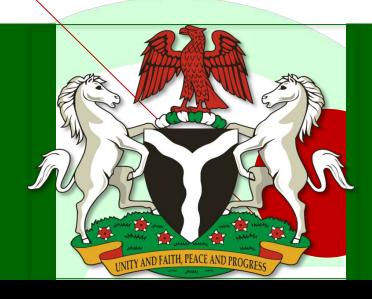




2011 - 2014 REPORT



ACHIEVEMENTS AND CHALLENGES OF THE NIGERIAN COPYRIGHT COMMISSION from 2011 to 2014













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1.0 INTRODUCTION

The Nigerian Copyright Commission (NCC) was established in August 1989 as the Nigerian Copyright Council by the Copyright Decree No.47 of 1988 now codified as Copyright Act (CAP. C28 Laws of the Federation of Nigeria 2004). Sequel to the copyright amendments of 1992 and 1999, the statutory mandate of the Commission was expanded to include the administration, enforcement, protection, promotion and regulation of copyright 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

1.3 STRATEGIES

- Strengthen the policy and legislative framework for a more effective
 Copyright protection
- Increase the level of Copyright awareness
- Promote effective and proactive enforcement of rights
- Strengthen human resource and institutional capacity for better service delivery
- Maintain a policy of strategic engagement with stakeholders

2.0 POLICY INITIATIVE

Plan and Strategy (MTCPS, 2012-2014), in line with the thinking of the new management of the Commission. The MTCPS document, which outlines a roadmap for the Commission for three (3) years (2012 -2014), identified ten (10) sub-goals that will set the Commission on the path to achieving its vision and mission.

These are:

- Improving the Policy and Legislative Framework for Copyright Protection
- Enhancing Copyright Awareness and Education
- Promoting Effective Rights Management and Regulation of Copyright
 Industries
- Proactive Enforcement Interventions
- Strengthening Prosecutorial Activities
- Strengthening Human and Institutional Capacity for Better Service Delivery
- Deepening Strategic Engagement with Stakeholders
- Expanding International Cooperation
- Strong Public-Private Partnership
- Enhancing the Funding Profile of the Commission

3.0 RELATIONSHIP BETWEEN THE COMMISSION'S MANDATE AND HIGH LEVEL DEVELOPMENT POLICY INITIATIVES OF THE FEDERAL GOVERNMENT

The importance of the Nigerian Copyright Commission lies in its commitment to instituting a viable copyright system compatible with international best practices and one that would ensure that owners of works protected by copyright and other investors in the copyright-based industries derive maximum economic benefits from their investments of time, energy, talent and money in creative productions for overall national economic development. Suffice it to state that by their very nature, the copyright-based industries situate right at the heart of efforts of government at

poverty reduction, wealth creation and employment generation and tallies with objectives of Vision 202020, the Millennium Development Goals (MDGs and the transformation agenda of the Federal Government.

The linkage has been driven by the Commission on the basis that a sound copyright regime facilitates development through foreign direct investment, job creation, access to knowledge, information, transfer of technology, trade, services, domestic innovation as well as research and development.

The position of the Commission is further reinforced by the fact that Nigeria as a nation is obligated under various multilateral, bilateral as well as regional trade and investment agreements to demonstrate its commitment to implement Intellectual Property regimes (including copyright) that reflect international standards.

4.0 ACHIEVEMENTS FROM 2011 – 2014

The Commission from 2011 to 2014 planned and executed strategic programmes in line with its mandate, which resulted in the achievements outlined hereunder.

4.1 Proactive Enforcement Intervention

longer be a profitable venture.

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The Commission carried out a public burning of seven hundred and twenty two million (722,000) units of pirated copyright works and at six billion, five hundred contrivances estimated million Naira(N6,500,000,000), literary, musical, film works and comprising including those from the broadcast contrivances, which confiscated industries. between 2011. The purpose was to demonstrate the Commission's commitment to zero tolerance policy on piracy and send a warning signal that piracy would no

