

*Nigerian
Copyright
Commission*



**PROGRAMMES, ACHIEVEMENTS AND CHALLENGES OF THE
NIGERIAN COPYRIGHT COMMISSION (NCC) FOR THE THIRD
QUARTER (JULY-SEPTEMBER), 2016**

NOVEMBER, 2016

1. INTRODUCTION

The Nigerian Copyright Commission (NCC) came into existence under the **Copyright Act (CAP. C28 Laws of the Federation of Nigeria) as amended**. The statutory mandate of the Commission includes the administration, enforcement and regulation of copyright in Nigeria. Pursuant to this mandate, the Commission conceptualized and executed programmes with the primary objective of advancing the growth of the creative industry in Nigeria.

1.1 VISION

To harness the potentials of creativity for national development

1.2 MISSION STATEMENT

To advance the growth of the creative industry in Nigeria through the dissemination of Copyright knowledge, efficient administration and protection of rights

2. ACHIEVEMENTS/ PROGRESS MADE IN THE THIRD QUARTER (Q3), 2016

The activities, performance and achievements of the Commission within the period under review were geared towards achieving outcomes that will contribute to the sub-goals identified above and are as highlighted hereunder:

S/N	STRATEGIC GOAL	ACHIEVEMENTS/ PROGRESS MADE
1.	Proactive Enforcement Interventions	<p>The Commission, within the period under review, conducted series of enforcement operations across the nation as detailed below:</p> <ul style="list-style-type: none">i) The Commission conducted a total of forty two (42) anti-piracy surveillances in piracy endemic spots across the country to gather intelligence to aid anti-piracy raid.ii) 20th July, 2016, anti-piracy raid was carried out at

		<p>locations in Shomolu Area, Lagos State. 50,000 copies of books worth about N50 million Naira were seized; 5 arrests were made.</p> <p>iii) 9th August, 2016, inspection exercise was carried out in Ikot Ekpene Main Market, Akwa Ibom State. 5 copies of books worth about N2, 500 Naira were seized and 1 suspect was arrested.</p> <p>iv) 10th August, 2016 , anti-piracy operation was conducted in Ajegunle, Lagos State against book piracy. 1,000 copies of pirated books with estimated market value of N1 million Naira were confiscated. 2 suspects were arrested.</p> <p>v) 18th August, 2016, inspection exercise was carried out in several bookshops along 4 major streets in Akwa Ibom State. 10 copies of books worth N5,000 Naira were seized while 3 suspects were arrested.</p> <p>vi) 25th August, 2016, inspection exercise was carried out in several bookshops along 2 major Roads in Akwa Ibom State. 12 copies of books worth N6, 000 Naira were seized, no suspect were arrested.</p> <p>vii) 8th of September, 2016, anti-piracy raid was carried out in Emeka Ofor Plaza, Onitsha, Anambra State, against unauthorized duplication of musical works, in collaboration with Music Label Owners and Recording Industries Association Nigeria (MORAN) and Music Product Dealers Association of Nigeria (MPDAN). 7 laptops, memory cards and other contrivances used in illegally transferring music to MP3 and MP4 with estimated market value of about N10 million Naira were recovered. 5 suspects were arrested.</p> <p>viii) 19th September, 2016 anti-broadcast piracy</p>
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		<p>operation was carried out in Warri area of Delta State, against unauthorized house-to-house cable connections and retransmission of broadcast signals. 110 contrivances estimated at N12 million Naira were recovered. 4 suspects were arrested.</p> <p>ix) 20th September, 2016 anti-piracy raid was carried out in Ughelli LGA, Delta State, against cable piracy. 59 contrivances worth about N5 million Naira were recovered. 1 suspect was arrested.</p> <p>x) 21st September, 2016 anti-broadcast piracy raid was carried out in Sapele, Delta State, against unauthorized house-to-house cable connections. 67 contrivances worth about N7million Naira were recovered. 3 suspects were arrested.</p> <p>xi) 28th September, 2016 anti- piracy operation was carried out at 5 different locations in Bauchi State against audio-visual piracy. 3,831 Optical Discs of pirated music and film works worth about N321, 550 Naira were recovered. 6 suspects were arrested.</p> <p>xii) 29th September, 2016 anti-broadcast piracy raid was carried out in Onitsha, Anambra State, against unauthorized re-transmission of different pay-tv broadcast signals. 81 contrivances worth about N20 million Naira were recovered. No suspect was arrested.</p> <p>xiii) Sequel to the Ports Monitoring understanding with the Nigerian Customs Service on joint inspection of container/cargo with copyright content, a total of 117 containers were jointly inspected at various seaports and cleared while a total of 4 cargos were similarly inspected at airports in Lagos and cleared as they do not contain infringing copyright works. The understanding with the Nigerian Customs Service entails that any</p>
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container/cargo coming into Nigeria with copyright content is to be flagged for joint inspection by the Commission and Customs Service to check if the container/cargo has infringing copyright content. The container/cargo is cleared if it has no infringing copyright content but seized if it is found to contain infringing copyright works.

