

*Nigerian
Copyright
Commission*



PROGRAMMES, ACHIEVEMENTS AND CHALLENGES of the NIGERIAN COPYRIGHT COMMISSION IN 2013



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Table of Contents

1. INTRODUCTION.....	3
1.1 VISION	3
1.2 MISSION STATEMENT	3
1.3 STRATEGIES.....	3
2. POLICY INITIATIVE.....	3
3. ACHIEVEMENTS/ PROGRESS MADE IN YEAR 2013	4
4. CHALLENGES	16
4.1 ECONOMIC.....	16
4.2 FISCAL	16
4.3 INFRASTRUCTURE	16
4.4 ENFORCEMENT	16
4.5 PROSECUTION.....	16
5. CONCLUSION.....	17

1.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.POLICY INITIATIVE

Beginning from year 2012, the Commission adopted a **Medium Term Corporate Plan and Strategy (MTCPS, 2012-2014)**, which it developed in line with the thinking of the new management of the Commission. The MTCPS document, which outlines a roadmap for the Commission for the next three (3) years, 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

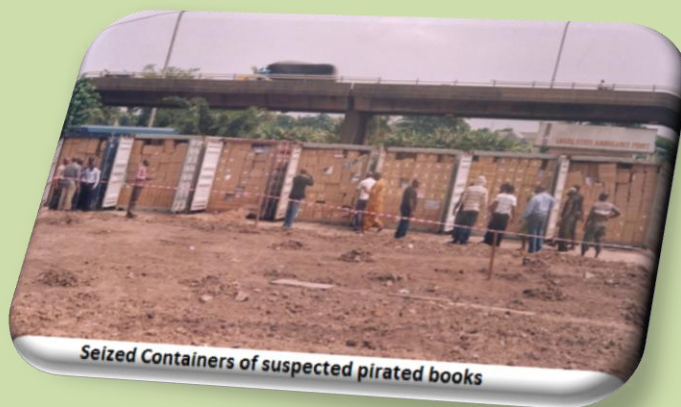
3.ACHIEVEMENTS/ PROGRESS MADE IN YEAR 2013

The Commission in 2013 planned and executed strategic programmes which resulted in the achievements highlighted hereunder.

S/N	PROGRAMMES	ACHIEVEMENTS
1.	Proactive Enforcement Interventions	<p>i) Conduct of over eighty (80) anti-piracy surveillances by the operatives of the Commission in piracy endemic locations across the country.</p> <p>ii) Carrying out of seventy-four (74) strategic anti-piracy operations against book, software, broadcast and audio-visual piracy in different piracy hotbeds across Nigeria, including Alaba International Market, Ajegunle, Oshodi, Mushin and Ijora in Lagos; Abuja Federal Capital Territory and environs; Ariara Market Aba; Onitsha; Kano; Kaduna; Warri and Benin City; Uyo; Calabar; Gboko and Makurdi; and so on.</p> <p>iii) Arrest of 158 suspected pirates</p> <p>iv) Removal of 1,868,339 quantities of assorted pirated copyright works, comprising of books, software, DVDs, CDs etc from different piracy outlets and seaports across Nigeria with estimated market value of one</p>

billion, six hundred and forty-three million, seven hundred and eighty-six thousand Naira (**N1,643,786,000**).

- v) Confiscation of a total of **four (4) containers** at different seaports in Lagos in collaboration with the Nigerian Customs Service. Whereas one (1) of the containers are



stacked with pirated books of Nigerian and foreign authors, the remaining three (3) contain pirated musical and film works of local and foreign titles.

- vi) Enhanced protection for foreign copyright works and other legitimate copyright-based investments of foreign companies in Nigeria.
- vii) Attraction of more investments in the copyright-based industries as a result of the good enforcement regime thereby creating employment and reducing poverty.
- viii) Favourable perception of Nigeria in the global fight against piracy
- ix) Periodic compliance checks on approved Collective Management Organizations (CMOs) and optical disc manufacturing plants to guard against possible abuse.