- Two hundred and thirty five (235) anti-piracy surveillance operations were successfully executed in piracy endemic locations across the country.
- Two hundred and one (201) strategic anti-piracy operations were carried out against book, software, broadcast, film and music piracy in different infamous piracy hotbeds across Nigeria, including Alaba International Market, computer village Ikeja, Ajegunle, Ojuelegba and Ijora in Lagos State; Ariara Market Aba, Abia State; Ochanja market, electronic market, and upper Iweka Market in Onitsha, Anambra State; as well as other markets in FCT Abuja, Akwalbom, Bayelsa, Benue, Cross Rivers, Edo, Enugu, Ebonyi, Kano, Kaduna, Kogi, Niger, Zamfara, Plateau, and so on.
- Arising from the various anti-piracy operations, four hundred and forty three (443) suspected pirates were apprehended.
- removal of six million and eighty one thousand, three hundred and eighty four (6,081,384) quantities of assorted pirated copyright works, comprising of books, software, DVDs, VCDs, CDs, MP3, and so on, from different piracy outlets and seaports across Nigeria with estimated market value of six billion, four hundred and twenty three million, two hundred and twenty one thousand, six hundred Naira (N6, 423,221,600). This value of the materials removed in the course of the anti-piracy operations, 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.

- Working in collaboration with the Nigeria Customs Service, the Commission made unprecedented confiscation of a total an number of twenty (20) 40ft./20ft. containers VCDs and books of infringing DVDs. foreign and local titles at different seaports **SEIZED CONTAINERS** across the country. BOOKS/CD/DVDS
- In a bid to standardize its enforcement operations, the Commission developed a checklist for anti-piracy operations and case file management for use by the Commission's Copyright Inspectors.
- The sustained enforcement action culminated in a drastic reduction in the level of copyright piracy, resulting in over 50% increase in sales and profit, business expansion, and job creation in the copyright-based industries as well as boost in tax earning of government from the industry practitioners. For instance, the Copyright Society of Nigeria (COSON), a collecting society for music and sound recordings in the period under review distributed over two hundred and forty million Naira (N240, 000,000) to copyright authors and owners as royalty collected for use of music and sound recordings of its members.
- The commission put in place a mechanism for enhanced protection of foreign works and other legitimate copyright-based investments of foreign companies. This in turn resulted in attraction of more investments in the copyright-based industries as a result of the good enforcement regime thereby creating employment and reducing poverty.
- The Commission appointed Copyright Marshalls comprising of representatives of different stakeholders associations for effective anti-piracy information sharing and enhanced anti-piracy operations.

- The Commission maintained a robust and enhanced monitoring of optical disc plants manufacturing outlets to ensure compliance with relevant extant laws and generate revenue for government. More specifically, in the period under review almost half of the optical discs manufacturing plants were closed down on different occasions for non-compliance with the law and subsequently reopened upon compliance.
- Nigeria continued to enjoy a favourable perception in the global fight against copyright piracy. Nigeria has for the period under review consistently been removed from the United States 301 List of countries that are considered not to be seriously addressing copyright piracy and other intellectual property crimes. The Commission also received written commendations as a result of its enhanced enforcement activities from different national and transnational copyright stakeholder associations, including, National Association of Recording Industries; Bible Society of Nigeria; Macmillan Publishers, Nigerian Publishers Association; Microsoft Nigeria; MULTICHOICE Nigeria; FLAGLER LAW GROUP LLC of United States of America, Wolters Kluwer Health (Professional & Education) Ltd, London and so on.

4.2 **Prosecution**

The Commission secured fifty-three (53) criminal convictions against copyright offenders at the various Federal High Court jurisdictions in Nigeria in the areas of film, book, music, cable and software piracy. The sentences range from considerable amount of fines to maximum terms of imprisonment, helping to serve as serious deterrence to prospective а copyright infringers. In addition, three



significant milestones were recorded in the annals of the Commission's prosecutorial efforts in these convictions, namely imposition of a fine of N250, 000.00 which was the highest ever imposed on copyright piracy cases in Nigeria and the other two cases attracted mandatory two years imprisonment without the option of fine of a broadcast pirate and a disc jockey (DJ) who was involved in downloading music from the internet for commercial purposes. It is instructive to note that prior to 2011 the Commission did not secure up to ten convictions throughout its existence from 1989 to 2010.

 About 172 ongoing criminal copyright infringement and civil cases at currently pending at various divisions of the Federal High Courts.

4.3 Strengthening Human and Institutional Capacity for Better Service Delivery

In order to boost capacity in copyright enforcement in the digital environment, two hundred and ten (210) staff of the Commission participated in a Capacity Building Training on Internet Piracy and Digital Literacy Programme conducted by Google Nigeria Global Services for officers of the Commission in Lagos and Abuja. The training was

a fallout of the collaboration between the Commission and Google Nigeria.

