracy

Music industry is one of the fastest growing industries in Nigeria because music is the most generic of all the subject matter of Copyright for it has direct impact on the people. Hiphop music and culture have rapidly grown, spread and permeated every nook and cranny of the nation, it is being played in almost all radio and television stations. Also music cuts across all ages and gender, thus causing a heavy, influx of piracy into the industry. Flowing from the combined reading of the meaning of music and piracy hereinbefore stated, one can summarize than that music piracy is the reproduction and distribution of copies of musical compositions and works composed for musical accompaniment protected under the copyright law on a commercial scale, without the authority of the copyright owner. These works maybe recorded in files, CDS, DVDs, compact discs, etc.

The incidences of piracy in the genre of music abound in Nigeria. Hence Idibia (2011) posits that “piracy is still a very massive issue because there is no control in terms of producing the CDs and no barcodes; you don’t even know where it is coming from.” He went further to state that, in Nigeria there is lack of respect for artists and the police do not view piracy as a serious crime. There exists several compact disc production plants that are engaged in the production of pirated music. It is worthy of note that the Alaba market is a great problem to the music industry and investors in creative arts generally. Dealers or pirates in that market have constantly and continuously reproduced works of Nigeria and foreign artists for sale, thereby reaping where they did not sow. The pirates continue to smile to the banks while the original owners of the pirated works struggle to make ends meet. All these elicit clarion cries from artists to the government and the law for assistance, so that they can reap the benefits of their efforts.

In response to these cries, the Nigerian Copyright Commission focuses its enforcement effort on protection of rights of copyright holders in the sale of illegal copies of CDs and DVDs containing local and foreign music (Nigerian Law Intellectual Property Watch (NLIPW) 2014). Through the Court system the commission has taken action against persons accused of selling or being in possession of pirated films and musical works. In *Nigerian Copyright Commission v Oba Okechukwu* (2014), the accused was charged for being in possession (other than for private use) and for the sale of 126 infringing copies of cinematograph films and musical works in DVDs, VCDs and CD formats in breach of section 20(2)(a) and (c) of the Nigerian Copyright Act, Cap C28 Laws of the Federation of Nigeria 2004. The Federal High Court Abuja, per Abdu-Kafarati J, after trial sentenced the accused to three (3) months imprisonment, imposed a fine of N12,600 and ordered that the infringing copies be handed over to the Nigerian Copyright Commission for destruction in accordance with Section 20(5) of the Copyright Act. The same decision was also replicated in *Nigerian Copyright Commission v Dominion Kalu* (2014).

10.3 Cinematograph Film Piracy

Nigeria film industry, known as Nollywood is the world’s second largest producer of films. Nollywood over the years has grown from nothing to something. UNESCO (2009) states that;

India remains the world’s leading film producer, but Nigeria is closing the gap after overtaking United States for second place. Bollywood produced 1,091 feature-length films in 2006 compared to 872 productions (in rideo format) from Nigeria film industry, which is commonly referred to Nollywood. In contrast the United States produced 485 major films.

To collaborate the findings of UNESCO, Levine (2011) reports that Rob Aft, the president of Compliance Consulting, an LA-based firm specialized in international film finance, banking and distribution management. Who also work closely with UN’s World Intellectual Property Organization says that:

Nigeria should be proud of the quality of their new crop theatrical film makers. I have visited Nigeria as a guest of their film community several times and maintained close contact with many of the practitioners there. The Nigerian film industry is moving past Hollywood. Nigerian filmmakers are currently producing limited but growing number of high quality films for theatrical audience.

Nollywood is a great employer of labour, for thousands of our teaming youths are employed in this industry. Nollywood movies are quite entertaining because they are a collection of different genres and themes – themes of romance, revenge, betrayal, love, hatred, politics or a blend of two or more.

