



EKET BAR

JOURNAL

Volume 3, 2021



Published by

**THE NIGERIAN BAR ASSOCIATION
EKET BRANCH
AKWA IBOM STATE**

Published by the

**Nigeria Bar Association
Eket Branch, Akwa Ibom State.**

ISSN: 2141 – 1816

**(c) Nigerian Bar Association,
Eket Branch, 2021**

ALL RIGHTS RESERVED

No part of this Journal may be reproduced or transmitted in any form or by any means, or stored in any retrieval system of any nature, transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without the prior written permission of the copyright holder. Application for permission should be made to the *Secretary, Editorial Board* or the *Chairman, Nigeria Bar Association*, Eket Branch. Akwa Ibom State.

The views expressed in this Journal are those of the contributors and not necessarily those of the Nigeria Bar Association, Eket Branch or the Editorial Board.

For subscription or order, please apply to the Chairman, Nigerian Bar Association, Eket Branch, Akwa Ibom State, Nigeria. e-mail: flagshipbranch@yahoo.com

THE CHALLENGES AND PROSPECTS OF A STRONGER COPYRIGHTS PROTECTION IN NIGERIA

Dr. Mbuotidem O. Umoh* & Inemesit E. Ekusua Esq.**

1. Introduction

Copyright is described as the title which an author has in the protection of his intellectual property.¹ In essence, this right delimits the users and how a third party can use the title which an author has in his works. The exploitation of Copyright is strongly linked to the evolution of the reproductive technology with the development of the printing press in the second of the fifteenth century Gutenberg and Caxton. The protection of Copyright is an obligation of nations to promote and encourage innovation, creativity and originality. In simple terms, Copyright Law seeks to estop third parties from gaining unduly from the cerebral outputs of the copyright owner and thus robbing him from reaping the full benefits of his labour.

Onoyeyan affirms that,² Copyright is a legal right that protects the owner of an intellectual property from being exploited. Basically, this law protects against indiscriminate copying and distribution of an author's work without permission of the author. It can be safely posited that the major objective of Copyright Law is to secure works that are protected from indiscriminate copying by others.

Copyright is a form of intellectual property right which protects from annexation the fruits of a person's work like literary works, musical works, artistic works, cinematograph films, sound recordings and broadcasts.³ Copyrights are related to legal rights of authors on their original published literary or artistic works. They limit the rights for their use and distribution. As in case of other

* Dr. Mbuotidem O. Umoh, Ph.D, Faculty of Law, University of Uyo,

** Inemesit E. Ekusua Esq, Postgraduate Student, Faculty of Law, University of Uyo.

¹ G. Uloko. *Modern Approach to Intellectual Property Laws In Nigeria*. Lagos: Princeton 2010. Page 3

² G. Onoyeyan *Copyright Law and Photocopying Practice in Nigeria*, Library Philosophy and Practice. 2018

³ See section 1 (1) of the Copyright Act, cap. C28 Laws of the Federation of Nigeria, 2004; and Article 27 (2) of the Universal Declaration of Human Rights, 1948.

intellectual property, copyrights protect tangible form of the original work, not the underlying ideas. Tangibles protected by copyrights include not only books, music, and paintings but also computer programs, database and technical drawings.

These works are protected under the Copyright Act of Nigeria. In a country like Nigeria, the Copyright Act is imperative to combat the different forms of copyright infringement, such as book piracy, film piracy, music piracy, internet and software piracy which has affected the Nigerian economy and contributed to the losses of income of authors, publishers, film makers, musicians and other copyright owners.⁴

1.1. Concept of Copyright

There is no concise and acceptable definition of the term Copyright. Copyright as a form of intellectual property has been defined as:

“The right of literary property as recognised and sanctioned by positive law. An intangible, incorporeal right granted by statute to the author or originator of certain literary or artistic productions, whereby he is invested, for a limited period, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them”.⁵

Numerous authors of intellectual property law and practice have attempted to define copyright. For instance, according to T. O. Dada,

“Copyright means the right possessed by a person over a thing or property arising from his mental and intellectual endeavours, for which he has absolute ownership. Such a person enjoys a monopoly right under the law to the exclusion of the right of any individual or

⁴ F O Babafemi, *Intellectual Property: The Law and Practice of Copyright, Trade Marks, Patents and Industrial Designs in Nigeria*, 1st Edition. Justinian Book Limited, Ibadan, 2007, page 1.