2.	Enhanced Prosecutorial Activities	<ul style="list-style-type: none"> i) Filed a total of 20 new charges against suspected copyright pirates at the various Federal High Courts in Nigeria. ii) Secured 15 criminal convictions against copyright offenders across various genres of copyright works at different Federal High Court jurisdictions in Nigeria. 
3	Strengthening Human and Institutional Capacity for Better Service Delivery	<ul style="list-style-type: none"> i) Upgraded the copyright knowledge of lawyers and other interested members of the public through an Intensive Training on Copyright organized by the Commission in Abuja and Lagos. ii) Completed a research documentation aimed at creating a library for copyright training resource materials. iii) Concluded the framework for the publication of a Journal on Intellectual Property (IP). iv) Conducted promotion exercise and promoted 43 senior staff and 8 junior staff due for promotion, as a way of enhancing the motivation of the staff. v) Improved the administrative knowledge of 100 staff members of the Commission through induction/refresher courses held at the Lagos, Abuja and Port Harcourt offices of the Commission. vi) Boosted the enforcement skills of 60 staff of the Commission through a Capacity Building Training on Internet Piracy conducted by Google Nigeria Global Services. The training was fallout from the collaboration between the Commission and Google Nigeria.

- vii) Developed a special training framework as capacity building initiative to identify potential Managers who will be specially trained for Management succession.
- viii) Initiated a reform process of the Commission's Registry functions to sanitize the record keeping process and commenced a 72 hours' time line for the return of files to the Registry Unit.
- ix) Deepened the investigation and enforcement skills of 110 Copyright Inspectors of the Commission through an in-house training course conducted at various Zonal Offices of the Commission.
- x) Upgraded the copyright knowledge of 70 staff members through an In-house Training on Copyright and IQ Testing of Copyright.
- xi) Boosted the drive towards building a corps of staff knowledgeable in international best practices on Intellectual Property (IP) by facilitating the participation of one of its staff in the Masters in Intellectual Property (MIP) programme in African University, Mutare, Zimbabwe under the sponsorship of the World Intellectual Property Organization (WIPO).
- xii) Enhanced the investigative skills of 69 staff of the Commission by their enrollment into the International IP Crime Investigators College (IIPCIC) , an online training programme on the investigation of transnational and organized Intellectual Property (IP) crime, organized by INTERPOL in cooperation with UL University.