The boom in this industry led to a lot of illegal activities by pirates who want to make pecuniary gain from other persons intellectual efforts. This infringement is mostly seen in the area of unlicenced or unauthorized reproduction, sale, hiring and distribution. This infringement amounts to piracy. Hence cinematograph film piracy is the unauthorized and illegal reproduction and distribution of copies of copyright protected films/movies. Film or movie piracy abound in Nigeria despite the protection of owners rights under the

Copyright Act (Sections 1 and 6) and the establishment of the National Film and Video Censors Board (NFVCB). This board is the regulatory body set up under Act No. 85 of 1993 to regulate films and video industry in Nigeria. The board is empowered by law to classify all films and videos whether imported or produced locally. It is also the duty of the board to register all films and video outlets across the country and to keep a register of such registered outlets among other functions, across the country. It gives licence to persons and premises to exhibit films and videos (National Film and Video Censors Board 2015). The essence of this power given to NFVCB is to check movie appropriation and piracy. Yet piracy still abound in the film industry. Nigeria is notorious for having one of the highest incidents of piracy in the world. Piracy has undoubtedly eaten alarmingly into profits since the film industry took off in the early 2000's (Ozoemena as cited in Fielding – Smith 2015). The Nigerian Copyright Commission (NCC) operatives have yet again impounded 1,744 pirated DVDs of the movie 'Half of a Yellow Sun' belonging to Shareman Media. The success of this raid was with the collaborative efforts of the existing task force units within Alaba International Market of the Electronics, Fancy and Furniture Sections. The seizure is estimated at approximately One Million Naira (Director – General NCC 2015). The case of *Nigerian Copyright Commission v Oba Okechukwu* (supra) is illuminating, wherein the accused was sentenced by the court to a fine of N12,600 and 3 months imprisonment.

10.4 Broadcast Piracy

Broadcast means sound or television broadcast by wireless telegraph or wire or both, or by satellite or cable programmes and includes rebroadcast (Copyright Act, Section 51(1)). Cable programmes mean visual images, sounds or other information sent by means of a telecommunication system otherwise than by wireless telegraph for reception -

- a. At two or more places in response for request by different users; or
- b. For presentation to members of the public. (Copyright Act S. 51(1))

While re-broadcast means a simultaneous or subsequent broadcast by one broadcasting authority of the broadcast of another broadcasting authority (Copyright Act, S. 51 (1)). Thus, when these broadcasts which are protected by copyright are reproduced and distributed without authority on a commercial scale, there is broadcast piracy.

Broadcast piracy has caused so much harm to the creative-industry that Hundah as cited in Okeke (2009) frowns at piracy of broadcast content which he identifies as one of the greatest challenges for pay-TV operators in Nigeria. He posits that pirates sign up a decoder as an individual user and distribute to other users at little or no cost, that some people are not aware that it is piracy. Even selling DVD players that will enable one watch premier league is piracy. The masses should be enlightened as to what constitutes piracy and the consequences thereto.

Operatives of Nigerian Copyright Commission (NCC) swooped on the notorious Alaba International market, Ojo and the Isashi area of Lagos in a bid to burst a new trend of importation, marketing and exploitation of high-tech equipment for hacking or piracy of encoded broadcasts signals, mostly of DSTV Channels. The copyright inspectors, armed policemen and multi-choice officials went into the electronic section of the market and some outlets in Isashi Lagos for antipiracy operation. Three thousand seven hundred and fifty (3,750) units of pirated broadcast decoders worth over seven hundred and eighty million naira (N780,000,000) used for broadcast signal hacking was impounded during the raid (Adewusi, 2015).

This report further reveals that other brand names of the hacking devices impounded include Az sky, Oscar, Az Sky II, Redata and micro boxes used for the illegal business. The multi purpose broadcast signal – hacking device has the capacity to decode copyright protected encrypted signals, receive such signals from any part of the world and transmit such to as many television sets that are connected to it. This is now short-changing international and local cable TV organizations like DSTV, consequently the broadcast stations are allegedly losing Millions of Naira to the illegal trafficking in broadcast signal-hacking devices. Also suspected broadcast pirate was arrested by the operatives for illegally stocking and marketing broadcast decoders and other pirated broadcast-signals hacking gadgets (Adewusi, 2015). The NCC backed by the Counter Terrorism Unit (CTU) impounded and confiscated some items used in the illegal re-distribution of multi-choice, signals in Enugu. Some items were impounded in Benin city and three persons arrested in piracy outlets in Nyanya and Mararaba areas of Abuja. In the case of *Nigerian, Copyright Commission (NCC) v MR Godwin Kadiri* (2015), the Federal High Court Benin convicted and sentence Mr. Godwin Kadiri to six and half years imprisonment for piracy of the broadcast rights of HiTV in contravention of the Copyright Act.

