

*Nigerian
Copyright
Commission*



PROGRAMMES, ACHIEVEMENTS AND CHALLENGES IN 2016



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**NIGERIAN COPYRIGHT COMMISSION
ACHIEVEMENTS FOR THE YEAR 2016**

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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 YEAR 2016

The activities, performance and achievements of the Commission in year 2016 were geared towards achieving outcomes that are in line with the mandate of the Commission as highlighted hereunder.

S/N	STRATEGIC GOAL	ACHIEVEMENTS/ PROGRESS MADE
1.	Proactive Enforcement Interventions	<p>The Commission, within the period under review, engaged in series of enforcement interventions across the nation as detailed below:</p> <ul style="list-style-type: none"> i) Conduct of one hundred and one (101) anti-piracy surveillances by the operatives of the Commission in piracy endemic locations across the country. ii) Carrying out of fifty one (51) strategic anti-piracy operations against broadcast, software, cable, audio-visual and book piracy in different piracy hotbeds across Nigeria. They are: Alaba International Market, Shomolu, Ajegunle, Oshodi, Ojuelegba and Mushin in Lagos State; Onitsha and Awka, Anambra State; Ariaria Market Aba and Umuahia, Abia State; Ilorin, Kwara State; Ibadan, Oyo State; Yola, Adamawa State; Enugu and environs, Enugu State; Benin City and environs, Edo State; Sokoto, Sokoto State; Birnin Kebbi,

		<p>Kebbi State; Yenagoa, Bayelsa State; Kaduna and environs, Kaduna State; Abakaliki, Ebonyi State; Abeokuta, Ogun State; Warri, Sapele and Asaba, Delta State; Ikot Ekpene and Uyo, Akwa Ibom State; Bauchi, Bauchi State; and Abuja Federal Capital Territory.</p> <p>iii) Removal of one hundred and forty thousand, six hundred and forty three (140, 643) quantities of assorted pirated copyright works, comprising of books, software, DVDs, CDs, MP3 and contrivances, from different piracy outlets across Nigeria with estimated market value of two hundred and ten million, four hundred and five thousand, three hundred and fifty Naira (N210, 405, 350.00). The above sum of N210, 405,350.00 which was the total value of pirated materials removed in the course of the anti-piracy operations in year 2016, represents income that would have been lost by Government and copyright owners across the country to people who indulge in the criminal and nefarious act of copyright piracy.</p> <p>iv) Arrest of one hundred and three (103) suspected pirates.</p> <p>v) Public burning of seventeen million, two hundred and sixty six thousand, one hundred and eighty seven (17,266,187) units of pirated copyright works and contrivances seized over the years from Enugu State, Abia State and environs with an estimated market value of two billion, four hundred million Naira (N2,400,000,000.00) in Enugu on 2nd March, 2016.</p> <p>vi) Periodic compliance checks on approved Collective Management Organizations (CMOs) and optical disc manufacturing plants to guard against possible abuse.</p> <p>vii) Enhanced job creation and poverty reduction as a result of the good enforcement regime. For instance, in 2016, the approved collecting society for music and sound recording in Nigeria, Copyright Society of Nigeria (COSON), distributed the sum of two hundred million Naira (N200, 000,000.00), to copyright owners as royalty collected for the use of the</p>
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		<p>music and sound recordings of its members. This was the highest royalty distribution made by COSON in a single year since its approval.</p> <p>viii) Favourable perception of Nigeria in the global fight against copyright piracy. More specifically, Nigeria in 2016 remained delisted from the United States 301 List of countries that are considered not to be seriously addressing copyright piracy and other intellectual property crimes.</p> <p>ix) Sequel to the Ports Monitoring understanding with the Nigerian Customs Service on joint inspection of container/cargo with copyright content, a total of 128 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 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.</p> <p>x) In order to reduce book piracy during the 2016 book season (August and September), to ensure that our publishers benefit from their investments in book publishing, the Commission 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.</p>
2	<p>Enhanced Prosecutorial Activities</p>	<p>i) The Commission secured one (1) conviction against a book pirate at the Federal High Court Lagos on 29th November, 2016.</p>