xiv) The months of August and September are seen as the book season, the period that primary and secondary schools are starting a new academic year. This season however, has the unintended tendency for rise in book piracy. In order to reduce this trend and ensure that our publishers benefit from their investments in book publishing, the Commission in the period under review, embarked in anti-piracy monitoring of outlets/places where copyright could be violated. Consequently, **250 bookshops and 50 private, mission and public schools were monitored across the country** and enlightened on the need to desist from patronizing pirated copyright works. Similarly, **the Commission sent cease and desist letters to 230 schools**, urging them to stop patronizing pirated books.

Summary of Enforcement Interventions

Total number of anti-piracy surveillance : 42

Total number of anti-piracy operations: 19

Quantity of seizures: 55,182 (51,027 book; 3,831 Optical Discs; 324 Broadcast Contrivances)

Estimated Market Value of seizures : N105,335,050

No. of Arrests: - 30 Arrests

No. of containers jointly inspected and cleared - 117

		<p>No. of cargos jointly inspected and cleared - 4</p> <p>No. of outlets/schools visited for anti-piracy monitoring - 300</p> <p>No. of schools issued cease and desist letter - 230</p>
2	Strengthening Prosecutorial Activities	<p>i) Federal High Court Lagos Presided by Justice Mohammed Idris struck out a fundamental human rights suit filed against the Commission by one Mr. Oben Okorie, an Alaba market music producer and distributor. Mr. Okorie had accused the Commission of illegal arrest and detention in the course of the Commission's investigation of copyright infringement brought against Mr. Okorie by a right owner. The Commission has also filed a criminal charge in the same court against Mr. Oben Okorie for illegal production of musical works belonging to Prince Dan Ofunne. This landmark judgment has put the Commission in a good legal stead to continue to go after copyright pirates with more vigor, as copyright pirates many a time try to throw up issues that border on violation of their fundamental human rights in order to evade arrest and prosecution.</p> <p>ii) Proceedings have commenced in several criminal trials filed by the Commission on copyright infringement against individuals and corporate entities, notable among them are the cases against Tony Onwujekwe (Alaba King of pirates), MTN, and Shoprite.</p>
3	Strengthening Human and Institutional Capacity for Better Service Delivery	<p>i) Sequel to the approval of the outcome of year 2016 promotion exercise of the Commission by the Honourable Attorney General of the Federation and Minister of Justice, promotion letters were subsequently issued to 146 successful staff members of the Commission that were due for promotion.</p> <p>ii) Also, some staff members of the Commission due for Confirmation were confirmed in the period under</p>