- As part of the drive towards building a corps of staff knowledgeable in international best practices on Intellectual Property (IP) the Commission facilitated the participation of four (4) of its staff in the Masters in Intellectual Property (MIP) programme in African University, Mutare, Zimbabwe, which is supported by the World Intellectual Property Organization (WIPO).
- One hundred and fourteen (114) staff of the Commission enrolled in the International IP Crime Investigators College (IIPCIC), an online training programme on the investigation of transnational and organized Intellectual

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Property (IP) crime, organized by INTERPOL in cooperation with UL University.

- The Commission boosted its human capacity strength, with the recruitment of new staff members across the senior and junior cadres, to cope with increasing demands of administrative and field operations
- The Nigerian Copyright Institute, the training arm of the Commission, was upgraded to cater for national and sub-regional training needs on copyright and related areas.
- Investigative skills and intelligence gathering remained a cardinal priority in the Commission's enforcement programme. The Commission therefore facilitated participation of ninety (90) staff in various training on different areas of Intellectual Property enforcement organized by governmental, regional and international organizations, such as United States Patent and Trademarks Office, AusAID, World Intellectual Property Organization, International Federation of Phonographic Industries, U.S. Department of State, U.S. Bureau of International Narcotics and Law Enforcement Affairs etc.
- Forty-four (44) staff of the Commission underwent performance improvement trainings at different government approved training institutes in Nigeria such as ASCON, NIALS, and CMD.
- Twenty five(25) staff of the Commission on GL 08-12 benefitted from Attitudinal Change training held in Ilorin on March, 2011 under the Economic Reform and Governance project (ERGP).
- Twenty (20) staff drawn from various departments were trained in Budget preparation and implementation in Nigeria in July, 2011.

- Two hundred and sixty two (262) staff and the Commission's retirees participated at the Pension /pre-retirement Training Workshop organized by Bondwell Consultants in collaboration with the Commission in Enugu, Lagos and Abuja.
- Sixty-five (65) staff of the Commission across various cadres and levels went through comprehensive induction and refresher programmes in core copyright and general administration.
- Nineteen (19) Junior Staff participated in performance improvement training on various schedule-related aspects of their job organized by the Centre for Integrated Management and Administrative Studies, Lagos.
- Fifteen (15) management staff of the Commission went through information and communication technology skill development and training.
- Twenty three (23) staff drawn from various departments participated in a training on "Research Methodology as a Tool for Curbing Piracy", organized by the Commission on 24th July 2012, aimed to equip staff with the technical skills to contribute meaningfully to the research activities of the Commission.
- Ninety (90) lawyers and other interested members of the public participated in an Intensive Training on Copyright organized by the Commission's National Copyright Institute in Abuja and Lagos.
- One hundred (100) staff members of the Commission went through induction/refresher courses held at the Lagos, Abuja and Port Harcourt offices of the Commission.
- In its continuing efforts to deepen the investigation and enforcement skills of its copyright Inspectors, the Commission organized an in-house training for Copyright Inspectors at the Various Zonal Offices of the Commission. One

hundred and ten (110) Copyright Inspectors of the Commission participated in the training.

4.4 Enhancing Copyright Awareness and Education

- The Commission developed and maintains a functional, interactive and regularly updated web portal (www.copyright.gov.ng) for increased on-line presence, improved services and global information dissemination on its activities.
- Mass media campaign formed a pivotal strategy of the Commission's awareness campaign. The Commission developed NCC Anti-piracy jingles which were aired on DSTV Channels 114 and 118 in 2012 and 2013.
- Dissemination of anti-piracy information through outdoor media was also utilized. Billboards with anti-piracy message were erected in strategic locations in Lagos and Port Harcourt.



The Commission maintained sustained engagement with the press. Forty (40)
press briefings were organized and one hundred and twenty (120) press
releases issued on the state of copyright enforcement and administration in
Nigeria.