⁵ *Black's Law Dictionary*, 5th Edition, West Publishing Co., 1979, page 304.

group of persons who might wish to interfere with his intellectual property”.⁶

Copyright is a type of intellectual property that gives its owner exclusive right to make copies of a creative work, usually for a limited time. The creative work may be in a literary, artistic, educational, or musical form. Copyright is intended to protect the original expression of an idea in the form of a creative work, but not the idea.⁷ This kind of right is protected by statute and the current legislation governing the definition, protection, transfer, infringement of any remedy and penalty thereof the copyright in literary works, musical works, artistic works, cinematography films, sound recordings, broadcast and other auxiliary matters, is the copyright Act, 1988 (now the Copyright Act, cap C28, Laws of the Federation of Nigeria, 2004).

A copyright is a legal protection granted to creators or originators of creative expressions, whether literary, musical, artistic or cinematographic works or an adaptation of any of these eligible works. It confers an exclusive and assignable right to the originator of the work, which though exclusive to the author, is subject to the recognised legal rights of others. It is not sufficient that an idea or concept has been formulated in the creator’s mind, such work must also be expressed or fixated in some medium, such as paper, diskettes, flash drives, CD-ROM, VCD, DVD etcetera; for it to be protected.⁸

In some jurisdictions, the protection granted has less regard for how good or sophisticated the work is, rather the emphasis is on the originality of the work. While some other jurisdictions, like a few common law countries, require that some level of skill and judgment must have been expended in creating the work, Nigerian law requires that the author must have expended sufficient effort to give the work an original character.⁹

⁶ In his book, *General Principle of Law*, 5th Edition, T. O. Dada & Co., Lagos, 2010, page 421.

⁷ ‘Understanding Copyright and Related Rights’ www.wipo.int/p.4. (Retrieved 7 February 2020); ‘Intellectual Property’, *Black’s Law Dictionary*, 10th Edition, 2014.

⁸ Section 1 (2) (n.1); Sandra Eke, *Fundamental Elements of Copyright Ownership and Protection Under Nigerian Law*, S.P.A. Ajibade & Co., Resources, 7th November, 2019 (retrieved 15th February, 2021).

⁹ See (n.6).

1.2. The Applicable Copyright Laws, Regulations and Institutional Framework in Nigeria

Some of the principal laws that govern and protect copyrighted works in Nigeria are:

- a. The Copyright Act (as amended), cap. C28 Laws of the Federation of Nigeria, 2004.
- b. The Constitution of the Federal Republic of Nigeria, 1999 as amended.
- c. The Berne Convention, 1986.
- d. The Rome Convention (Performers, Producers of Phonograms and Broadcasting Organizations – ratified in October 1993).
- e. The Trade Related Aspect of Intellectual Property Rights (TRIPS) Agreement, 1994.
- f. WIPO Copyright Treaty, 1996 etcetera.

~~The Regulatory Agencies~~ of the Nigeria copyright protections include:

- a. The Nigerian Copyright Commission (NCC) is the body charged with the responsibility of administering the copyright Act.
- b. The Copyright (Optical Discs Plants) Regulations 2006, which regulates all the disc manufacturing companies in Nigeria by requiring them to compulsorily register with the NCC after meeting certain specified conditions for operation.
- c. Copyright (Collective Management Organisations) Regulations 2007 on licensing of collective management organization to engage in collective management of copyright; issuance of the copyright and
- d. Copyright (Levy on Materials) Order etcetera.

The non-governmental initiatives in the protection of copyright in Nigeria include:

- i. Intellectual Property Lawyers Association of Nigeria (IPLAN);
- ii. The Performing Musicians Association of Nigeria (IPMAN);
- iii. Copyright Collecting Societies Associations of Copyright Owners established pursuant to and licence under the Copyright (Collective Management Organisations);
- iv. Anti-Counterfeiting Collaboration (ACC) of Nigeria;

- v. Federation of Intellectual Property Owners (FIPO).
- vi. The Nigerian Local Chapter of the International Association for the Protection of Intellectual Property.

1.3. Eligibility of Works for Copyright Protection in Nigeria

Not all kinds of works are eligible for Copyright protection in Nigeria. Section 1 of the Act stipulates that the various kinds of works that are protectable in Nigeria are: Literary works, Musical works, Artistic works, Cinematograph films, Sound recordings and Broadcasts. It should be noted that formulas or equations, ideas, or things of a related nature do not enjoy Copyright protection in Nigeria.