		<p>ii) The 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. 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 often try to throw up issues that border on violation of their fundamental human rights in order to evade arrest and prosecution.</p> <p>iii) The Commission also won two cases against Musical Copyright Society of Nigeria (MCSN) at the Court of Appeal Lagos. In the first case, the Court of Appeal in a unanimous judgment delivered on 21st October, 2016 dismissed the appeal filed by MCSN, challenging the judgment of the Federal High Court Lagos, which upheld the constitutionality of Section 17 and 39 of the Copyright Act 2004 and held that the requirement on MCSN to obtain a license before operating does not amount to compulsory acquisition of its property. More specifically, in a lead judgment, the Court of Appeal held that the provision of Section 17 and 39 of the Copyright Act 2004 does not violate any constitutional rights reserved for MCSN. It also held that the suit of MCSN was incompetent and awarded a cost of fifty thousand Naira (N50, 000.00) in favour of the Commission. In the second case, the Commission appealed against the judgment of Justice Yunusa of the Federal High Court Lagos, who while MCSN was facing pending criminal charges by the Commission, ruled against the Commission in a fundamental rights suit filed by the MCSN against the Commission. Justice Yunusa in the fundamental rights case held that the fundamental rights of MCSN were violated in the arrest and seizure of incriminating materials from the premises of MCSN by the Commission and ordered the Commission to release all materials seized from MCSN despite the fact that the Commission argued that the materials would be used in</p>
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		<p>evidence in the criminal trial against MCSN pending in the same court. Sequel to the Commission’s appeal against the judgment of Justice Yunusa, on 9th December, 2016 the Court of Appeal Lagos set aside the decision of Justice Yunusa and granted the appeal by the Commission. The court of Appeal also held that Copyright Inspectors of the Commission did not need a warrant from court to carry out the arrest of MCSN officials and to seize the incriminating materials of MCSN. The cross appeal of MCSN was dismissed and a cost of fifty thousand Naira (N50, 000.00) was awarded against MCSN.</p> <p>iv) The three criminal charges against MCSN which were pending before Justice Yunusa had earlier been reassigned by the Chief Judge of the Federal High Court to Justice Kwewumi of the same court and adjourned to the 24th February, 2017 for hearing. With these decisions of the Court of Appeal, we look forward to a speedy trial of the criminal cases against MCSN at the Federal High Court.</p> <p>v) The Commission’s suits on criminal infringement of copyright against individuals and corporate entities are at different levels of progress in various Federal High Court jurisdictions in Nigeria, notable among them are the cases against Tony Onwujiekwe (Alaba King of pirates); MTN, a telecommunication giant; and Shoprite, a retail conglomerate.</p> <p>vi) Instituted 18 fresh cases against copyright infringers in different Federal High Court jurisdiction across the country.</p>
3	<p>Strengthening Human and Institutional Capacity for Better Service Delivery</p>	<p>i) The Commission in collaboration with National Productivity Centre organized a one day workshop for the staff of the Commission on grade levels 8-12 on Productivity Awareness as well as on the Mechanism for Copyright Commercialization, in Abuja, on Thursday 31st March 2016. A total of 90 staff members benefitted from the training.</p> <p>ii) Upscaled the copyright and related rights knowledge of fifty</p>

		<p>four (54) staff of the Commission by facilitating their participation at the various online intellectual property courses organized by the World Intellectual Property Organization (WIPO).</p> <p>iii) Deepened the investigative skills of twenty eight (28) 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>iv) Fifteen (15) staff members of the Commission due for confirmation were accordingly confirmed.</p> <p>v) As a way of incentivizing its human capital for better service delivery, the Commission's annual promotion exercise for year 2016 was conducted with the approval of the Honourable Attorney General of the Federation and Minister of Justice. One hundred and forty six (146) successful staff members were promoted.</p> <p>vi) Boosted the skills of 10 staff members of the Commission in preparation of departmental work plan as well as preparation of monitoring and evaluation report, by their participation in an in-house training for Desk Officers on these areas.</p> <p>vii) Enhanced the knowledge of five (5) staff members of the Commission, by facilitating their participation in various job-related capacity building training programmes, including, intellectual property management, Speech and Report Writing, and so on organized by government approved training institutes within the country.</p> <p>viii) Deepened the understanding of one (1) staff of the Commission on copyright law in the digital age and challenges posed by new technologies, by enabling the participation of the staff in the 2016 edition of "International Copyright Institute on Copyright in a Global Network: Emerging Issues in Copyright and Related Rights for Developing</p>
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4	<p>Enhancing Copyright Awareness and Education</p>	<p>i) Disseminated information materials, to various stakeholders in the copyright based industries within and outside Nigeria, such as, “<i>Selected Copyright Cases of the Nigerian Copyright Commission Revised Edition</i>” and “<i>Report of the Enforcement , Prosecutorial and other Activities of the Nigeria Copyright Commission (2011 to 2015)</i>”, as well as pamphlets and leaflets on copyright.</p> <p>ii) Produced and disseminated news events and pictorials on corporate and operational activities of the Commission at Departmental, Unit and Zonal levels, through NCC Noticeboard.</p>