- Anti-piracy sensitization campaigns on the Commission's zero tolerance for piracy were carried out at different piracy endemic markets across southern, Western, Eastern and northern parts of the country, Anlahozely International Market Lagos; Ochanja Market Onitsha; Ariara Market, Aba; Diobu Market, Port Harcourt; as well as markets in Kaduna, Kano, Gasau, Zamfara, Sokoto, and Katsina states.
- Under its schools and youths programme, basic training on copyright were
 organized for over 2000 secondary school students in different secondary
 schools within FCT Abuja, as part of the Commission's plan to catch them
 young and inculcate the tenets of copyright in our youths so that they can
 respect people's copyright and engage in creative activities themselves.
- The Commission also engaged in special advocacy meetings and anti-piracy sensitization exercise targeted at a cross-section of stakeholders, including opinion leaders, traditional rulers, religious leaders, market leaders, hotel owners and proprietors of secondary schools in different geopolitical zones of the country. The objective of the exercise was to acquaint them with the basic knowledge of copyright, piracy and the dangers piracy poses to our national economy.

Publication and dissemination prominently in the awareness drive. The were issued: "Survey of the Nigerian Copyright "Handbook on and Medium Scale Nigeria" "Selected Nigerian Copyright

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of information materials

Commission's
following publications
Public Perception of
Commission";
Copyright for Small
Enterprises (SME's) in
Copyright Cases of the
Commission".

also featured

"Directory on Intellectual Property Lawyers in Nigeria" (Online Edition); as

well as information pamphlets and leaflets on various rights management and regulatory schemes.

- The Commission conducted strategic and customized trainings on Copyright for two hundred and fifty (250) persons drawn from various government agencies such as Federal Ministry of Tourism, Culture and National Orientation; Nigerian Press Council; Nigerian Television Authority; News Agency of Nigeria etc.
- Also, the Commission organized an induction training and sensitization workshop on copyright for students at the Nigerian Law School campuses in Abuja and Lagos in 2012. 2013 and 2014. The workshop exposed students to the basics of copyright.

4.5 Promoting Effective Rights Management and Regulation of Copyright Industries

In a bid to continue to build structures to facilitate sound and effective rights

management and upscale the earning copyright authors holders, the granted approval to Rights Society of as a collective Organisation



ultimately
capacity of
and right
Commission
the Audiovisual
Nigeria (AVRS),
Management
(CMO) for the

audio-visual industry in Nigeria. The official presentation of the certificate of approval to the Society took place on 20th November, 2014 in Abuja. This brings the number of approved collective management organizations in Nigeria to three (3), namely: Reproduction Rights society of Nigeria for literary works; Copyright Society of Nigeria for music and sound recordings; and the Audiovisual Rights Society of Nigeria (films).

In order to improve the protection and market viability of Nigerian creative products, the Commission developed and launched an electronic platform for registration of copyright works, the Nigerian Copyright e-Registration System (NCeRS), in Lagos on 25th July, 2014. The Copyright e-Registration system, which is the first of its kind in Africa, offers an avenue to upscale the existing data collection initiative of the Commission in line with its statutory mandate; provide more efficient services and wider access to copyright database, while allowing for flexibility in the mode of payment for services offered by the Commission; and facilitate



documentation of copyright works of qualified persons from any part of the world. It is instructive to note that data relating to registered works and authors are made available on real time to members of the public, through the search facilities incorporated in the platform. This eases the challenge of right clearance for users of copyright works, and enables creators of copyright works to earn royalty from licensing of their works globally. The platform also provides for useful exchange of copyright information across national

boundaries, to facilitate enforcement activities and curb cross border piracy of works.

- A total of 9,574 copyright notification acknowledgments/certificates were issued to various copyright owners under the Copyright Notification Scheme, a scheme designed for copyright owners to notify the government of the existence and ownership of their copyright works.
- The Commission developed Guideline for preparation of а agreements/contracts to facilitate business transactions in the various copyright industries.
- The Commission facilitated the issuance and gazetting of the Copyright (Levy on Materials) Order in 2012 by the Honourable Attorney General of the Federation and Minister of Justice. As part of the pre-requisite for implementation of the new Order, the Commission organized a broad-based stakeholder's sensitization consultation on the Order at Lagos on 9th October, 2013. The consultation was aimed at eliciting a critical buy-in of the stakeholders to the new scheme. The Scheme is presently going through implementation approval process at the Office of the Minister of Finance for the full implementation of the Order. The Copyright Levy Order is a statutory provision that prescribes a levy of all materials capable of being used to reproduce or store copyright works, such as blank CDs, DVDs, photocopying papers, electronic storage media etc. The Copyright Levy Order is one of the facilities aimed at ensuring that creators receive remuneration for the reproduction of their works in circumstances which cannot be subjected to a voluntary licensing regime. The scheme has the potential to significantly improve the earning capacity of the creative workers leading to less dependence on government funding intervention for industry development; and by extension guarantee tax revenue from the creative sector to the Federation Account.