		<p>review.</p> <p>iii) The commission embarked on assessment visits to some Zonal/ Liaison Offices</p> <p>iv) Three (3) officers of the Commission benefitted from job enhancement training.</p> <p>v) Boosted the investigative skills of five (5) staff members of the Commission on transnational and organized Intellectual Property (IP) crimes through their enrollment and participation in the Online International IP Crime Investigators College (IIPCIC), co-organized by INTERPOL and UL University.</p> <p>vi) Deepened the copyright and related rights knowledge of ten (10) staff of the Commission by facilitating their participation at the various online intellectual property courses organized by the World Intellectual Property Organization (WIPO).</p>
4	<p>Enhancing Copyright Awareness and Education</p>	<p>i) Issuance and publicity of Press Releases:</p> <p>ii) Press releases on anti-piracy raids carried out</p> <p>iii) Press release on the selection of Nigeria as one of WIPO's regional office.</p> <p>iv) Media Luncheon with the DG and Journalists</p> <p>v) The Commission participated in an interactive programme on NTA to enlighten the public on copyright.</p> <p>vi) Sustained media coverage of the Commission's activities in the print and electronic media.</p> <p>vii) Production and publication of news, events and pictorials on corporate and operational activities of the Commission by Departments, Units and Zonal Offices</p> <p>viii) Effective content management of Commission's</p>

		<p>website, www.copyright.gov.ng with a view to keeping the members of the public abreast of the Commission’s activities.</p> <p>ix) As part of its strategic engagement with stakeholders in order to disseminate copyright information and intimate them on the Commission’s activities, the Commission participated at the formal inauguration of the Lagos Zone of the Directors’ Guild of Nigeria (DGN) held at the NAN Media Centre, National Theatre, Iganmu Lagos on 4th August, 2016. The over 200 participants were briefed on the efforts of the Commission to put in place a sound copyright system in Nigeria. The DGN is essentially a guild of film directors.</p> <p>x) Similarly, the Commission presented a keynote address on the “Status of the Ongoing Reform of the Nigeria Copyright System” at the Arterial Network Cultural Management Programme held at the British Council Lagos on 9th September, 2016. The event which was co-hosted by the British Council and the CORA/Arterial Network Nigeria was attended by about 100 participants. Arterial Network is a Pan –African network of artists, arts organisations, creative enterprises and activists engaged in capacity building , advocacy, research, cultural policy, and information dissemination geared towards growing and strengthening the cultural and creative sectors in Africa</p> <p>xi) The Commission carried out a copyright sensitization programme at the Sapon Market, Abeokuta, Ogun State on 13th July, 2016. Over 500 persons were enlightened on the negative impact of piracy to our economy.</p>
5	Promoting Effective Rights	i) 301 Copyright Registration certificates issued within the period under review, on the e-Copyright Notification/

	<p>Management and Regulation of Copyright Industries</p>	<p>online payment system.</p> <p>ii) The Commission has continued to maintain effective supervision of Optical Disc Plants and Collective Management Organizations (CMOs). As part of its oversight function over CMOs, the Commission, in the period under review, received the Audit Report of Copyright Society of Nigeria (COSON), the collecting society in the area of music and sound recordings.</p> <p><u>Summary Total</u> Copyright Notification Scheme: 301 Copyright Registration Certificates issued</p>
	<p>Improving the Policy and Legislative Framework for Copyright Protection</p>	<p>i) An internal review of the draft Copyright Bill and a Validation Session were held with Stakeholders in the period under review.</p> <p>ii) The Commission held a meeting with Prof. Bankole Sodipo on 7th September, 2016 with a view to fine-tuning a proposal aimed at coming up with a new policy to boost the patronage of the Commission’s copyright e-registration system and increasing internally generated revenue for government from the scheme.</p> <p>iii) The Commission has continued to maintain a desk at the One-Stop-Investment-Centre of the Nigerian Investment Promotion Council (NIPC)</p> <p>iv) An in-house Seminar Practice session for legal Officers was conducted in the period under review.</p>
<p>7</p>	<p>Deepening Strategic Engagement with Stakeholders</p>	<p>i) The Commission participated in a two day sensitization programme of the Nigerian Association of Small Scale Industrialists (NASSI) organized by Standards Organisation of Nigeria (SON).</p>