The copyright Act further prescribes additional connecting factors to be met before a putative author of a work can claim copyright protection in Nigeria. The author must be a Nigerian citizen or must be domiciled in Nigeria or should be a company incorporated in Nigeria and the work must have been first published in Nigeria.¹⁰ copyright protection could also be conferred on works of authors or corporate bodies from other jurisdictions who are a party to international treaties, agreements or organizations to which Nigeria is also a party, upon satisfaction of the condition that on the day the work is first published, at least one of the authors is a citizen or corporate body established under the laws in the country which is a party to an organization Nigeria is also a party.¹¹

1.4. Conditions for Copyright Protection in Nigeria

There are no conditions (either in form of registration or otherwise) required for copyright protection, since copyright protection is automatically enjoyed upon creation and fixation of the work in a definite medium of expression. In addition, the Berne Convention prohibits compliance with any formalities before the enjoyment of copyright protection in member states who are

¹⁰ Sections 2, 3 and 4 of the Copyright Act (n.1).

¹¹ Section 5.

signatories to the convention.¹² This provision was revised in the 1908 Berlin revision of the Convention by the present rule of formality-free protection, contained in Article 5(2) of the Paris Act 1971, which clearly stipulates that the enjoyment and the exercise of copyright shall not be subject to any formality.¹³

While incorporating and abiding by the principles of the Berne Convention, most member states have introduced voluntary national registration or notification systems for copyrights, which accords better protection and benefits to copyright holders. For instance in the United States, copyright registration provides verifiable evidence of authorship and entitles a claimant in a copyright infringement action to statutory damages.¹⁴ It also entitles the owner of a copyright to deposit his work in the database of the U.S. customs and Border Protection (CBP) as a shield against the importation of works that infringe on the right of the copyright owner.¹⁵

In Nigeria, the Nigerian Copyright Commission has introduced an online notification database to assist authors and creators in protecting their works more effectively.¹⁶

1.5. Benefits of Lodging a Notification of a Work with the Nigerian Copyright Commission

The records compiled by the NCC serve as an independent source of vetting the authenticity of data relating to a copyrighted work or its ownership to the general public:¹⁷

¹² WIPO, "Copyright Registration and Documentation Systems", available at: https://www.wipo.int/copyright/en/activities/copyright_registration/index.html (accessed 15th February, 2021).

¹³ (n.10).

¹⁴ Section 411 Copyright Laws of the United States Code, 2016.

¹⁵ United States Copyright Office, "Circular 1: Copyright Basics" available at: <https://www.copyright.gov/circs/circ01.pdf> (assessed 15th February, 2021).

¹⁶ Federal Ministry of Communications "Ncc unveils E-Registration Platform to Check Piracy". available at: <https://www.commtech.gov.ng/news-and-media/daily-news-report/188-ncc-unveils-e-registration-platform-to-check-piracy.html> (assessed 15th February, 2021).

¹⁷ NCC FAQs, "Why should I register my work, if registration is not a condition for Copyright Protection?" available at: <https://www.eregistration.copyright.gov.ng/ncc/faq> (assessed 15th February, 2021).

- a. The database of the NCC provides useful and accessible information to prospective licensees.
- b. The acknowledgement certificate issued by the NCC to the originator of the work serves as prima facie evidence to establish creation and ownership of a work.¹⁸
- c. The record contained in the notification database also helps in the collation of national statistics on creativity and culture.¹⁹
- d. The NCC ensures that the original copies of works lodged are well preserved in its depository. The Copyright Act mandates the NCC to maintain a database for all works lodged.²⁰

1.6. Types of Intellectual Property Rights Protected under the Copyright Act

As earlier stated, copyright can be described as the right that creators have over their literary and artistic works. Works covered by copyright include books, paintings, sculpture, computer programs, databases, maps and technical drawings. According to the Copyright Amended Acts of 1999, copyright holders are entitled to the following rights:

- i. Reproduction of the work in any material form;
- ii. Publication of the work;
- iii. Performance in public spaces;
- iv. Production, reproduction, performance or publication of any translation of the work;
- v. Making of cinematograph film or record of the work;
- vi. Distribution to the public for commercial purposes of the copies of the work by way of rental, lease, hire, loan or similar arrangement;
- vii. Broadcasting or communication of the work to the public by loudspeakers or any similar device;

¹⁸ (n.15).

¹⁹ WIPO, 'Copyright Registration and Documentation Systems.' Available at: https://www.wipo.int/copyright/en/activities/copyright_registration/index.html assessed 15th February, 2021.