10.5 Software Piracy

Software is a general term primarily used for digitally stored data such as computer programmes and other kinds of information read and written by computers usually in an intangible form (Dictionary Unabridged 2012).

According to the Business Dictionary (2015) software is an organized information in the form of operating systems, utilities, programmes and applications that enable computers to work. It consists of carefully organized instructions and code written by programmers in any of the various special computer languages. Software could be system or application software. This software is subject to several abuses in the form of piracy.

Therefore, software piracy to Rouse (2005) is the illegal copying, distribution, or use of software. It is such a profitable 'business' that it has caught the attention of organized crime groups in a number of countries. She further states that according to Business Software Alliance (BSA), about 36% of all software in current use is stolen. Software piracy causes significant loss of revenue for publishers, which in turn results in high prices for the consumer. Software piracy applies mainly to full-function commercial software.

Software piracy includes the unauthorized copying of purchased software. Most software purchased are licenced to one user or computer only and not to several. The licence user or licensee is only permitted to make back-up copies only. To Safe Net (2015) types of software piracy prevalent today are:

- *Softlifting*: Purchasing a single licensed copy of software and loading it onto several computes contrary to the license terms, for example, sharing software with friends, co-worker and others.
- *Uploading and downloading*: Making unauthorized copies of copyrighted software available to end users connected to modem to online service providers and/or the internet.
- *Software counterfeiting*: Illegally duplicating and selling copyrighted software in a form designed to make it appear legitimate.
- *Hard disk loading*: Installing unauthorized copies of software onto the hard disks of personal computers, often as an incentive for the end user to buy the hardware from that particular hardware dealer.
- *Renting*: Unauthorized selling of software for temporary use, like you would in a video.

The incidences and effects of software piracy in Nigeria cannot be overemphasized. This is aptly captured by Aginam (2012) when he stated thus

...while software piracy remains unabated despite legislation and awareness creation by regulatory and relevant agencies, the Nigerian Copyright Commission (NCC) has warned that henceforth, it is going to be zero-tolerant on software pirates, even as it raided the offices of top Lagos based firm of estate managers and valuers on grounds of software piracy infringement. It would be recalled that as at 2011, software piracy rates in Nigeria stood at 82% with attendant opportunities for small business in the region of \$250 million lost. As a result of this, local Nigeria business have had difficulty competing with counterfeits that have priced their goods at below market level and are then forced to cut jobs. The NCC has reaffirmed that it is not business as usual for software pirates as it is committed to fight the ugly trend to the last with a new strategy.

However, Bhose (2011) posits that according to the most extensive survey undertaken on PC user's behaviour towards software piracy, that nearly half of the world's personal computer users (47 percent) acquire software through illegal means most or all of the time and the figures are much higher in developing economies. The recent study by the Business Software Alliance (BSA) reveals that a large majority of computer users in the developing world regularly acquire software through illegal means such as buying a single license for a programme and then installing it on multiple machines or downloading programmes from peer-to-peer networks. That Nigeria ranks second in software piracy. BSA report also reveals that the commercial value of unlicensed software installed on personal computers in Nigeria amounts to \$251 million in 2011 as 82 percent of software deploy on PCs during the year was pirated (Microsoft Office 2012).

Furthermore, Okwuke (2014) states that the recent findings by the BSA, a global body responsible for the advancement of the goals of the software industry rank Nigeria among countries in the world with the highest cases of software piracy, intellectual property theft and other sharp practices in information technology (IT) industry. Also software piracy costs the Nigeria economy over N82 billion yearly, which puts a strain on technology companies' ability to create more jobs and new technologies. This trend harms local re-sellers and service firms, lowers government revenues, and increases the risk of cybercrime and security problems.

Consequently upon the incidences and impact of software piracy on Nigeria, there is urgent need for the government, regulatory agencies and the populace to join hand and fight this menace that negatively affect the Nigerian economy.

10.6 Internet Piracy

Internet is the network of computer networks spanning the globe. The Chambers 21st Century dictionary (1999) states that internet is a global computer communications network providing almost instant transfer of electronic

data from one computer to another, linking business, academic and private users. To Nnamani (2006) the internet is a worldwide networking of computer that holds larger amount of information, which one can obtain directly using ones personal computer. With the internet, millions of people are connected around the world. There is no gainsaying that the internet is where all turn to source and get information.