		<p>iii) Letters were distributed to various schools with a view to organizing copyright sensitization workshops in schools nationwide</p> <p>iv) A copyright sensitization exercise was held for fifty (50) students of Shining Star College in Abuja on 14th June, 2016.</p> <p>v) A workshop on Productivity Awareness and Mechanism for Copyright Commercialization was co-organized by the Commission and National Productivity Centre. One hundred (100) persons benefitted from the training.</p> <p>vi) Celebrated the World Intellectual Property Day 2016; with the theme, “Digital Creativity, Culture Re-imagined.”</p> <p>vii) Celebrated the 2016 edition of the World Book and Copyright Day under the theme, “Contribution of Book and Copyright to the Development of Nations”.</p> <p>viii) The Commission continued to update stakeholders via personal and official emails on its programmes and activities with a view to enhancing stakeholders’ support and buy-in.</p> <p>ix) A workshop on “Copyright Enforcement and Importance of Effective Teamwork” was organized by the Commission in the period under review. Sixty (60) persons attended the workshop.</p> <p>x) Copyright sensitization for about one thousand five hundred (1500) staff and students of Nnamdi Azikiwe University on 8th April, 2016 under the theme, “Intellectual Property Rights in Nigeria: An Overview of Copyright Protection and Enforcement”.</p> <p>xi) Copyright sensitization for about two hundred (200) attendees at the Award Ceremony organized in Lagos by the Intellectual Property Lawyers Association of Nigeria (IPLAN) on 22nd April, 2016.</p> <p>xii) Issuance and Publicity of Press Releases</p>
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5	<p>Promoting Effective Rights</p>	<p>i) One thousand and thirty seven (1,037) Copyright Registration Certificates were issued within the period under</p>

	<p>Management and Regulation of Copyright Industries</p>	<p>review, on the e-Copyright Notification/ Registration system.</p> <p>ii) The Copyright Counseling Desk received a letter from Audio Visual Rights Society of Nigeria (AVRS) on request for intervention – Licensing of use of music videos by Television/Cable Stations. Consequently, a Committee was set up to resolve the matter. AVRS is the approved collecting society in the area of film and audio-visual works in Nigeria.</p> <p>iii) The Commission continued to maintain effective supervision of Optical Disc Plants and Collective Management Organizations (CMOs). Pursuant to the supervisory role, eight (8) optical disc plants were visited and the Commission in collaboration with the World Intellectual Property Organisation (WIPO), Norwegian Copyright Development Association (NORCODE), and International Federation of Reproduction Rights Organization (IFRRO) took steps to revamp the Reproduction Rights Society of Nigeria (REPRONIG), the approved collecting society in the area of literary works, which had become inactive in recent time.</p> <p>iv) The Commission’s Copyright e-Registration System continued to witness appreciable patronage and commendations based on its simplicity and ease of use.</p> <p>v) As part of its oversight activities over CMOs, the Commission received COSON’s 2015 Report of Activities, 2016 Operating Plan and Audit Report. COSON is the approved collecting society in the area of music and sound recordings. Similar reports were also received from AVRS.</p>
<p>6</p>	<p>Improving the Policy and Legislative Framework for Copyright Protection</p>	<p>i) The Commission, in the period under review, continued to participate actively in the inter-agency Committees on various intellectual property and trade issues through, Enlarged National Focal Point on Trade Matters; and the Trade and Investment Framework Agreement (TIFA).</p> <p>ii) The Commission has continued to maintain a desk at the One-Stop-Investment-Centre of the Nigerian Investment Promotion Council (NIPC) to acquaint prospective investors in the</p>