²⁰ Section 34 (3) (e) Copyright Act.

viii. Making adoption of the work.

These sets of rights listed above dictates how creator's works are to be used or distributed for public consumption. In essence, any copyright holder that fails to adhere to the above highlighted rights would be duly sanctioned as indicated under the Act.²¹

1.7. Prospects of a Strong Copyright Protection in Nigeria

At a time when oil, the nation's principal source of foreign exchange earnings is facing a precarious future (dwindling demand and more efficient, alternative energy sources), the time to transform the nation from a traditional commodities-based and import driven economy, to a knowledge-economy exporting expertise, talents, value added products and tech savvy inventions is ripe. One of the ways this can be achieved is through the instrumentality of a strong copyright protection regime.

The presence of a strong copyright protection in Nigeria will curb the manifestation of copyrights violations through book publishing (book piracy), information and communication technology – ICT – (internet and software piracy), and film and entertainment (musical and cinematography disc piracy), counterfeiting, unauthorized, unlicensed use and unfair competition. It will prevent these activities from violating the proprietary rights of copyright owners to reap the benefits of their inventions and hence, boost the growth and development of intellectualism, innovation and the entire creative industry.

A strong Copyright protection will therefore strive to prevent negative implications of the above copyright violations on the overall economy as it will encourage genuine investments by both domestic and foreign investors; create jobs opportunities and by so doing generate increase in tax revenues to the government. Socially, a strong copyright protection prevents widespread copyright violations which corrupt the cultural values and batter the national image of Nigeria.

²¹ Titilope Afolayan, Intellectual Property Rights Protection in Nigeria: Challenges and Prospects. International Journal of Library and Information Services, vol.9. No. 2, 2020, pages 51-57.

A stronger copyright protection will help to reduce Nigeria's over dependence on the oil industry as her only source of revenue and thus have the potential of attracting Foreign Direct Investment (FDI) and provide the necessary conditions for transfer of knowledge and technology.

However, some scholars have argued that increased copyright protection does not always lead to economic benefits as there are always side effects. Copyright protection imposes economic and social cost on society. In return for the promise of new works, copyright protection prevents individuals and businesses from making new uses of existing works. In today's economy, this burden falls particularly on technology companies.²²

Innovative new technologies provide enormous social and economic benefits to society, but can meet resistance from incumbent intermediaries that control access to content. A technology that is seen by the dominant firms as "disruptive" is especially vulnerable to attempt to thwart or control its progress through copyright. For instance, the advent of cassette tapes in the 1970s provoked cries that "home taping is killing the music industry." And today, peer-to-peer file sharing technology is often thought of as an illegal technology altogether, despite its crucial role in many legal initiatives.²³

Stronger copyright protection in Nigeria can become a barrier to innovation because right holders are given a monopolistic right, and as a result third parties are unable to use that content for future innovation without permission of the original right holder. Thus, copyright can constrain third parties wishing to access or innovate on top of this protected knowledge or content, with potentially serious economic and social costs.²⁴

Recent study suggests technology spreads faster, and has bigger positive effects on productivity, in industries where there is more open competition and so more contestable markets (market to which new entrants can gain ready access).²⁵

In countries where there is more dynamism and contestability in markets,

²² William W Fisher and William MacGeveran, *The Digital Learning Challenge: Obstacles to Educational Uses of Copyrighted Material in the Digital Age*, Berkman Center for Internet and Society, 2006, page 13; <http://cyber.law.harvard.edu/publications> (retrieved on the 18th February, 2021).

²³ William W Fisher and William MacGeveran (n.19) page 13.

²⁴ Ian Hargeaves, *Digital Opportunity: A Review of Intellectual Property and Growth*, 2011, page 11.

²⁵ *ibid*, pp 17-18.

measured by the presence of more fast growing and shrinking firms, productivity growth is significantly higher, compare to countries where there are more static firm-neither growing nor shrinking-rates of productivity growth are lower.²⁶

Thus, in imposing stronger copyright protection in Nigeria, policymakers must strike a balance between the interests of rights holders and the interest of consumers and companies that rely on legitimate use of copyright-protected content. The policymakers should balance measurable economic objectives against social goals and potential benefits for right holders against impacts on consumers and other interest to avoid stifling the effort of technological innovation which will in turn improve the economic growth of the country.²⁷

1.8. Challenges of Strong Copyright Protection in Nigeria

Over the years, concerted efforts have been made at promoting copyright protection in Nigeria with some positive results being recorded. However, these efforts have been hampered by low public awareness about what materials qualify for protection under the law; ineffective mechanisms for the protection and enforcement of such rights; inadequate penalties for infringements; official corruption and lack of coordination among the various agencies of government involved in the development and protection of copyrights. Also, not all existing and important copyright related treaties have been ratified in accordance with the provisions of section 12 (1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). This flies in the face of substantial commitment demonstrated by the country over the years to multilateral efforts aimed at developing and protecting the rights of copyright owners globally, exemplified in the country's membership of the WIPO (since 1993) and the World Trade Organisation (WTO) (since 1995).