The advent of the internet has made the world a global village, hence various information and copyrighted works are being uploaded, stored, transferred and downloaded. In Nigeria today, many organizations and establishments, including media houses carry their activities online and these services are patronized through online streaming and download. The internet is awashed with vast information and knowledge. This has led many to carry out illegal activities on peoples work, of which piracy is one of them.

Internet piracy is the practice of using the internet to illegally copy software and pass it on to other people (Cambridge Dictionaries 2005). Internet piracy is using the internet to illegally copy and or distribute copyrighted works. Internet piracy transcend borders and geographical boundaries. It presents new challenges to the law enforcement agencies, especially in the area of locating the pirates, gathering evidence and prosecuting the culprits. These challenges are not peculiar to Nigeria, they are global. It takes ICT expertise, better legal framework and sophisticated enforcement mechanism to get at internet pirates.

11. Causes of Copyright Piracy

Copyright piracy is a menace that negatively affects a nation's economy and resources. It is a destructive virus, worst than AIDS and must be eradicated from creative society like Nigeria and the entire world. UNESCO (2015) states that it is a phenomenon that stems from social, economic and legal back ground. The causes of piracy includes:

- *High Cost of Genuine Products:*

Genuine products are expensive to create, produce and distribute, and the multiple costs that arise before the product reaches the consumer add up to make the final product expensive (UNESCO, 2015). But the pirated copies are substandard and cheaper, consequently there is high demand for them in the market compared to genuine products. Pirated softwares will enable some people have access to the technology they cannot afford. Some Nigerians because of high cost of originally published works prefer to buy pirated ones.

- *Difficulty of Access to Legitimate works*

Supplies of legitimate products in stores and libraries are often insufficient, particularly in developing countries. Technical protection measures in digital format products are also viewed as hindering the access to certain copies, and therefore, limiting the availability of legitimate works to the general public (UNESCO, 2015). At times the genuine products are not enough for people to buy. They may become scarce after the initial production and yet people are still demanding for it. Pirates who think they are smart will now go ahead and produce copies and push into market to make gains.

- *Poverty*

It is said that a hungry man is an angry man. Some individuals when they cannot meet up with their necessities and that of the family, engage in illegality, such as piracy. The rate of poverty in developing countries (Nigeria inclusive) is enormous, this has led to social vices such as piracy, to make ends meet. The poor ones will also avail themselves of the creative materials that they would otherwise not afford by buying pirated ones.

- *Inadequate Awareness About Copyright Piracy and its ills*

Piracy lacks the negative social stigma that would make the public realize that it is a criminal activity (UNESCO, 2015). Some people do not even know what piracy is, when they are guilty of it and the consequences of the ill. The public is not aware that buying pirated goods, spread and encourage these unlawful activities. There is so much ignorance especially among the illiterates on the concept of copyright piracy. E

- *Misconception About Piracy*

Some members of the public are deceived by the reduced and cheap prices of the pirated goods. Some think the price went down because it has lasted for sometime in the market and have now been subsidized. But that is not so, those cheaper products are the pirated copies, which are imitations of the real products. UNESCO (2015) observes that the public view piracy as a means of having access to cheaper, just-as-good versions of works, ignoring the effects that piracy has on creativity, creative industries and related sectors.

- *Inadequate Copyright Protection and Weak Enforcement of Rights*

The copyright laws in Nigeria are there, but they are now inadequate because of the new technology in place globally. There is the need to protect all digital and internet works, otherwise piracy will abound. UNESCO (2015) posits that poorly drafted or incomplete laws, and weak enforcement thereof directly contribute to the increase of piracy.

- *Financial Gains/Profits*

The greed of making financial gains or profits by pirates informs their acts of illegality. They are selfish and enjoy reaping where they did not sow at the expense of right owners. There is also the desire of some people to get rich quick by running down the business of others. Hence UNESCO (2015) posits that pirates do not incur any of the costs related to production of original and genuine goods due to limited up-front investment need for illegal reproduction and distribution. The perspective of making easy and quick profit is one of the reasons for the spread and persistence of piracy.