		<p>copyright-based industries with relevant information as it pertains to existing congenial investment climate for genuine investors in the copyright industries in Nigeria.</p> <p>iii) Within the period under review, the Draft Copyright Bill widely circulated for comments was further reviewed by the Technical Working Group (TWG) on the Copyright Bill at a one-week locked-in retreat. All the received comments that have merit were accordingly incorporated into the Bill. The Bill was forwarded to the Honourable Attorney General of the Federation and Minister of Justice and based on Ministerial directive, the Bill will soon undergo another round of stakeholders' validation meeting. Thereafter, it will be re-submitted to the Honoutable Attorney-General for approval and onward transmission to the National Assembly as an Executive Bill.</p> <p>iv) The Commission continued to champion the process to ratify some strategic copyright treaty Nigeria is signatory to, namely:</p> <ul style="list-style-type: none"> i. WIPO Copyright Treaty; ii. WIPO Performances and Phonogram Treaty; iii. Beijing Treaty on Audio-visual Performances; and iv. Marrakesh Treaty on exceptions and limitations for the blind, visually impaired or otherwise print disabled persons <p>v) An internal review of existing Subsidiary Legislation was carried out and a New Subsidiary Legislation was prepared by the Commission in the period under review.</p> <p>vi) The Commission designed strategies to acquaint its officers with the Administration of Criminal Justice Act for its effective application in prosecution of copyright cases.</p>
7	<p>Deepening Strategic Engagement with Stakeholders</p>	<p>i) 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 industries in Nigeria. Some of these stakeholders are the Nigeria Police Force (NPF), Nigerian Customs Service (NCS), Nigerian</p>

		<p>Security and Civil Defense Corps (NSCDC), Google Nigeria, MultiChoice Nigeria, Microsoft Nigeria, Nigerian Publishers Association, Book Sellers Association of Nigeria, Audio-visual Rights Society of Nigeria (AVRS), Directors Guild of Nigeria; Copyright Society of Nigeria (COSON) , Association of Movie Producers; Business Law Section, Nigerian Bar Association; Association of Nigerian Authors (ANA), Music Label Owners and Recording Industries Association of Nigeria (MORAN); etc.</p> <p>ii) The Commission collaborated with the stakeholders (comprising practitioners in the industry and legislative and legal advisers), in the entertainment industry, under an Anti-piracy Initiative aimed at providing fresh impetus for tackling the piracy problem in the entertainment industry.</p>
8	<p>Expanding International Cooperation</p>	<p>i) The Commission continued to follow up on its collaborative proposals with various international organizations such as the World Bank (GEMS), and International Federation of Phonographic Industries (IFPI).</p> <p>ii) The Commission actively engaged with the World Intellectual Property Organisation (WIPO), the Switzerland-based UN agency responsible for global administration and promotion of intellectual property, with a view to securing Nigeria’s interest in the on-going norm setting and binding international instrument in the area of copyright and related rights. Nigeria is currently the chair of the African group in the negotiations at the WIPO’s Standing Committee on Copyright and Related Rights (SCCR) and participation at the SCCR provides a platform to develop and sustain international cooperation.</p> <p>iii) As a result of active participation of Nigeria at the World Intellectual Property Organisation (WIPO); robust enforcement and prosecutorial efforts of the Commission; and rising profile of Nigeria’s creative industries, the General Assembly of WIPO at the 56th General Assemblies of member States of WIPO, held in Geneva, Switzerland from October 3 to 11, 2016 unanimously approved the establishment of a WIPO External Office in Nigeria within the 2016/17 biennium. It will be recalled that Nigeria had won the bid to host the first Africa</p>

		<p>Regional Office of the World Intellectual Property Organization (WIPO), alongside Algeria, through an intra-African election process held at WIPO headquarters, Geneva on August 4, 2016. The emergence of Nigeria and Algeria as winners at the intra-African election process to host the two WIPO Africa Offices was however, subject to ratification by the WIPO General Assembly. 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</p>
9	<p>Enhancing the funding profile of the Commission</p>	<p>i) Audit report on verification of revenue and expenditure prepared and submitted, as required, within the period under review.</p> <p>ii) The Commission also effectively defended its budget at both houses of the National Assembly in the year under review.</p>

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, prosecutorial and anti-piracy operations
- 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 in year 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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