4	Enhancing Copyright Awareness and Education	<ul style="list-style-type: none"> i) Issued press release, produced and distributed posters to raise awareness of the public on copyright during this year's commemoration of World Intellectual Property Day on 26th April, 2013. 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. ii) Active participation of the Commission in the World Book and Copyright Day, through media mobilization, press statements by the Director General and production of publicity materials. iii) Engaged Nigerian Universities through provision of copyright services. One of such engagements resulted in the signing of an MOU with Benue State University on teaching of intellectual property, including copyright in the university. iv) As part of its school and youth programme, carried out copyright sensitization workshop for about 800 students of British-Nigerian Academy and Nural Bayan School, Abuja on June 8th and 13th, 2013 respectively. v) Actively collaborated with Federal Ministry of Culture and Tourism toward successful organization of the 2013 Creativity Week which took place from 15-19 April, 2013. vi) Sustained engagement with the press through Press Statements/ Releases, Press Briefings, and advocacy visits. More pointedly, the Commission had three national press briefings, undertook twenty advocacy visits and ensured robust media coverage of several of its events, including its enforcement operations. Some of the advocacy
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		<p>visits included visits to 5 Print Media organizations, namely: The Guardian, Punch, Vanguard, Daily Trust and Thisday Newspapers.</p> <p>vii) Deployed social media as a tool for public enlightenment and bridge building with industry stakeholders and general public. To this end, the Commission created Nairaland and Twitter Accounts and has consistently generated dialogue with the public and stakeholders in the copyright-based industries.</p> <p>viii) Constantly updated the information on the Commission's website, (www.copyright.gov.ng) and further enriched the website with current issues on copyright. This has resulted in a steady rise in the number of on-line traffic to the website.</p> <p>ix) Conducted sensitization exercise across states in the north-west zone of the country, namely : Kaduna, Gazau, Zamfara, Sokoto, Katsina and Kano from 2nd - 7th December, 2013. Distributors of copyright works as well as other stakeholders in the copyright-based industries were acquainted with the knowledge of copyright, piracy and the dangers piracy poses on the national economy.</p> <p>x) Conducted sensitization inspection in 40 hotels and guest houses in Abuja and Lagos on 7th and 18th October respectively. Awareness was created on the negative impact of broadcast piracy on the national economy and end users of broadcast networks.</p> <p>xi) Carried out anti-piracy sensitization exercise in 15 secondary schools in FCT Abuja and environs on 17th September, 2013. Proprietors of the schools were enlightened on copyright matters and the need to prohibit the use of pirated books in their respective schools.</p>
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		<p>xii) The Commission delivered lectures on copyright and piracy at various events, including events organized by: Nigerian Law School; Nigerian Institute of Advanced Legal Studies; Hotel Owners Forum, Abuja; and so on..</p>
5	Promoting Effective Rights Management and Regulation of Copyright Industries	<p>i) A total of 2,138 Copyright Notification acknowledgements were issued under the Copyright Notification Scheme while 6 applications for registration were received under the Optical Disc Regulation.</p> <p>ii) Developed and completed the Guideline for Special Scheme on Retrospective Notification.</p> <p>iii) Successfully concluded the computerization of the Optical Disc Regulatory scheme records (database creation).</p> <p>iv) Conducted compliance checks on Optical Disc Replicating plants; oversight visit to Copyright Society of Nigeria (COSON); and pre-inspection registration on the facility of Corart Ventures Limited, a new Optical Disc Replicating plants as part of the regulatory mandates of the Commission</p> <p>v) Developed a draft Regulation on Music Industry Regulations (Prescription relating to third schedule - cover versions of music).</p> <p>vi) Constituted a Tariff Arbitration Panel in respect of Regulation of Collective Management Organizations .</p> <p>vii) Preliminary processes commenced towards the assessment of Audio Visual Rights Society as a Collective Management Organization (CMO) after series of engagements and consensus-building with stakeholders in the audiovisual industry.</p>

6	Improving the Policy and Legislative Framework for Copyright Protection	<ul style="list-style-type: none"> i. The Commission organized a two-day stakeholder's consultative meetings for the practitioners in the Information and Communication Technology sector as well as for the Users/Public Interests Groups at Abuja on the 19th and 20th February, 2013 respectively. Similarly, another two-day consultative meeting was held for the Literary /Publishing industry and the Audiovisual/Cinematographic films industry at Lagos, on 12th and 13th March, 2013 respectively. The consultative meetings served as a platform to elicit stakeholder's inputs towards the on-going reform of the copyright system in Nigeria. ii. The Commission organized a broad-based stakeholder's sensitization consultation on the Copyright (Levy on Materials) Order 2012 at Lagos on 9th October, 2013. The consultation which aimed at eliciting a critical buy-in of the stakeholders to the new scheme was organized as part of the conditions for its full implementation. iii. The Commission continued to effectively participate in the National Investment Promotion Council's One-Stop-Investment-Centre (OSIC), by maintaining a desk in the Centre. The Commission's desk attended to 47 enquiries on Copyright from prospective local and foreign investors in year 2013. iv. The Commission participated as a member, at several meetings of the Committee on Reform of Investment Laws and Policies, alongside the Federal Ministry of Industry; Trade & Investment; Department for International Development; etc. v. The Commission, in its capacity as a member and stakeholder in the Committee on Transition from Analogue to Digital Terrestrial Broadcasting, compiled a list of existing treaties on digitization in
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		Nigeria and prepared a Draft Bill for the Transition.
7	Deepening Strategic Engagement with Stakeholders	<ul style="list-style-type: none"> i) 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, which was signed on April 18, 2013, the two government agencies have further strengthened their collective resolve to effectively implement the nation's laws on copyright, economic and financial crimes. ii) Collaborated with Reproduction Rights Organisation of Nigeria (REPRONIG), a collective management organization in the area of literary works, to host an international workshop on Collective Management of Copyright. iii) Convened a crucial meeting of copyright stakeholders on 11th and 14th March, 2013 in Lagos and Enugu States respectively, as part of the strategic engagement with stakeholders. At the meetings, views were exchanged with stakeholders on the way forward in the enforcement of Copyright Law in Nigeria. iv) Continued to implement the Protocol with the Nigeria Customs Service on joint inspection of container stocked with copyright works at the different seaports in Nigeria. v) Maintained strategic engagement with the Police, Nigeria Customs and some stakeholders, such as Multichoice Nigeria, Microsoft Nigeria, Nigerian Publishers Association (NPA), Music Label Owners and Recording Industries Association of Nigeria (MORAN), etc on intelligence sharing and conduct of anti-piracy operations. The