Other causes of copyright piracy include laziness; poor distribution network of needed creative products; slow judicial system, rancorous and uncooperative attitude of practitioners in the creative industries (NCC 2008); and poor funding of regulatory agencies, such as the Nigeria Copyright Commission, Nigerian Film and Video Censors Board etc. Further, the NCC (2008) in its survey found out and rightly too that the exponential increase in global piracy can also be traced to certain advances in new technologies which have produced new products and services making life easier, more interesting and more pleasant with the consequences of empowering the individual. The development of digital technology is one area which has thrown a new challenge to the copyright industry. Digital technology has pushed further the possibilities of copyright violations, for there is now instantaneous and inexpensive transfer of electronic data.

12. Effects of Copyright Piracy

Nigerian creative industry is rich, dynamic and stretches from book industry to music, film, computer software and media broadcasting. These industries have been ravaged by the menace of piracy, which has enormous negative impact. The effects of piracy in Nigeria is economical, social and political.

Right owners and government suffer great losses in revenue. Hence Ezekude (2012), the Director General of Nigerian Copyright Commission posits that right owners who have invested enormous energy, time and money in producing sound recordings, film, books and computer programmes suffer huge losses in revenue. As a consequence, creators of genuine copyright – protected products are discouraged from setting up their operations in the country. The government loses much-needed tax revenue to fund public services, and the country as a whole loses out on its ability to attract foreign direct investment, and to harness opportunities for technology transfer. Onyeje as cited in Nwogu (2014) states that the effect of piracy would put people out of business, and drain Nigeria of her economic gains, if it is not put under control. He therefore called on government to act fast in order to save the Nigerian economy from sabotage. Piracy cuts across software development, movie production, music production and book production. Piracy is the greatest challenge in doing business in Nigeria for it is not only a software problem but an intellectual property problem. To Okwuke (2014), a survey reveals that Nigerian economy loses 82 billion Naira yearly to software piracy. The International Chamber of commerce has warned that without proper clampdown on the nefarious activities of counterfeit market by various countries, the global piracy and counterfeiting market would surge to \$1.7 trillion by 2015.

Consequent upon the loss in the revenue of right owners, there is also loss of jobs at the production and distribution levels of copyright protected works. This loss of employment is evident in those employed by the producers and retailers of copyright products on one hand and the indirect employment losses experienced by industries that are dependent on copyright producers and retailers on the other hand.

According to the Nigerian Copyright Commission (NCC) (2008) survey, beyond loss of income, employment and tax revenues reputation of the country is involved and this discourages manufacturers and producers of genuine products from establishing facilities in those countries. Such situations result in loss of Foreign Direct Investment (FDI) as well as technology transfer and know-how which normally accompany FDIs. This is injurious and discourages both foreign and local investors.

There is no gainsaying that piracy attacks the culture and future of Nigeria and we are faced with declining economic resource which is a source of revenue of the nation. To Ezekude (2012) given the economic importance and growth potential of Nigeria's copyright sector and in the light of the far-reaching negative economic impacts of piracy, the Nigeria government has adopted a policy of zero tolerance with regard to piracy. It falls to the NCC, the country's top regulatory agency for copyright, to put this policy into practice. Since December 2010 the NCC has intensified its copyright enforcement and anti-piracy activities. This is to minimize piracy levels in order to provide an environment conducive to the growth of legitimate copyright industries in Nigeria. Adoption in 2007 of a regulatory framework for registering and monitoring optical disc replication plants has assisted in reducing piracy. He further says that there is an international element to the high level of piracy in Nigeria, with the influx of significant numbers of infringing works from Asian countries. The 2010 NCC campaign for collective action to tackle piracy, sent signal to piracy syndicates around the world, that it is

no longer “business as usual”. To intensify the fight against piracy, the copyright Act in its wisdom has provided for anti-piracy measures.

