

# NIGERIAN COPYRIGHT COMMISSION ACHIEVEMENTS FOR THE YEAR 2012

*Nigerian  
Copyright  
Commission*



## *PROGRAMMES, ACHIEVEMENTS AND CHALLENGES IN 2012*



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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

The vision of the Commission is to harness the potentials of creativity for national development.

### 1.2 MISSION STATEMENT

*The Mission of the Commission is:*

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

## 1.4 DIRECTOR GENERAL'S STATEMENT

The execution of the Commission's statutory mandate in 2012 was challenging but fruitful. As the report indicates, the Commission's priority programmes for the year were in the areas of enforcement, prosecution and awareness creation. A total of 55 strategic anti-piracy operations were carried out within the year, culminating in the arrest of 85 suspected pirates and seizure of 3,621,787 units of assorted pirated copyright works estimated at about N4.3 billion. A record 26 convictions was secured from the cases prosecuted. The Commission also intensified its public awareness drive which used both the formal media and informal channels of information dissemination.



**AFAM EZEKUDE**  
*Director General*  
Nigerian Copyright Commission

The achievements recorded were not without challenges. The key challenges experienced in the execution of the Commission's mandate included problems in the justice administration system (slow judicial processes); dearth of technical tools for anti-piracy operations; inadequate personnel in the Commission; and paucity of funds to execute programmes.

In spite of these challenges, the Commission is determined to maintain its commitment to delivering on its mandate and 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 in the current year (2013). In line with our Medium Term Corporate Plan and Strategy document; we hope to maintain the momentum in key areas of enforcement and prosecution. Significant attention would equally be given to the ongoing process of reforms of the copyright system which was publicly launched in Abuja on November 8, 2012. Two sessions of consultative meeting were held with the music and broadcast industries respectively following the public launch of the reforms. We intend to continue with the consultative meetings with specific industry and public sector stakeholders in the first and second quarter of the year; while looking forward to validation workshop to discuss a new draft copyright bill and other issues arising from the consultations in the third quarter of the year. The Commission will also intensify its regulatory activities particularly in the area of strengthening collective management of rights, up-scaling our monitoring and regulation of operations of other copyright businesses like the optical discs replicating plants. We will maintain our collaborative linkages with both international and domestic partner agencies including the US Patent and Trademarks Office; the UK Intellectual Property Office; the International Federation of Phonographic Industries; Queensland University of



Technology, Australia; the Nelson Mandela Institute of African University of Science and Technology; Nigeria Customs Services; Nigerian Police; Economic and Financial Crimes Commission; National Information Technology Development Agency; to mention a few.

As we express our appreciation to our Supervising Minister; the Honourable Attorney General of the Federation and Minister of Justice, Mr. Mohammed Bello Adoke, SAN; and all our Collaborating Partners and Stakeholders, for the enormous support in the last year; we continue to solicit their support to enable the Commission achieve its set target in the current year.

**Afam Ezekude**  
**Director General**  
**Nigerian Copyright Commission**

*January, 2013*

## 1.5 POLICY INITIATIVES

At the outset of year 2012, the Commission developed and adopted a **Medium Term Corporate Plan and Strategy (MTCPS, 2012-2014)**. The MTCPS document, which outlines a roadmap for the Commission for the next three (3) years, identified ten (10) critical goals that, when achieved, will set the Commission on the path to successfully actualizing 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

## 1.6 ACHIEVEMENTS

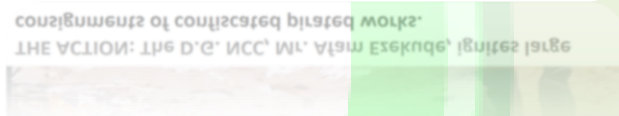
The Commission in 2012 planned and successfully executed strategic programmes which resulted in the achievements highlighted hereunder.