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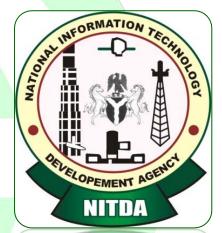
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 The Commission through sustained implementation of the Copyright (Optical Discs Plants) Regulation 2006; ensured 100 per cent compliance with the mandatory use of International Federation of Phonographic Industries (IFPI) Source Identification Code (SID Code) by optical disc replicating plants in Nigeria. This has significantly reduced piracy of creative works (CDs & DVDs) at points of production in Nigeria.

4.5 Strategic Cooperation/Inter-Agency Collaboration

The Commission executed a Memorandum of Understanding (MOU) on

strategic co-operation with the National Information Technology Development Agency (NITDA) to create an effective framework for implementing the National Information Technology Policy in relation to enforcing copyright in the digital domain and related laws in Nigeria, in order to create incentives for investments in creative ventures and boost information technology development in the Nigerian creative industry.



MITUA

The Commission also established a Protocol with the
 Nigerian Customs Service on joint inspection of container with copyright



contents. This Protocol entails that any importer of goods protected by copyright should obtain a letter of clearance from the Commission before such goods can be cleared and released to the importer by the Customs.

On April 18, 2013, the Commission signed a Memorandum of Understanding (MOU) with the Economic and Financial Crimes Commission (EFCC) on zero tolerance for copyright infringement and financial crimes in view of the existing nexus between copyright piracy and economic crime. With this MOU, the two government agencies further strengthened their collective resolve to effectively implement the nation's laws on copyright, economic and financial crimes.



DG NCC, Mr. Afam Ezekude speaks while Chairman EFCC, Mr. Ibrahim Lamorde takes notes during the former's courtesy visit at EFCC Headquarters, Abuja.



Chairman EFCC, Mr Lamorde presents a corporate gift to DG NCC, Mr Ezekude on the occasion.

4.6 Expanding International Cooperation

• In recognition of the robust anti-piracy efforts of the Commission, the Director-General of the Commission was invited to make presentation on the role of "Public-Private Partnership in the Fight against Piracy" at the Seventh Global Congress on Combating Counterfeiting and Piracy held at Istanbul, Turkey from April 24 – 26, 2013. The Congress which was organized by the World Customs Organisation (WCO); World Intellectual Property Organisation (WIPO); INTERPOL in collaboration with Ministry of Customs and Trade of Turkey, provided a veritable platform to develop international cooperation.



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- The Commission signed a Memorandum of Understanding (MOU) on strategic co-operation on Copyright with the Intellectual Property Office (IPO) of the United Kingdom in September, 2011.
- In September, 2011, the Commission signed a Memorandum of Understanding (MOU) on technical cooperation with the International Federation of Phonographic Industries (IFPI), an umbrella international organisation for the music industry. The MOU enabled the Commission to manage and implement the IFPI Source Identification Code for the Optical Discs Replicating industries in Nigeria.
- The Nigerian delegation, led by the Director-General of the Nigerian Copyright Commission, joined 500 negotiators from 185 member states of the World Intellectual Property Organization, (WIPO), to sign a landmark Treaty on Audio-visual Performances, on 26th June 2012, in Beijing, China, after over twelve years of negotiations for a new international treaty to update the intellectual property rights of audio-visual performers.
- Similarly, the Commission representing Nigeria joined other international negotiators from 185 member states of the World Intellectual Property Organization (WIPO) to adopt a milestone Treaty to facilitate access to published works by visually impaired persons and persons with print disabilities, at the Diplomatic Conference convened by WIPO at Marrakesh, Morocco from June 17 to 28, 2013. The Treaty is the first ever copyright Treaty on exceptions and limitations for the blind, visually impaired or otherwise print disabled persons.
- As part of the moves to fulfill our international obligation in the area of copyright to ensure that our teaming creative talents fully benefit from the global copyright system, the Commission is championing a process for Nigeria

to ratify some strategic copyright treaties in which Nigeria is signatory to, namely:

- 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

4.7 Strengthening of Policy and Legislative Framework

- In November 2012, the Commission embarked on a comprehensive reform to revitalize and retool the copyright system in Nigeria. This culminated in the launch of the reform of the copyright system on November 8, 2012. The aim of the reform is to considerably improve the living prospects of Nigerian authors, while facilitating further growth in core copyright industries. The key areas of focus in the reform include; the review of the Copyright Act in order to facilitate Nigeria's compliance with its international obligations and also reflect emerging trends in the information and communications technology that affects creative contents; Take advantage of all "special and differential" regimes available under the current multilateral copyright system such as the exceptions and limitations, to facilitate access to educational materials and broad diffusion of knowledge; and incorporate specialized schemes that are reflective of Nigeria's unique cultural and social conditions.
- As part of the process of the reforms initiative, the Commission held consultative meetings with stakeholders in the music and broadcast industries; information and Communication Technology sector; Users/Public Interest Groups; Literary/Publishing industry; and audio-visual /cinematographic films industry. The draft reform bill is at advanced stage of completion and the bill is designed to:

- i. update and upgrade the Copyright Act for the digital age;
- ii. facilitate new innovation and new models of access to knowledge;
- iii. encourage and reward new forms of creativity;
- enable Nigeria's creative and cultural industries to adapt and leverage new technological platforms for distribution and enforcement of rights in global markets; and improve the system of copyright administration.

4.8 Internal Stabilization and Management

In line with the vision of the management of the Commission, to strengthen internal cohesion and improve upon corporate performance, the following key reforms were initiated:

- Introduction of quarterly work plans and identification of deliverables.
- Introduction of fortnightly update sessions with Heads of Departments on implementation of the quarterly work plans and the review of strategy to ensure that the set goals are being met.
- Introduction of Town Hall Meeting with staff at different levels as a platform to continually elicit staff opinion on ways to improve on the achievement of the Commission's mandate.
- Acquisition of office annex for effective operations of the National Copyright Institute, the Commission's training arm.
- Implementation of a Staff Bus Scheme at the Abuja Head Office of the Commission, which has significantly alleviated staff transportation challenge and minimized incidences of lateness to work.

- Renovation of the Commission's operational Headquarters office complex in Lagos for enhanced administration and enforcement of copyright in Lagos State and environs.
- Introduction of a workflow spreadsheet for tracking the work of all Departments/Units and for forestalling the exposure of the Commission to litigation as a result of bureaucratic oversight.
- Establishment of a Zonal Office in Onitsha, a piracy hotbed, to checkmate piracy and ensure effective copyright administration in Anambra State and environs.
- Introduction of NCC Notice Board, a monthly in-house news bulletin, as a means of disseminating information to staff across the country on news and events on the Commission

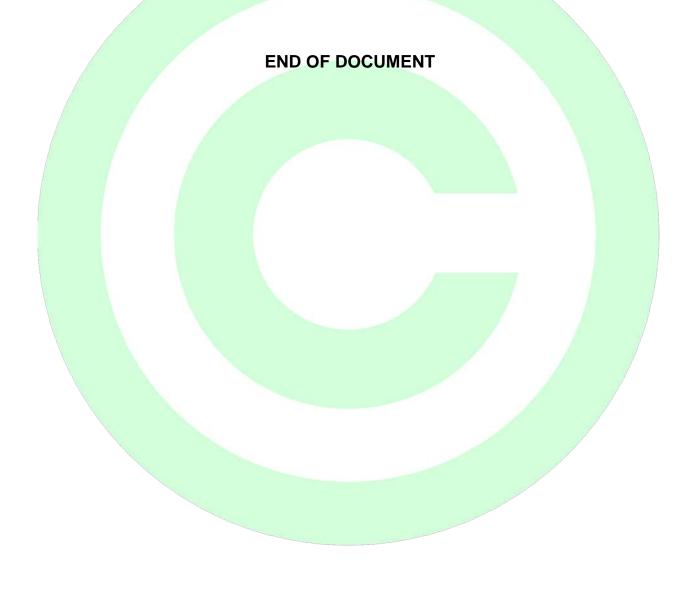
5.0 CHALLENGES

The core challenges of the Nigerian Copyright Commission are as follows:

- Increasing cost of overhead operations against drastic reduction of budgetary allocations of the Commission
- Inadequate human and institutional capacity
- Low level of awareness arising from lack of funds to execute public enlightenment campaign
- Lack of office accommodation
- Communication facilities
- Insufficient operational vehicles
- Rising cost of prosecution

6.0 CONCLUSION

The execution of the Commission's statutory mandate 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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