		<p>Commission also continued to relate with the United States Embassy in Nigeria, World Intellectual Property Organization, United Kingdom Intellectual Property Office, Australian Government, International Federation of Phonographic Industry (IFPI) , and United States Patent and Trademarks Office on information sharing and technical assistant.</p> <p>vi) The Commission actively participated in 5 major workshops organized by sister government agencies including, National Bureau of Statistics; National Planning Commission; Federal Ministry of Trade and Investment/ DFID; National Productivity Centre and National Office for Technology Acquisition and Promotion (NOTAP).</p> <p>vii) The Commission fully participated in a Technical Session to Review the Key Performance Indicators (KPI) for the Justice Sector alongside other Parastatals with the Federal Ministry of Justice, and National Planning Commission. Following from the Review exercise, the Commission completed and submitted its performance report, as required under the national monitoring and Evaluation framework.</p>
8	Expanding International Cooperation	<p>i) The Nigerian delegation, led by the Director-General of the Nigerian Copyright Commission, joined other international negotiators from 185 member states of the World Intellectual Property Organisation (WIPO) to adopt a 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.</p> <p>ii) The Commission actively participated at the Fifty-First Series of Meetings of the Assemblies of Member States of the World</p>

		<p>Intellectual Property Organisation (WIPO) and some other copyright-related meetings organized by the United Nations agency in charge of administration of intellectual property across the globe.</p> <p>iii) In recognition of the robust anti-piracy efforts of the Commission in recent time, 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.</p> <p>iv) The Commission reached out to the Korean International Cooperation Agency (KIOCA) with a view to benefitting from the technical expertise of the Korean Copyright System.</p> <p>v) Initiated a collaborative partnership with the Government of Bukina Faso on copyright issues.</p> <p>vi) Sequel to the wrap-up meeting and submission of its project implementation completion report in respect of its participation in the erstwhile World Bank funded Economic Reform and Governance Project (ERGP), the Commission forwarded a fresh proposal to the World Bank in order to benefit from the Growth, Employment and Markets in States (GEMS) Project, a new development initiative being championed in Nigeria by the World Bank.</p> <p>vii) The Commission signed a Non-Disclosure Agreement with Google</p>
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		Nigeria Global Services as a first step to the eventual signing of a Memorandum of Understanding (MOU) with respect to provision of technical support to the Commission in fighting internet piracy.
9	Enhanced Financial Responsibility	<ul style="list-style-type: none"> i) Up-to-date submission of audit report to the Office of the Accountant-General of the Federation and Auditor-General of the Federation. ii) The Commission is pursuing approval of CONRAISS salary scale with the National Salaries, Incomes and Wages Commission/ Presidency as a form of further staff motivation in view of the enormous hazard associated with combating piracy in Nigeria. iii) Completion and submission of 2013 Internal Audit Report on verification of revenue and expenditure of the Commission. iv) Completion of assessment of zonal offices revenue collection for fiscal year 2013. v) Timely closure of books of accounts for 2013

4. CHALLENGES

The challenges of the Nigerian Copyright Commission are as follows:

4.1 ECONOMIC

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

4.2 FISCAL

- Increasing cost of overhead, operations, etc.
- Significant 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

4.3 INFRASTRUCTURE

- Acquisition of standalone Head Office building
- Communication facilities

4.4 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.

4.5 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 2013 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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