### 1.6.1 PROACTIVE ENFORCEMENT INTERVENTIONS

- i) Public burning of **722 million** units of pirated works and contrivances estimated at **N6.5 billion**, comprising literary, musical, film works and contrivances, including those from the broadcast industries, which were confiscated between 2007-2011. The purpose was to demonstrate the Commission's commitment to its zero tolerance policy on piracy and to send out a warning signal that piracy would no longer be a profitable venture.
- ii) Conduct of over **sixty ( 60 ) anti-piracy surveillances** by the operatives of the Commission in piracy endemic locations across the country.
- iii) Carrying out of **fifty-five 55 strategic anti-piracy operations** against book, software, broadcast and audio-visual piracy in different piracy hotbeds across Nigeria, including Alaba International Market, Ojuelegba and Ijora in Lagos; Ariara Market Aba; Onitsha; Kano; Benin City and so on.
- iv) Arrest of **84 suspected pirates**
- v) Removal of **3,621,787 quantities of assorted pirated copyrightworks**, comprising of books, software, DVDs, CDs etc from different piracy outlets and seaports across Nigeria with an estimated market value of four billion, three hundred and seventy-nine million, four hundred and thirty-one thousand Naira(**N4,379,431,000**).



THE ACTION: The D.G. NCC, Mr. Afam Ezekude, ignites large consignments of confiscated pirated works.

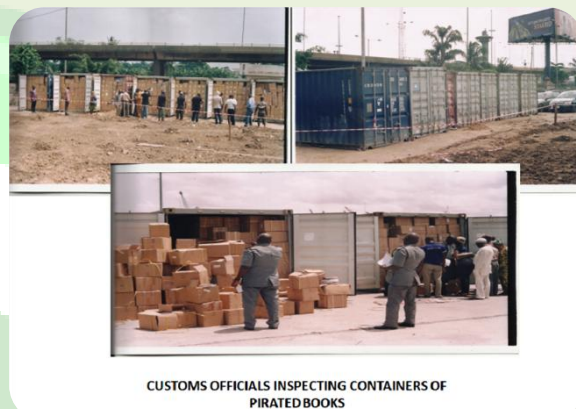


THE ACTION: The D.G. NCC, Mr. Afam Ezekude, ignites large consignments of confiscated pirated works.



A Copyright Inspector inspecting a production line of a duplication factory in Asaba

- vi) Unprecedented confiscation of a total of **thirteen (13 ) containers** at different seaports across Nigeria in collaboration with the Nigerian Customs Service. Whereas, eleven (11) of the containers were stacked with pirated books of Nigerian and foreign authors, the remaining two (2) contained pirated musical and film works of local and foreign titles.
- vii) Drastic reduction in the activities of pirates, resulting in an over 50% increase in the profit margin of genuine investors in the copyright-based industries, creation of employment and a boost in the tax earnings of government from the industry practitioners. For instance, the Copyright Society of Nigeria (COSON), a collecting society for music and sound recordings shared **a total of one hundred million Naira(N100,000,000)** to their members as royalty paid for the use of music of its members. Distribution of such an amount of money is unprecedented in the annals of a collecting society in Nigeria.
- viii) Enhanced protection for foreign works and other legitimate copyright-based investments of foreign companies.
- ix) Attraction of increased investments in the copyright-based industries as a result of the effective enforcement regime, thereby generating employment and reducing poverty.
- x) Favourable perception of Nigeria in the global fight against piracy.
- xi) Regulation of the activities of the Collective Management Organizations (CMOs) to safeguard against possible abuse of their dominant position and to safeguard the interests of its members and the users of Copyright works through periodic inspection.
- xii) Robust and enhanced monitoring of optical disc plants manufacturing outlets to ensure compliance with relevant extant laws and generate revenue for government. More specifically, **three (3)** inspections of optical disc replicating plants were conducted in the replicating facilities of ECOMAX, Dalla Music, Transerve Disc, Chronotec, Nasinma, Hoperising, Mediapro, Skymedia, Nira Sound Laboratories, Infobright Ltd and Alfa Magnetics within the period under review.