Enhancing strong copyright protection and enforcement in Nigeria will have to begin, essentially, with the development of copyright policy that

²⁶ Ibid, pages 17-18.

²⁷ Bart Cammaerts and Bingchun Meng, Creative Destruction and Copyright Protection: Regulatory Responses to file-sharing, London School of Economics and Political Science, 2011, page 12, <http://blogs.lse.ac.uk/mediapolicyproject/2011/03/21/media-policy-project-policy-brief-1-creative-destruction-and-copyright-protection/>.

recognises the importance of a robust and virile copyright legal frame work to national development aspiration, particularly as regards science and technology, trade and industry. This step will then have to be followed by an inclusive reform, involving the identification of the critical problems bedeviling the administration of this creative sector of the economy as well as the development of regulatory frameworks governing the sector which seek to address the identified critical problems as well as use copyright as a vehicle of technical and industrial development and avenue for wealth and job creation.

As Nigeria increasingly strives to become an important economic hub both in West African sub-region and in African continent as a whole, promoting the protection of copyrights is not only strategic to the nation's current drive to develop its non-oil-sector but also central to its overall economic growth and development goals. Accordingly, there must be initiation of purposeful collaborations going forward, between the government and the private sector organisations to identify, dialogue, and develop viable solution-frameworks to the problem of copyright violation in Nigeria. Nigeria will have to holistically address the challenges identified in the areas of registration, protection, enhancement and enforcement. Essentially, the most visible challenges are:

1. **Outdated Laws**

Most laws in intellectual property are out of sync with the trends in the 21st century. Current laws fail to contemplate, and therefore do not provide means for protecting new developments and innovations in industrial property. Stakeholders have repeatedly pointed out the fact that in other advanced climes, reforms of the laws have been carried out severally to enhance copyright protection, eliminate onerous statutory provisions and ensure conformity with new innovations.²⁸

2. **Piracy**

Piracy manifests in the form of book publishing (book piracy), information and communication technology – ICT – (internet and software piracy), film and

²⁸ Jackson Etti and Edu, *Intellectual Property: A Tool for Economic Growth in Nigeria*, 2009, <https://www.mondaq.com> (retrieved on the 18th February, 2021).

entertainment (musical and cinematography disc piracy), counterfeiting, unauthorised, unlicensed use and unfair competition.

Copyright piracy is the illegal reproduction or duplication of copyright works like phonograms, books, painting, architectural drawings, photographs, films, broadcasts, computer software etcetera for commercial purpose. It also includes distribution, whether gratuitous or for sale, and exhibition in public of infringing copies of copyright works.²⁹ Piracy as a global cankerworm affects both developed and developing countries of the world. It remains a challenge to law enforcement agencies and the society at large.

A 2012 study undertaken by some industry analysts revealed that Nigeria is ranked among countries where piracy is most prevalent with rates as high as 82%, 83%, 83%, 82% and 83% respectively in the years 2007, 2008, 2009, 2011 and 2012. Recent data from the NCC shows that the situation has not improved and is causing severe economic haemorrhage.³⁰ The NCC has further stated that, not only is piracy threatening the survival of local industries, which are discouraged from making the needed investments in the economy but also a disincentive to foreign direct investment (FDI) and its associated technical know-how and technology transfer.³¹

3. Information and Communication Technology (ICT)

Information and Communication Technology 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

²⁹ Mary Nwogu, The Challenge of the Nigerian Copyright Commission (NCC) in the Fight against Copyright Piracy in Nigeria, *Global Journal of Politics and Law Research*, vol. 2, No. 5, 2014, pages 22-34. Published by European Centre for Research Training and Development, UK (www.eajournals.org).

³⁰ A Kunle, Global Software Piracy, *Business Alliance Software Magazine*, May 11, 2012, page 31.