13. The Anti-piracy Measures

The anti-piracy measures are provided under Section 21 of the Copyright Act. This Section provides that:

- 1) The Commission (NCC) shall have power, with the consent of the Minister, to prescribe any design, label, mark, impression or any other anti-piracy device for use on, in or in connection with any work in which copyright subsists.
- 2) Any person who –
 - a. Sells, rents, hires; or
 - b. Offers for sale, rent or hire, any work in contravention of the prescription made pursuant to subsection (1) of this section, commits an offence and is liable on conviction to a fine not exceeding N100,000 imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.
- 3) Any person who without the permission of the Commission (NCC)
 - a. Imports into Nigeria; or
 - b. Has in his possession, any anti-piracy device prescribed under this section or any machine, instrument or other contrivance intended for use in the production of the anti-piracy device, is guilty of an offence and is liable on conviction to a fine not exceeding N500,000 or imprisonment for a term not exceeding five years, or to both such fine and imprisonment.
- 4) A person who without the permission of the Commission (NCC) –
 - a. Is in possession of; or
 - b. Reproduces; or
 - c. Counterfeits,

Any anti-piracy device prescribed under this section, is guilty of an offence and is liable on conviction to a fine not exceeding N50,000 or imprisonment to a term not exceeding 5 years, or to both such fine and imprisonment.

- 5) The Commission shall have power with the consent of the minister, to make regulations specifying the conditions necessary to give effect to the purpose of this section.

Unfortunately, despite the protection of copyright works under the Copyright Act; the granting of exclusive right of reproduction, distribution and others to right owners; the establishing of the NCC , the National Film and Video Censors Board; the anti-piracy measures; the civil and criminal remedies for infringement; appointment of Copyright Inspectors; the cooperation of the Nigeria Police Force (NPF) in the fight; the Nigerian Custom Services (NCS) that track down infringing goods at entry ports and land borders, thereby seizing imported pirated works; the Economic and Financial Crimes Commission (EFCC), whose intelligence makes for effective fight against piracy and also the partnership of the NCC with international organizations like UNESCO, UNCTAD, WIPO etc in this fight, piracy still exists in Nigeria. Therefore it is my view that more should be done to completely eradicate piracy, or at best reduce it to the barest minimum.

14. Recommendations

14.1 *Amendment of the existing legal framework.*

There should be a review of the existing Copyright Act to reflect increase in the penalties for criminal infringement. For example, the fine for infringement per copy should be increased from N100 to N500. While the imprisonment for serious offenses under the Act should be between 3 to 8 years. Provision relating to infringement of copyright by corporations should be amended to include the closure of any corporation convicted of copyright infringement. Digital works, internet works, and softwares should be adequately protected under the Copyright Act.

The civil liability for copyright infringement should be not just “damages” but “exemplary damages”. In the case of making anton pillar order by the court, the infringing copies, plates, films or contrivances used or intended to be use for making infringing copies should be confiscated, in addition to sealing-up the premises where the infringement is taking place. Furthermore the proposed amendments should include provisions which make it an offence to circumvent technological protective measures such as encryption used by right holders to protect their

works online as provided under Article 11 of WIPO Copyright Treaty (WCT), Article 18 of WIPO performances and phonograms Treaty (WPPT) and Berne Convention.

14.2 *Public Enlightenment*

There should be enlightenment and awareness campaigns that will be taken down to the grassroots on piracy and its ills. This can be achieved through seminars, symposia, workshops, conferences and advertisement in the media, in a way that the layman on the street will understand. Emphasis should be laid on the bad effects of piracy, the use of pirated products and how to identify pirated works.

14.3 *Monitoring of Infringing Works by Right Owners and the Public*

Right owners and the general public should monitor pirated works in contradistinction with genuine and original products, so as to report incidences of piracy to copyright inspectors, Economic and Financial Crimes Commission (EFCC) and the police. Individual right owners should also try as much as possible to self protect (self defense) their works on the Internet; such self protection as passwording, setting up firewall and encrypting the work will be part of it. Also, since the Internet, which is a world wide web has made the world a global village and information on the net spreads like wild fire, owners of intellectual property rights should also go through the Internet from time to time and check for the infringement of their works, so as to stop piracy timeously. Consequently the pirates and their syndicates will be called to order by taking them to the law court.

14.4 *Government Incentives/Assistance*

The Government should give incentives to right owners of well written and highly demanded products, in addition to giving them subventions or assistance in monetary form to reduce the production costs of the works. Consequently making them affordable to a reasonable number of people.