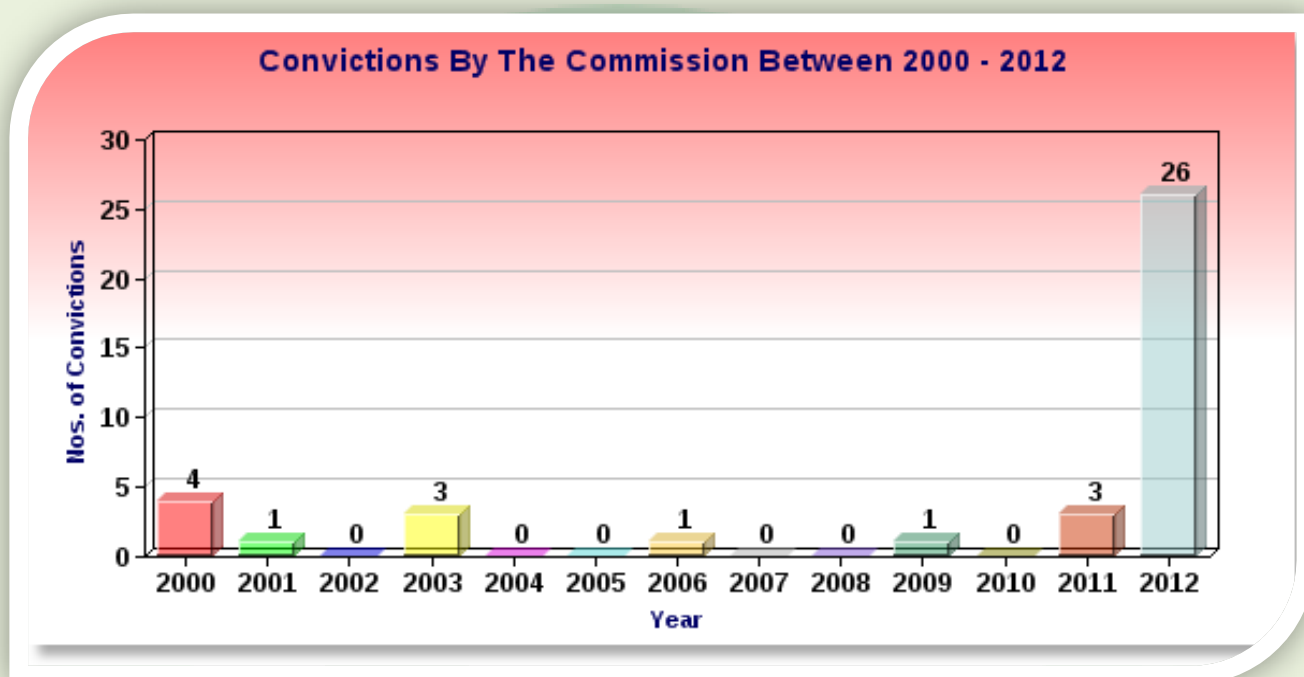


CUSTOMS OFFICIALS INSPECTING CONTAINERS OF  
PIRATED BOOKS

PIRATED BOOKS  
COPYRIGHT SOCIETY OF NIGERIA (COSON)

## 1.6.2 ENHANCED PROSECUTORIAL ACTIVITIES

- i) Prosecution of a total number of 78 on-going piracy cases at the Federal High Courts across the country.
- ii) **Secured an unprecedented and unparalleled 29 criminal**



**convictions against copyright offenders** across various genres of copyright works at different Federal High Court jurisdictions in Nigeria. **Two significant milestones were recorded in the annals of the Commission's prosecutorial efforts in these convictions, namely the imposition of a fine of N250, 000.00, which was the highest ever imposed on copyright piracy cases in Nigeria and the mandatory six years, six months imprisonment of one of the broadcast pirates without the option of fine.**

- iii) Dismissal, in entirety, of a civil suit against NCC by the FCT High Court, Abuja.
- iv) Commenced the digitization of past NCC Judgments/ Rulings and Orders across the country.

## 1.6.3 INTERNAL STABILISATION & MANAGEMENT

- i) Adoption of quarterly work plans and fortnightly update sessions with Heads of Departments on implementation of quarterly work plans and review of strategy to ensure that set goals are being met.



- ii) Holding of Town Hall Meetings with staff at different levels as a platform to continually elicit staff opinion on ways of moving the Commission forward.
- iii) Implementation of a staff bus scheme which has significantly alleviated staff transportation challenges and minimized incidences of lateness to work.
- iv) Use 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.
- v) Monthly publication of the Commission's activities on the NCC Notice Board; a monthly in-house news bulletin in the staff corner at the Commission's website, designed to keep staff of the Commission across the country abreast of the Commission's activities.