		<p>ii) The Commission participated at the 3rd quarter Forum of the Library Registration Council and presented a paper titled “Libraries and Copyright laws in the digital era”.</p> <p>iii) The Commission continued to engage with its strategic stakeholders in Nigeria in order to enthrone a sound copyright system that maximally benefits owners of copyright works and boosts investors’ confidence in the copyright-based industry in Nigeria. Some of these stakeholders are the Nigeria Police Force (NPF), Nigerian Customs Service (NPF), Nigerian Security and Civil Defense Corps (NSCDC), Google Nigeria, MultiChoice Nigeria, Nigerian Publishers Association, Audio-visual Rights Society of Nigeria (AVRS), Copyright Society of Nigeria(COSON) , etc.</p>
8	Expanding International Cooperation	<p>i) As a result of its robust copyright enforcement regime; the rising profile of its creative industries; and the joint efforts of the Nigerian Copyright Commission and Nigeria’s Permanent Mission in Geneva, Nigeria has won the bid to host the first Africa Regional Office of the World Intellectual Property Organization (WIPO), alongside Algeria. The two offices are to be established within the 2016/17 biennium. Through an intra-African election process held at WIPO headquarters, Geneva on August 4, 2016, Nigeria and Algeria emerged winners to host the two WIPO Africa Offices by 33 and 29 votes respectively. Nigeria and Algeria emerged successful in the selection process which also had countries like Cote d’Ivoire, Egypt, Ethiopia, Kenya, Morocco, Namibia, Rwanda, Senegal and Tunisia indicating interest to host the External Office of WIPO in Africa. WIPO’s network of External Offices forms an integral part of the Organization and is designed to bring WIPO’s services and cooperation closer to Member States, and intellectual property stakeholders. In doing so, the External Offices add clear value, efficiency and effectiveness to program delivery and respond to the</p>

		<p>specific needs and priorities of the countries and regions they serve. The formal process to conclude establishment of the WIPO External Office in Nigeria within the 2016/17 biennium will be completed during the 56th General Assembly of the World Intellectual Property Organisation which will hold in October, 2016 in Geneva, Switzerland.</p> <p>ii) The Commission has continued to follow up on its collaborative proposals with various international organizations such as the World Bank (GEMS). In order to ensure a robust follow up, the Commission constituted an internal Committee for this purpose. Accordingly the Committee has visited the (GEMS) Project Coordinator at the Federal Ministry of Industry, Trade and Investment for continued deliberations.</p> <p>iii) Google has accepted to engage the Commission through its Reform Process.</p>
9	Enhancing the funding profile of the Commission	i) Audit report on verification of revenue and expenditure prepared and submitted, as required, within the period under review.

4. CHALLENGES

The challenges of the Nigerian Copyright Commission are as follows:

Human Challenges

- Alignment of individual goals with institutional goals

Economic

- Mainstreaming IP, including copyright into economic development agenda of government

Fiscal

- Increasing cost of overhead, operations, etc.
- Serious gap between requirements and appropriation
- Low level of funding
- Developing and funding awareness programmes for different segment of the Nigerian populace to make them understand the negative effect of piracy on our economy

Infrastructure

- Acquisition of standalone Head Office building
- Communication facilities

Enforcement

- Inadequate information and intelligence to support enforcement
- Development of effective regional, inter-regional and international collaboration with relevant agencies/organizations to effectively check the incidence of piracy across national boundaries.

Prosecution

- Non co-operation of complainants
- Dearth of interpreters in cases involving non-English speaking foreign nationals
- Rising cost of prosecution
- Slow pace of the judicial system
- Limited knowledge of copyright by judicial officers

5. CONCLUSION

The execution of the Commission's statutory mandate within the third quarter 2016, has been challenging and fruitful. The Commission will continue to do everything possible within its power to ensure that the copyright system in Nigeria is significantly scaled up to provide good returns on investments to creators of copyright works and other investors in the copyright-based industries and contribute substantially to the growth of our economy.

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