³¹ Femi Olubanwo and Oluwatoba Oguntuase, Nigeria: Strengthening Intellectual Property Rights and Protection in Nigeria, 11 March 2019, <https://www.mondaq.com> (retrieved 16th February, 2021).

clicks on their computer distributing a copyrighted work to the entire world. Some even downloading the work and selling them. This anomaly must be checked.³²

4. **Administrative Bottleneck at the Regulatory Agency/Registry**

The Registry has been ridden with several problems including but not limited to lack of adequate funding; inadequate space for its operations; lack of well trained personnel; lack of an electronic database. All these have resulted in a disorganised filing system whereby files get mislaid or lost, an unduly protracted registration process, lack of qualitative rulings issued by the Registry, and lack of funding to efficiently and effectively run the Registry.³³

5. **Nigeria is yet to take full benefits of some multilateral efforts:**

The country is not a member of some prominent multilateral organizations that provide for regional and international registration of intellectual property rights, such as the Harare-based African Regional Intellectual Property Organisation (ARIPO); the Yaounde-based Organisation Africaine de la Propriete intellectuelle (OAPI). Neither has it ratified in accordance with Section 12 of the 1999 Constitution, recent intellectual property treaties and conventions to which it is signatory.³⁴

6. **Challenge of Enforcement of Copyright Legislations**

A very serious challenge facing copyright owners in Nigeria is lack of an efficiently deterrent enforcement system. It appears that reforming our copyright laws alone may not achieve optimum results in protecting copyright holders, except the mechanism for enforcing the law is equally enhanced. Law enforcement agents, particularly the Nigerian Police Force and the Nigerian Custom Service, need to be more empowered to carry out their policing and prosecution functions. Experience shows that insufficient finance, inadequate or obsolete equipment and lack of up-to-date skill in the use of modern technologies

³² Mary Nwogu (n. 26) page 31.

³³ Femi Olubanwo and Oluwatoba Oguntuase (n.31).

³⁴ *ibid.*

among the rank and file of officers prevents the various efforts being made in combating copyright infringement achieving desired results.

7. Dearth of Judicial Precedent in Intellectual Property Cases

There is also a dearth of Intellectual Property cases in the country and this indicates that more effort needs to be made among the sector stakeholders (particularly Intellectual Property Lawyers, Judges, Judicial bodies, Law Teachers and Law Reform Commissions, Regulatory bodies and the general populace) towards developing Nigerian jurisprudence in this area. This problem is also exacerbated by the inadequate numbers of competent judges skilled in Intellectual Property laws in the nation's judiciary.³⁵

8. Lack of National Policy on Intellectual Property

Obviously, Nigeria needs to develop a national policy on intellectual property as a matter of urgency. From the experience of China, India, and the advanced countries of the world like the United States, no nation can consciously and seamlessly develop its intellectual property without first setting up, and vigorously propagating a National Policy framework that will spell out in clear terms the overall intellectual property goal of the nation and launch time-based policy thrusts with short, medium and long term development goals.

Effectively, when put in place, the proposed Nigerian National Intellectual Property Policy ('NIPP') will define what we want to achieve with our collective national talents, cultures and technologies and will be a mirror that reflects for other countries in the international community what direction our industrial and creative industries are headed and hence, the kind of international conventions or treaties that Nigeria would naturally be ready to ratify.

9. Corruption

³⁵ Femi Olubanwo and Oluwatoba Oguntuase (n.31).

Some of the officials of the Agencies who are charged with the responsibility of carrying out raids on infringed works are corrupt, so are compromised by pirates. The officers at times have private dealings or transactions with the infringers (pirates), and consequently they deliberately refuse or find it difficult to apprehend them 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.

10. **Insecurity**

Importantly, the Agencies officials (NCC) 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 protection.

1.9 **Conclusion/Recommendations**

Having examined the prospects and challenges of copyright protection in Nigeria, it becomes imperative to recommend a solution for awareness and development of copyright in Nigeria in order to be on the same pedestal with other developed Nations. For proper economic, social and cultural development to occur, copyright must play a fundamental role. The way forward includes but not limited to:

- a. There is the need to update our laws and incorporate new existing innovations and circumstances.
- b. Improvements on awareness as to the importance of copyright in Nigeria. Through advertisement, seminars and symposium in schools, institutions, companies and industries where innovations are carried out.
- c. Continuing education for registry personnel.
- d. Ratification of relevant treaties on copyright protection.
- e. Improvement on government policies on copyright protection.
- f. Improve security for enforcement officials.