#### **1.6.4 STRENGTHENING HUMAN AND INSTITUTIONAL CAPACITY FOR BETTER SERVICE DELIVERY**

- i) Recruitment of new staff across the senior and junior cadres in the Commission to effectively strengthen its human capital to cope with the increasing demands of administrative and field operations.
- ii) Successfully conducted staff training needs assessments and developed training timetables.
- iii) Developed and adopted a code of conduct and behavior for staff.
- iv) Improved the copyright administration skills of 65 staff of the Commission across various cadres and levels through comprehensive induction and refresher programmes.
- v) Deepened the technical skills of new staff members in the Regulatory Department of the Commission on the administration of the Commission's schemes through specialized training.
- vi) Developed and implemented a framework for in-house trainings for drivers and clerical officers in the Commission.
- vii) Prepared a Directory on Intellectual Property Lawyers in Nigeria.

- viii) Performance improvement training of **19 Junior Staff** on various schedule-related aspects of their job by the Centre for Integrated Management and Administrative Studies, Lagos.
- ix) Participated and presented a paper on "Plagiarism" at the maiden seminar organized by the Economic Policy Directorate of the Central Bank of Nigeria under the theme "Copyright and Intellectual Property Ownership: Legal Implications of Violation" at Abuja, on 22nd August, 2012 .
- x) Upgraded the ICT skills of **15 management staff** of the Commission through training them on Computer Appreciation.
- xi) Enhanced the enforcement skills of 1 officer of the Commission by his participation at the training programme organized by the United States Patent and Trademarks office, Virginia, USA from 3rd -14<sup>th</sup>September, 2012.
- xii) Participation of **23** staff drawn from various departments 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.
- xiii) Boosted the drive towards building a corps of staff knowledgeable in international best practices on Intellectual Property (IP)by facilitating the admission and participation of an officer in the Masters in Intellectual Property (MIP) programme in African University, Mutare Zimbabwe under the sponsorship of the World Intellectual Property Organization (WIPO)

#### **1.6.5 ENHANCING COPYRIGHT AWARENESS AND EDUCATION**

- i) Developed and placed Nigerian Copyright Commission's anti-piracy jingle on DSTV Channels 114 and 118
- ii) Sustained periodic engagement with the press. Ten(10) press briefings were organized and several press releases issued on the state of copyright enforcement and administration in Nigeria.
- iii) Effectively implemented an interactive website that is constantly updated with information on the Commission's activities and relevant issues on copyright.

- iv) Dissemination of copyright information at the 2012 edition of the Creativity Week co-organised with the Federal Ministry of Culture and Tourism.
- v) Issuance of press release, production and distribution of posters to raise public awareness on copyright during this year's commemoration of World Intellectual Property Day on 26th April 2012. The World Intellectual Day is aimed at drawing attention to the phenomenal contributions of intellectual property to fast-tracking the pace of development of the knowledge-driven economies of our modern world.
- vi) Celebration of the World Book and Copyright Day through issuance of press release and distribution of leaflets to raise public awareness on copyright. The World Book and Copyright Day is celebrated every 23rd April to acknowledge the significance of books and pay tribute to authors worldwide.
- vii) Produced a variety of publicity materials on "Copyright System in Nigeria"; "Copyright Administration in Nigeria"; and a 'Stop Piracy Now' slogan.
- viii) Conducted anti-piracy sensitization campaigns at different piracy endemic markets across south-south and south-east geo-political zones in Nigeria, namely: Alaba International Market Lagos; Ochanja Market Onitsha and Ariara Market, Aba. It entailed a sensitization talk on the Commission's zero tolerance for piracy and distribution of publicity materials.
- ix) Organized a "Basic Copyright Training for the Media" for the staff of African Independent Television (AIT) on 6 June 2012.
- x) Carried out anti-piracy sensitization exercises against book piracy in Zaria, Central Market, Chang chang Market, Kakuri and Sabo Market, Kaduna in September 2012. The public enlightenment focused on the ills of book piracy in the socio-economic growth and development of our country.
- xi) Organized an induction training and sensitization workshop on copyright for students at the Nigerian Law School campuses in Abuja and Lagos in November 2012. The workshop exposed students to the basics of copyright.