14.5 *Training of Government Agencies*

The astronomical rate with which new computer technology moves and the spate and nature of the infringement on the Internet, government agencies and persons in charge of this branch of the law like the Copyright Commission and the copyright inspectors should receive continuous training on information and computer technology (ICT). In addition to their domestic training on the subject, they should also participate in training given to other countries, so that they will be well grounded on the subject. This will enable them effectively conduct raids on Internet service sites; The inspectors and right owners should also prowl through the Internet at intervals to find out infringing products and call the infringers to order.

14.6 *Adequate Funding of Regulatory Bodies*

The copyright regulatory bodies like the Nigeria copyright Commission, the National Film and Video Censors Board should be adequately funded by the government to be well equipped to effectively and efficiently carry out the piracy raids. They should be provided with good and functional offices, among other facilities, to assist in the raid.

14.7 *Protective Technological Measure*

With respect to computer software, the best measure of protection is by adopting a technology created by a software expert on behalf of his firm Info Logic Software Incorporation (A consulting and software firm in the United States) and modified in 2009. This technology is called the 'software envelope', and refers to a situation where copyright works are transmitted in an encrypted form into a single envelope such that automatic messages are sent to a central authorizing site at regular intervals. Each time a user starts to use copyrighted work, a reply is sent back to the central authorising site for authorization to continue or a denial of authorization (Garisworld 2012). By this technology, the central authorizing site would detect when a computer software is about to be used in a manner prejudicial to the right of the copyright owner. This kind of technology would be most appropriate in Nigeria, even though we are yet to develop the requisite infrastructure that would support such an elaborate detective mechanism (Faga and Ole 2013).

Other recommendations include empowerment of the Nigerian people by the government by providing qualitative education and jobs; change of attitudes by Nigerians, especially the greedy ones who want to make aggravated gains from somebody else's intellectual creation, thereby reaping where they did not sow; all should endeavor to work hard for a living and make gains out of their concerted efforts, labour and skill, not by copying somebody's intellectual exertion. All the hereinabove stated recommendations will support the creation of a piracy-free environment, encourage investors and increase the growth of legitimate business in Nigeria.

15. Conclusion

Copyright piracy has been recognized by the whole world as an enemy of creativity and innovations. It obstructs genuine investments and corrupts cultural values of a nation. However, the problem of piracy spans through the entire globe and ravages different categories of copyright works. As observed by the Irish Recorded Music Association (IRMA) as cited in NCC (2008), piracy is a billion dollar problem. It rears its ugly head everywhere, often completely ruining the livelihoods of creators and those working in the creative industries. Its consequences are multidimensional as it impacts on the economy, the social and political foundations of the society.

This act of piracy is most prevalent in the entertainment industries, particularly the music and film industries. The case of the Nigerian film industry is quite illustrative. The rising profile of our indigenous films has led to their high demands, even outside Nigeria. This has led to illegal distribution of these films over the internet. The estimated value of these illegalities can only be imagined. Locally, in our country films are hired, rented and distributed at will, some without even knowing the implications of their acts. Software are also pirated, which has made Nigeria lose about 82 billion Naira every year.

Consuming public differentiation of pirated works from the original is individualistic and depends largely on the level of literacy of a particular individual. Some differentiate pirated products because of their poor quality, while others do not have an idea of how to differentiate between them. This is not surprising because a lot or many Nigerians are not ICT compliant, not to talk of identifying pirated software or how an individual user licensee can carry out acts of piracy with the licenced software. Also Nigerians find it difficult to distinguish between pirated music CDs and original/genuine ones.

Nigerian government loses enormous revenue to copyright piracy. This is amplified by NCC (2008) wherein it states that copyright piracy affects the government seriously in four key areas, namely; loss of tax revenue; discouragement of investments as creativity diminishes in the face of economic loss; bad image for the country, because it will be regarded as a rogue nation that does not protect the economic interests of other nationals; loss of cultural identity.

However, to check piracy, the copyright Law has protected copyrighted products and provided for civil remedies and punishment for their infringements. It also provides for agencies that will be checking the menace of piracy from time to time and calling the pirates to book. These agencies work in conjunction with the law enforcement agencies and in collaboration with some non-government organizations (NGO), like Google, yet piracy still abound. This might be because of the inadequacy of the Laws concerned; illiteracy of the populace; poverty etc. To these, several recommendations have been proffered including amending the existing legal regime. This it is hoped, will reduce piracy to its barest minimum.

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