### **1.6.6 PROMOTING EFFECTIVE RIGHTS MANAGEMENT AND REGULATION OF COPYRIGHT INDUSTRIES**

- i) Issuance of 2322 Copyright Notification Certificates as against 1207 issued in year 2011.
- ii) Carried out 10 unscheduled night inspection exercises of Optical Disc Manufacturing Plants in Lagos to verify compliance with provisions of the Optical Disc Regulation and issuance of sanction letter where applicable.
- iii) Oversight visit to Copyright Society of Nigeria (COSON) in Lagos on 2 April 2012 to ensure that the collecting society is operating within the dictates of the Collecting Management Organization Regulation.
- iv) Developed and issued a Revised Guidelines for the Video Rental Scheme.
- v) Developed a Copyright Agreement Guideline for business transaction purposes.
- vi) Completion of computerization of Copyright Notification Scheme and the Video Rental Scheme.
- vii) Successful decentralization of the Video Rental Scheme administration.
- viii) Finalized the preparatory steps for commencement of Special Retrospective Notification Scheme.

### **1.6.7 IMPROVING THE POLICY AND LEGISLATIVE FRAMEWORK FOR COPYRIGHT PROTECTION**

- i) Identified relevant sections of the Copyright Act to amend; prepared appropriate Legislative drafting for the affected areas; and sent out letters to elicit stakeholders' input.
- ii) Issuance of Copyright (Levy on Materials) Order 2012 having engaged in the relevant consultation and received the necessary approval from the Honourable Minister of Justice & Attorney-General of the Federation, Mr. Mohammed Bello Adoke. The Levy Order is applicable to all materials used or capable of being used to infringe copyright in a work and is designed to compensate the right owners for the envisaged infringement. The full implementation of the Levy Order will take in the 1<sup>st</sup> Quarter of 2013, following a working



visit of the Implementation Committee to the Copyright Office in Accra, Ghana, to under study the workings of a similar scheme in that jurisdiction.

- iii) Adoption of Copyright Notification Guidelines to create legal basis for the administration of Notification Scheme and uploading same on the Commission's website for wider dissemination.
- iv) Launch of Reform of the Copyright System in Nigeria in Abuja on 8th November 2012 and holding of consultative meetings with stakeholders in the music and broadcast industries with respect to the Reform on the 5th and 6th December respectively in Lagos. The goals of the reform process include;
  - *to update and upgrade the Copyright Act for the digital age;*
  - *to facilitate new innovation and new models of access to knowledge;*
  - *to encourage and reward new forms of creativity;*
  - *to enable Nigeria's creative and cultural industries to adapt and leverage new technological platforms for distribution and enforcement of rights in global markets;*
  - *to improve the system of copyright administration.*

Further consultation exercises are planned for Quarter 1 2013.

- v) Signing of 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 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.
- vi) Active participation in international copyright fora to ensure the representation of Nigeria's interest in international norm setting in the area of copyright. Notable among them were the 24th World Intellectual Property Organisation (WIPO) Standing Committee on Copyright and Related Rights and 25th WIPO Standing Committee on Copyright and Related Rights held in Geneva from July 16 – 25 and November 19 – 23 2012 respectively. The Committee is developing international copyright legal instrument in the following areas:

- a) *Limitations and exceptions for visually impaired persons/persons with print disabilities;*
- b) *Limitations and exceptions for educational, teaching and research institutions and persons with other disabilities;*
- c) *Exceptions and limitations for libraries and archives; and*
- d) *Protection of broadcasting organizations.*

### 1.6.8 DEEPENING STRATEGIC ENGAGEMENT WITH STAKEHOLDERS

- i) Rolling out of Copyright Marshals Scheme, with membership drawn from representatives of stakeholder associations in the copyright-based industries in Nigeria.
- ii) Introduction of basic and intermediate copyright training for relevant government agencies and stakeholders associations in the copyright-based industries.
- iii) Established a protocol with the Nigerian Customs Service which makes it mandatory for any importer of goods protected by copyright to obtain a letter of clearance from the Commission before such goods can be cleared and released to the importer by the Customs.
- iv) Deepened the relationship between the Economic and Financial Crimes Commission (EFCC) and the Nigerian Copyright Commission (NCC) to a level where the two agencies are on the verge of signing an MOU on joint anti-piracy operations; intelligence sharing and collaboration during prosecution of high profile piracy cases.
- v) Co-organized a Roundtable Session for stakeholders in the film industry on Collective Management for the film industry at the 6th edition of the Zuma Film Festival.
- vi) Maintained collaborative partnership with copyright stakeholders such as Multichoice Nigeria; Microsoft Nigeria; Copyright Society



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

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

of Nigeria; music Coalition; Association of Movie Producers; Nigerian Publishers Association and so on. The Commission also deepened its collaboration with the Nigeria Police, World Intellectual Property Organization, United Kingdom Intellectual Property Office, Australian Government and United States Patent and Trademarks Office.

- vii) Receipt of several commendation letters from different stakeholder associations. Indeed, the Management Team of the Nigerian Publishers Association (NPA), led by its Chairman, Mr. Samuel Kolawole, visited the Director-General of the Commission on 17th July 2012 to thank him for the unprecedented huge seizure at the Apapa Wharf of seven (7), containers of pirated books.

#### **1.6.9 EXPANDING INTERNATIONAL COOPERATION**

- i) Commission sustained its ties with the Queensland University of Technology, (QUT), Australia, by participating in the 2012 Australian Leadership Awards Fellowship for the second year running. As a result of the ties established between the Commission and QUT, four (4) officers of the Commission and 4 other officers drawn from other sister agencies/ institutions took part in a training programme on “Capacity Building on Development of a framework for National Intellectual Property Policy Education” at Queensland University of Technology, Brisbane, Australia from the 30th September- 28th October 2012.
- ii) Revived work on the WIPO assisted research on the Economic Contribution of Copyright-based Industries to the Nigerian Economy.
- iii) 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 the final Act of the Beijing Treaty on Audiovisual Performances, on 26<sup>th</sup> June 2012, in Beijing, China, after over twelve years of negotiations for a new international treaty to update the intellectual property rights of audiovisual performers.
- iv) In furtherance to the MOU between the Commission and UK-IP Office, a draft work plan and questions for discussion was exchanged between both parties and video conference held to discuss IP issues of mutual interest. Similarly, a video conference was also held with officials of the United States Patent and Trademarks Office.

- v) The Commission and the Queensland University of Technology, Australia are collaborating to secure funding under the Australia-Africa Partnerships Facility, for the development of a national policy for innovative and creative industries in Nigeria.
- vi) Collaboration has been established between Google Nigeria Global Services and the Commission for capacity building training on Internet Piracy in order to acquire the skills for effective protection against online piracy.
- vii) Signing of Memorandum of Understanding (MOU) between the Nigerian Copyright Commission; Nelson Mandela Institution, Inc and African University of Science and Technology Ltd/GTE. The aim of the MOU was to build a strategic partnership with the institutions in the areas of copyright training, research and development as well as co-hosting of relevant copyright related national events.

#### **1.6.10 ENHANCED FINANCIAL RESPONSIBILITY**

- i) Up-to-date submission of audit report to the Office of the Accountant-General and Auditor-General of the Federation
- ii) Production of an asset register and collation of assets.
- iii) Auditing of the Commission's revenue and expenditure concluded and submitted as appropriate.
- iv) Carried out an assessment of 2012 Books and accurate remittance on revenue generation in 3 of the Commission's Zonal Office.

#### **1.6.11 COLLABORATION WITH MINISTRIES, DEPARTMENTS AND AGENCIES (MDAS)**

In order to foster the needed synergy for enhanced copyright administration and enforcement in Nigeria, the Commission effectively collaborated with National government organisations such as Federal Ministry Justice (FMJ); Federal Ministry of Finance (FMF); Federal Ministry of Commerce and Industry (FMCI); Economic and Financial Crimes Commission (EFCC); Nigeria Police; Nigerian Customs service; Standard Organisation of Nigeria (SON); National Planning Commission (NPC), National Drug Law Enforcement Agency (NDLEA).



## 1.7 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
- Significant gap between requirements and appropriation
- Low level of funding
- Developing and funding awareness programmes for different segments of the Nigerian populace to raise awareness of the negative effect of piracy on our economy

### ❖ Infrastructure

- Acquisition of a Head Office building
- Communication facilities
- Working tools

### ❖ Enforcement

- Developing an effective information and intelligence network
- Absence of an efficient distribution network for copyright works
- 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 cooperation 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 law by judicial officers

## 1.8 CONCLUSION

The execution of the Commission's statutory mandate in 2011 has been both 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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